

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



October 8, 2012

**ADDENDUM**

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: SOUTH COAST DISTRICT STAFF**

**SUBJECT: Addendum to Item No. Th 20a, Coastal Development Permit Application No. 5-11-068 (Shea Homes/Parkside), for the Commission Meeting of Thursday, October 11, 2012 in Oceanside.**

Attached are comments received regarding the proposed development:

1. Briefing Booklet Received from the Applicant Shea Homes (online only).
2. Letter from Applicant Shea Homes Regarding Requested Changes to Special Condition Nos. 6 and 26.
3. Comment Letter from the Bolsa Chica Land Trust Opposing the Project and the Staff Recommendation
4. Copy of Form Email Received in Support of Project (39 copies received as of noon on October 8, 2012).
5. Copies of Emails Received in Opposition to the Project (41 distinct emails received as of noon on October 8, 2012).





## Coastal Resource and Regional Benefits Of Parkside Estates CDP Approval



October 11, 2012

**California Coastal Commission  
Coastal Development Permit # 5-11-068**





## THE SITE: EXISTING CONDITION

### Site Description

- 50-acre site surrounded by existing development
- Continuously farmed for at least 60 years
- On Coastal Zone Boundary, approximately  $\frac{3}{4}$  mile from the coastline
- Minimal on-site resources:
  - .06 acre “AP” seasonal wetland
  - 1.0 acre brackish “CP” wetland
  - Eucalyptus ESHA
  - Extreme fringe of mesa-top CA-ORA-83 archaeological site
- Subject to Bolsa Chica Tidal Pocket flood risk



*Existing farm field: No wetland resources.*



*Standard farming practices*

## PROJECT CHRONOLOGY – 10 YEAR COASTAL PLANNING PROCESS

- 2003 – LCPA application submitted
- Dec. 2004 – LCPA application deemed complete
- Nov. 2007 – LUP approved
- Oct. 2010 – IPA approved
- Feb. 2011 – Geotech/archaeo CDP to implement IPA approved
- Nov. 2011 – LCP certified
- June 2012 – CDP application continued to address allegations of unpermitted grading and fill



### Scientific Documentation

Shea submitted 44 studies to staff prior to LCPA application being deemed complete.

## SINCE JUNE 2012 HEARING

- Commission unanimous resolution of Consent Order resolving unpermitted development

## OCTOBER 11, 2012

Staff recommends approval with 27 conditions. Shea accepts the staff recommendation. (Shea will be requesting a clarification on condition #6 and a slight adjustment on condition #26.)



**“Commission staff is recommending APPROVAL of the proposed project with 27 Special Conditions necessary to assure that public access is maximized, environmentally sensitive habitats and wetlands are protected, the public benefits of the project occur as proposed; hazards are minimized; cultural resources are protected; [and] water quality is protected. The applicant is in agreement with the staff recommendation.”**

*Staff Report, September 19, 2012, pg. 1 (Emphasis in original)*

## PROJECT BENEFITS

This project will implement a vibrant natural edge for the Bolsa Chica reserve, including:

- Preserved, restored and created wetlands
- Eucalyptus ESHA
- Wetland and ESHA buffers
- Native grassland and coastal sage restoration



*Example characteristics of potential future EPA wetland condition.*

Also

- Funding for maintenance of the wetlands and buffers
- Funding for acquisition and/or restoration of off-site wetlands in the Coastal Zone
- Water quality improvements
- Coastal access improvements

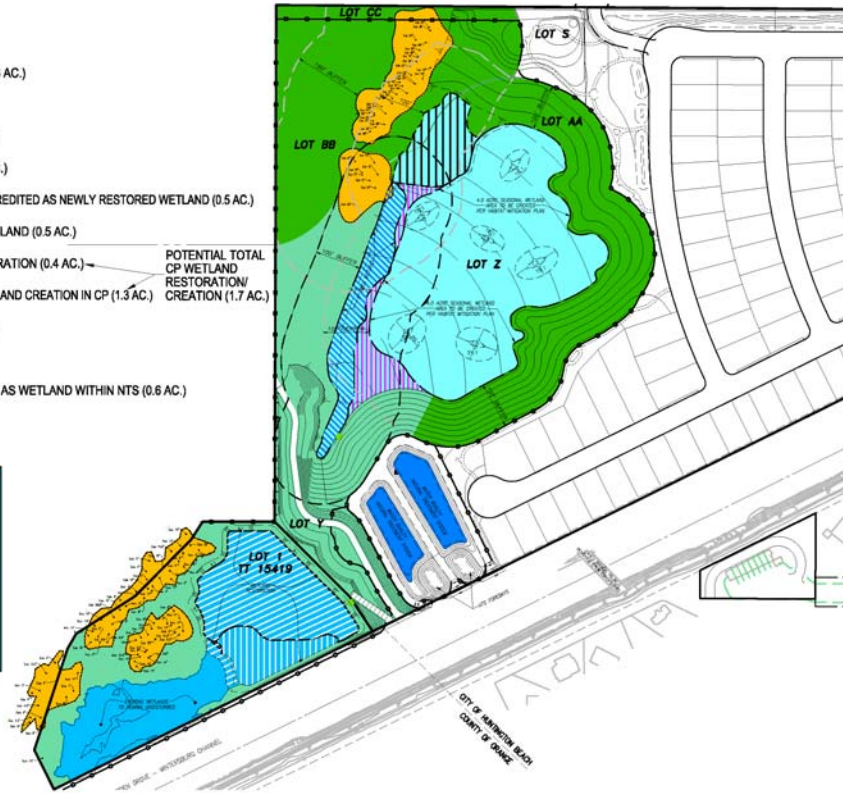


## WETLAND RESTORATION PROVIDED BY PROJECT

### LEGEND

- GRASSLAND REVEGETATION (5.6 AC.)
- CSS REVEGETATION (4.9 AC.)
- EXISTING AP WETLAND (0.6 AC.)
- EPA WETLAND CREATION (4.0 AC.)
- AREA OF EPA NOT PREVIOUSLY CREDITED AS NEWLY RESTORED WETLAND (0.5 AC.)
- AREA TO BE ADDED TO EPA WETLAND (0.5 AC.)
- REQUIRED CP WETLAND RESTORATION (0.4 AC.)
- POTENTIAL FOR ADDITIONAL WETLAND CREATION IN CP (1.3 AC.)
- EXISTING CP WETLAND (1.0 AC.)
- EXISTING EUCALYPTUS ESHA
- INUNDATED AREA FUNCTIONING AS WETLAND WITHIN NTS (0.6 AC.)

\$292,500 = 4.5 ACRES  
OFF-SITE WETLAND  
RESTORATION OR ACQUISITION



Scale: NTS 09/26/12

### Restoration Plan - Wetlands Expansion

EXPANSION OF PARKSIDE ESTATES WETLAND AREAS		
Certified LCP	June 2012 Revision	Project & Consent Orders
1.06 A CCC identified wetlands	1.6 A CCC identified wetlands	1.6 A CCC identified wetlands
0.31 A CP restoration	0.4 A CP restoration	0.4 A CP restoration
4.0 A EPA restoration	4.0 A EPA restoration	4.0 A EPA restoration
0.6 A NTS wetland area	0.6 A NTS wetland area	0.6 A NTS wetland area
	0.5 A additional EPA (north)	0.5 A additional EPA (north)
	0.5 A additional EPA (west)	0.5 A additional EPA (west)
		1.3-acre additional CP restoration
		\$292,500 for 4.5 acres of off-site restoration
<b>Total: 5.97 acres</b>	<b>Total: 7.6 acres</b>	<b>Total: 13.4 acres</b>

(Blue shading indicates increases from Certified LCP)



**FACT: The combined wetland area provided by the proposed project and Consent Orders (13.4 acres) is over twice the wetland acres required by the Certified LCP (5.97 acres).**

## CDP APPROVAL IS ESSENTIAL FOR SUCCESSFUL WETLAND RESTORATION

- Historic development and flood facilities have deprived site of nearly all on-site flows. (Staff Report p. 3)
- 2007 Commission LUP approval and Habitat Management Plan identify need for supplemental water source.
- Parkside NTS will be the source of water for wetland restoration. Without this source, Parkside's "wetlands" would have a preponderance of upland vegetation in most years.



*Flood control systems redirect flows that previously reached the site.*



**“No new evidence has been submitted to support the suggestion of the presence of wetlands in areas other than those recognized in the proposed Habitat Management Plan and proposed for preservation and restoration.”**

*Staff Report, September 19, 2012, pg. 3*



## FLOODING AND VFPP

- Certified LCP requires and CDP provides for construction of VFPP to prevent flooding of approximately 800 existing homes
- Certified LCP: "Minimization/mitigation of flood hazard shall include the placement of a FEMA certifiable, vegetated flood protection levee that achieves hazard mitigation goals."



- Staff determined location proposed in LCP is the least environmentally damaging feasible alternative
- Additional flood protection improvements allowed in the LCP are:
  - Upgrading adjacent flood control channel levee to FEMA standards
  - Constructing larger storm drains to reduce existing flooding in nearby neighborhoods
  - Improving Slater Pump Station capacity to reduce existing flooding in nearby neighborhoods
- Staff concurs that FEMA will issue new flood map upon completion of proposed flood protection infrastructure, removing 7,000 homes and businesses from the flood zone
- OC Public Works and City agree VFPP is required (See staff report exhibits 24 and 25)



**"In addition, the certified LUP, specific to the subject site, requires: Minimization/mitigation of flood hazard shall include placement of a FEMA certifiable, vegetated flood protection levee that achieves hazard mitigation goals and is most protective of coastal resources."**

*Staff Report, September 19, 2012, pg. 87*

## GROUNDWATER: ADDRESSING CONCERNS

Two questions about groundwater arising from the October 2011 and June 2012 hearings have been addressed.

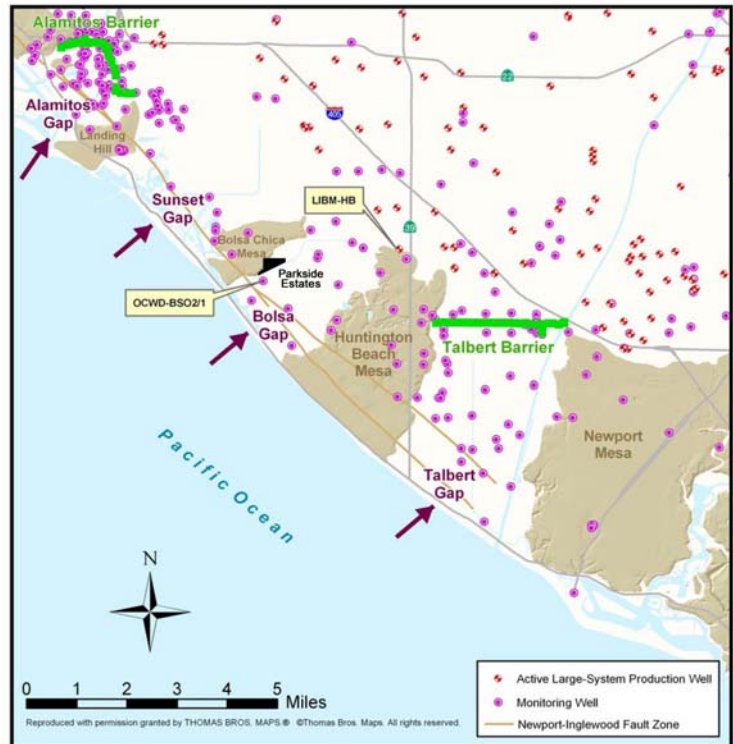
### Site's Feasibility for Groundwater Storage/Recharge

- OC Water District Chief Hydrologist: "We do not consider this location to be technically viable for surface infiltration for the purposes of groundwater recharge and storage." (Letter from Ray Herndon to Shea Homes, May 15, 2012, included in June 2012 staff report)

### Possible Impact on Saltwater Intrusion Barrier

OC Water District materials show it injects water into the western edge of the OC aquifer at locations to the northwest and southeast of the project site to prevent saltwater intrusion.

- Injection wells are approximately 5 miles northwest of site (Alamitos) and 3.5 miles southeast of site (Talbert)
- Bedrock mesas, which serve effectively as groundwater dams, separate site from injection fields
- Per Alta California Geotechnical, dewatering impact is temporary and reaches no more than a few hundred feet from operations



## DEWATERING



## DEWATERING: ADDRESSING CONCERNS

### Impacts on Adjoining Homes

- 40-foot setback from rear wall to beginning of excavation; 55 feet from adjoining homes
- Bottom of excavation 20 feet beyond that: 60 feet from wall, 75 feet from homes
- Special Condition 26 requires monitoring of any settlement along north property line
  - Operations must cease if specific level of subsidence is detected

### Geotechnical Facts

Once groundwater drops to a certain depth, a drop of less than that amount will cause no further subsidence.

Parkside dewatering will remain well above the historic deepest draw-down.

### Bushard Street Dewatering

Concern was raised about alleged damage to homes from earlier OC Sanitation District sewer main installation on Bushard Street, across Huntington Beach from the project site. The two projects lack relevant similarities:

- Bushard excavation within 8 feet from homes' rear yard walls and 23 feet from home vs. Parkside's 40 feet from wall, 55 feet from home
- Uncertain monitoring protocols vs. stringent monitoring protocols for Parkside
- Litigation settlements are sealed, so no public information is available regarding actual damage



*Aerial of Bushard Street dewatering*



**“Though settlement is not anticipated, Special Condition 26 requires monitoring for settlement and measures to avoid adverse impacts caused by settlement.”**

*Staff Report, September 19, 2012, pg. 6*



## DENSITY



The certified LUP allowed the City a range of densities on the Parkside site from Residential Low to Residential Medium.

- The City elected to apply Low Density standards (maximum 119 units) to the site, and the Commission certified that density in the IP.
- 111 units are proposed, consistent with the scale and character of the surrounding established neighborhoods, and consistent with the certified LUP.



**“[D]eveloping at a higher density at the subject site would not be out of the scale or character of the surrounding development.”**

*Adopted Findings, May 2008, p. 47*



## UNPERMITTED DEVELOPMENT



*CP wetland expansion from 1.0 acre to 2.7 acres illustrates resource CDP and Consent Order benefits*

As stated several times in staff report, unpermitted development allegations have been resolved by Commission's unanimous approval of Consent Orders at September 13 hearing.



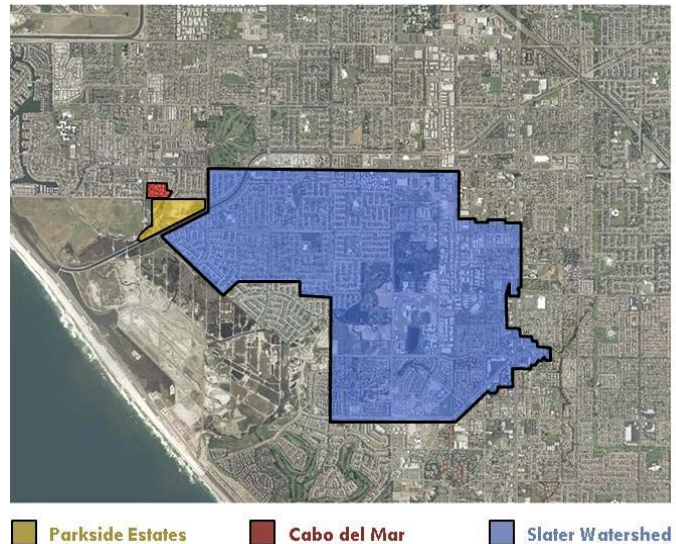
**“Under the terms of the Consent Orders, Shea Homes has agreed to resolve Coastal Act violations – including resolving monetary claims under the Coastal Act ....”**

*Staff Report, September 19, 2012, pg. 7*

## ADDITIONAL BENEFITS MADE POSSIBLE BY CDP APPROVAL:

### Runoff/Water Quality – Parkside will:

- Treat runoff from site and adjacent 22-acre Cabo del Mar condominiums, and approx. 25% of dry-weather flow of 3,000-acre Slater watershed
  - Runoff currently flows untreated to Outer Bolsa Bay, Huntington Harbour and the ocean.
- Provide Natural Treatment System (NTS)
- 0.6 acre NTS wetland provides all water supplies for on-site wetland, per HMP – essential because on-site hydrology is insufficient to allow wetland functions



### Public Access – Parkside will:

- Construct Class A bike trail on north levee
- Provide 195 public, on-street parking spaces
- Construct and maintain more than one mile of public trails with interpretive signage
- Relocate or redirect unauthorized paths out of ESHA and wetlands
- Construct vista point with interpretive signage
- Provide active and passive public parks with interpretive signage and a public restroom



**Approving the CDP application that is before you implements the LCP certified by the Commission in November 2011**



## CDP APPLICATION MEETS ALL REQUIREMENTS OF LCP AND COASTAL ACT



STANDARD OF REVIEW		
Certified LCP	Certified LCP and Coastal Act	Coastal Act (Original Coastal Act Jurisdiction)
<ul style="list-style-type: none"> <li>Wetlands</li> <li>ESHA</li> <li>Water Quality</li> <li>Habitat Management</li> <li>Parks</li> <li>Hazards and Flood</li> <li>Development</li> </ul>	<ul style="list-style-type: none"> <li>Public Access</li> <li>Recreation</li> </ul>	<ul style="list-style-type: none"> <li>Storm Drain Channel Crossing</li> </ul>



With 27 detailed special conditions and Consent Orders, which Shea Homes accepts, (we are requesting clarification on condition #6 and a slight modification to condition #26) CDP meets all requirements of the certified LUP and the Coastal Act.



# SheaHomes

*Caring since 1881*

**RECEIVED**  
South Coast Region

OCT 2 2012

CALIFORNIA  
COASTAL COMMISSION

October 1, 2012

Ms. Meg Vaughn  
California Coastal Commission  
South Coast Area Office  
200 Oceangate  
Suite 1000  
Long Beach, CA 90802-4302

**Re: Coastal Development Permit Application 5-11-068 (Shea Homes, Huntington Beach);**

**REQUEST FOR CLARIFICATION OF SPECIAL CONDITION NO. 6, AND  
REQUEST FOR MINOR MODIFICATION OF SPECIAL CONDITION NO. 26**

Dear Ms. Vaughn,

I am writing to request that the Commission and staff consider one clarification and one minor revision to the Special Conditions for the referenced Coastal Development Permit. Our specific requests are as follows:

- Special Condition No. 6 Entry Monumentation – we are requesting clarification that low garden planter retaining walls are exempt from the wall prohibition. The proposed clarification language is attached.
- Special Condition No. 26 Groundwater and Subsidence Monitoring - we are requesting that the conditions for the settlement measurement be revised from  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch to account for variations in survey measurements. This is to allow for the tolerance of the survey equipment of  $\pm 1/8$  inch. The proposed revised language is attached.

These are two matters we discussed with you, Teresa Henry, Karl Schwing, John Dixon, and Dr. Mark Johnsson on June 5<sup>th</sup>, 2012 prior to the June Commission hearing. In addition, our Registered Geotechnical Engineer, Jim Castles, has had a recent follow up conversation with Dr. Mark Johnsson, and our understanding is that Dr. Johnsson has consulted with your staff civil engineer, Lesley Ewing, and continues to be in agreement with our proposal on Special Condition No. 26.

Please feel free to contact me if you have any questions or need any additional information in this matter.

1250 Corona Pointe Court  
Suite 600  
Corona, CA 92879

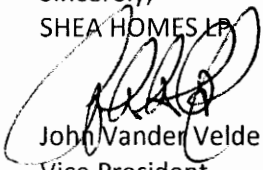
951.739.9700 T  
951.738.1758 F

*Shea Homes Limited Partnership &  
Shea Homes Marketing Company*  
*Independent member of the Shea family of companies*

October 1, 2012  
Ms. Meg Vaughn  
California Coastal Commission  
Page 2

Sincerely,

SHEA HOMES LP



John Vander Velde  
Vice President

Attachment: Revised Condition Language

Cc Ms. Teresa Henry  
~~Mr. Karl Schwing~~  
Steven H. Kaufmann, Esq.  
Ms. Nancy Lucast

Coastal Development Permit Application 5-11-068 (Shea Homes, Huntington Beach);

REQUEST FOR CLARIFICATION OF SPECIAL CONDITION NO. 6, AND  
REQUEST FOR MINOR MODIFICATION OF SPECIAL CONDITION NO. 26

6. ENTRY MONUMENTATION

- A. All entry monumentation, including signage, walls, and arbors, shall be eliminated from the project, with the exception of signage approved pursuant to Special Condition 3 of this permit. **Garden retaining planter walls not to exceed 42" are exempt from this prohibition.** Prior to issuance of the Coastal Development Permit, the applicant shall submit revised plans, for the review and approval of the Executive Director, reflecting this requirement.

26. GROUNDWATER AND SUBSIDENCE MONITORING

- A. Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a groundwater and subsidence monitoring plan for the proposed development. The monitoring plan must include the requirement that if the monitoring reveals that drawdown to -8 feet has occurred along the northern property line or to -19 feet at the southeast corner of the site and/or that  $\frac{1}{4}$   $\frac{1}{2}$  inch of subsidence has occurred either at the northern property line or in the southeast corner of the site all groundwater pumping shall cease immediately. In addition, the monitoring plan shall, at a minimum, establish methods for monitoring the groundwater drawdown and subsidence at the site along the northern property line and at the southeast corner of the site and the minimum number and location of monitoring wells. The methods of monitoring must include, but are not limited to, the frequency of monitoring, the party(ies) responsible for conducting the monitoring, preparation of a mitigation plan addressing any identified impacts resulting from site dewatering and/or subsidence, and a time frame for preparing and submitting the required mitigation plan to the Executive Director. The mitigation plan shall be required if any of the above thresholds are met, and shall be submitted, pursuant to a request for an amendment to this coastal development permit. The mitigation plan shall address any impacts arising from the identified groundwater drawdown and/or subsidence.



**Agenda #:** Th20a-10-2012  
**Application #:** 5-11-068  
(Parkside Estates CDP)  
**Commenter:** BCLT  
**Position:** OPPOSE

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#### **ENDORSEMENTS**

Amigos de Bolsa Chica  
Algalita Marine Research  
Foundation  
Anza Borrego Foundation  
Ballona Wetlands Land  
Trust  
City of Huntington Beach  
Friends of Harbors,  
Beaches and Parks  
Huntington Beach  
Wetlands Conservancy  
Huntington Beach Tomorrow  
Orange Coast League of  
Women Voters  
Orange County  
Coastkeeper  
Peninsula Open Space Trust  
Sea and Sage Audubon  
Sierra Club  
Angeles Chapter  
Surfrider Foundation

October 7, 2012

California Coastal Commission  
Mary K. Shallenberger, Chair  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

RE: OCTOBER 11, 2012, TH-20a. **Application No. 5-11-68**  
**(Shea Homes, Huntington Beach)**

Dear Chair Shallenberger and members of the Commission:

These comments are being submitted on behalf of the Bolsa Chica Land Trust, a grassroots, 501c3 nonprofit organization of nearly 5,000 members. Our objective is to provide recommendations to the California Coastal Commission (CCC) which will ensure protection of the coastal zone resource values of the Bolsa Chica ecosystem in Huntington Beach, California.

The Land Trust favored denial of this CDP in October 2011, which the Commission agreed with. The Land Trust was also in favor of denial in June 2012 when the matter was heard a second time. **Bolsa Chica Land Trust again urges denial of the CDP, opposing the staff recommendation.** While the issue of unpermitted fill has finally been resolved, the staff report recommending approval remains faulty, undermining the conclusions reached, and the project remains inconsistent with the City's certified LCP and state Coastal Act concerning resource protections.

The Land Trust is perplexed that the Commission agreed to re-hear the CDP as settlement of Shea Home's "taking" lawsuit. The accusation of a taking is without merit. The Commission does not bear the burden of creating a profitable venture for the landowner. On the other hand, the landowner does have the burden of submitting a project that is consistent with the Coastal Act and certified Local Coastal Program. Neither environmental standard is met by this CDP application.

Our reasons for urging denial of the project are on the following pages.



## I. VFPP Expressly Forbidden by the LCP

The CDP application includes a proposed "Vegetated Flood Protection Feature", or VFPP, to control flooding both on the subject site and properties outside of the jurisdictional Coastal Zone. This feature is expressly forbidden by the City's LCP.

Page 4 of staff report Th20a-10-2012 says:

*"The path the tidal flooding would follow unavoidably crosses the subject site. The area in the southwest corner of the site between the flood control channel and the bluff provides a relatively narrow area within which construction of a barrier would allow the flooding to be captured and contained. Construction of the proposed "vegetated flood protection feature" (VFPP) within this narrow area between the two higher elevation areas (levee and bluff) presents the only feasible option for adequately insuring protection of the inland 170 acres of existing development. Protection of the inland 170 acres would also protect the 50 acre subject site from flooding."*

As described on page 2 staff report W14e-2-2011 (geotechnical investigation of subject site):

*"The subsurface flood protection structure must tie into the bluff that is located on the western edge of the project site and the flood control channel on the south, in order to provide the necessary flood protection and be geotechnically sound."*

However—and this is a big however—such a protective device, or feature, is **expressly forbidden** by the City's Local Coastal Program Policy C 1.1.9, which states:

*"Minimize risks to life and property in areas of high geologic, flood (Figure C 33) and fire hazard through siting and design to avoid the hazard."*

***New development*** shall be designed to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area ***or in any way require the construction of a protective device.*** (emphasis added)

The Vegetated Flood **Protection** Feature is clearly a "protective device". Could the project be built without the VFPP? Not according to the applicant's hydrologic consultants or the CCC staff geologist:

*"I concur with the applicant [of the related coastal development permit application] and his hydrologic consultants that some combination of reinforcement of the EGGWFCC levee and **an additional levee/floodwall** between the northern levee of the EGGWFCC and the river bluff to the northwest **is a necessary component of flood control protection to assure that the Parkside Estates [subject] site will be free of flood hazards** in a 100-year flood event." (pg. 55 of staff report Th22a-2-2007 concerning the LUP Major Amendment Request; emphasis added)*

In other words, the VFPP is "require[d]" in the sense of Policy C 1.1.9 in order to enable the new development of Parkside Estates.

LCP Policy C 4.4.2 specifically protects the bluffs of the Bolsa Chica mesa from development in order to preserve these significant coastal resource landforms, yet also seems to provide a public safety exemption. But this exemption conflicts with the C 1.1.9 express prohibition against protective devices which enable new development:

*"C 4.4.2*

*Prohibit private development along the bluffs rising up to the Bolsa Chica mesa (the bluff face that rises above the northwestern edge of the Bolsa Chica low land) within the City's jurisdiction that would alter the natural landform or threaten the stability of the bluffs.*

***Drainage systems and other such facilities necessary to ensure public health or safety may be allowed provided that bluff alteration is restricted to the minimum necessary and is done in the least environmentally damaging feasible manner."***  
*(emphasis added)*

The Land Use Plan (LUP) of the Coastal Element is required to be consistent with all applicable policies. Project-specific LUP subarea 4K as defined in table C 2 contains several references to the VFPP as being one of the uses allowed on the site. This is in direct conflict with the C 1.1.9 express prohibition against protective devices which enable new development, as well as the first half of C 4.4.2 which protects the natural landform of the Bolsa Chica mesa bluff.

In order to resolve these conflicts, the interpretation framework spelled out on LCP page IV-C 106 provides guidance:

#### ***"GENERAL RESOURCE PROTECTION POLICIES***

*The following general policies shall provide the framework for interpreting this Coastal Element:*

***1 . When policies within the Coastal Element conflict, such conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources. (emphasis added)***

*2. Where there are conflicts between the policies set forth in this Coastal Element and those set forth in any element of the City 's General Plan, other City plans, or existing ordinances, the policies of this Land Use Plan (LUP) shall take precedence.*

*3. In the event of any ambiguities or silence of this Coastal Element not resolved by (1) or (2) above, or by other provisions of the City's LCP, the policies of the California Coastal Act shall guide interpretation of this Coastal Element."*

This framework enumerates explicit intent on how conflicts are to be resolved. Protective policy 1 (emphasized above) requires conflicting provisions to be evaluated in a co-equal manner solely with regard to which provision is the most protective of significant coastal zone resources. No allowance is made for subordinate provisions (i.e. LUP subarea 4K) being exempt from broader policies which are more protective of resources.

Per the interpretation framework, Policy C 1.1.9 (forbidding protective devices) is the most protective of the coastal resource (the Bolsa Chica mesa bluffs), and therefore takes precedence over the C 4.4.2 exemption and the subarea 4K references to the VFPP. Whether or not such flood protection would also protect homes beyond the subject site outside of the Coastal Zone is irrelevant.

Inclusion of a Vegetated Flood Protection Feature or any other protective device to enable new development is inconsistent with the LCP. The CDP must be denied.

## **II. VFPP Expressly Forbidden by the Coastal Act**

Page 46 of the Th20a-10-2012 staff report discusses the applicable standard of review and notes that both the certified LCP and Coastal Act apply:

*"Thus, for the areas of the subject site that are within the Commission's original jurisdiction, staff will apply the Chapter 3 policies of the Coastal Act to determine whether or not the proposed development is in conformity those policies. Whereas, for areas of the subject site that are within the City's certified LCP jurisdiction, staff will apply the recently certified LCP provisions, to determine whether or not the proposed development is in conformity with the applicable*

*provisions in the certified LCP. For purposes of clarification, **the areas subject to the Coastal Act standard of review include the area of the County's Co5 flood control channel right of way** while all other areas of the proposed development are subject to the City's certified LCP provisions."* (emphasis added)

The VFPP extends into the County's Co5 flood control channel right of way and is thus subject to Coastal Act standard of review.

Coastal Act Section 30253 reads in pertinent part:

*"New development shall do all of the following:*

*...(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area **or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.**"* (emphasis added)

The proposed VFPP is necessitated to enable new development on the site and will alter the natural landform of the Bolsa Chica mesa bluff, inconsistent with the Coastal Act. The CDP must be denied.

### **III. Significant Cumulative Adverse Effect on Coastal Resources**

Local Coastal Program Objective 7.1 states:

***"Regulate new development** through design review and permit issuance **to ensure consistency with Coastal Act requirements..."*** (emphasis added)

Coastal Act Section 30250(a) states:

*"New residential ...development... shall be located...where it will not have significant adverse effects, either individually or **cumulatively**, on coastal resources."* (emphasis added)

The Huntington Beach LCP says new development should be permitted consistent with the Coastal Act. The Coastal Act states that new residential development shall not have significant adverse effects on coastal resources, either by itself or in conjunction with other projects.



Pursuant to CEQA Guidelines § 15130:

*'Cumulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*

*(a) The individual effects may be changes resulting from a single project or a number of separate projects.*

*(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. **Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.** (emphasis added)*

However, the only cumulative impacts that have been addressed for this permit appear to be for the effects of increased impervious surfaces and the discharge of pollutants to coastal waters. The cumulative environmental impact on the Bolsa Chica ecosystem—a major coastal resource—has not been ascertained or addressed.

As recently as 2005, there were nearly 300 acres of upland raptor foraging area at Bolsa Chica north of the Wintersburg flood control channel (see attached Exhibit 1). The Brightwater project has already eliminated 68 acres of those acres. If this project is approved, it would eliminate an additional 28 acres. Cumulative consideration means that the reasonably foreseeable development plans of the Ridge and the Goodell property must also be taken into account, which is about another 9-10 acres of upland habitat lost.

Individually, perhaps none of these impacts are significant. Yet in total, that's 100 acres of upland raptor foraging habitat cumulatively lost, or **one-third** of the nearly 300 acres that were available just seven (7) years ago in 2005 (see attached Exhibit 2). The loss of one-third of anything should be of great concern, of some kind of recognition, and yet this CDP does not address the significant impact of the loss of raptor foraging habitat on the Bolsa Chica ecosystem. The CDP must be denied.

#### **IV. Loss of Foraging Area Inconsistent with LCP**

Huntington Beach LCP Policy C 7.1.3 states:

*"Development in areas adjacent to environmentally sensitive habitat areas... shall be sited and designed to prevent impacts which would*

*significantly degrade those areas, and shall be compatible with the continuance of those habitat ... areas."*

Is the proposed project sited to be compatible with the ESHA? That is questionable. Page 46 of the Th20a-10-2012 staff report says:

*"In approving the LUPA for the subject site the Commission found that buffer area was necessary to both reduce the impacts of development upon the ESHAs and to retain adequate foraging area to support the raptors continued use of the ESHA."*

However, a closer look at the 2008 LUPA Adopted Findings reveals that what was actually said about buffers and foraging area were two different descriptive statements. Page 43 stated:

*"...the Commission finds the variable width buffer proposed by the property owner will adequately protect the entire ESHA."*

Page 45 stated:

*"The wetland areas, their buffers as well as the ESHA buffers will provide **some** raptor foraging area." (emphasis added)*

Note that the word "adequate" was **not** used to describe foraging area. The word is not a typo, it is a finding of fact. Therefore, it is inappropriate for the current staff report Th20a-10-2012 to say the Commission found that the buffers retained *"adequate foraging area to support the raptors continued use of the ESHA."* Since the current CDP application does not intend to provide any foraging area beyond that which is contained in the buffers, and the Commission has not officially determined that there is adequate foraging area, the project is not compatible with the continued use of the ESHA and is inconsistent with LCP Policy C 7.1.3 concerning continued use of ESHA. The CDP must be denied.

The lack of adequate foraging area is not just an individual impact of the project, but goes back to the issue of cumulative impacts as well. The Adopted Findings contained a brief mention that Department of Fish & Game expressed concern on how the loss of foraging habitat at the project site could have repercussions beyond the site itself:

***"Furthermore, it is important to assure the continuance of the raptor community by reserving adequate foraging area. In fact, the California Department of Fish and Game (CDFG) provided statements to this effect in a letter to the City dated June 15, 1998 commenting on the Draft Environmental Impact Report for the Parkside project (see Exhibit ZZZ). In that letter, CDFG states that***

*"...[a]gricultural areas, grasslands and wetlands are of seasonal importance to several species of raptors in Orange County by providing important, if not vital, staging and wintering habitat. These habitats also provide foraging areas for resident breeding raptors." CDFG goes on the [sic] **express concern about the loss of raptor foraging areas within the project site and vicinity and the impacts such loss may have on the adjacent Bolsa Chica Ecological Reserve.**" (2008 LUPA Adopted Findings, pg. 45, emphasis added)*

There hasn't been any follow up to the state agency's concerns since then, and therefore the continuing preservation and viability of the Bolsa Chica ecosystem hasn't been considered with regards to this CDP. Nor has there been an overriding statement that the cumulative loss of foraging area will have no impact, or less than significant impact, on coastal resources—namely, the Bolsa Chica ecosystem. That's because it's impossible to make such a statement in the absence of any analysis. Without such consideration, the project is inconsistent with Coastal Act Section 30250(a), LCP Objective C 7.1, and LCP Policy C 7.1.3. The CDP must be denied.

## **V. Loss of Foraging Area Detrimental to White-tailed Kites**

ESHA areas function in cooperation with non-ESHA areas as a cohesive ecosystem. In speaking of the Shea ESHA, page 14 of the 2008 Adopted Findings noted:

*"These trees are used by raptors for nesting, roosting, and as a base from which to forage."*

*"Some of the raptors known to use the grove include the white tailed kite, sharp-shinned hawk, Cooper's hawk, and osprey. **Many of these species are dependent on both the Bolsa Chica wetlands and the nearby upland areas for their food.**" (emphasis added)*

The LCP provides variable-width buffers on site for the Eucalyptus ESHA to guard against human disturbance and to provide "some" foraging habitat (per earlier discussion). Still, the broader context of the cumulative impacts of this project has been ignored by this CDP.

As cited above, White-tailed Kites—a California fully-protected species—use the on-site ESHA, and the nearby upland areas, for their food. A pair of kites even attempted to nest in the north grove ESHA in Spring 2012. However, this CDP

plans to remove 28 acres of foraging habitat adjacent to the ESHA, effectively boxing in the ESHA from all directions with only 22 acres of adjacent foraging area remaining on the property. Development already exists to the north and south; Brightwater has removed the upper mesa to the west; the potential future projects of the Ridge and Goodell would further impact the west; and this CDP would significantly reduce the area to the east. This cumulative impact would most likely be detrimental—if not devastating—to the highly-sensitive White-tailed Kites, precluding their continued use of the ESHA. So not only is the CDP inconsistent with LCP Policy C 7.1.3 and Coastal Act Section 30250(a), it adversely impacts a California fully-protected species as well. The CDP must be denied.

## **VI. Conclusion**

The Coastal Act's paramount concern is for what is most protective of coastal resources. While the CDP includes a protective levee that would happen to benefit residences outside the Coastal Zone, the applicant would not be doing the work unless it was first needed in order to mitigate the hazards of building 111 new houses on this specific site. New development at this site necessitates a protective device whose design is not protective of coastal resources, the bluff.

Furthermore, the famous "Bolsa Chica decision" states that under the Coastal Act, the Commission is required to protect the Coastal Zone's delicately balanced ecosystem. Under the Coastal Act, the Commission must consider cumulative effects on coastal resources, and the City's LCP says that new development must be consistent with Coastal Act requirements, will not degrade ESHA, and shall be compatible with the continuance of the ESHA.

**Both individually and cumulatively, the loss of upland foraging habitat caused by this CDP is detrimental for raptors in general, for White-tailed Kites in particular, and for the biodiversity of the Bolsa Chica ecosystem, a significant coastal resource. The significant adverse impacts of this project cannot be ignored.**

Because the project does not take cumulative effects into account in accordance with Coastal Act Section 30250(a), the CDP must be denied.

Because the project is not compatible with continuance of the ESHA in accordance with LCP Policy C 7.1.3, the CDP must be denied.

Because the project contributes to degradation of White-tailed Kite habitat, both individually and cumulatively, it is inconsistent with both the LCP and Coastal Act, and the CDP must be denied.

Because the project requires armoring (tidal surge protection) in order to enable the new development, it is inconsistent with both the LCP and Coastal Act Section 30253, and the CDP must be denied.

The Commission denied this CDP before, and it must do so again. For the reasons outlined above, this is the wrong project in the wrong place—the Bolsa Chica ecosystem.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Kolpin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kim Kolpin  
Executive Director

Attachments:  
BCLT Exhibit 1  
BCLT Exhibit 2



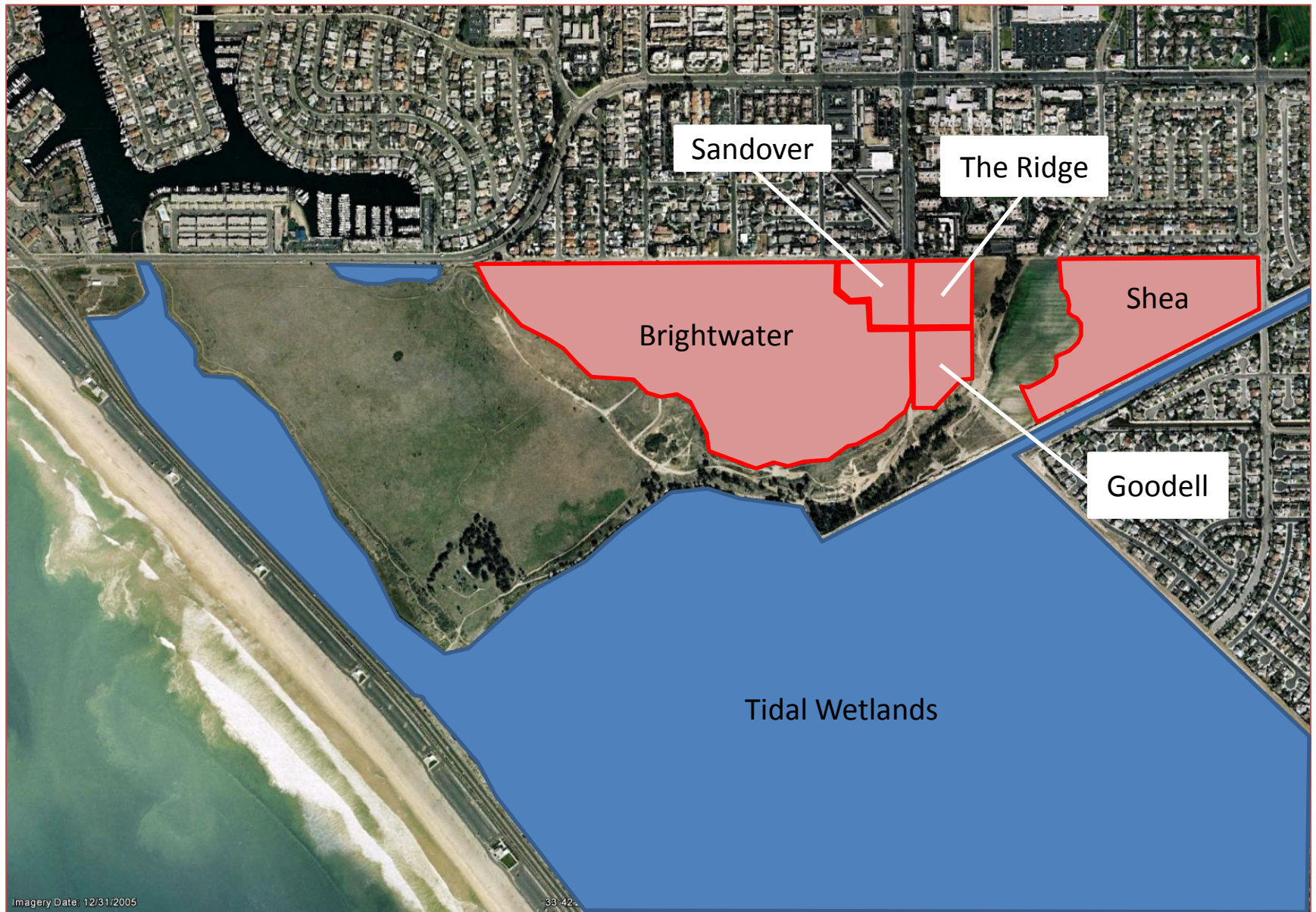
# Shrinking Upland Habitat



Tidal Wetlands



# Shrinking Upland Habitat



**Vaughn, Meg@Coastal**

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**From:** enkoi@enkoi.com  
**Sent:** Wednesday, October 03, 2012 3:23 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Approve Parkside Estates (Th-20a)  
October 3, 2012

Hon. Chair and Members of the Commission  
c/o Ms. Meg Vaughn  
California Coastal Commission  
South Coast District Office  
200 Ocean Gate, 10th Floor  
Long Beach, CA 90802

RE: Th-20a - Approve of Parkside Estates CDP

Dear Chair Shallenberger and Commissioners:

Every reasonable question by the Commission about Parkside Estates has been asked and answered. Every reasonable benefit to Coastal resources has been provided. It is time to finally approve Parkside Estates.

During the decade this project has been in the Commission's review process, only 1.6 acres of identified functional wetlands have actually existed on the site, in dire need of restoration. Approval of the Coastal Development Permit will lead to 8.9 acres of healthy wetlands on the site, and 4.5 acres of wetland restoration off-site.

In addition, native grasslands will be restored, Environmentally Sensitive Habitat Areas will be protected, and regional water quality will be improved.

Also during the 10 years Parkside Estates has been in Coastal review, 7,000 surrounding existing homes and businesses have continued to be exposed to flood threats that this project will resolve. Once resolved, Huntington Beach residents will potentially save millions of dollars due to the removal of mandatory flood insurance requirements.

This is the best project for the site the Commission could hope for. I urge you to approve the Parkside Estates Coastal Development Permit at your October 2012 meeting.

Ken Tran  
Huntington Beach, CA 92647  
enkoi@enkoi.com

Email Supporting  
Project

39 Copies Received

10/4/2012



5-11-068 Shea Homes/Parkside

41 Emails Received in Opposition to  
Project

**Vaughn, Meg@Coastal**

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**From:** johb@aol.com

**Sent:** Wednesday, October 03, 2012 4:14 PM

**To:** Vaughn, Meg@Coastal

**Subject:** The Bolsa Chica Wetlands

Dear Meg Vaughn,

This letter is to show support for keeping the Bolsa Chica Wetlands from being developed. There is so little open coastal land in the Huntington Beach area as it is. Where are the plants and animals going to live? Where are the generations of children going to visit and learn about wildlife? We live in a city where this open rural land is rare and precious. We need to save it. Once it is built upon, the damage cannot be reversed. Please.....do not approve the development plan.

Thank you,

Michelle O'Brien

HB Citizen for 15+ years and concerned Mother

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** Al Schinnerer [calclassicboats@earthlink.net]  
**Sent:** Wednesday, October 03, 2012 4:21 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Proposed Shea development on Upper Bolsa Chica wetlands

I strongly urge you to oppose this development. It would be totally out of character with the surrounding neighborhood and would result in severe traffic problems on Graham St.

Alan Schinnerer  
5581 Ridgebury Dr.  
Huntington Beach, CA 92649

**Vaughn, Meg@Coastal**

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**From:** Jeanne Whitesell [jswhitesell3211@yahoo.com]

**Sent:** Wednesday, October 03, 2012 4:35 PM

**To:** Vaughn, Meg@Coastal

**Subject:** SHEA homes

**TO:** Coastal Commission Members

**FROM:** Jeanne Whitesell  
17922 Shoreham Lane  
Huntington Beach, CA 92649-4850  
Phone: 714-846-8978

Hello,

I urge you to vote against the Shea project on the Bolsa Chica Wetlands in Huntington Beach. I am one of the residents who will be negatively affected because of my proximity to the proposed site.

You made a wise decision last October when you rejected this problem of building in the wetlands and I urge you to again reject Shea's request to develop there.

What I don't understand is why you need to hold another hearing after a clear and reasoned decision was already made????

I again urge you to uphold the previous decision.

Sincerely,  
Jeanne Whitesell

10/4/2012



**Vaughn, Meg@Coastal**

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**From:** Melanie Manning [mmelmarie@gmail.com]

**Sent:** Wednesday, October 03, 2012 4:42 PM

**To:** Vaughn, Meg@Coastal

**Subject:** Shea Development at Bolsa Chica

Please count me among the many who are opposed to the current proposal by the Shea Housing Developers on the Bolsa Chica. The previous denial of this project is still in order and conforms to Coastal Commission Regulations. Please reinstate the denial of permits for this monstrosity.

Thank you,  
Melanie Manning

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** LGeisse [lgeisse@aol.com]  
**Sent:** Wednesday, October 03, 2012 4:43 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Shea Plan

Sirs:

It is my understanding that this plan to build homes in the Bolsa Chica is back for reconsideration. I still strongly oppose this plan, and I do believe the Levy they propose to build violates the Coastal Act. I hope you will turn down this project. Thank you for your time and help.

Larry Geisse, M.D.  
6811 Corral Circle  
Huntington Beach, Calif. 92648

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** anngadfly@aol.com

**Sent:** Wednesday, October 03, 2012 5:20 PM

**To:** Vaughn, Meg@Coastal

**Subject:** Shea Development

Honorable Commissioners:

As a member of the Bolsa Chica Land Trust, I urge you to deny the latest request by Shea Company to build 111 new houses near the Bolsa Chica Wetlands. This appears to be the same plan denied by your commission last year.

The levy the developer proposes to build to protect the houses from potential flooding violates the Coastal Act and the City's Local Coastal Plan.

Now that the endangered Belding Savannah Sparrows, the Least Terns and the Snowy Plovers have habitat for breeding and nesting, please continue to protect these and all the wildlife in the wetlands.

Sincerely,

Ann Cantrell  
3106 Claremore Ave.  
Long Beach, CA 90808

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** cseppala@aol.com

**Sent:** Wednesday, October 03, 2012 6:48 PM

**To:** Vaughn, Meg@Coastal

**Subject:** Say NO to Shea Company Development

I oppose the development proposed by the Shea Company. This project will impact both Bolsa Chica, and the surrounding neighborhoods.

Also, the levy the developer proposes to build to protect the 111 houses from potential flooding violates the Coastal Act and the City's Local Coastal Plan.

Just say NO! Once our precious coastal lands are gone... they are gone forever. Care about the future....for our people, for the wildlife...for our world.

Cynthia D. Seppala

10/4/2012



**Vaughn, Meg@Coastal**

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**From:** Patty [pdayneko@me.com]  
**Sent:** Wednesday, October 03, 2012 8:19 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Shea Proposed Development at Bolsa Chica

Attn: Meg Vaughn

I understand that the Coastal Commission has agreed to re-hear a development project proposed by the Shea company for the upper Bolsa Chica Mesa. I have been walking the Bolsa Chica Mesa and wetlands for many years now. I consider it one of the truly special and possibly last protected wetlands on the southern California coast.

I would ask the Commission seriously consider the threat that any more development poses to the preservation of the wetlands and reject the Shea Proposal.

Thank you for your consideration,

Patricia Dayneko  
Seal Beach, Calif.

**Vaughn, Meg@Coastal**

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**From:** George Bair [scarlettbaigonias@sbcglobal.net]

**Sent:** Wednesday, October 03, 2012 8:38 PM

**To:** Vaughn, Meg@Coastal

**Subject:** Bolsa Chica development

I am against any constrution on the Bolsa Chica wetland site.

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** Eleanor Egan [mamalili@pacbell.net]  
**Sent:** Wednesday, October 03, 2012 8:39 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Shea homes plan

I am writing to express my opposition to the project proposed for construction on the Upper Bolsa Chica wetlands. The project is inappropriate for a wetlands area and violates both the letter and the spirit of the California Coastal Act.

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** Alvin Rasmussen [alrass310@gmail.com]

**Sent:** Wednesday, October 03, 2012 8:58 PM

**To:** Vaughn, Meg@Coastal

**Subject:** Opposing the plan to develop houses on the Bolsa Chica Wetlands

***Adding my opposition to the Shea plan of building houses on the Bolsa Chica Wetlands as it is in violation of the Coastal Act and the City's Local Coastal Plan.***

***A.C. Rasmussen  
Fountain Valley, Ca.***

10/4/2012



**Vaughn, Meg@Coastal**

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**From:** mlouw@aol.com**Sent:** Wednesday, October 03, 2012 9:45 PM**To:** Vaughn, Meg@Coastal**Subject:** Shea development in Bolsa Chica, Huntington Beach

I am writing this e-mail to you to oppose the development by Shea homes in the Bolsa Chica Wetlands. This piece of land fronts on Graham street which is one of the few access roads to homes at the south end of Graham and to a large middle school. Building another 111 homes will bring unqualified traffic jams and traffic to this area. Also, although Shea disputes this, the field where they want to build is still a part of the wetlands. All one has to do is drive by now when there has been no rain for quite a while and we have also had a great deal of heat and you can see the green wetlands growth in great amounts along with other parts that are dry....also, building in that area where the top of homes will be 40 feet tall is a terrible idea...these developed homes will dwarf the homes already in the existence. Developers like Shea do not care what happens to a community once they get their money and leave. The developers of Hearthsides didn't care and were felled by bankruptcy but not before they destroyed the top of the mesa, drove out the animals who lived there and turned it into a half developed place..

Mary Lou Watkins  
17672 Crestmoor Lane  
Huntington Beach, CA 92649

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** Dehra Iverson [dehra@sbcglobal.net]  
**Sent:** Wednesday, October 03, 2012 9:50 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Opposed to Shea housing development at Bolsa Chica

Please reject Shea's request to build housing on upper Bolsa Chica Wetlands along Graham Street at Bolsa Chica. Thank you.

*Dehra Iverson*

----- Forwarded Message -----

**From:** Terry Welsh <terrymwelsh@hotmail.com>  
**Sent:** Wed, October 3, 2012 7:29:39 PM  
**Subject:** A plea from the Bolsa Chica Land Trust

Shea Plan Rejected by Coastal Commission Last Year is Back on the Commission's Agenda  
October 11 in Oceanside

**Greetings!**

The same development proposed by the Shea Company, and rejected by the Coastal Commission last October for the upper Bolsa Chica Wetlands along Graham Street is back. On **October 11 at the Oceanside City Council Chambers 300 North Coast Highway, Oceanside** the Commission will rehear the project that proposes 111 new houses be built to a finished height 40 feet above current ground level.

We need you at the meeting to support the Land Trust in opposing this project that will impact both Bolsa Chica, and the surrounding neighborhoods.

Please join us on October 11 in the morning in Oceanside City Council Chambers. The Trust continues to oppose this project. The levy the developer proposes to build to protect the 111 houses from potential flooding violates the Coastal Act and the City's Local Coastal Plan.

Want to help, but can't attend the meeting? Please send an email to the commission expressing your opposition. You can address the email to Coastal Commission staff member Meg Vaughn at: [mvaughn@coastal.ca.gov](mailto:mvaughn@coastal.ca.gov)

Thank you for your continued support.

Joe Shaw

President, Bolsa Chica Land Trust

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** Dixie Grimmatt [dixieg@csulb.edu]  
**Sent:** Thursday, October 04, 2012 12:18 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Opposition to Shea Plan for Upper Bolsa Chica Wetlands

Dear Coastal Commission,

Because I am unable to attend the hearing on October 11, 2012 I am submitting this letter to express my strong opposition to the proposed Shea Plan for the Upper Bolsa Chica Wetlands. I am a home owner in the area of the proposed project and am very concerned about the levy being proposed which, I understand, violates the Coastal Act and the City's Local Coastal Plan. In addition the homes being proposed would be built to a finished height of 40 feet above current ground level, which definitely impact the adjacent homes.

I urge the Coastal Commission(who rejected this proposal in 2011)to once again reject approval of the Shea Plan homes for the Upper Bolsa Chica Wetlands.

Thank you for the opportunity to share my opinion.

Sincerely,

Dixie Grimmatt  
5322 Kenilworth Dr  
Huntington Beach, CA 92649

**Vaughn, Meg@Coastal**

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**From:** Atashi Mandal [tashmistress@yahoo.com]

**Sent:** Thursday, October 04, 2012 4:11 AM

**To:** Vaughn, Meg@Coastal

**Subject:** Bolsa Chica is not for chicas

Or chicos, for that matter. The birds and other critters don't crash on our couches, so please don't let people crash in one of their few remaining houses. There are lots of other places to live for us chicas/chicos. I wish I could say the same for all the wonderful furry and feathered friends who share this world with us. Do your duty to protect our coastal community and stop further development.

Sincerely,

Atashi Mandal

10/4/2012



**Vaughn, Meg@Coastal**

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**From:** Terry Robinson [terryrobinson1@verizon.net]  
**Sent:** Thursday, October 04, 2012 7:40 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Shea comp.

The history of our country is unfortunately replete with examples of big money trumping the public good. I hope you can find the where-with-all to do the right thing and reject their plan.

I, my children and grand children, will thank you for that.

Terry Robinson  
16281 Galaxy Dr  
Westminster

**Vaughn, Meg@Coastal**

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**From:** Gerald Moniz [dianjer@verizon.net]  
**Sent:** Thursday, October 04, 2012 9:00 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Coastal Commission Oct. 11 Meeting

We want the Coastal Commission to know of our continuing opposition to the proposed development of 111 new houses by the Shea Company along Graham St.

This development was rejected last October because of its impact on the Bolsa Chica wetlands. We still need to protect this area for future generations, not lose it forever due to the profit motive of persistent developers.

Sincerely, Gerald P. and Diana S. Moniz  
19652 Seawind Circle, Huntington Beach.

**Vaughn, Meg@Coastal**

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**From:** Charlie Allen [surfsidecharlie@yahoo.com]

**Sent:** Thursday, October 04, 2012 9:12 AM

**To:** Vaughn, Meg@Coastal

**Subject:** Shea Co Dev.

Dear Ms. Vaughn,

As a long time resident of Huntington Beach and a proponent of preserving open spaces for future generations,

I am informing you that I oppose the Shea Co. development proposal along the upper Bolsa Chica Wetlands

along Graham St. I live near the wetlands at Beach Blvd. and Pacific Coast Highway, and it pains me to see

that over development of the area has killed off much of the wildlife. There was once was an abundance of

rabbits, ground squirrels and ducks but now most of that is gone. Now, the coyotes that used to feed in the open

areas are feeding in our complex. We need to let Nature keep her own balance. Giving more land to developers

interrupts the natural course of nature...

Thank you for considering my opinion.

Sincerely,

Charlean Allen

8216 Foxhall Dr.

Huntington Beach, CA

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** holly.valentino@us.redbull.com  
**Sent:** Thursday, October 04, 2012 9:27 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** I Oppose the Shea Plan to Build a Levy

Dear Mrs. Meg Vaughn,

It has come to our attention that on October 11th there will be a meeting in regards to the building of a levy to "protect" a series of future houses from flooding, nicknamed the "Shea Plan". We are writing to you to express our deep concern and opposition for this development. First, the houses will be built 40ft above current ground level, which offers a natural protection from flooding. Second, the flooding would directly disrupt the current protected lands where nesting and ponding is occurring.

We strongly ask to please deny this development.

Thank you,

Holly & Anthony Valentino  
Residents, Huntington Beach  
9351 Mokihana Dr., Huntington Beach CA 92646

10/4/2012

Vaughn, Meg@Coastal

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**From:** DEE BARTLETT [dbart2@msn.com]  
**Sent:** Thursday, October 04, 2012 9:57 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Bolsa Chica

*Our family is against development of the homes proposed for the upper Bolsa Chica Wetlands in Huntington Beach, CA.*

*This project and the levy proposed violate the terms of the Coastal Act and the City's Local Coastal Plan and should be rejected. We ask the Coastal Commission to please vote this development down. Thank you.*

*Mr. and Mrs. Darrell Bartlett  
Huntington Beach, CA*



**Vaughn, Meg@Coastal**

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**From:** John Iacono [jmiacono@gmail.com]  
**Sent:** Thursday, October 04, 2012 10:38 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** October 11 agenda item - Shea Company development  
California Coastal Commission,

I strongly oppose the proposed "Parkside" development on the upper Bolsa Chica wetlands by the Shea Company, and urge you to vote against this proposal.

I have lived in the area for 25 years and have spent a significant amount of time on this particular piece of land as well the surrounding lower wetlands and mesa. I used to board a couple horses at the stables which was at this location. I distinctly recall how the area would flood, and remain flooded for weeks and months, after a good rain. This still happens in some sections of this land despite years of grading and elevation changes by the landowner. I believe that were it not for the many years of agriculture and regular plowing of this land, the area would be indistinguishable from the remainder of the wetlands.

I do not live immediately adjacent to the property and my reasons for opposing its development are not tied to the impact the proposal would have on the neighboring homes. My opposition is firmly rooted in my belief that this is an irreplaceable component of Bolsa Chica wetlands, and that society has an obligation to preserve it.

Thank you for your consideration.

John Iacono  
5421 Barwood Drive  
Huntington Beach CA

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** len shapiro [drlenshapiro@yahoo.com]

**Sent:** Thursday, October 04, 2012 10:50 AM

**To:** Vaughn, Meg@Coastal

dear coastal commission

thats exactly what we need in huntington beach more traffic more  
pollution more cars more people. the developers can go elsewhere.

this should not even deserve a review. let them improve or revitalize olde areas in HB

Dr Shapiro resident in HB since 1970

10/4/2012

**Vaughn, Meg@Coastal**

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**From:** scully.10@verizon.net  
**Sent:** Friday, October 05, 2012 9:59 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Bolsa Chica Wetlands  
RE: October 11, 2012 Hearing

Please vote to reject levy proposed by Shea Co.  
which violates Coastal Act.

Concerned Citizen and Homeowner,  
Irene Scalise  
16882 Canyon Ln.  
Huntington Beach, CA.  
92649

10/5/2012

**Vaughn, Meg@Coastal**

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**From:** BBrainles@aol.com  
**Sent:** Friday, October 05, 2012 9:35 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Graham St./Bolsa Chica Wetlands

Dear Meg Vaughn,

As a member of the Bolsa Chica Land Trust I am totally against the proposed Graham Street development in the Bolsa Chica Wetlands. I asked that you support the views of the Bolsa Chica Land Trust and deny any future development in this area.

Thank you for your consideration of this matter.

Brian Fallon  
3492 Sagamore Drive  
Huntington Beach, CA. 92649

10/5/2012

**Vaughn, Meg@Coastal**

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**From:** Jody [jgraham@socal.rr.com]  
**Sent:** Friday, October 05, 2012 7:00 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Urgent request

Dear Ms. Vaughn,

It is my understanding that you might be able to share this communication with the entire Coastal Commission, and I am asking you to do that, if possible.

I am to opposed to the Shea proposal, which will have an adverse effect on the quality of life for me and my family. We are opposed to the construction of the levee that would be necessary to protect the proposed homes, and we believe it is in violation of the Coastal Act and the City's Local Coastal Plan. We support preservation of the Bolsa Chica wetlands and mesa, and we believe this project will be detrimental to the entire ecosystem.

We live in the area and frequently travel all of the major arterial streets that would also be affected. Furthermore, we need more open spaces, not more McMansions.

The commission made the right decision last year; please make the right choice again!

Sincerely and hopefully,

Jody L. Inchausti  
5161 Skylark Dr.  
Huntington Beach, CA 92649

*Connected by DROID on Verizon Wireless*



**Vaughn, Meg@Coastal**

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**From:** SwellMel [swellmel4@juno.com]

**Sent:** Thursday, October 04, 2012 8:27 PM

**To:** Vaughn, Meg@Coastal

PLEASE no to building more homes we have enough traffic in the area now and air pollution

10/5/2012

**Vaughn, Meg@Coastal**

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**From:** Mgmarr@aol.com  
**Sent:** Thursday, October 04, 2012 7:47 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Opposed to Development of Upper Bolsa Chica

Ms. Meg Vaughn,

I understand that on October 11 the Coastal Commission hear a proposal from the Shea Company to build houses on the precious upper Bolsa Chica site. As a long time Huntington Beach resident I'd like to register my strong opposition to any development of the upper Bolsa Chica and request that the Commission reject this proposal.

Thanks you,

Michael Marr  
15931 Puritan Circle  
Huntington Beach, CA 92647

10/5/2012

**Vaughn, Meg@Coastal**

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**From:** Pearl Holmes [pearlholmes@verizon.net]

**Sent:** Thursday, October 04, 2012 7:30 PM

**To:** Vaughn, Meg@Coastal

**Subject:** Opposition to Shea's proposal

To Meg:

I am not able to make the meeting on Oct. 11th but I wish to give you my opinion so that you can convey it to the group.

I oppose the proposal by Shea to build 111 houses on the upper Bolsa Wet Lands along Graham. We don't need more housing, but we at least should keep the open spaces that we have—there are so few. I support the Land trust in their opposing this project.

Yours truly,

Pearl Holmes

10/5/2012

**Vaughn, Meg@Coastal**

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**From:** Marilyn [marbenz100@aol.com]  
**Sent:** Thursday, October 04, 2012 2:00 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Bolsa Chica

Ms. Vaughn -

Regarding the Coastal Commission Hearing scheduled for October 11, 2012, I strongly urge you to consider the **denial** to Shea Homes to build more houses on the Bolsa Chica Mesa. This fragile ecological reserve is a precious landmark to both Orange County and California.

The fear I have is since they have already gained one foothold, many more will follow. Their pockets are lined with money and only those with a sense of the future of the wetlands and the environment can stop them from stripping all our coastal treasures and replacing them with million dollar houses.

Sincerely and with a hopeful heart,  
Marilyn Strong  
Orange County Resident and Native Californian  
Garden Grove, California

10/5/2012

**Vaughn, Meg@Coastal**

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**From:** Alice and Bill Selfridge [selfridg@earthlink.net]  
**Sent:** Thursday, October 04, 2012 6:42 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Development of the Upper Bolsa Chica Wetlands

Dear Ms. Vaughn,

We are writing to express opposition to the proposed development of the upper part of the Bolsa Chica Wetlands. We don't understand why this is even being considered again, as it was rejected once before and will negatively impact, not only the Wetlands but, also, the surrounding neighborhoods. We fervently hope that this proposal will be defeated at the coming city council meeting!

Thanking you for your consideration.

Sincerely,  
William and Alice Selfridge  
3277 Moritz Dr.  
Huntington Beach, CA 92649

10/5/2012



**Vaughn, Meg@Coastal**

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**From:** mike sloan [mikesloan76@hotmail.com]  
**Sent:** Friday, October 05, 2012 12:06 PM  
**To:** Vaughn, Meg@Coastal  
**Cc:** Joe Shaw; Joe Shaw; Peg Sloan  
**Subject:** Shea plan on Commission's Oct. 11 agenda

Dear Ms. Vaughn:

I'm writing to ask that the Coastal Commission deny Shea's proposal to build 111 new houses on the Upper Bolsa Chica Wetlands along Graham St. in Huntington Beach. Such a massive development would be nothing more than an aesthetic and environmental blight on our beautiful, yet fragile, Wetlands. Moreover, the levy that Shea proposes to build to protect the houses from flooding violates the Coastal and Huntington Beach's local Coastal plan. Shea is, in my opinion, an environmentally irresponsible organization interested only in their own bottom line. I urge that the company's petition be denied.

Sincerely,

Mike Sloan  
17911 San Leandro Lane  
Huntington Beach, CA 92647

714 928 3619

**Vaughn, Meg@Coastal**

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**From:** John Ehrenfeld [john@yourexecproducer.com]

**Sent:** Saturday, October 06, 2012 7:41 PM

**To:** Vaughn, Meg@Coastal

**Subject:** Re: Bolsa Chica Wetlands

Dear Meg Vaughn and the Coastal Commission:

I have hiked and photographed the Bolsa Chica wetlands for years. I cannot begin to tell you how many times I have seen White Kite's and American Kestrel's hunting in the proposed development area. This will destroy their habitat, please do not approve this. There is so little wetland area left. It's up to you to protect what's remaining for the wildlife and for us.

The Bolsa Chica wetlands ecosystem is a key coastal resource. The Shea project will remove nearly 30 acres of upland raptor foraging area from the Bolsa Chica ecosystem. When added to the 68 acres of upland habitat already removed due to the Brightwater project, the cumulative effect on coastal resources is significant - a 1/3 loss of habitat that has not been addressed!

Such a loss would have a detrimental effect on sensitive species such as the White-tailed kite, which uses the Environmentally Sensitive Habitat Area (ESHA). The project is incompatible with the continued use of the ESHA for this fully-protected species. White-tailed kites are sensitive to disturbance and cannot afford the continued loss of habitat!

Because the project does not take cumulative effects into account in accordance with Coastal Act 30250(a), the project must be denied. And, because the project would significantly degrade the ESHA for White tailed kites and is not compatible with continued use of the ESHA in accordance with City LCP 7.1.3, we ask that the project be denied.

Thank you.

John Ehrenfeld

**Vaughn, Meg@Coastal**

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**From:** Chuck George [cgeorge@george-sd.com]

**Sent:** Saturday, October 06, 2012 7:42 PM

**To:** Vaughn, Meg@Coastal

**Subject:** Re: application 5-11-68

Re: application 5-11-68

Dear Coastal Commission:

The Bolsa Chica wetlands ecosystem is a key coastal resource.

The Shea project will remove nearly 30 acres of upland raptor foraging area from the Bolsa Chica ecosystem. When added to the 68 acres of upland habitat already removed due to the Brightwater project, the cumulative effect on coastal resources is significant - a 1/3 loss of habitat that has not been addressed!

Such a loss would have a detrimental effect on sensitive species such as the White-tailed kite, which uses the Environmentally Sensitive Habitat Area (ESHA). The project is incompatible with the continued use of the ESHA for this fully-protected species. White-tailed kites are sensitive to disturbance and cannot afford the continued loss of habitat!

Because the project does not take cumulative effects into account in accordance with Coastal Act 30250(a), the project must be denied. And, because the project would significantly degrade the ESHA for White tailed kites and is not compatible with continued use of the ESHA in accordance with City LCP 7.1.3, we ask that the project be denied.

Thank you.

Signed,

Charles and Mary George, Members  
Sea and Sage Audubon Society  
1448 E. Greenview Dr.  
Orange, CA 92866  
[cgeorge@george-sd.com](mailto:cgeorge@george-sd.com)

10/8/2012

**Vaughn, Meg@Coastal**

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**From:** Aj Wilson [Aj.Wilson@student.csulb.edu]  
**Sent:** Saturday, October 06, 2012 8:47 PM  
**To:** Vaughn, Meg@Coastal  
**Cc:** walknencyc@aol.com; N737AW@aol.com  
**Subject:** Proposed Parkside Estates Development

Hello,

Please do not allow Shea homes to develop any of the remaining wetlands. Southern California coastal marsh-estuaries are local habitats for many rare and wild animals. Brightwater home's development has already fragmented the Upper Bolsa Chica Mesa for these flora and fauna. As a local resident and Hydrogeologist, we strongly oppose any further development in the area. The lower wetlands serve as catchments for large storm events, and building along the Wintersburg Channel would reduce land area available to serve as permeable soils for stormwater runoff. Shea homes should be advised to build in a location where the population density is not as high. Thank you for reading my input on the subject, I hope these small letters of opinion will culminate into a larger voice regarding the future of our coastal watersheds. Sincerely, kind regards

AJ Wilson (714) 846-2509

## Vaughn, Meg@Coastal

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**From:** Julie Bixby [julie@bixby.org]  
**Sent:** Saturday, October 06, 2012 9:00 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Re: HEARING OCTOBER 11TH

Meg,

I was asked to forward this to you as the original sender said it bounced.

--Julie

----- Original Message -----

**Subject:** FW: HEARING OCTOBER 11TH  
**Date:** Sun, 7 Oct 2012 00:30:16 +0000  
**From:** Marinka Horack <horackm@hotmail.com>  
**To:** Julie Bixby <julie@bixby.org>

Julie,

Here's a message for you if you can please get it to Meg Vaughn.  
Thanks,  
Marinka

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**From:** lifelongwalker@dslextre.me.com  
**To:** horackm@hotmail.com  
**Subject:** Fw: HEARING OCTOBER 11TH  
**Date:** Sat, 6 Oct 2012 17:07:16 -0700

----- Original Message -----

\*From:\* Ninarose Mayer <mailto:lifelongwalker@dslextre.me.com>  
\*To:\* Meg Vaughn <mailto:mvaugh@coastal.ca.gov>  
\*Sent:\* Thursday, October 04, 2012 9:30 AM  
\*Subject:\* RE: HEARING OCTOBER 11TH

\*Dear Meg Vaughn,\*

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\*As I am not able to attend the hearing on October 11, 2012 regarding the rejected development by Shea Co. at Bolsa Chica, I am now sending this letter.\*

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\*Please know that I have supported Bolsa Chica continually in the board's difficult, and on-going efforts to keep Bolsa Chica as natural as possible. I supported the board in previous hearing with Coastal Commission vs. Shea Co. And now there is a new hearing on Oct. 11th. This is a continual struggle to protect our environment. It'll never end. You, and the Coastal Commission are the ones we truly count on for your support. \*

\*\*

\*Though this isn't of importance, I just want to say that I'm a docent of 18yrs. at local nature center, an L.A. Co. Park natural area, and a member of local conservancy: Arroyos and Foothills Conservancy. Santa Monica Mtns. Conservancy will be our neighbor in latest effort to purchase private land next to the Angeles Forest, here in Altadena.\*

\*\*

\*I care deeply, as a native Californian of 78 yrs., about all efforts to destroy, or wreck/ruin areas of California that can never seemingly be recovered in their natural state. \*

\*\*

\*THE SUPPORT OF THE COASTAL COMMISSION IS OF GREAT IMPORTANCE.\*

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\*Thankyou for listening.\*

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\*Sincerely,\*

\*\*

\*Ninarose Mayer\*

\*Altadena, Calif. \*



**Vaughn, Meg@Coastal**

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**From:** mike huang [ychuang1@gmail.com]  
**Sent:** Saturday, October 06, 2012 10:02 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Re: application 5-11-68

Re: application 5-11-68

Dear Coastal Commission:

The Bolsa Chica wetlands ecosystem is a key coastal resource.

The Shea project will remove nearly 30 acres of upland raptor foraging area from the Bolsa Chica ecosystem. When added to the 68 acres of upland habitat already removed due to the Brightwater project, the cumulative effect on coastal resources is significant - a 1/3 loss of habitat that has not been addressed!

Such a loss would have a detrimental effect on sensitive species such as the White-tailed kite, which uses the Environmentally Sensitive Habitat Area (ESHA). The project is incompatible with the continued use of the ESHA for this fully-protected species. White-tailed kites are sensitive to disturbance and cannot afford the continued loss of habitat!

Because the project does not take cumulative effects into account in accordance with Coastal Act 30250(a), the project must be denied. And, because the project would significantly degrade the ESHA for White tailed kites and is not compatible with continued use of the ESHA in accordance with City LCP 7.1.3, we ask that the project be denied.

Thank you.

Signed,

Yu-Che Huang  
15 Straw Flower  
Irvine, CA 92620

**Vaughn, Meg@Coastal**

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**From:** Lissa Vaughn [tallissa@msn.com]  
**Sent:** Sunday, October 07, 2012 11:08 AM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Opposing 111 houses to be built in upper Bolsa Chica

Dear Costal Commission member - Meg Vaughn:

I am not able to attend the October 11 meeting in the Oceanside City Council Chambers, so please accept my email as support for the Bolsa Chica Land Trust in opposing the project of 111 new houses to be built with a finished height 40 feet above current ground level at Bolsa Chica.

This is the same development proposed by the Shea Company, that was rejected by the Coastal Commission last October for the upper Bolsa Chica Wetlands along Graham Street.

I am in agreement that this project WILL impact both Bolsa Chica, and the surrounding neighborhoods. The levy the developer proposes to build to protect the 111 houses from potential flooding violates the Coastal Act and the City's Local Coastal Plan.

Please reject the continual proposal by the Shea Company, or any others, and keep in place and preserve what little Wetlands we have left.

Thank you for your consideration.

Sincerely,  
Lissa Vaughn, Chris Vaughn, & Lauryn Vaughn

**Vaughn, Meg@Coastal**

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**From:** Jeff Jacobs [bigjjacobs@gmail.com]

**Sent:** Sunday, October 07, 2012 4:49 PM

**To:** Vaughn, Meg@Coastal

**Subject:** Shea Company Development-Upper Bolsa Chica Wetland

Dear Ms. Vaughn,

I am unable to attend the Coastal Commission meeting in Oceanside on October 11, but would like to express my opposition to the development proposed by the Shea Company for the upper Bolsa Chica Wetlands. I have lived in Huntington Beach for over 34 years and feel that the proposal to build 111 new homes adjacent to the Bolsa Chica will have a negative impact on a very sensitive ecosystem. In addition, the plan to build a levy to protect the new development from flooding violates the Coastal Act and the Local Coastal Plan.

Sincerely,

Jeff Jacobs

10/8/2012

**Vaughn, Meg@Coastal**

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**From:** Gae Brummett [gaebrummett@gmail.com]  
**Sent:** Sunday, October 07, 2012 5:24 PM  
**To:** Vaughn, Meg@Coastal  
**Subject:** Bolsa Chica/Shea proposed housing

To Coastal Commission

Re: proposed 111 housing development by Shea homes/ previously Rejected By this very same commission.

My large Huntington Beach family of approximately 70 members have lived in, owned many, many properties, paid taxes, owned businesses, worked as teachers, coaches (HB High for 38 years), for the city, been Prom Queens, Home coming queens (4 of us) Miss. Huntington Beach, doctors, plastic surgeons, PGD golf pros for Seacliff Country Club, property developers and much more. We helped build this wonderful, special place since 1948.

As children, in the 1950s, we marveled as thousands, perhaps millions of birds and ducks twice annually flew into the Bolsa Chica. It remains our fondest memory. We've fought over and over again to preserve some small part of our heritage for our grandchildren. All we have to offer are a few ducks & birds occasionally, very little wildlife. We fought helplessly when Chevron/Standard Oil, the enormous conglomerate that "owned" HB literally, first sucked all the oil out of the ground of our beloved Bolsa Chica, then tried to rape and pillage the surface with housing. They are still trying to suck out more money with this Shea project. They are so hated by our community, their last two mouth-pieces, Lucy Dunn, being one, had to leave HB after her time as their representative.

There are 200,000- people living in HB. We have precious little open park/open space. You are our last, only hope. Please do what you have been designated to do, PROTECT OUR OPEN

SPACE, PROTECT OUR

BOLSA CHICA for our community.

Roy & Gaetane Brummett  
gaebrummett@gmail.com  
714-536-9533

Gaetane Brummett Sent from my iPhone

**Vaughn, Meg@Coastal**

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**From:** Catherine & Benjamin Easley [hydro.bueno@gmail.com]

**Sent:** Monday, October 08, 2012 6:50 AM

**To:** Vaughn, Meg@Coastal

**Subject:** Bolsa Chica Housing Development

Meg Vaughn,

As a frequent Bolsa Chica Wetlands visitor, I was sorely disappointed that the Coastal Commission approves building 100 houses at Bolsa Chica. The thing we need most in this area is open space, the last thing is the scar on our land of more houses littering the coast. On behalf of my husband and daughter, our family strongly opposes this housing development. It isn't needed here! Save our coasts and preserve our precious wetlands. This housing development is for the elite, they have quite enough of our coastal land. Let's save this for all citizens to enjoy, and not have it blighted by another greedy developer.

The Easley Family

10/8/2012

**Vaughn, Meg@Coastal**

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**From:** Cindy Crawford [cec1174@aol.com]

**Sent:** Monday, October 08, 2012 7:05 AM

**To:** Vaughn, Meg@Coastal

**Subject:** Please NO on Shea Housing 111 houses at Bolsa Chica

Thurs 10/11/12 Agenda Item #20a. I respectfully urge a NO vote as I would like these lands to be incorporated into restoration of Bolsa Chica. The land right now serves as uplands for a variety of creatures (I'm basing this on many years of walking the area). I've seen rabbits, coyotes, various animal tracks and birds using the area. Bolsa Chica is more water than uplands, I would think preserving more land for our four legged friends would be appropriate plus this provides buffer zones around wetlands and estuaries. We humans have a long history of building too close to our rivers, estuaries and wetlands. No development of these type goes without polluting the watershed in some way. Although we realize this now, somehow we keep right on doing it anyway. What about future sea level rise? Shouldn't we set our developments like this far away from the banks of our waters regardless of whether or not we think it is wetlands by legal defination or whatever? I personally believe wetlands do exist on the property, definately historically they did and we should save and restore them. Please consider. Thank you!

Cindy Crawford  
6821 Mantova St.  
Long Beach CA 90815

10/8/2012