

CALIFORNIA COASTAL COMMISSION

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

Th21a**ADDENDUM**

October 8, 2012

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th21a**, COASTAL DEVELOPMENT PERMIT AMENDMENT **5-97-367-A3** FOR THE COMMISSION MEETING OF **October 11, 2012**.

On October 1, 2012, Commission staff received an email from Mr. Steve Kaplan, who represents the Catalina Avenue and Surf Place property owners, requesting that Special Condition 16.D.2 be modified to allow for at grade pools, spas and water features to be constructed in the area subject to the new deed restriction. The primary purpose of the new deed restriction is to ensure that primary structures (e.g. house, garage, secondary units, etc.) could not be constructed any closer to the 100 acre lowlands than is presently allowed. At grade structures are of lesser concern. Staff concluded that at grade pools, spas and water features, in this case, would not have an adverse biological or visual impact if they were to be constructed in the deed restricted area so long as pools and spas were constructed with at least a 10 foot setback from the rear property line. The purpose of that 10-foot setback is to ensure there would be some separation between the adjacent property and the excavations needed to build pools and spas. Therefore, staff is recommending the following changes to Special Condition 16.D.2 and the findings.

Recommended Revisions to Staff Report

Commission staff recommends the Commission adopt the following changes to the staff report:

Deletions are shown in ~~plain text, lined out~~
Insertions are shown in plain text, underlined

On page 8 of the staff report for Item Th21a, revise Special Condition 16.D.2, as follows:

D. OPEN SPACE RESTRICTION.

No development, as defined in Section 30106 of the Coastal Act, shall occur in the approximately one-half acre remainder parcel shown and described in Exhibit 3 to the Staff Report dated September 20, 2012, plus an additional strip of land 10 feet wide extending south of the existing property line between the Hellman Ranch and adjacent residentially developed parcels (described as N 16 degrees 39 feet 41 inches W for 21.3 feet and then heading N 57 degrees 11 minutes, 23 seconds W for 233.05 feet, and then heading N 84 degrees 26 minutes 06 seconds for 483.24 feet and then N69 degrees, 00 minutes 41 seconds for 78.53 feet on Exhibit 3) and as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit Amendment (NOI) that the Executive Director issues for this permit amendment except for:

1. the lot-line adjustment approved under this coastal development permit
- AND
2. the following development, if approved by the Executive Director upon his/her conclusion the development is exempt from coastal development permit requirements

as provided in Public Resources Code section 30610, or, where the Executive Director determines the development is not exempt, by the California Coastal Commission as an amendment to this coastal development permit or as a new coastal development permit (as directed by the Executive Director):

landscaping comprised of non-invasive plant species; at-grade patios, walkways, and/or pavers; at grade water features; at grade pools or spas/hot tubs provided the pool and/or spa/hot tub basin is at least 10 feet from the new rear property line that is approved by this permit amendment; property line perimeter wall/fencing not to exceed 6 feet above natural grade; and temporary/portable/removable outdoor/garden furniture.

On page 13 of the staff report, Section IV.C., revise the second to last paragraph on that page, as follows:

...Reducing the size of the existing buffer could result in adverse impacts to coastal resources. Therefore, the Commission imposes **Special Condition No. 16.D**, which requires the recordation of a new open space restriction (in place of the restriction to be removed as noted above) which limits the type of development in that area plus a 10 foot zone (consistent with the existing local setback requirements) to the following: landscaping comprised of non-invasive plant species; at-grade patios, walkways, and/or pavers; at grade water features; at grade pools or spas/hot tubs provided the pool and/or spa/hot tub basin is at least 10 feet from the new rear property line that is approved by this permit amendment; property line perimeter wall/fencing not to exceed 6 feet above natural grade; and temporary/portable/removable outdoor/garden furniture. Thus, the existing limits on the line of development are retained and no changes to the existing buffer would occur....

On page 14 of the staff report, Section IV.D., revise the second to last paragraph on that page, as follows:

...Reducing the distance between the residential structures and the lowlands could result in adverse visual impacts. Therefore, the Commission imposes **Special Condition No. 16.D**, which requires the recordation of a new open space restriction (in place of the restriction to be removed as noted above) which limits the type of development in that area plus a 10 foot zone (consistent with the existing local setback requirements) to the following: landscaping comprised of non-invasive plant species; at-grade patios, walkways, and/or pavers; at grade water features; at grade pools or spas/hot tubs provided the pool and/or spa/hot tub basin is at least 10 feet from the new rear property line that is approved by this permit amendment; property line perimeter wall/fencing not to exceed 6 feet above natural grade; and temporary/portable/removable outdoor/garden furniture. Thus, the existing limits on the line of development are retained and no changes to the existing buffer would occur...

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Th21a

Filed: 04/23/12
180th Day: 10/20/12
Staff: K. Schwing -LB
Staff Report: 09/20/12
Hearing Date: 10/11/12

STAFF REPORT: PERMIT AMENDMENT

Application no.: 5-97-367-A3

Applicants: Los Cerritos Wetlands Authority (LCWA) &
Adjacent property owners: Cathleen Sue Screen; Debbie & Rocky Gentner;
Gordon A Shanks; Jeffrey S. Baikie; Gretchen M. Shegina; Martin & Brita
K. Goldsmith; Barbara Muriel Bagstad; Gary & Pamela Bemis; Bobby and
Lois Mitchell; Jaime Goldfarb & Suzette Abend; Stuart C. Ledsam; Jason P.
Lustig; Don & Ruby Reeves; Glenn Gunnarson; Robert & Suzanne Smith

Agent: D. Wayne Brechtel (for LCWA)
Luna & Glushon, Attorneys (for Catalina Ave. & Surf Pl. property owners)

Project location: Hellman Ranch, Seal Beach, Orange County & adjacent properties at 145,
205, 215, 225, 235 Surf Place, 835, 901, 905, 915, 925, 935, 945, 955, 965, 1001 Catalina
Avenue

Description of project previously approved, as amended (through –A2): Subdivision of 196
acre site into 5 parcels, including further subdivision of one of the parcels into 70 single-family
residential lots on 18.4 acres in a private community; construct a bio-swale, riparian corridor
and water quality basin to filter runoff from developed areas; dedication of gum grove park to
the City of Seal Beach; add a deed restriction reserving 100 acres of lowlands for acquisition for
wetlands restoration (a.k.a. lowlands deed restriction); extension of Adolfo Lopez drive;
excavation of test pits for an archaeological testing program; 420,000 cubic yards grading.

Description of proposed amendment: the amendment request is to remove the lowlands deed
restriction from a one-half acre remainder parcel of Hellman Ranch and lot line adjustments to
add that area to the adjacent single family residential lots.

SUMMARY OF STAFF RECOMMENDATION:

Coastal Development Permit 5-97-367 was originally approved by the Commission in 1998. That
action was subject to a lawsuit and settlement agreement that resulted in an amendment (-A1)
which changed the project to its present form (described above). The approved development has
been largely completed, including the subdivision, grading, and subsequent construction of homes
(approved through a separate permit – 5-01-288), and the recordation of the property owners
agreement to sell 100 acres of its 'lowland' property area for wetland restoration purposes, among

other requirements. The lowlands area contained about 27 acres of existing wetlands, with significant untapped restoration potential.

In December 2010, the goal of transferring 100 acres of the lowland area for restoration purposes was achieved. On December 28, 2010, the Los Cerritos Wetlands Authority took possession of 100 acres for wetland/habitat restoration purposes. In its negotiations with the property owner, LCWA decided that the 100 acre area identified in the deed restriction imposed under CDP 5-97-367, included about a half acre of land it would not be able to successfully restore. This half acre area was in fact an 'upland' area adjacent to a line of existing pre-Coastal homes on the southerly boundary of the property along Catalina Avenue and Surf Place. Over time, these adjacent homeowners had encroached upon the half acre area with various appurtenances (sheds, patios, ornamental landscaping, fencing, etc.). Given its elevation and the presence of encroachments, LCWA concluded restoration was not feasible. Working with the property owner, LCWA identified other areas actually located in the lowlands that could be restored and added that alternative half acre area into their purchase agreement. The sale was completed and the land transferred. That action effectively divided that 100 acre area from the remainder of the Hellman Ranch property. In doing so, it created a half acre remainder parcel between its boundary and the adjacent line of homes which is still subject to the Commission's deed restriction, but which LCWA does not believe can be restored to wetland habitat. Therefore, Hellman Properties (the owner of the remainder parcel) and LCWA are requesting that the deed restriction be removed from this half acre remainder parcel, and that that half acre area be further divided and added to the adjacent homeowners' property through a series of lot line adjustments.

Staff is recommending **APPROVAL** of the proposed permit amendment with special conditions. Although a slightly different area, Staff agrees that the transfer of 100 acres of lowlands that did occur fulfilled the Commissions' intent for imposing the deed restriction. Therefore, staff agrees the deed restriction can be removed from the half acre remainder of land. However, the transfer of that land to the adjacent parcels creates a new potential problem, which is encroachment of the existing line of development on the adjacent single family lots toward the lowlands area. Presently, that existing line of development is fixed by existing local setback requirements. Rear yard setback requirements for the homes are defined as a set distance from the rear property line. With the proposed lot line adjustments, the location of the rear property line will change, effectively moving it in the direction of the lowlands. The encroachment of the homes toward the lowlands could create adverse visual impacts (from the lowlands and nearby Gum Grove Park), and reduce the size of the existing buffer between the residences and existing and future restored habitat in the lowlands. Therefore, staff is recommending that a new deed restriction be imposed on the resulting lots to require that the setbacks remain in their current position based on the current location of the lot lines.

LOCAL APPROVALS RECEIVED and SUBSTANTIVE FILE DOCUMENTS: See Appendices

PROCEDURAL NOTE:

A. Coastal Development Permit Amendments

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

B. Standard of Review

The City of Seal Beach does not have a certified local coastal program ("LCP"). Therefore, the standard of review is the Chapter 3 policies of the Coastal Act.

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EXHIBITS

Exhibit 1 – Vicinity Map
Exhibit 2 – Site Plan
Exhibit 3 – Description of Remnant Parcel
Exhibit 4 – Proposed Lot Line Adjustments

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve CDP Amendment #5-97-367-A3 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves the amendment to Coastal Development Permit 5-97-367, subject to the conditions below, for the proposed development on the grounds that the development, located between the nearest public roadway and the shoreline, would be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, including the public access and recreation policies of Chapter 3, would not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS

This permit amendment is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS (These conditions supplement the previously adopted conditions; deletions/modifications are also noted)

This permit amendment is granted subject to the following special conditions:

Special Condition 16 of CDP 5-97-367, as amended through -A2, is hereby modified to add subsections C and D, below, to the existing special condition:

16. RESERVATION OF POTENTIAL FOR LOWLANDS ACQUISITION FOR WETLANDS RESTORATION

- A.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director which shall provide that:

- (1) For a period of twenty-five years, the applicant agrees to sell the lowlands area of the property as defined in "Attachment 1" (as revised pursuant to subsection B. of this condition) to any public agency or non-profit association acceptable to the Executive Director that requests in writing to purchase the property or, through the normal State of California land acquisition practices if the State is the prospective buyer; and,
- (2) The sale shall be at fair market value as established by an appraisal paid for by the buyer and prepared by an appraiser mutually acceptable to the buyer and applicant, or, if the parties are unable to agree, by an appraiser designated by third party, or if the buyer and applicant agree through an arbitration on value; and,
- (3) Subject to the reserved easement rights of Southern California Edison Company as set forth in a grant deed to applicant dated April 23, 2002, and recorded in the Official Records of the Recorder's Office, Orange County, as Instrument No. 20020378263, the uses shall be restricted to wetlands restoration, open space and environmental education purposes, with reversion rights to the State Coastal Conservancy.

The deed restriction shall remain in effect for twenty-five years and be recorded over the lowlands area of the property and shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- B.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a revised "Attachment 1" consisting of a map, prepared by an appropriately licensed professional, which (i) depicts

the area to be deed restricted pursuant to subsection A. of this condition and Special Condition 28, (ii) which maintains this restriction over at least 100 acres, (iii) which removes those areas necessary for the bio-swale and water quality basin from the area to be deed restricted pursuant to subsection A. of this condition and (iv) which off-sets the removal of those areas from the deed restriction with other land within the project site suitable for a deed restriction pursuant to subsection A. of this condition.

C. AMENDMENT OF LOWLANDS DEED RESTRICTION OVER ONE-HALF ACRE REMAINDER PARCEL.

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 5-97-367-A3 AND PRIOR TO THE RECORDATION OF ANY OF THE PROPOSED LOT LINE ADJUSTMENTS, the property owner (Hellman Properties LLC) shall submit to the Executive Director, for his review and written approval, a document in a form and content that has the effect of amending the Lowlands Deed Restriction recorded in compliance with this Special Condition No. 16 on May 24, 2002 as Document No. 2002-0440749 ("Lowlands Deed Restriction") to remove such restriction from the approximately one-half acre remainder parcel shown and described in Exhibit 3 to the Staff Report for CDP 5-97-367-A3 dated September 20, 2012, attaching a legal description and graphic depiction of the remainder parcel as an exhibit to this document. Satisfaction of this condition may include amending the graphic depiction and legal description of the Lowlands Deed Restriction such that it clearly excludes the remainder parcel from the Lowlands Deed Restriction. The amendment of the Lowlands Deed Restriction to exclude this remainder parcel from the restrictions shall include a certificate of acknowledgement page and shall not be recorded until the Executive Director acknowledges the proposed document as being adequate to amend the Lowlands Deed Restriction to remove such restrictions from the remainder parcel, as described in Exhibit 3. Subsequent to review and approval by the Executive Director, the property owner shall record the approved document along with the Executive Director's certificate of acknowledgment page within five (5) days of such approval. Upon recordation, the property owner shall submit a conformed copy of the recorded document to the Executive Director within five (5) days of recordation. Except as provided herein, all other terms and condition of Special Condition No. 16 and the Lowlands Deed Restriction shall remain in full force and effect.

D. OPEN SPACE RESTRICTION.

No development, as defined in Section 30106 of the Coastal Act, shall occur in the approximately one-half acre remainder parcel shown and described in Exhibit 3 to the Staff Report dated September 20, 2012, plus an additional strip of land 10 feet wide extending south of the existing property line between the Hellman Ranch and adjacent residentially developed parcels (described as N 16 degrees 39 feet 41 inches W for 21.3 feet and then heading N 57 degrees 11 minutes, 23 seconds W for 233.05 feet, and then heading N 84 degrees 26 minutes 06 seconds for 483.24 feet and then N69 degrees, 00 minutes 41 seconds for 78.53 feet on Exhibit 3) and as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit Amendment (NOI) that the Executive Director issues for this permit amendment except for:

1. the lot-line adjustment approved under this coastal development permit

AND

2. the following development, if approved by the Executive Director upon his/her conclusion the development is exempt from coastal development permit requirements as provided in Public Resources Code section 30610, or, where the Executive Director determines the development is not exempt, by the California Coastal Commission as an amendment to this coastal development permit or as a new coastal development permit (as directed by the Executive Director):

landscaping comprised of non-invasive plant species; at-grade patios, walkways, and/or pavers; property line perimeter wall/fencing not to exceed 6 feet above natural grade; and temporary/portable/removable outdoor/garden furniture.

- B. PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT AMENDMENT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition 16.D., as generally described above and shown on Exhibit 3 attached to this staff report plus the 10 foot wide area described above but which is not depicted on Exhibit 3.

Add the following condition:

29. **Prior conditions.** Unless specifically altered by this amendment, all regular and special conditions attached to coastal development permit 5-97-367, as amended through –A2, remain in effect.
30. **Deed Restriction**

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 5-97-367-A3 the applicants, excluding applicant LCWA, shall submit to the Executive Director for review and approval a draft deed restriction document that shall be recorded against each of the parcel(s) governed by this permit amendment, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject properties, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing Special Condition 16D. of this permit amendment as covenants, conditions and restrictions on the use and enjoyment of the Properties. Each applicant's deed restriction shall include a legal description of their respective entire parcel or parcels governed by this permit amendment including the land added to each parcel by the subject lot line adjustment. The deed restrictions shall also indicate that, in the event of an extinguishment or termination of the deed restrictions for any reason, the terms and conditions of this permit amendment shall continue to restrict the use and enjoyment of the subject properties so long as either this permit amendment or the development it authorizes, or any part,

modification, or amendment thereof, remains in existence on or with respect to the subject properties. The draft deed restriction shall include a certificate of acknowledgement page and shall not be recorded until the Executive Director acknowledges the proposed document as being adequate to restrict development on each of the applicants' properties consistent with Special Condition 16D.

Within five (5) days of the Executive Director's issuance of the permit amendment, the applicants shall record the approved lot line adjustment and record the approved draft deed restriction and certificate of acknowledgement page signed by the Executive Director against their respective parcel subject to the lot line adjustment. Within fifteen (15) days of recording the deed restrictions and lot line adjustment, the applicants shall submit a conformed copy of the recorded lot line adjustment and recorded deed restriction along with a preliminary title report demonstrating that the lot line adjustment and deed restriction have been correctly recorded to the Executive Director. Failure to comply with these requirements may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

A. Detailed Site Description and Amended Project Description

The Hellman Ranch is an approximately 196.6 acre site adjacent to the San Gabriel River, inland of Pacific Coast Highway, in the City of Seal Beach, Orange County (Exhibit 1). The site consists of approximately 160 acres of lowland areas, where there are existing wetlands and an active oil production area including wells, pipelines, storage tanks, and unpaved access roads. About 100 acres of this lowlands area (Exhibit 2) is subject to a Commission-imposed deed restriction requiring the property owner to make it immediately available for sale for wetland restoration purposes. The balance of the lowlands is subject to another deed restriction requiring that area also be made available for sale for wetlands restoration once oil production ceases. A low marine terrace known as Landing Hill creates a distinct upland on the south and east edges of the property. Except for the approximately 11 acre slope comprising most of Gum Grove Park, the upland on the southern edge of the lowland is off-site and is developed with the existing Marina Hill residential area of the City of Seal Beach. About 20 acres of the upland on the east side of the lowlands is on the subject site, forming a mesa, of which 18 acres was subdivided and developed with single family homes (the new neighborhood is known as Heron Pointe) pursuant to Commission-granted permits (Exhibit 2).

The subject site is bounded on the west by Pacific Coast Highway (State Route One), on the south by the Marina Hill residential area, on the east by Seal Beach Boulevard, on the north by City of Seal Beach Police and Public Works Departments and the Los Alamitos Retarding Basin, and on the northwest by the Haynes Cooling Channel owned by the City of Los Angeles Department of Water and Power (Exhibit 1).

In December 2010, the goal of transferring 100 acres of the lowland area for restoration purposes was achieved. On December 28, 2010, the Los Cerritos Wetlands Authority took possession of 100 acres for wetland/habitat restoration purposes. In its negotiations with the property owner, LCWA decided that the 100 acre area identified in the deed restriction imposed under CDP 5-97-367,

included about a half acre of land it would not be able to successfully restore. This half acre area was in fact an ‘upland’ area adjacent to a line of existing pre-Coastal homes. Over time, these adjacent homeowners had encroached upon the half acre area with various appurtenances (sheds, patios, ornamental landscaping, fencing, etc.). Given its elevation and the presence of encroachments, LCWA concluded wetland restoration was not feasible. Working with the property owner, LCWA identified other areas actually located in the lowlands that could be restored to wetlands and added that alternative half acre area into their purchase agreement. The sale was completed and the land transferred. That action effectively divided that 100 acre area from the remainder of the Hellman Ranch property. In doing so, it created a half acre remainder parcel between its boundary and the adjacent line of homes which is still subject to the Commission’s deed restriction (Exhibit 3), but which LCWA does not believe can be restored. Therefore, Hellman Properties and LCWA are requesting that the deed restriction be removed from this half acre remainder parcel, and that that half acre area be further divided and added to the adjacent homeowners’ properties through a series of lot line adjustments (Exhibit 4).

B. Previous Commission Actions (Since 1998)

1. Coastal Development Permit 5-97-367

On September 9, 1998, the Commission approved CDP 5-97-367 for subdivision of the 196 acre Hellman Ranch into several parcels including a 70-home subdivision, and construction of an 18-hole golf course, construction of 39.1 acres of wetlands, dedication of a public park (Gum Grove Nature Park), visitor serving amenities including trails and reservation of 13.2 acres of existing mineral production area for future wetlands restoration. The Commission imposed 14 special conditions, one of which reserved the lowlands portion of the property for acquisition for wetlands restoration (which is the subject of this permit amendment).

2. Coastal Development Permit Amendment 5-97-367-A1

The project approved under CDP 5-97-367 resulted in the fill of wetlands for the construction of a golf course. That approval was challenged in a lawsuit filed by the League for Coastal Protection, California Earth Corps and the Wetlands Action Network. In response to the lawsuit, a settlement agreement was reached by the parties involved to remand the subject project to the Coastal Commission for consideration of a modified project that would eliminate development within and impacts to wetlands that would have been caused by the golf course portion of the project while allowing the 70-home residential subdivision component of the project, now called Heron Pointe, to proceed upon the ‘uplands’ portion of the site (known sometimes as ‘Landing Hill’). The Commission approved the modified project in October 2000. Among the special conditions imposed was a requirement that the applicant make 100 acres of lowlands available for sale for “...wetlands restoration, open space and environmental education purposes” (area known as the “100-acre lowlands”). The conditions also implemented the applicant’s proposal to make the land presently used for mineral production available for sale for wetlands restoration when oil production ceases on that land (area known as the “Oil Production Area”). In addition, the applicant was required to undertake an archeological investigation and monitor for archeological resources.

3. Coastal Development Permit 5-01-288

On November 13, 2001, the Commission approved Coastal Development Permit 5-01-288 for development of seventy (70) single family residences; streets; curbs; walls; landscaping, hardscaping, utilities, entry features and other appurtenances within the subdivision previously approved under Coastal Development Permit 5-97-367 as amended by Coastal Development Permit Amendment 5-97-367-A1. That approval was subject to several conditions regarding public access, landscaping, and lighting, among other issues.

4. Coastal Development Permit Amendment 5-97-367-A2

Upon commencement of grading for the Heron Pointe development, significant archeological/cultural resources were found. Following a cease and desist order in December 2002, a condition compliance hearing held in August 2003, and an immaterial amendment issued in March 2004, the landowner implemented a cultural resources mitigation plan which included foregoing development of 6 residential lots (reducing the development from 70 to 64 houses) and placing those lots into open space to preserve cultural resources, as well as creation of a cultural education facility and the construction of two public access trails to access the education facility and cultural resources preserve.

5. Coastal Development Permit 5-05-098

On October 13, 2005, the Commission granted to Hellman Properties, LLC Coastal Development Permit 5-05-098, subject to conditions, for development consisting of an archeological investigation including mechanical trenching, shovel test probes and 1 meter by 1 meter test excavation units within the anticipated areas of disturbance for the presently proposed tank farm and pipelines within the oil production area of the property. The investigation, which resulted in subsurface investigation of nearly 10 percent of the proposed project area, identified no archeological deposits within the proposed pipeline alignments or new tank farm.

6. Coastal Development Permit 5-05-229

In April 2007, the Commission granted Hellman Properties LLC a permit to demolish an existing oil "tank farm" that occupies 1.6 acres and construction of a replacement facility in a different location that occupies approximately 0.5 acres; and replacement, consolidation and relocation of existing pipelines resulting in a 2,500 linear foot reduction in total length of pipelines. The existing tank farm contained 11,800 barrels of capacity for storage of crude oil and the replacement facility was to have 10,800 barrels capacity. The existing-to-be-demolished and proposed facilities contain wash tanks, water treatment (wemco) units, separators, fluid pits, pumps and other support equipment. The tanks and other equipment ranges in height up to a maximum of 24 feet high. The proposal included excavation of soil from the new tank farm site that will be spread over existing vacant land on site. As of the date of this staff report the new tank farm has been at least partly constructed, but it is unclear as to whether that work has been completed, including removal of the old tank farm.

C. Biological Resources

The lowlands area of Hellman Ranch contains a variety of sensitive plant and animal species and sensitive habitat areas including wetlands. A variety of avian species, including Belding's Savannah Sparrow, American Kestrel, Loggerhead Shrike and Red-tailed Hawk are known to be present on the site. The site also contains special-status plant species including the southern tarplant (*Centromedia parryi* ssp. *Australis*). The southern tarplant is a California Native Plant Society (CNPS) List 1B species¹.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240(b) of the Coastal Act states:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation 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 and recreation areas.

Several biological reports/wetland delineations have been performed on the subject property over time (see Appendix B). In a wetland delineation of the entire Hellman Ranch reviewed by the Commission in conjunction with the Heron Pointe housing development toward the easterly boundary of the property (i.e. CDP 5-97-367, as amended & 5-01-288), approximately 27 acres of wetlands were identified on the property which were largely concentrated in the southerly and westerly reaches of the 157-acre property.

The proposed removal of the deed restriction from the half acre encroachment area identified by the applicant (Exhibit 3), that is adjacent to homes along Catalina Avenue and Surf Place, will not

¹ Plants considered by CNPS to be rare, threatened, or endangered in California and elsewhere

adversely impact any biological resources as there are no significant resources in the identified area. The half acre encroachment area is occupied by ornamental vegetation, patios, walkways, and other appurtenances normally associated with residential development. Alternative areas of equal size more suitable for habitat restoration were included in the already-executed transfer of 100 acres to LCWA for habitat restoration purposes. Therefore, the Commission can accept the proposed removal of the Lowlands Deed Restriction from the half acre encroachment area identified in Exhibit 3. A provision is added to **Special Condition No. 16, as Part C**, to execute and to allow the property owner(s) to record an amendment or other appropriate document in a form and content subject to the review and approval of the Executive Director, to effect the removal of the Lowlands Deed Restriction over the half acre encroachment area depicted in Exhibit 3 to this staff report.

However, the proposed addition of the half acre of land, through a series of lot line adjustments, to the adjacent parcels that are developed with single family residences creates the potential for moving the line of development toward the lowlands area that does contain sensitive resources. That movement would reduce the size of the existing habitat buffer. The location of primary structures on the existing developed lots is currently controlled by zoning code requirements in the City of Seal Beach's zoning code. The code currently requires a 10 foot setback from the rear property line. Most of the existing homes are setback more than 10 feet from the rear property line, however, City requirements would allow the property owner to build closer to that line. With the proposed lot line adjustments, the existing rear property line will effectively 'move' from between 15 to 50 feet (varies for each lot) north of the current position of the rear property line. Since the setback requirements are based on the distance from the property line, with the lot line adjustment, primary structures could be built closer to the wetlands/lowlands area than is presently allowed.

Buffer areas generally are undeveloped lands surrounding wetlands and sensitive habitat. Buffer areas serve to protect wetlands and sensitive habitat from the direct effects of nearby disturbance. In addition, buffer areas can provide necessary habitat for organisms that spend only a portion of their life in wetlands such as amphibians, reptiles, birds, and mammals. Buffer areas provide obstructions which help minimize the entry of domestic animals and humans to wetlands and sensitive habitat. Buffers also provide visual screening between wetland and other sensitive species that are sensitive to human impacts, such as lighting. Buffers can also reduce noise disturbances to wetland and sensitive species from human development.

Reducing the size of the existing buffer could result in adverse impacts to coastal resources. Therefore, the Commission imposes **Special Condition No. 16.D**, which requires the recordation of a new open space restriction (in place of the restriction to be removed as noted above) which limits the type of development in that area plus a 10 foot zone (consistent with the existing local setback requirements) to the following: landscaping comprised of non-invasive plant species; at-grade patios, walkways, and/or pavers; property line perimeter wall/fencing not to exceed 6 feet above natural grade; and temporary/portable/removable outdoor/garden furniture. Thus, the existing limits on the line of development are retained and no changes to the existing buffer would occur.

As conditioned, the Commission finds the proposed development consistent with Sections 30230, 30231 and 30240(b) of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project would result relocation of the property line of the adjacent residential lots from between 15 to 50 feet (varies for each lot) north of the current position of the rear property line. Since City setback requirements are based on a distance from the property line, with the lot line adjustment, primary structures could be built closer to the wetlands/lowlands area than is presently allowed. If structures could be built closer to the lowlands than those would be visible to the public from a variety of vantage points. For instance, they would be visible from Gum Grove Nature Park. Also, the lowlands portion of the Hellman Ranch that is now owned by LCWA may eventually be open to the public, and the homes on these properties would loom larger over the lowlands if allowed to build closer. In addition, the area is visible in distant views of the site across the lowlands from existing public trails located along the banks of the San Gabriel River.

Reducing the distance between the residential structures and the lowlands could result in adverse visual impacts. Therefore, the Commission imposes **Special Condition No. 16.D**, which requires the recordation of a new open space restriction (in place of the restriction to be removed as noted above) which limits the type of development in that area plus a 10 foot zone (consistent with the existing local setback requirements) to the following: landscaping comprised of non-invasive plant species; at-grade patios, walkways, and/or pavers; property line perimeter wall/fencing not to exceed 6 feet above natural grade; and temporary/portable/removable outdoor/garden furniture. Thus, the existing limits on the line of development are retained and no changes to the existing buffer would occur.

The proposed development could have adverse impacts upon the visual quality of scenic coastal areas when viewing the site from Gum Grove Park, the lowlands, and from existing public trails located along the banks of the San Gabriel River. The Commission has imposed special conditions addressing these issues. Therefore, as conditioned, the Commission finds the proposed project is consistent with Section 30251 of the Coastal Act.

E. Public Access and Recreation

The proposed development is located between the first public road in the area (Seal Beach Boulevard) and the sea (the tidally influenced wetlands in the lowlands).

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The development which is now proposed must be undertaken in a manner which is consistent with the public access and recreation policies of the Coastal Act and the Commission's previously imposed requirements. In prior actions related to the subject property, the Commission required the dedication of Gum Grove Nature Park to the City of Seal Beach including a new parking lot and trails, the construction of a cultural education center with public trail, public access to streets and parks within the Heron Pointe residential subdivision, and the recordation of the deed restriction requiring that 100 acres of land be made immediately available for sale for wetlands restoration, open space, and environmental education purposes; followed by a deed restriction requiring another 44 acres of land to be made available for sale for the above purposes once oil production ceases on the property. The half acre area over which the applicant is requesting the deed restriction to be removed is not currently accessible to the public. In addition, the applicant has identified an alternative half acre area to be included in the 100 acre area. Therefore, the proposed project will not interfere with any existing public access on the property, nor will it interfere with any of the previously imposed measures to address public access and recreation.

Therefore, the Commission finds that the proposed development is consistent with Section 30210 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development, as conditioned, is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter Three policies of the Coastal Act.

G. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Seal Beach is the lead agency for the Hellman Ranch project for purposes of CEQA review. As conditioned, there are no additional feasible alternatives or additional feasible mitigation measures available which will substantially lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified possible impacts, is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A: Previously Imposed Special Conditions of Approval imposed by the Commission, as amended through 5-97-367-A2

1. RESERVATION OF POTENTIAL FOR LOWLANDS ACQUISITION FOR WETLANDS RESTORATION

[Deleted]. See Special Condition 16.

2. REVISED VESTING TENTATIVE TRACT MAP NO. 15381

[Deleted]. See Special Condition 27

3. STATE LANDS PARCEL

[Deleted].

4. GUM GROVE PARK

[Deleted]. See Special Condition 17

5. PUBLIC ACCESS PROGRAM

[Deleted]. See Special Condition 18

6. ARCHAEOLOGY

[Deleted]. See Special Condition 19

7. WATER QUALITY

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a National Pollutant Discharge Elimination System permit ("NPDES"), Storm Water Pollution Prevention Plan, and Structural and Non-structural Best Management Practices for the proposed project, in compliance with the standards and requirements of the California Regional Water Quality Control Board. The applicant shall implement and comply with the water quality measures approved by the Executive Director. Runoff from the site shall be directed to the Los Alamitos retarding basin to the maximum extent feasible. The permittee shall comply with mitigation measures WQ-5 through WQ-10 inclusive as approved by City of Seal Beach City Council resolution 4562.

8. HAZARDS

Mitigation Measures WQ-1, WQ-2, WQ-3, WQ-4, GEO-1, GEO-2, GEO-3, GEO-4, GEO-5, GEO-6, GEO-7, and GEO-8 as shown on Exhibit B of City of Seal Beach City Council Resolution 4562 certifying the Hellman Ranch Specific Plan Environmental Impact

Report on September 22, 1997 (Exhibit 11 of the September 9, 1998 Staff Report) are hereby incorporated by reference as special conditions of this coastal development permit.

9. FUTURE CONSTRUCTION OF HOMES ON THE MESA

This coastal development permit does not approve development on the lots created by Vesting Tentative Tract Map No. 15402. A future coastal development permit(s) is required for development, such as site preparation, construction of streets, common walls and landscaping, and construction of the actual homes, etc. on the site. Construction spoils, materials, and equipment shall not be placed in any wetland areas.

10. LEGAL INTEREST

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, written documentation demonstrating that it has the legal ability to carry out all conditions of approval of this permit.

11. WETLANDS RESTORATION AREA / CONSERVATION

[Deleted].

12. FINAL WETLAND RESTORATION PROGRAM

[Deleted].

13. GOLF COURSE OPERATIONS AND GOLFER WETLAND EDUCATION PROGRAM

[Deleted].

14. RESIDENTIAL DEVELOPMENT-TIMING OF CONSTRUCTION

[Deleted].

**SPECIAL CONDITIONS FROM COASTAL DEVELOPMENT PERMIT AMENDMENT
5-97-367-A1 APPROVED BY THE COMMISSION ON OCTOBER 11, 2000:**

15. PRIOR CONDITIONS

Unless specifically altered by this amendment, all regular and special conditions attached to coastal development permit 5-97-367 remain in effect.

**16. RESERVATION OF POTENTIAL FOR LOWLANDS ACQUISITION FOR
WETLANDS RESTORATION**

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director which shall provide that:
- (1) For a period of twenty-five years, the applicant agrees to sell the lowlands area of the property as defined in "Attachment 1" (as revised pursuant to subsection B. of this condition) to any public agency or non-profit association acceptable to the Executive Director that requests in writing to purchase the property or, through the normal State of California land acquisition practices if the State is the prospective buyer; and,
 - (2) The sale shall be at fair market value as established by an appraisal paid for by the buyer and prepared by an appraiser mutually acceptable to the buyer and applicant, or, if the parties are unable to agree, by an appraiser designated by third party, or if the buyer and applicant agree through an arbitration on value; and,
 - (3) Subject to the reserved easement rights of Southern California Edison Company as set forth in a grant deed to applicant dated April 23, 2002, and recorded in the Official Records of the Recorder's Office, Orange County, as Instrument No. 20020378263, the uses shall be restricted to wetlands restoration, open space and environmental education purposes, with reversion rights to the State Coastal Conservancy.

The deed restriction shall remain in effect for twenty-five years and be recorded over the lowlands area of the property and shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a revised "Attachment 1" consisting of a map, prepared by an appropriately licensed professional, which (i) depicts the area to be deed restricted pursuant to subsection A. of this condition and Special Condition 28, (ii) which maintains this restriction over at least 100 acres, (iii) which removes those areas necessary for the bio-swale and water quality basin from the area to be deed restricted pursuant to subsection A. of this condition and (iv) which off-sets the removal of those areas from the deed restriction with other land within the project site suitable for a deed restriction pursuant to subsection A. of this condition.

Note: Special Condition 16 replaces Special Condition 1 in its entirety.

17. GUM GROVE PARK

PRIOR TO THE ISSUANCE OF RESIDENTIAL BUILDING PERMITS, the applicant shall submit, for the review and approval of the Executive Director, written evidence demonstrating that the area known as Gum Grove Nature Park and as delineated as Lot 3 of

proposed Vesting Tentative Tract Map 15381 has been dedicated in fee to the City of Seal Beach, as proposed by the applicant. The dedication documents shall provide that:

- (a) The park shall be preserved in perpetuity as a passive recreational nature park open to the public. Active recreational activities or commercial facilities shall be prohibited.
- (b) Necessary parking facilities which are the minimum required to serve the park and which meets Americans with Disabilities Act requirements shall be provided. The existing twenty (20) striped parking spaces for Gum Grove Park shall be maintained.
- (c) All trails within the dedicated park area shall be constructed to be accessible to persons with disabilities consistent with the Americans with Disabilities Act requirements. No trails shall be lighted in order to minimize impacts on wetlands.
- (d) Small scale interpretive signage which describes the Monarch Butterfly may be permitted if approved by the Executive Director.
- (e) Gum Grove Park shall be open from dawn to dusk (one hour after sunset) on a daily basis. Changes in hours of operation of Gum Grove Park shall require an amendment to this permit unless the Executive Director determines that an amendment is not required.
- (f) Signage shall be conspicuously posted which states that the park is open to the general public.
- (g) That portion of proposed Lot 3 of Tentative Tract Map No. 15381, comprised of an approximately 25 foot wide strip of land which borders Seal Beach Boulevard and extends west from Seal Beach Boulevard to connect with the primarily used part of Gum Grove Park, shall be subject to the following requirements:
 - (1)The frontage along Seal Beach Boulevard shall not be gated, fenced, or obstructed in any manner which prevents public access from Seal Beach Boulevard.
 - (2)The area shall be reserved for a public trail and parking lot, which are visible, and directly accessible to the public from Seal Beach Boulevard, and which lead from Seal Beach Boulevard to the primary part of Gum Grove Park to the west. The public parking lot area shall be large enough for a minimum of ten (10) parking spaces. Where it is not feasible to reserve enough public parking area on this portion of proposed Lot 3, public parking directly accessible from Seal Beach Boulevard shall be provided for on proposed Lot 2 of Tentative Tract Map No. 15381 adjacent to proposed Lot 3, in accordance with the provisions of Special Condition 18.B. of this permit.
- (h) Domesticated animals (including, but not limited to, dogs) shall be leashed and under the control of the party responsible for the animal at all times within Gum Grove Park.

Note: Special Condition 17 replaces Special Condition 4 in its entirety.

18. PUBLIC ACCESS PROGRAM

- A. Public Access Signage.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, a detailed signage plan which provides for the installation of signs clearly visible from Pacific Coast Highway and Seal Beach Boulevard which invite and encourage the public to use the public access, parking, and recreation opportunities proposed at Gum Grove Park, and the public access trail and public parking linking Gum Grove Park to Seal Beach Boulevard. Key locations include but are not limited to; 1) Gum Grove Park, both at its western entrance and at the proposed Seal Beach Boulevard entrance. The plans shall indicate the location, materials, dimensions, colors, and text of the signs. The permittee shall install the signs in accordance with the signage plans approved by the Executive Director.
- B. Residential Community Streets (Vesting Tentative Tract Map No. 15402).** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: 1) public pedestrian and bicycle access to the streets and sidewalks constructed within the area subject to Vesting Tentative Tract Map No. 15402 shall not be precluded, 2) no locked gates, walls, fences, or other obstructions prohibiting public pedestrian or bicycle access to the streets and sidewalks constructed within the area subject to Vesting Tentative Tract Map No. 15402 shall be permitted, 3) no requirement to allow public vehicular access over the private streets is necessary if the applicant is willing to provide public parking within Gum Grove Park and a separate vehicular entrance from Seal Beach Boulevard to said public parking, 4) if fewer than the ten (10) public parking spaces required by Special Condition 17.(g)(2) of this permit can be constructed on proposed Lot 3 of Vesting Tentative Tract Map No. 15381, the portion of the area subject to Vesting Tentative Tract Map No. 15402 closest to Lot 3 shall be reserved for the balance of the public parking spaces so that the parking spaces are directly accessible from Seal Beach Boulevard. The deed restriction shall be recorded over the entire area subject to Vesting Tentative Tract Map No. 15402 and shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- C. Revised Vesting Tentative Tract Map No. 15402.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two copies of a revised vesting tentative map for Tract No. 15402 if: (1) all of the ten public parking spaces required under Special Condition 17.(g)(2) cannot be built on proposed Lot 3 of Vesting Tentative Tract Map 15381, and/or (2) the entities with jurisdiction over Seal Beach Boulevard do not approve a separate vehicular entrance off of Seal Beach Boulevard to said public parking spaces. The revised map shall show: (1) the locations and design of said public parking spaces which cannot be

built on Lot 3 and instead shall be built on the portion of the area subject to Vesting Tentative Tract Map No. 15402 closest to Lot 3, and 2) the location of the public street which connects the public parking required under Special Condition 17.(g)(2) of this permit with the entrance to the subdivision proposed by Vesting Tentative Tract Map No. 15402. The revised map shall be accompanied by written documentation demonstrating that the governmental agencies which have jurisdiction over Seal Beach Boulevard and parking space standards have approved the revised map. The applicant shall record the revised map approved by the Executive Director.

- D. Construction of Trail and Parking Lot.** PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE HOUSES WITHIN THE AREA SUBJECT TO VESTING TENTATIVE TRACT MAP NO. 15402, the applicant shall construct a public access trail and parking lot, which are visible and directly accessible to the public from Seal Beach Boulevard, which lead from Seal Beach Boulevard to the primary part of Gum Grove Park to the west. The public parking lot shall contain a minimum of ten (10) parking spaces and shall be directly accessible from Seal Beach Boulevard. Where it is not feasible to construct the public parking and vehicular entrance on this portion of proposed Lot 3 of Vesting Tentative Tract Map No. 15381, public parking directly accessible from Seal Beach Boulevard shall be constructed on proposed Lot 2 of Tentative Tract Map No. 15381 (i.e., the area subject to Vesting Tentative Tract Map No. 15402) immediately adjacent to proposed Lot 3, in accordance with the provisions of Special Condition 18.B of this permit.

Note: Special Condition 18 replaces Special Condition 5 in its entirety.

19. ARCHAEOLOGY

For purposes of this condition, “OHP” shall mean the State Office of Historic Preservation, and “NAHC” shall mean the state Native American Heritage Commission.

- A. Research Design.** The permittee shall undertake the proposed archaeological investigation in conformance with the proposed archaeological research design entitled A Research Design for the Evaluation of Archaeological Sites within the Hellman Ranch Specific Plan Area dated November 1997 prepared by KEA Environmental, Inc. for the City of Seal Beach. Prior to issuance of the coastal development permit for the archeological investigation, the applicant shall submit written evidence, subject to the review and approval of the Executive Director, that a copy of the archaeological research design has been submitted to the OHP, the NAHC, and the Native American person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC, for their review and comment. An amendment to this permit shall be required for any changes to the research design suggested by OHP, NAHC, or the Native American group/person unless the Executive Director determines that an amendment is not required.
- B. Selection of Archaeologist(s) and Native American Monitor(s).** The archaeologist(s) selected by the City shall meet the United States Department of Interior minimum standards for archaeological consultants, as also endorsed by the OHP. The City shall select the Native American monitor(s) in compliance with the “Guidelines for monitors/consultants of

Native American cultural, religious and burial sites” issued by the NAHC, and in consultation with the appropriate Native American person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people deemed acceptable by the NAHC.

- C. Post-Investigation Mitigation Measures.** Upon completion of the archaeological investigation, and prior to the commencement of construction of any development approved by this coastal development permit (other than archaeological investigation activities or subdivision), the applicant shall submit, for the review and approval of the Executive Director, a written report regarding the following: 1) a summary of the findings of the archaeological investigation, and 2) a final written mitigation plan which shall identify recommended mitigation measures, which may include capping of archaeological sites, data recovery and curation of important archaeological resources as defined by the California Environmental Quality Act, and detailed additional mitigation measures which need to be implemented. The applicant shall also submit for review and approval of the Executive Director, a signed contract with a City-selected archaeological consultant that provides for archaeological salvage that follows current accepted professional practice, if additional archaeological data recovery measures are determined appropriate. The written report and additional mitigation measures shall also be submitted to the OHP and the appropriate Native American person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC. An amendment to this permit shall be required to implement any additional mitigation measures unless the Executive Director determines a permit amendment is not required.
- D. Implementation of Mitigation Measures and Summary of Fieldwork.** Prior to commencement of site preparation, grading, and construction activities for any development (other than archaeological investigation activities) located within a fifty foot (50') radius of the furthest boundary of each state-identified archaeological site as delineated in the archaeological research design, all of the requirements of Special Conditions 19.A., 19.B., and 19.C. shall have been met. All development shall occur consistent with the final plan required by Special Condition 19.C. A written synopsis report summarizing all work performed in compliance with Special Conditions 19.A, 19.B, and 19.C shall be submitted to the Executive Director, OHP, the NAHC and the person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC, within six (6) weeks of the conclusion of field work. No later than six months after completion of field work, a final report on the excavation and analysis shall be submitted to the Executive Director, OHP, the NAHC, and the person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC.
- E. Monitoring of Construction Activities.** All site preparation, grading and construction activities for the proposed development shall be monitored on-site by a qualified archaeologist and Native American monitor. The archaeologist and Native American monitor shall have the express authority to temporarily halt all work in the vicinity of the discovery site should significant cultural resources be discovered. This requirement shall be incorporated into the construction documents which will be used by construction workers during the course of their work.

F. Discovery of Cultural Resources / Human Remains During Post-Archaeological Testing Construction Activities.

- (1) If additional or unexpected archaeological features are discovered during site preparation, grading, and construction activities for approved development other than the archaeological investigation, all work shall be temporarily halted in the vicinity of the discovery site while the permittee complies with the following:

The archaeologist, in consultation with the Native American monitor, shall sample, identify and evaluate the artifacts as appropriate and shall report such findings to the permittee, the City and the Executive Director. If the archaeological resources are found to be significant, the archaeologist, in consultation with the Native American monitor, shall determine appropriate actions, and shall submit those recommendations in writing to the Executive Director, the applicant and the City. The archaeologist shall also submit the recommendations for the review and approval of the Executive Director and shall be prepared in accordance with the provisions outlined in Special Condition 19.C above. Any recommended changes to the proposed development or the mitigation measures identified in the final plan required by Special Condition 19.C. shall require a permit amendment unless the Executive Director determines that a permit amendment is not required.

Development activities may resume if the cultural resources are not determined to be 'important' as defined by the California Environmental Quality Act (CEQA).

- (2) Should human remains be discovered on-site during the course of site preparation, grading, and construction activities, immediately after such discovery, the on-site City-selected archaeologist and Native American monitor shall notify the City of Seal Beach, Director of Development Services and the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted in the vicinity of the discovery site until the remains can be identified. The Native American group/person from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC shall participate in the identification process. Should the human remains be determined to be that of a Native American, the permittee shall comply with the requirements of Section 5097.98 of the Public Resources Code. Within five (5) calendar days of such notification, the director of development services shall notify the Executive Director of the discovery of human remains.

G. Incorporation of Archaeology Requirements into Construction Documents. Special Condition No. 19 of Coastal Development Permit 5-97-367 shall be incorporated in its entirety into all the construction documents which will be used by construction workers during the course of their work as well as all construction bid documents.

H. Sequencing of Issuance of Coastal Development Permit Related to Archeological Investigation.

In advance of compliance with the other special conditions of Coastal Development Permit 5-97-367, as amended, the Executive Director may issue a coastal development permit, consistent with the terms of subsections A through G of this condition, for the development needed to undertake the archeological investigation.

Note: Special Condition 19 replaces Special Condition 6 in its entirety.

20. FINAL PLANS

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director:

1. Final design, grading, construction, structural, and drainage plans for the bio-swale, riparian corridor and water quality basin that substantially conform with the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, submitted to the Commission; and
2. Final landscape plans for the bio-swale, riparian corridor, and water quality basin that substantially conform with the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, submitted to the Commission, and the letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes and Hellman Properties dated June 28, 2000, regarding Biological Benefits of Proposed Wetland Treatment System, CDP 5-97-367-A1, Hellman Ranch Property, Orange County, California. These final plans shall be prepared in consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service and shall be accompanied by written evidence of their endorsement of the landscape plans.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

21. REQUIREMENT FOR IDENTIFICATION OF SUITABLE RAPTOR FORAGING HABITAT AND REQUIREMENT FOR MANAGEMENT PLAN

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and approval of the Executive Director, a map, prepared by a biologist in accordance with current professional standards, delineating raptor foraging habitat with long term conservation potential available within the lowlands of the subject property as identified in the letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes and Hellman Properties dated September 11, 2000, regarding *Response to June 19, 2000, letter from the California Department of Fish and Game Regarding Biological Resources at Hellman Ranch*. The area delineated shall not be less than 9.2 contiguous acres of raptor foraging habitat. The delineation and site selection shall

occur in consultation with the California Department of Fish and Game, and the map submitted to the Executive Director shall be accompanied by a written endorsement by the California Department of Fish and Game of the raptor foraging habitat delineation, the selected site and the map; and

- B.** The raptor foraging habitat to be identified in subsection A. of this condition shall have the same or better functions and values as the site to be impacted, in accordance with the biological assessment prepared by Glenn Lukos Associates in their letter dated September 11, 2000. If there are no raptor foraging habitat areas with the same or better functions and values as the site to be impacted in the area previously identified by the applicant as having such, the applicant shall obtain an amendment to this coastal development permit in order to remedy the discrepancy; and
- C.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and approval of the Executive Director, a raptor foraging habitat management plan which identifies management measures necessary to, at minimum, maintain the functions and values of the raptor foraging habitat identified in subsection B. of this condition. Such measures shall include appropriate brush management measures for the maintenance of raptor foraging habitat. Measures may include brush clearance and brush mowing; planting of plant species associated with raptor foraging habitat, and exotic and invasive plant species controls for the removal of plant species which upset the functioning of the raptor foraging habitat, including, but not limited to, ice plant, pampas grass, arundo giant cane, and myoporum. Any chemical controls to be used in areas adjacent to wetlands shall be limited to those which are non-toxic to wetland organisms (e.g. Rodeo® Herbicide). The raptor foraging habitat management plan shall be prepared in consultation with the California Department of Fish and Game, and shall be accompanied by a written endorsement of the plan by the California Department of Fish and Game. The permittee shall undertake development in accordance with the raptor foraging habitat management plan approved by the Executive Director. Any proposed changes to the approved raptor foraging habitat management plan shall be reported to the Executive Director. No changes to the approved raptor foraging habitat management plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

22. OPEN SPACE DEED RESTRICTION

- A.** No development, as defined in section 30106 of the Coastal Act shall occur in the raptor foraging habitat delineated by the map required pursuant to Special Condition 21 except for:
1. Activities related to raptor foraging habitat maintenance pursuant to the raptor foraging habitat management plan required pursuant to Special Condition 21.C.; and
 2. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit: activities related to public access, recreation, and wetland restoration provided that such development continues to designate a minimum of 9.2 acres of equivalent or better functioning raptor foraging habitat.

- B.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which shows that the open space area identified pursuant to Special Condition 21 shall be restricted as open space for raptor foraging habitat and the deed restriction shall reflect the above restriction on development in the designated open space. The deed restriction shall contain the raptor foraging habitat management plan approved by the Executive Director pursuant to Special Condition 21.C. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

23. WATER QUALITY

- A.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final Storm Water Management and Water Quality Control Plan (SWM & WQCP) designed to mitigate stormwater runoff and nuisance flow from development on Vesting Tentative Tracts 15381 and 15402. The final SWM & WQCP shall include structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater and nuisance runoff leaving the developed site. The final plan shall be reviewed by the consulting engineering geologist to ensure conformance with geotechnical recommendations. The final plan shall demonstrate substantial conformance with the Water Quality Management Plan (WQMP), Tract 15402, Hellman Ranch, prepared by MDS Consulting of Irvine, California, dated January 2000, and the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, and the following requirements:
1. Post-development peak runoff rates and average volume from the developed site shall not exceed pre-development levels for the 2-year 24-hour storm runoff event.
 2. Post-construction treatment control BMPs shall be designed to mitigate (infiltrate or treat) stormwater runoff from each runoff event up to and including the 85th percentile 24-hour runoff event.
 3. The approved SWM & WQCP shall be implemented prior to or concurrent with the construction of infrastructure associated with the development on Vesting Tentative Tracts 15381 and 15402. The approved BMPs and other measures included in the final SWM & WQCP shall be in place and functional prior to the issuance of the first residential building permit within Vesting Tentative Tract 15402.
 4. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Maintenance activity shall be performed according to the recommended maintenance specifications contained in the California Stormwater BMP Handbooks (California Stormwater Quality Task

Force, 1993) for selected BMPs. At a minimum, maintenance shall include the following: (i) all structural BMPs shall be inspected, cleaned and repaired, as needed prior to the onset of the storm season, no later than October 1st of each year and (ii) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

- B.** Any changes to the structures outlined in the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, including changes to the footprint of any such structures, necessary to accommodate the requirements of subsection A of this condition, shall require an amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.
- C.** The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- D.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the requirements outlined in subsections A., B., and C. of this condition. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the deed restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

24. RESERVATION OF LAND FOR WATER QUALITY PURPOSES

- A. The area of land containing the proposed water quality basin, bio-swale and riparian corridor, and associated appurtenances as depicted in Figure 8 (inclusive of the landscaped areas) of the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, shall be reserved for water quality improvement purposes through a deed restriction as required pursuant to subsection B. of this condition. The deed restriction shall not preclude use of the same such land for wetland restoration provided the water quality improvement functions of the system described in the SWM & WQCP, as revised and approved by the Executive Director pursuant to Special Condition 23, is, at minimum maintained. In addition, the deed restriction shall not preclude construction and maintenance of the access road depicted on Figure 8, nor shall it preclude the construction and maintenance of the utilities and oil transmission lines depicted on Vesting Tentative Tracts 15381 and 15402, as approved by the Executive Director, nor shall it preclude the maintenance of existing oil operations, provided the water quality improvement functions of the system described in the SWM & WQCP, as revised and approved by the Executive Director pursuant to Special Condition 23, is, at minimum maintained. The deed restriction shall not preclude development associated with the archaeological investigation required pursuant to Special Condition 19. Finally, the deed restriction shall allow for the installation, operation, maintenance and use of public trails and an educational facility within the deed restricted area as described in the Mitigation Plan for Significant Cultural Resource Discoveries required pursuant to Special Condition 19, provided the water quality improvement functions of the system described in the SWM & WQCP, as revised and approved by the Executive Director pursuant to Special Condition 23, is, at minimum maintained.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the deed restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

25. STAGING AREA FOR CONSTRUCTION

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to wetlands.
1. The plan shall demonstrate that:

- (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition; and
- (b) Construction equipment, materials, or activity shall not be placed in any location which would result in impacts to wetlands.

2. The plan shall include, at a minimum, the following components:

(a) A site plan that depicts:

- (1) limits of the staging area(s)
- (2) construction corridor(s)
- (3) construction site
- (4) location of construction fencing and temporary job trailers with respect to existing wetlands

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

26. PERMIT COMPLIANCE

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth herein. Any deviation from the approved plans must be reviewed and approved by the Executive Director and may require Commission approval.

27. REVISED VESTING TENTATIVE TRACT MAP NO. 15381

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two copies of a revised vesting tentative map for Tract No. 15381. The revised map shall show only five legal lots as generally depicted in Exhibit 2, page 1; namely, 1) the lot currently owned by the California State Lands Commission, 2) the lot currently owned by the City of Seal Beach Redevelopment Agency, 3) proposed Lot 2 which is proposed to be further subdivided into seventy residential lots pursuant to proposed Tentative Tract Map 15402, 4) proposed Lot 3 for the proposed dedication of Gum Grove Park, which shall be in substantial conformance with the configuration shown on the map submitted with the permit application and maintain the proposed minimum 25 wide frontage along Seal Beach Boulevard, and 5) a lot consisting of the remainder of the subject site owned by the applicant. The applicant shall record the revised map approved by the Executive Director. No further subdivision of the lot identified in sub-section 5 shall occur other than to accommodate the transfer of land to a non-profit entity, subject to the review and approval of the Executive Director, for wetlands restoration, open space and environmental education purposes and which shall require an

amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

Note: Special Condition 27 Replaces Special Condition 2 in its entirety.

28. RESERVATION OF POTENTIAL FOR ACQUISITION OF OIL PRODUCTION AREA FOR WETLANDS RESTORATION

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director which shall provide that:

- (1) At the time oil production ceases and for a period of twenty-five years thereafter, the applicant agrees to sell the oil production area of the property as defined in "Attachment 1" (as revised pursuant to subsection B. of Special Condition 16) to any public agency or non-profit association acceptable to the Executive Director that requests in writing to purchase the property or, through the normal State of California land acquisition practices if the State is the prospective buyer; and,
- (2) The sale shall be at fair market value as established by an appraisal paid for by the buyer and prepared by an appraiser mutually acceptable to the buyer and applicant, or, if the parties are unable to agree, by an appraiser designated by third party, or if the buyer and applicant agree through an arbitration on value; and,
- (3) Subject to the reserved easement rights of Southern California Edison Company as set forth in a grant deed to applicant dated April 23, 2002, and recorded in the Official Records of the Recorder's Office, Orange County, as Instrument No. 20020378263, the uses shall be restricted to wetlands restoration, open space and environmental education purposes, with reversion rights to the State Coastal Conservancy.

Within 30 days of the cessation of oil production, the applicant shall notify the Executive Director in writing of the date oil production ceased. The deed restriction shall remain in effect for twenty-five years from the date oil production ceases and be recorded over the oil production area of the property and shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

Permit Amendment –A2 also included the following proposed requirements:

In addition, the amendment (-A2) modifies the *Mitigation Plan For Significant Cultural Resource Discoveries* that the Commission concurred with in their condition compliance hearing held in August 2003 as follows: 1) Relocate a cultural educational facility from Gum Grove Park to an area west of the Heron Pointe Pocket Park, within the grading limits as established by CDP 5-97-367-A1; 2) Revise the document to include provisions for additional public access to the educational

center from Gum Grove Park and through the development including from Heron Pointe Pocket Park by the addition of two new trail segments and connectors; 3) Amend an existing deed restriction recorded pursuant to Special Condition 24 to allow the installation, operation, maintenance and use of a public trail and educational facility in the deed restricted area; and 4) Add a new deed restriction to provide public access over and passive recreational use of the site of the cultural education center, a spur trail leading from Gum Grove Park to the cultural education center, a trail linking the Heron Point Pocket park to the spur trail, and a trail leading from Heron Pointe Drive to Heron Pointe Circle to secure public access to the re-located facility. The amended and new deed restrictions must be recorded prior to issuance of any coastal development permit authorizing construction of houses on Tract 15402, unless the spur trail and cultural education center are fully constructed and open for use by the general public and the Executive Director waives this pre-condition for good cause. The changes to the mitigation plan are more fully described in the revised mitigation plan dated February 2004.

APPENDIX B: Substantive File Documents

1. COASTAL DEVELOPMENT PERMITS AND COMMISSION ACTIONS

- A. Coastal Conservancy Project #1-82; Approved 4/22/82
- B. 5-82-221 (Ponderosa Homes); withdrawn 11/17/82
- C. 5-89-514 (MOLA Development Corporation); denied 11/14/89
- D. 5-89-1087 (MOLA Development Corporation); approved 1/12/90
- E. 6-90-219 [Batiquitos Lagoon restoration and enhancement]
- F. 5-97-367 (Hellman Properties LLC); approved September 9, 1998.
- G. 5-97-367-A1 (Hellman Properties LLC); approved October 11, 2000
- H. 5-97-367-A2 (Hellman Properties LLC & John Laing Homes); approved March 2004
- I. 5-01-288 (Hellman Properties LLC); approved November 13, 2001
- J. 5-05-098 (Hellman Properties LLC); approved October 13, 2005
- K. 5-05-229 (Hellman Properties LLC); approved April 2007

2. WETLAND AND BIOLOGICAL RESOURCES DOCUMENTS

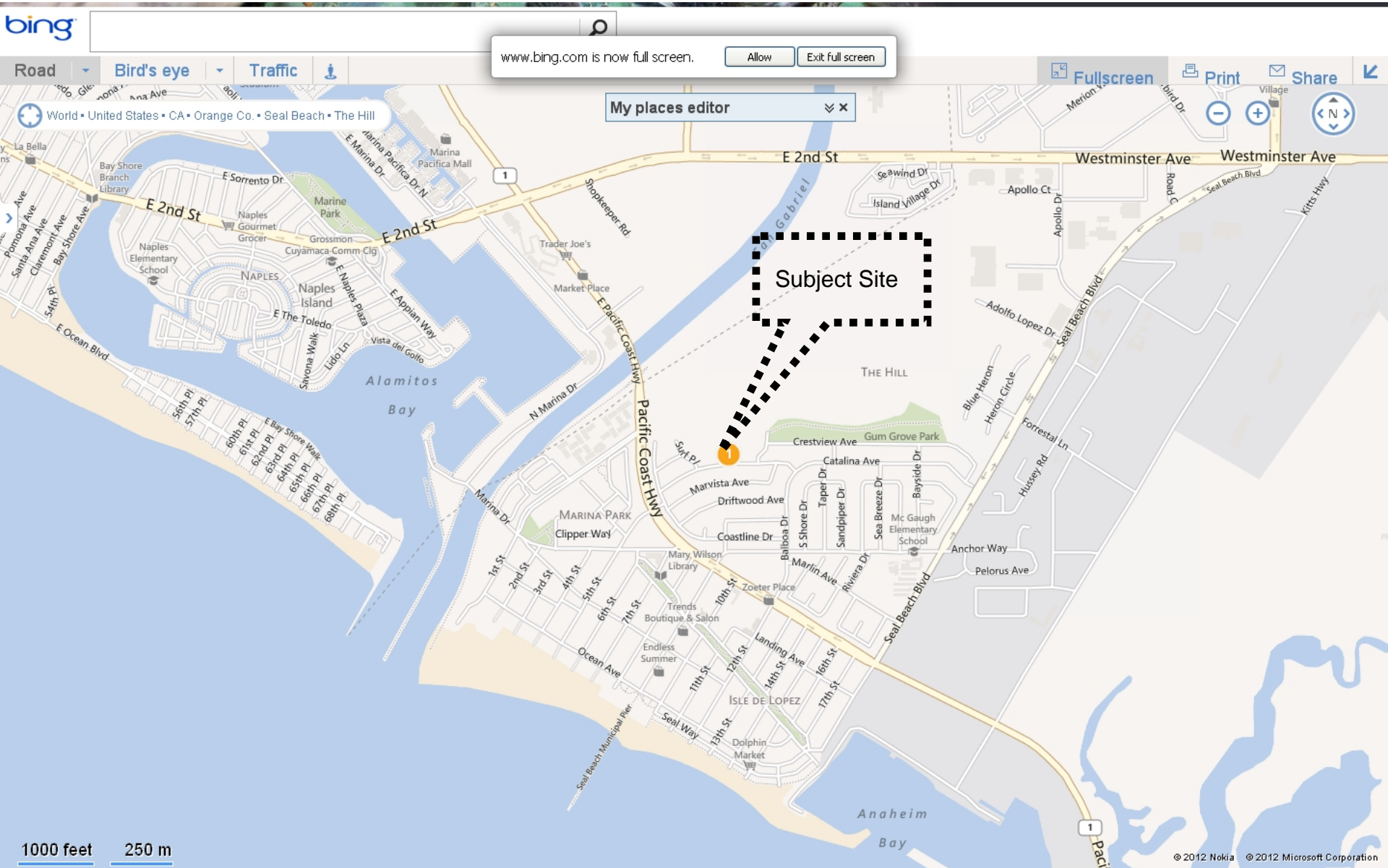
- A. An Assessment of Wetland Resources Within the City of Seal Beach South of the San Gabriel River, prepared by Bob Radovich of the California Department of Fish and Game, June 1980.
- B. Determination of the Status of Wetlands Within the City of Seal Beach, Immediately South and East of the San Gabriel River Channel (Ponderosa Seal Beach Wetlands), prepared by the California Department of Fish and Game, January 13, 1982.
- C. Conceptual Wetlands Restoration Plan for the Hellman Ranch dated November 1997 prepared by Moffatt & Nichol Engineers in association with Coastal Resources Management.
- D. Addendum to Concept Wetlands Restoration Plan for the Hellman Ranch dated February, 1998 prepared for Hellman Properties LLC by Moffatt & Nichol Engineers (M&N) File: 3693) in association with Coastal Resources Management
- E. Hellman Ranch Wetland Restoration Feasibility Study dated July 20, 1998 prepared for The Port of Long Beach by Moffatt & Nichol Engineers (M&N File: 3693)
- F. Letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes and Hellman Properties dated September 11, 2000, regarding Response to June 19, 2000, letter from the California Department of Fish and Game Regarding Biological Resources at Hellman Ranch.
- G. Letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes and Hellman Properties dated June 28, 2000, regarding Biological Benefits of

Proposed Wetland Treatment System, CDP 5-97-367-A1, Hellman Ranch Property, Orange County, California.

- H. Letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes dated January 6, 2000, regarding Results of Biological Resources Review and Analysis of Wetland Impacts Associated with 18.4-Acre Portion of the Hellman Ranch Property, Orange County, California.
- I. Letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes dated February 23, 2000, and revised July 14, 2000, regarding Results of Focused Surveys Conducted for Western Burrowing Owl on 18.4-acre Portion of the Hellman Ranch Property, Orange County, California.

APPENDIX C: Local Approvals

City of Seal Beach Approval in Concept dated August 2011



5-97-367-A3

Exhibit 1

HELLMAN RANCH

"Lowlands"

Location of Deed Restriction
Removal & Proposed Lot Line
Adjustments

PREPARED FOR:

John Laing Homes
A Division of The Hill

PREPARED BY:

California Coastal Commission
OFFICE OF THE ATTORNEY GENERAL

San Gabriel River
Cooling Channel

**Existing Oil
Production Area**
44 acres to be for sale for
wetlands restoration upon
cessation of oil production
(Approximate Boundary - See Deed
Restriction for Actual Boundary)

Heron Pointe
Subdivision

Heron Pointe
Water Quality
Basin

BOEING
SPACE & DEFENSE

**100 Acre Area Deed Restricted For Sale
For Wetlands Restoration**

(Approximate Boundary - See Deed Restriction for Actual Boundary)

GUM GROVE PARK

GUM GROVE NATURE PARK

EXISTING
RESIDENTIAL

Project Site and Vicinity

EXHIBIT No. 2

Application Number:

5-97-367-A3



California Coastal
Commission

REMNANT PARCEL

LEGAL DESCRIPTION

THAT CERTAIN PARCEL OF LAND IN THE CITY OF SEAL BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING A PORTION OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 12 WEST, IN THE RANCHO LOS ALAMITOS, AS PER MAP FILED IN DECREE OF PARTITION IN THE SUPERIOR COURT OF LOS ANGELES COUNTY, CALIFORNIA, CASE NO. 13527, A CERTIFIED COPY OF WHICH WAS RECORDED FEBRUARY 2, 1891 IN BOOK 14, PAGE 31 OF DEEDS, RECORDS OF SAID ORANGE COUNTY, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 18 OF TRACT NO. 1817;
THENCE EASTERLY AND SOUTHEASTERLY ALONG THE BOUNDARY OF SAID TRACT NO. 1817,
AS SHOWN ON THE MAP FILED IN BOOK 82, PAGES 26 THROUGH 31 INCLUSIVE OF
MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY, THE FOLLOWING TWO (2)
COURSES:

1. SOUTH 88°45'31" EAST, A DISTANCE OF 532.26 FEET;
2. SOUTH 16°39'41" EAST, A DISTANCE OF 203.40 FEET TO THE TRUE POINT OF
BEGINNING;

THENCE, LEAVING SAID BOUNDARY OF TRACT NO. 1817, NORTH 62°54'50" EAST, A DISTANCE
OF 16.67 FEET;

THENCE NORTH 33°16'26" EAST, A DISTANCE OF 2.47 FEET;
THENCE SOUTH 43°20'50" EAST, A DISTANCE OF 22.97 FEET;
THENCE SOUTH 45°27'24" EAST, A DISTANCE OF 69.28 FEET;
THENCE SOUTH 57°15'01" EAST, A DISTANCE OF 33.49 FEET;
THENCE NORTH 37°15'20" EAST, A DISTANCE OF 7.33 FEET;
THENCE SOUTH 60°50'17" EAST, A DISTANCE OF 31.03 FEET;
THENCE SOUTH 48°38'37" EAST, A DISTANCE OF 24.22 FEET;
THENCE SOUTH 55°49'20" EAST, A DISTANCE OF 19.63 FEET;
THENCE SOUTH 58°04'25" EAST, A DISTANCE OF 46.21 FEET;
THENCE NORTH 77°50'50" EAST, A DISTANCE OF 65.10 FEET;
THENCE NORTH 82°43'13" EAST, A DISTANCE OF 106.13 FEET;
THENCE NORTH 83°23'14" EAST, A DISTANCE OF 109.29 FEET;
THENCE NORTH 76°15'58" EAST, A DISTANCE OF 19.93 FEET;
THENCE NORTH 74°54'38" EAST, A DISTANCE OF 56.15 FEET;
THENCE NORTH 74°17'32" EAST, A DISTANCE OF 28.41 FEET;
THENCE NORTH 74°40'05" EAST, A DISTANCE OF 84.21 FEET;

THENCE NORTH 73°26'01" EAST, A DISTANCE OF 91.70 FEET;
THENCE SOUTH 1°14'29" WEST, A DISTANCE OF 51.02 FEET TO THE NORTHEAST CORNER OF
LOT 53 OF SAID TRACT NO. 1817;

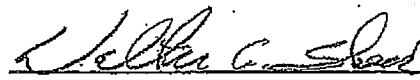
THENCE ALONG THE NORTHERLY BOUNDARY OF SAID TRACT NO. 1817, THE FOLLOWING
FOUR (4) COURSES:

1. NORTH 69°00'41" EAST, A DISTANCE OF 78.53 FEET;
2. NORTH 84°26'06" EAST, A DISTANCE OF 483.24 FEET;
3. SOUTH 57°11'23" EAST, A DISTANCE OF 233.05 FEET;
4. SOUTH 16°39'41" EAST, A DISTANCE OF 21.30 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 21,567 SQUARE FEET OR 0.495 ACRES, MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF:

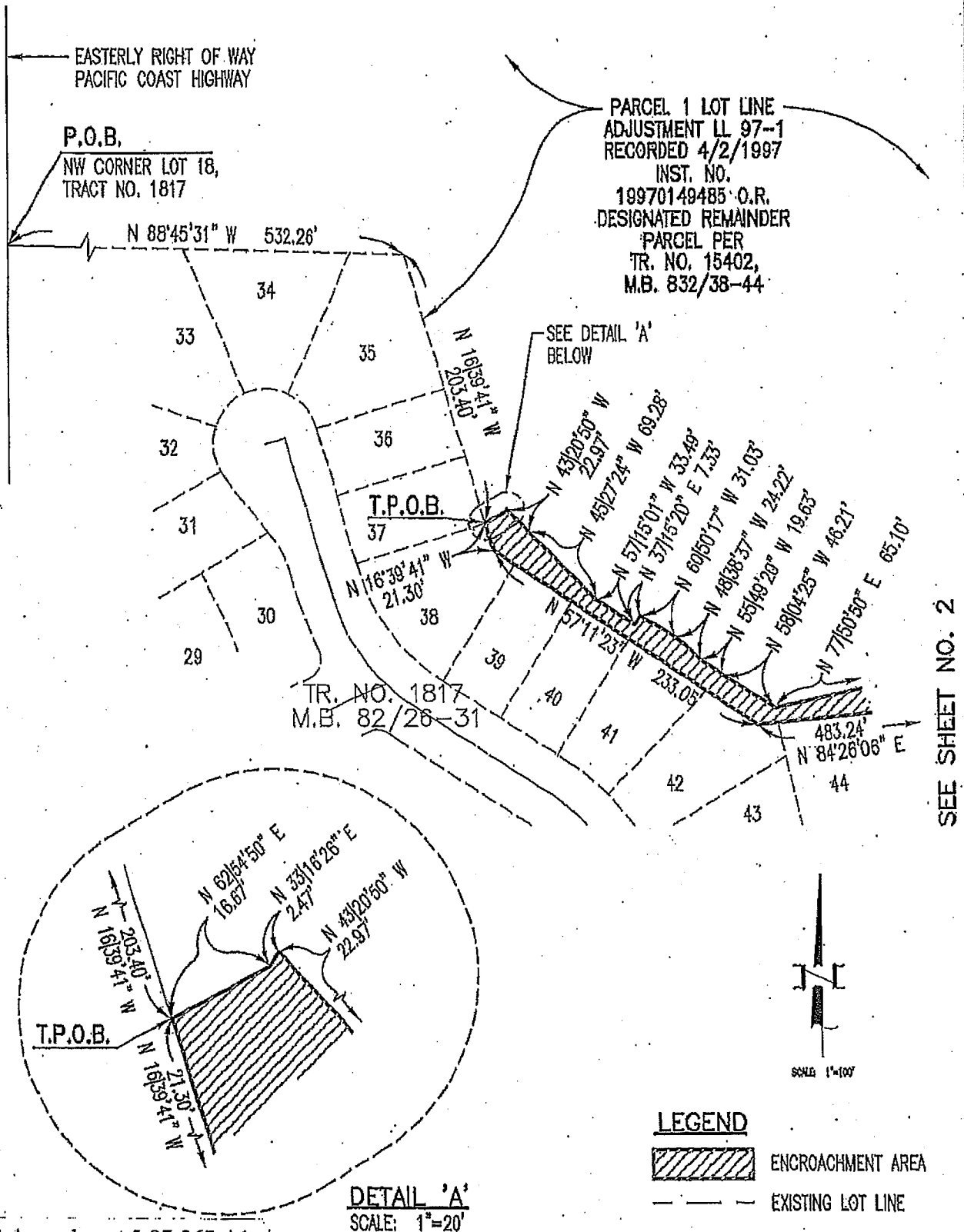

WALTER A. SHEEK, PLS 4838
LICENSE EXPIRES 9/30/2012

11/24/2010
DATE

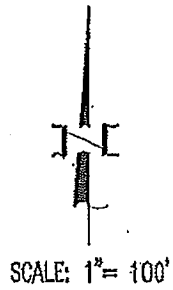


Permit Amendment 5-97-367-A1

HELLMAN RANCH ENCROACHMENT AREA

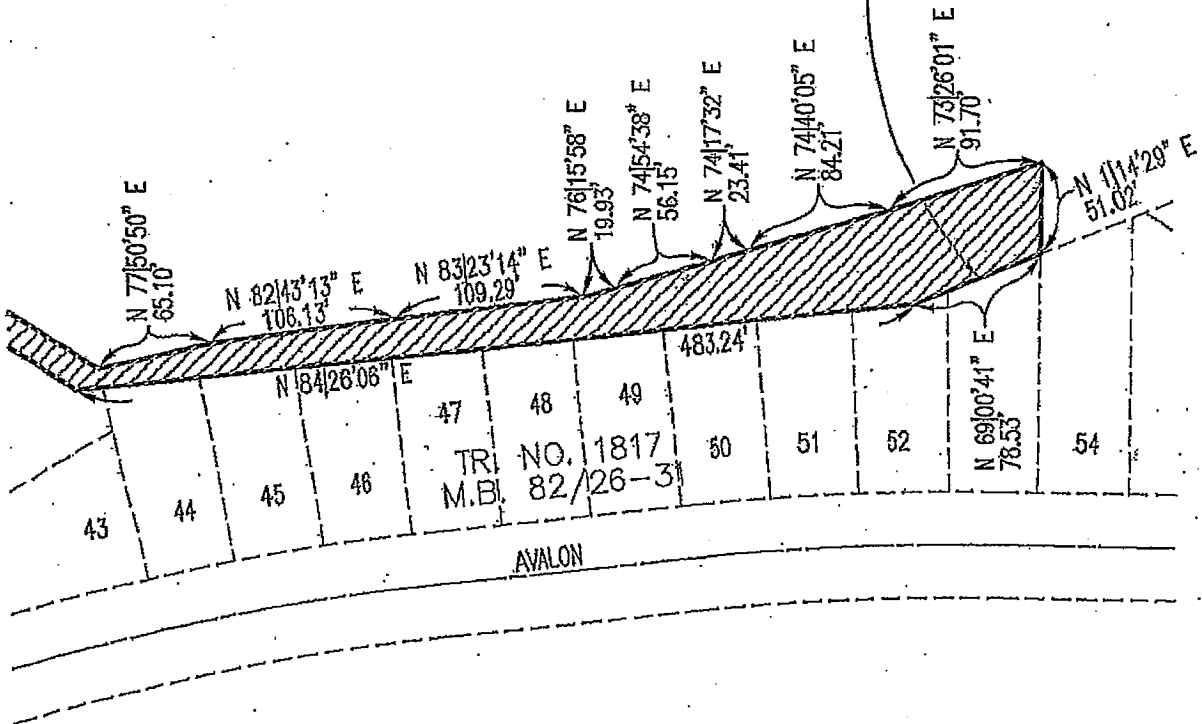


HELLMAN RANCH ENCROACHMENT AREA



PARCEL 1 LOT LINE
ADJUSTMENT LL 97-1
RECORDED 4/2/1997
INST. NO.
19970149485 O.R.
DESIGNATED REMAINDER
PARCEL PER TR. NO. 15402,
M.B. 832/38-44



SEE SHEET NO. 1



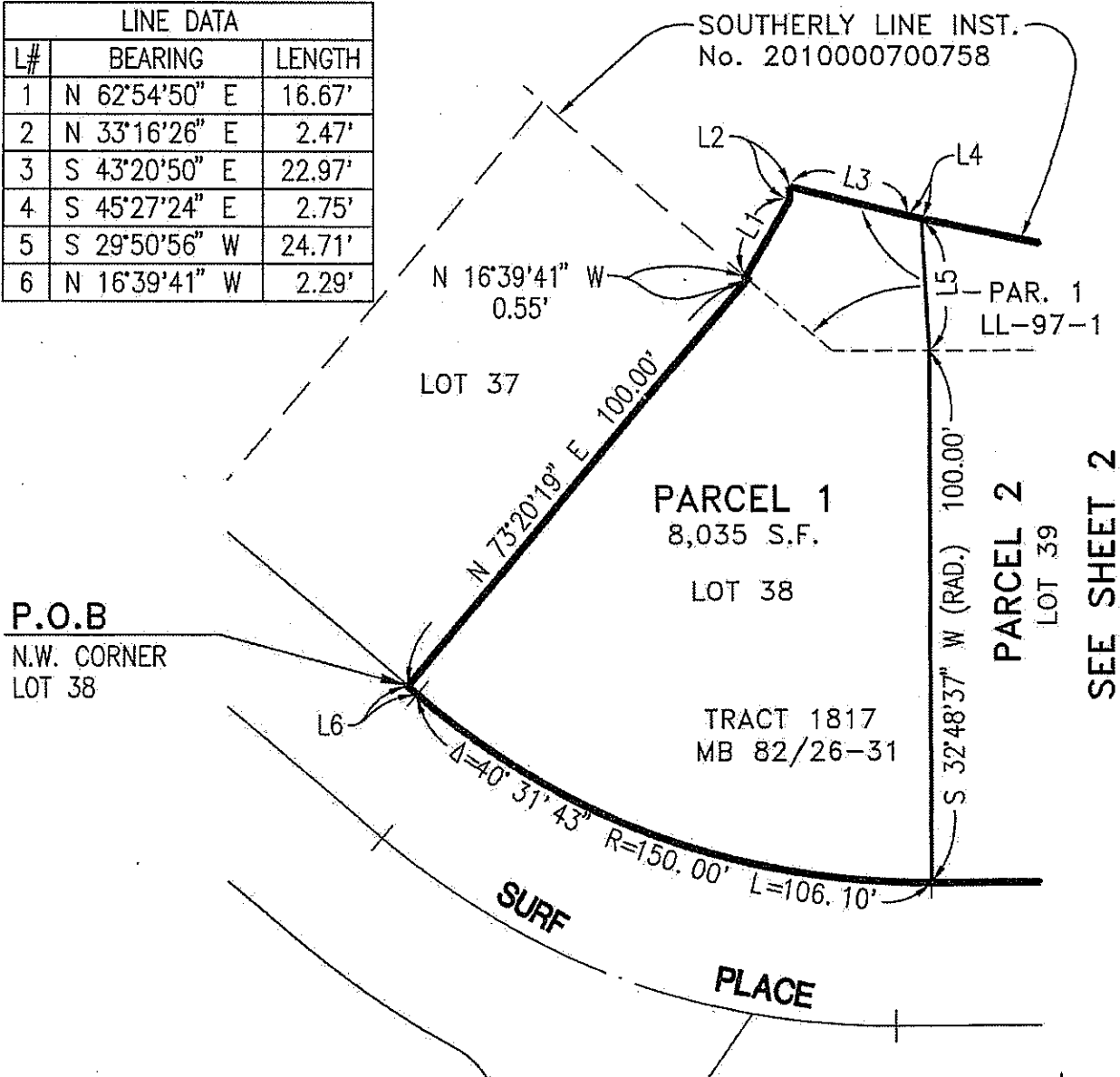
Permit Amendment 5-97-367-A1

Exhibit 1

LEGEND

-  ENCROACHMENT AREA
-  EXISTING LOT LINE

LINE DATA		
L#	BEARING	LENGTH
1	N 62°54'50" E	16.67'
2	N 33°16'26" E	2.47'
3	S 43°20'50" E	22.97'
4	S 45°27'24" E	2.75'
5	S 29°50'56" W	24.71'
6	N 16°39'41" W	2.29'



PREPARED UNDER THE
SUPERVISION OF:

WALTER A. SHEEK, P.L.S. 4838
LICENSE EXPIRES 9/30/2012



MDS CONSULTING	MORSE	17320 Radlett Avenue Suite 350 Irvine, CA 92614 Voice: 949-251-8021 FAX: 949-251-0516
	SCHULTZ	
PLANNERS	ENGINEERS	SURVEYORS

EXHIBIT A
CERTIFICATE OF COMPLIANCE
LOT LINE ADJUSTMENT 2011-XXX
145 SURF PLACE
CITY OF SEAL BEACH, CALIFORNIA

SCALE:
1"=30'

DATE:
9/6/11

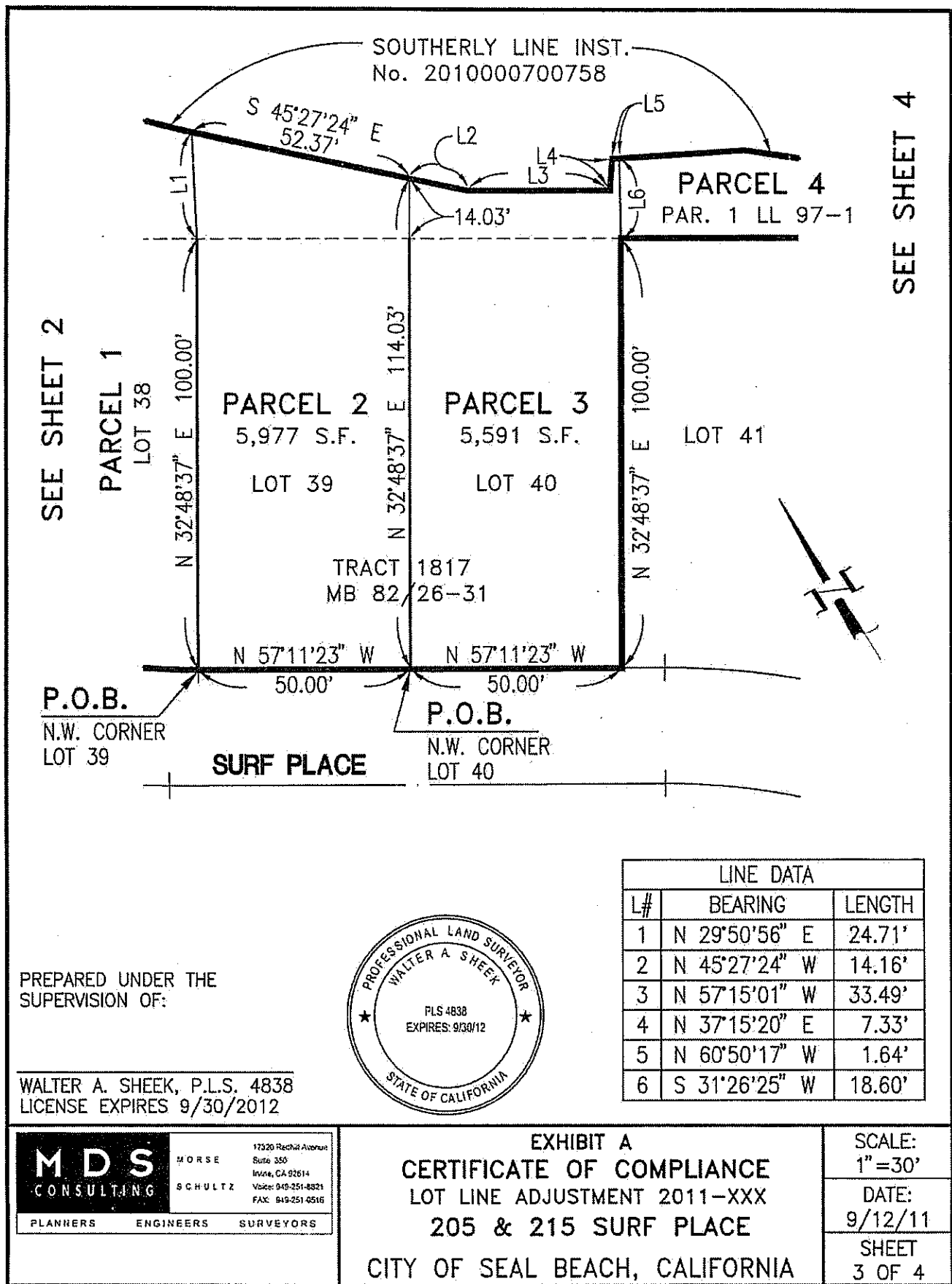
SHEET
2 OF 4

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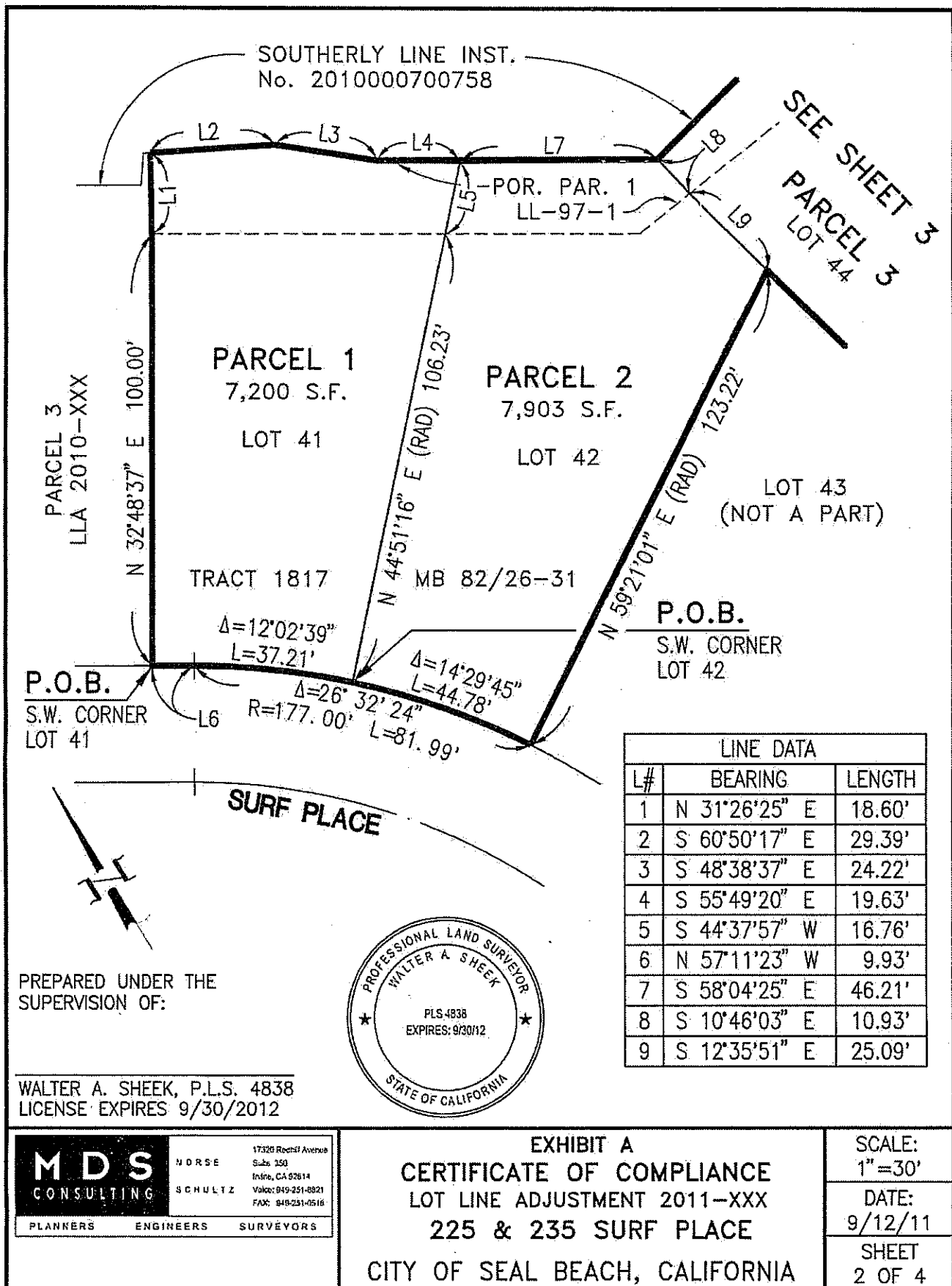
Proposed Lot Line Adjustments

5-97-367-A3

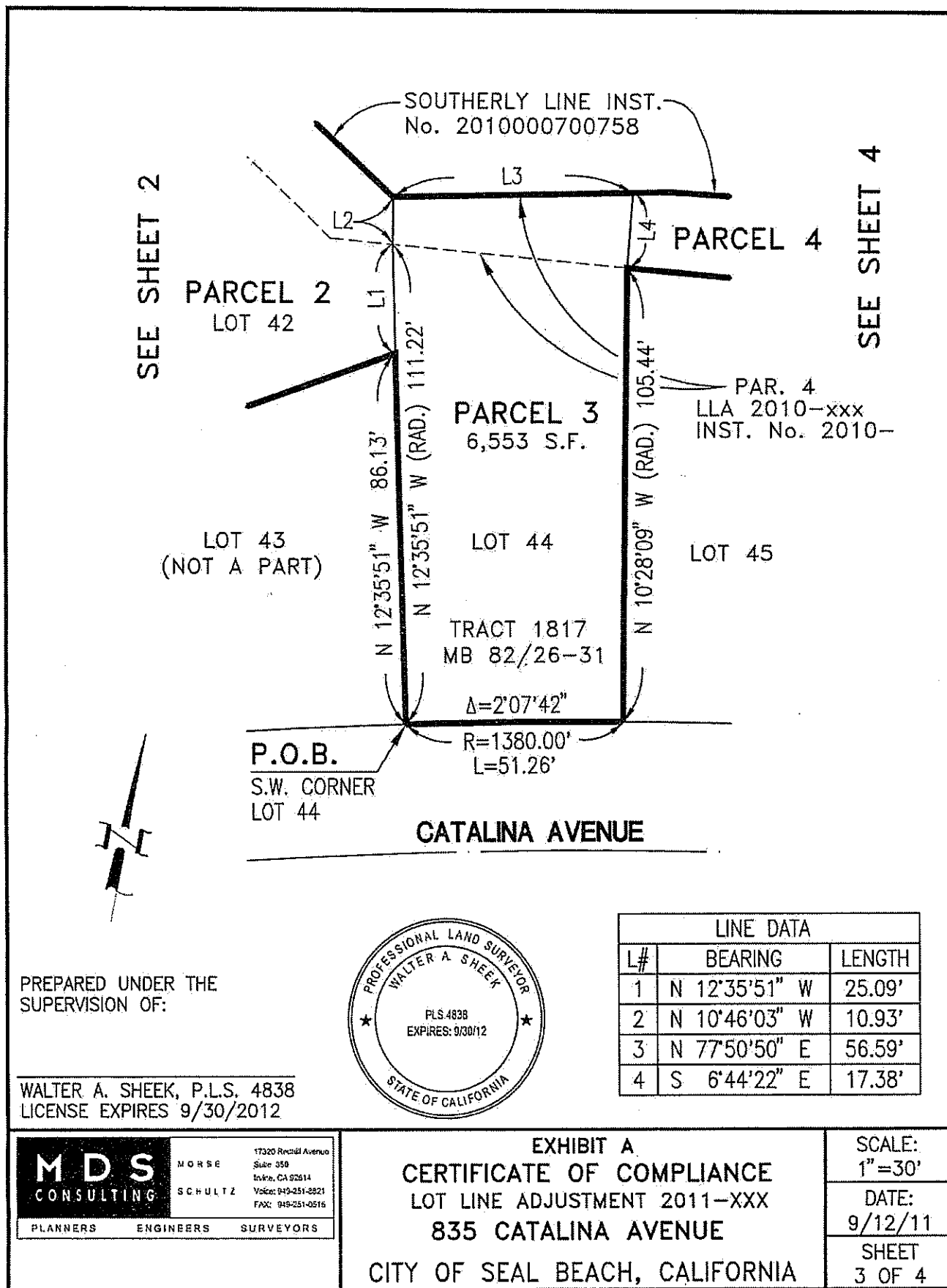
Exhibit 4, Page 1 of 7

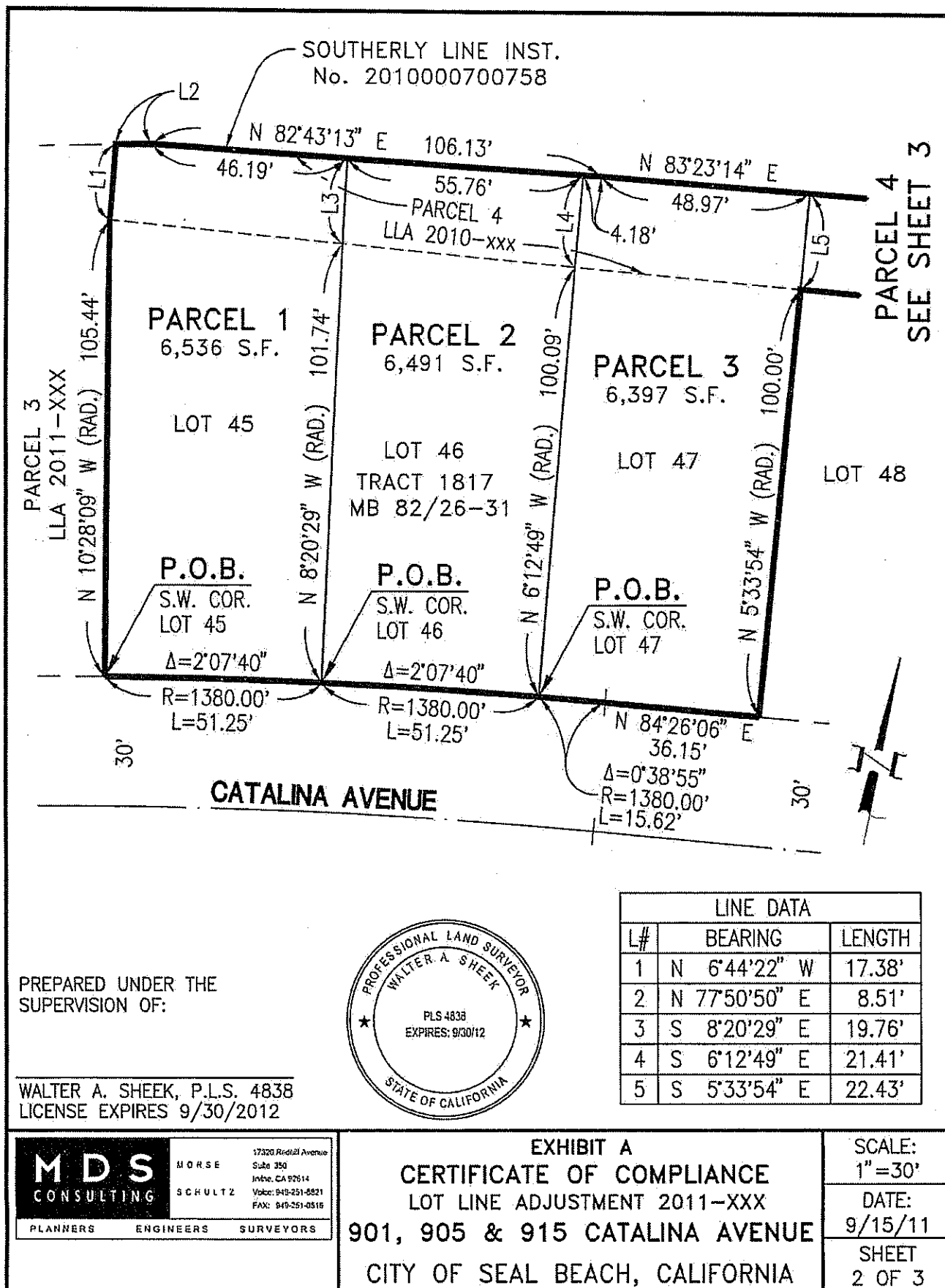


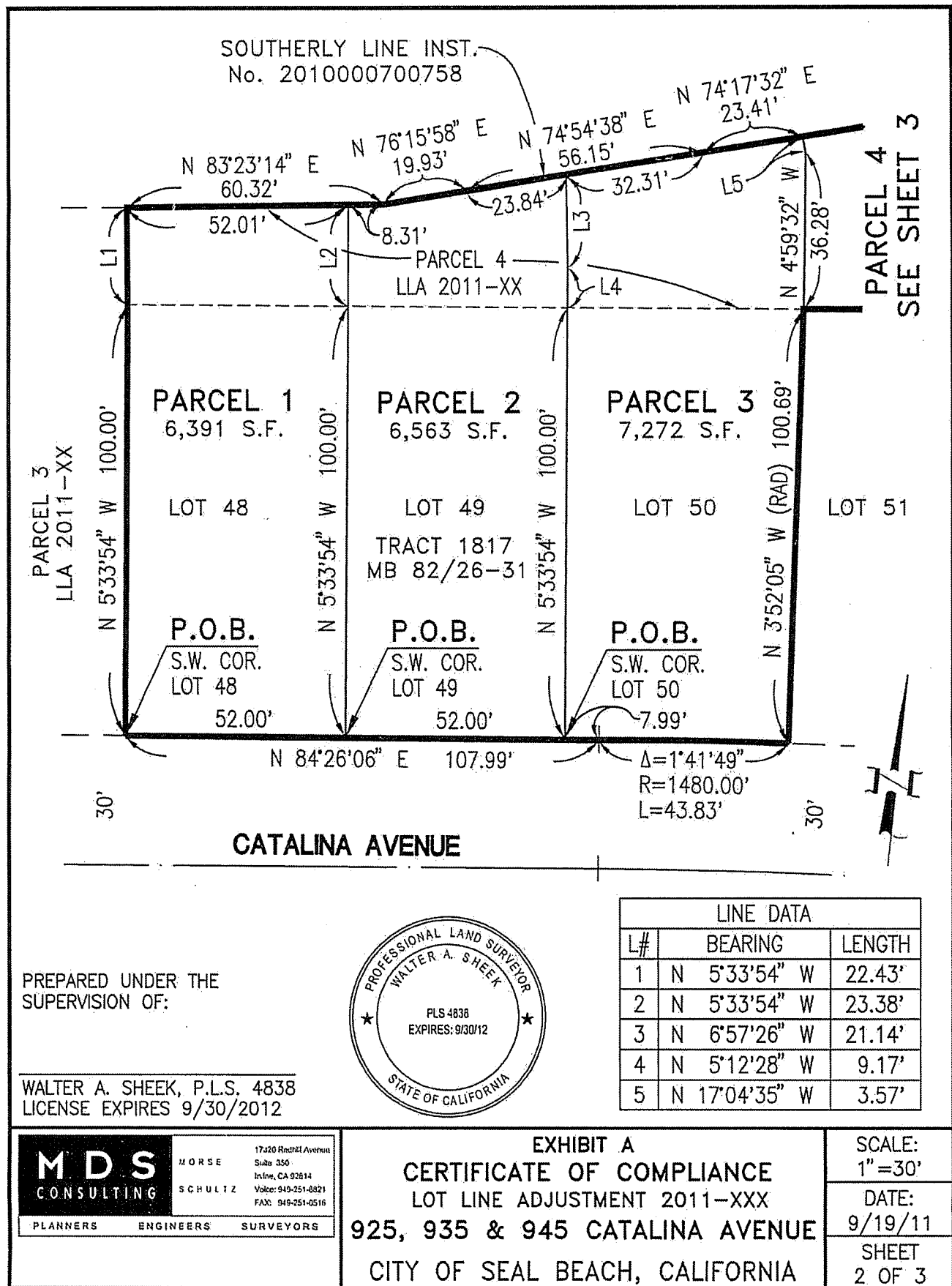
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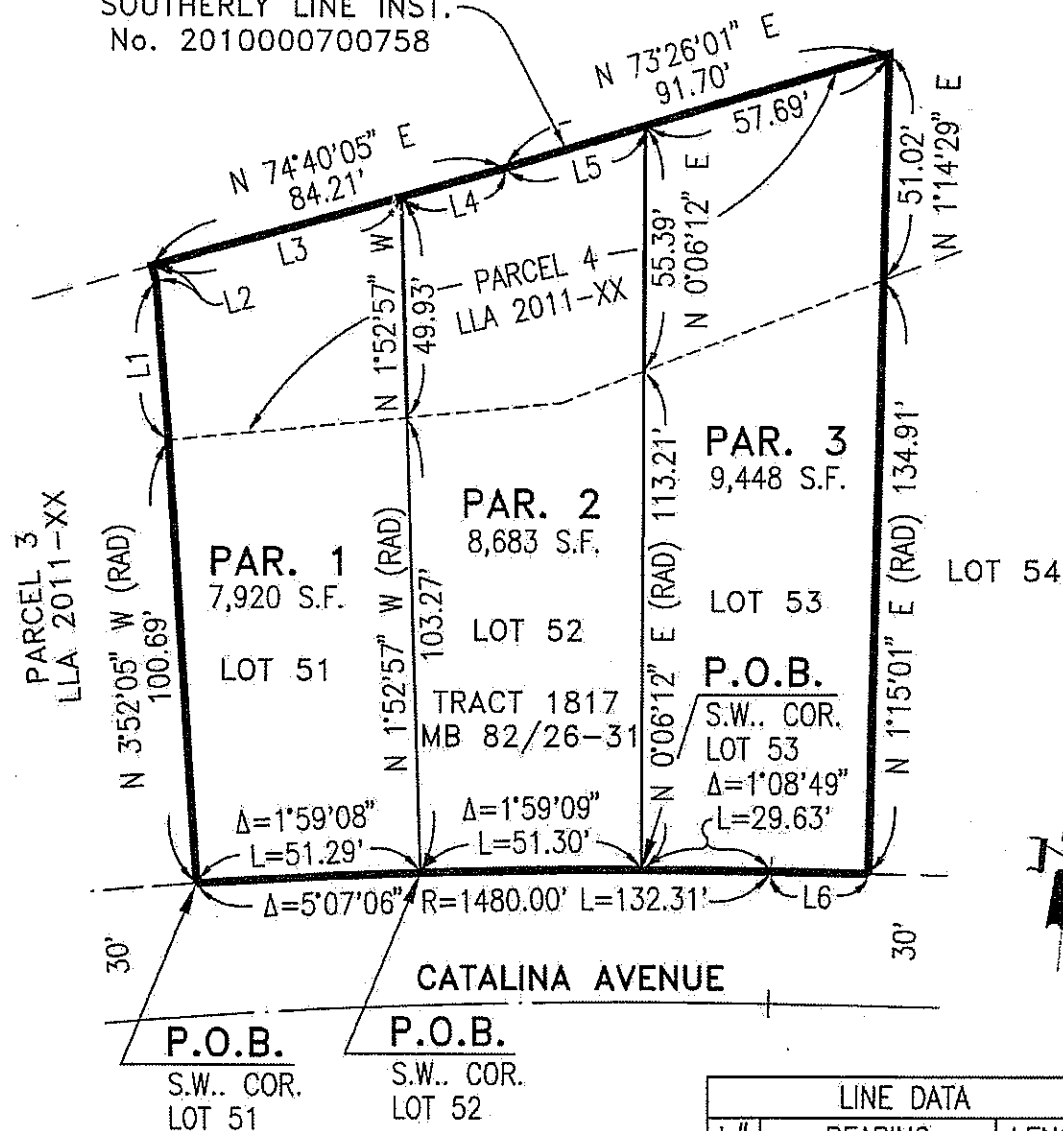
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SOUTHERLY LINE INST.
No. 2010000700758



PREPARED UNDER THE
SUPERVISION OF:

WALTER A. SHEEK, P.L.S. 4838
LICENSE EXPIRES 9/30/2012



MDS
CONSULTING

MORSE
SCHULTZ

17320 Redtail Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
Fax: 949-251-0510

PLANNERS ENGINEERS SURVEYORS

EXHIBIT A
CERTIFICATE OF COMPLIANCE
LOT LINE ADJUSTMENT 2011-XXX
955, 965 & 975 CATALINA AVENUE
CITY OF SEAL BEACH, CALIFORNIA

SCALE:
1"=40'

DATE:
9/21/11

SHEET
2 OF 2

I:\74400\MAPPING\LLA\LLA LOTS 51-53 SHT 2 9/21/11