

CALIFORNIA COASTAL COMMISSION

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Addendum #1

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original staff report



June 11, 2014

Th 9a

ADDENDUM

To: Commissioners & Interested Persons

From: South Coast District Staff

Re: Commission Meeting of Thursday, June 12, 2014, Item TH9a, City of Huntington Beach Major Amendment Request No. 1-12 (HNB-MAJ-1-12) (Ridge), Huntington Beach, Orange County.

A. Response to Manatt Letter, dated 6/10/14 from Susan Hori of Manatt, Phelps, Phillips, the Ridge Property Owner's Legal Consultant

On the afternoon of June 10, 2014, after the first addendum had been finalized, the Ridge Property owner submitted a letter from its legal consultant responding to the LCPA staff report (letter from Susan K. Hori, Manatt, Phelps, Phillips, dated June 10, 2014). That letter is attached. It is hereinafter referred to as the "property owner's letter". Below is the Commission staff's response to the letter. The staff response is organized by the headings in the letter from Ms. Hori.

The property owner has distributed a Briefing Booklet to the Commissioners. Commission staff did not receive a copy of the Briefing Booklet until Wednesday morning, June 11, 2014.

It is important to note that only the local government can request an LCP Amendment. The property owner cannot. Thus, the applicant in this case is the City of Huntington Beach. The City has not submitted any response or comments on the staff report. Nevertheless, below is Commission staff's response to the property owner's letter.

Introduction Portion of Letter

Firstly, it is important to clarify that the property owner's letter seems to combine separate iterations of suggested modifications. Suggested modifications were developed by Coastal Commission staff for the Commission's January 2014 hearing. Separate and apart from those modifications developed by Coastal Commission staff, is language attached to the property owner's letter that are labeled "Exhibit A, City's Suggested Modifications." The language contained in the Exhibit A "modifications" was never accepted by Coastal Commission staff and they are not the modifications included in the January 2014 staff report. The language attached to the property owner's letter as Exhibit A was prepared by the property owner and City staff. Furthermore, the Exhibit A language does not appear to have ever been reviewed by the City Council or Planning Commission or any decision making authority. It is important to keep these distinctions in mind while reading the property owner's letter.

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The property owner's letter finds it "inexplicable" that Commission staff did not include the Exhibit A language in the June Coastal Commission staff report. However, the language in question is not proposed by the City, and Commission staff is not recommending any suggested modifications, including previously recommended modifications or those attached to the property owner's letter as Exhibit A. Despite the fact that the property owner's letter repeatedly refers to the language as "attached Suggested Modifications," the language does not constitute modifications suggested by Commission staff or formally proposed by the City. Commission staff continues to believe it would not have been useful to include the Exhibit A language. In fact, Commission staff believes that including them as part of the staff report would have created confusion as to what the staff report was recommending. Regardless, there is no reason that the language put forth by the property owner could not be presented to the Commission in the usual fashion, and as was done in this case, of preparing and sending copies to each of the Commissioners, thus making clear that the origin of the modifications lies with the property. As is reflected in the Ex Parte Communication forms received in the Commission District office and included in the first addendum, the property owner and representatives have been in communication with Commissioners and had the opportunity to put forth their own proposal at that time. Finally, staff did address the language contained in Exhibit A of the property owner's letter in the staff report findings, including a summary of both the subarea and overlay options as well as an explanation of staff's position that the both options are not acceptable (Staff Report, beginning on page 44).

In addition, as is explained in the staff report findings, neither option requires that the offer to dedicate the Goodell Property be accepted prior to residential development on the Ridge Property. Neither the previously considered subarea language nor the more recently suggested overlay language would assure protection of the Goodell Property. In any case, staff believes the Ridge Property itself contains significant resources that must be preserved and this is not addressed by the Exhibit A language put for the by property owner. Thus, Commission staff continues to support the recommendation for denial of the LCPA with no suggested modifications.

The basis for Commission staff's change in staff recommendation from its previous recommendation prepared for the Coastal Commission's January hearing is explained in detail in the staff report, beginning on page 38. As is detailed in the staff report, based on information received in response to the January 2014 staff report, Commission staff no longer believes that loss of open space on the subject Ridge Property can be adequately off set by preservation of the Goodell Property. Because the Ridge Property contains significant cultural and habitat resources that it was previously thought devoid of, the open space land use designation is the more appropriate designation to assure protection of the resources.

The January hearing staff report was complete and made public on December 20, 2013. The letter from the State Office of Historic Preservation was received in the Commission South Coast District Office on January 7, 2014 (see exhibit 12 of the staff report), the day before the LCPA was scheduled to be heard at the Commission hearing on the LCPA. The letter from Raptor biologist Peter Bloom was received by Coastal Commission staff at the January hearing (see exhibit 14 of the staff report). The letter from Guy Stivers regarding site drainage impacts to the ESHA was also received by Coastal Commission staff at the January hearing (see exhibit 15 of the staff report).

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Although there were numerous additional letters that raised concerns with regard to the January staff recommendation, these three were most significant in changing the staff recommendation. It was the letters from Peter Bloom and Guy Stivers that caused the Commission's staff ecologist to prepare a memo responding to the concerns raised in their respective letters (see exhibit 16 of the staff report). Thus, the property owner's letter's statement that the change in the staff recommendation was "under the guise of new information – all of which was previously known to Commission staff," is inaccurate (property owner's letter, page 2, first paragraph). The basis for the change in staff recommendation is discussed at length in the staff report beginning on page 40.

The "heart" of the staff report is not "staff's desire to ensure that 5 acres of open space zoned property not be rezoned before its 'loss' is mitigated."¹ The heart of the staff recommendation is an analysis as to whether the proposed land use designation change at the Ridge Property from the higher priority open space designation to the lower priority residential designation is consistent with the Chapter 3 policies of the Coastal Act. As is described in great detail in the staff report, Commission staff believes it is not.

The property owner's "Question & Answer sheet," exhibit B of the letter, as well as the more recently prepared "Question & Answer sheet," exhibit C, are misleading. For example, Exhibit B refers to overlay zones. The property owner's misleading discussion regarding the use of overlay zones is discussed later.

1. Concurrent Consideration of the Ridge & Goodell Properties²

Commission staff does agree that considering both the Ridge and Goodell Properties together is desirable from a planning standpoint. However, it is not mandatory. The properties are separately owned (though the Ridge property owner has an option to purchase the Goodell Property) and are located in separate government jurisdictions. The property owner prefers to have the two properties considered together in the hope that it would allow residential development in an area currently designated Open Space-Parks. Residential development is not allowed in the Open Space-Parks land use designation.

It is interesting that the property owner's letter suggests that their desired method "for the development rights on the Goodell site to be extinguished in a non-regulatory transaction"³ is in fact a request that the Coastal Commission impose a regulatory restriction on the Ridge Property, and that regulatory restriction is dependent upon a site not under the regulatory authority's (City's LCP) jurisdiction.

The property owner has again asserted the position that placing a deed restriction on and offering to dedicate the Goodell Property will offset the loss of open space on the Ridge Property. It must

¹ "At the heart of the Staff Report is staff's desire to ensure that 5 acres of open space zoned property not be rezoned before its "loss" is mitigated." - Hori Letter, 6/10/14, page 2.

² The numbering herein corresponds to the numbering in the property owner's letter (Hori, 6/10/14).

³ Hori Letter, 6/10/14, page 2, 4th paragraph.

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again be reiterated that this option is not proposed by the City. The property owner suggests that the Coastal Commission impose their language to link both properties. The property owner suggests that because it would like the Commission to impose these requirements via this LCPA, it has put both properties before the Commission. However, the subject LCPA submitted by the City of Huntington Beach that is currently before the Commission only affects the Ridge Property.

Although Commission staff attempted to link the two sites via suggested modifications in its January 2014 recommendation, that attempt was rejected by both the City staff and property owner as well as the owner of the Goodell property. Commission staff asserted in the January recommendation that assurance that the Goodell Property would in fact be preserved as open space in exchange for residential development on the Ridge Property could only be assured if the offer to dedicate was accepted prior to the land use designation change. The City staff and property owner disagreed in January with the requirement that the offer be accepted, and continue to disagree today. If the open space land use designation on the Ridge Property changes prior to acceptance of the offer to dedicate the Goodell Property in open space, then there is no assurance that the offer would ever be accepted. Moreover, a deed restriction on the property might be modified in the future if the Goodell Property owner (either the current owner or a future owner) were to challenge the open space restriction on its property in the future. Regardless, Commission staff no longer accepts the contention that the Ridge Property is devoid of resources. Commission staff believes the significant resources on the Ridge Property must be addressed. However, in addition to not requiring acceptance of an offer to dedicate the Goodell Property in open space, the LCPA does not address the presence of significant resources on the Ridge Property.

The property owner's letter states: "... the City's Suggested Modifications utilize a land use planning tool called an overlay." Again, it is important to clarify that the City has not proposed the language and it is therefore inaccurate and confusing to refer to the language as the "City's Suggested Modifications." The LCPA proposed by the City would only change the land use designation from Open Space – Parks to Residential. The LCPA proposed by the City does not include any "suggested modifications." In any event, as is explained in great detail in the staff report beginning on page 44, the use of an overlay zone to allow residential use in an Open Space-Parks land use designation is not advisable. The staff report states (page 44): *"Although overlay zones are routinely used in planning and zoning documents, most typically, overlay zones allow the underlying use(s), but impose additional and/or more specific requirements/restrictions on properties within the overlay zone. It is very unusual to apply an overlay to allow an expansive use of property antithetical to the underlying use, as is being suggested here in suggesting that residential use could be allowed in an open space area."*

Also, on page 45, the staff report states:

"It is unusual, if not unheard of, for an overlay zone to allow a completely different and more expansive land use than the underlying zone. And it is very odd indeed to create an overlay zone to allow residential development within an Open Space-Parks land use designation. The two uses are not complimentary. The residential overlay suggested by the

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City would allow a completely different, lower priority use within the underlying high priority Open Space-Parks designation.

More importantly the residential overlay zone presented by the City staff and the property owner addresses the Commission staff's concern of retaining the Open Space-Parks land use designation at the Ridge Property until open space is assured on the Goodell Property by simply allowing residential use in an open space land use designation. However, allowing residential development within the Open Space-Parks land use designation in effect retains the open space designation in name only."

Regarding the "costly and time-consuming effort" to process either a consolidated coastal development permit or a revised LCPA that includes both properties, Commission staff was prepared to go forward with a denial recommendation at the November 2012 Coastal Commission hearing. However, at that time, the City withdrew the LCPA rather than proceed with a recommendation for denial. The time frame for processing the LCPA was lengthened by the City's re-submittal of the identical LCPA request even though discussions between City and Commission staff indicated that it would be revised prior to re-submittal in order to address the two properties together. The time frame was further lengthened by the City's request that Commission staff prepare complicated suggested modifications to link the properties when both were not before the Commission.

The City could submit a revised LCPA that addresses both sites either after annexation of the Goodell Property into the City or with pre-zoning for the Goodell Property to take effect upon annexation. In addition, Commission staff has suggested that the property owner, to achieve its desired goal of having both properties before the Commission at the same time, submit a consolidated coastal development permit. The Ridge property owner has an option to purchase the Goodell Property. As such, a consolidated coastal development permit could be processed by the Ridge Property owner alone. Commission staff first suggested the possibility of pursuing a consolidated coastal development permit in its letter dated 6/4/13. This is discussed extensively in the staff report beginning on page 35. A timeline for the LCPA is listed as Exhibit 20 in the staff report but was inadvertently omitted. It is attached hereto. In any case, City staff and the property owner have declined to pursue either alternative.

The language that the property owner would like the Commission to impose (which they erroneously call "Suggested Modifications"⁴) would not "achieve the very same objectives" of alternative options suggested by Commission staff, contrary to the assertion on page 3 of the property owner's letter. As described above, the language put forth by the City staff and property owner would not protect significant cultural and habitat resources on the Ridge Property and would not assure that the Goodell Property is preserved in open space prior to residential development on the Ridge Property. There are other objections to the language, but these are two of the fundamental differences.

⁴ Again, although the letter refers to "Suggested Modifications," Commission staff is not recommending any suggested modifications and the City has not proposed any such language.

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Page 3 of the property owner's letter states: "Further, even if Goodell was interested in pursuing the option of a consolidated coastal development permit, Coastal staff informed Signal that it would still recommend denial of such a permit application. Given staff's announced intent to recommend denial of a consolidated coastal development if applied for, why would any landowner pursue that course of action?" Commission staff never informed the property owner (Signal) that it would recommend denial of a future consolidated permit application. Commission staff cannot know what recommendation it would put forth on a permit application that may be submitted at some point in the future.

2. Biological Resources

A variable width buffer was applied to the eucalyptus ESHA on the adjacent Parkside Property. This is the same eucalyptus ESHA from which development on the Ridge Property should be set back. That variable width buffer was a *minimum* of 297 feet and ranged up to 650 feet. Regarding the buffer distance from the eucalyptus ESHA imposed on the Parkside Property, the City's certified LUP states: "*A variable width buffer area is required along the perimeter of the ESHA and is required to be of sufficient size to ensure the biological integrity and preservation of the ESHA the buffer is designed to protect. A minimum buffer width of 297 to 650 feet shall be established between all residential development or active park use and raptor habitat within the eucalyptus groves.*" The ESHA in question is the very same ESHA adjacent to the subject Ridge Property. The eucalyptus grove on the Brightwater site is a separate eucalyptus ESHA not located immediately adjacent to the Ridge Property. Nevertheless, the variable width buffer imposed by the Commission on the Brightwater project ranged from a minimum distance of 150 feet to a maximum distance of 382 feet. The average buffer distance for the Brightwater project from the eucalyptus ESHA was 274 feet. Moreover, the Commission's action on the Brightwater project occurred in 2005. The Commission's action on the Parkside LUP occurred in November of 2007 and was more recently reinforced in its action on the Parkside coastal development permit (5-11-068) on October 11, 2012.

The reduction in buffer setback when a six foot high masonry wall is constructed at the eastern edge of the Ridge Property is no longer considered sufficient by the Commission's staff ecologist (see exhibit 16 of the staff report). As stated on page 43 of the staff report:

"In response to the questions raised regarding these aspects of the previously prepared suggested modifications, the Commission's staff ecologist prepared the Memorandum attached as Exhibit 16, which states that the standards for the previously recommended setbacks were "based solely on reducing anthropogenic disturbance to sensitive habitats, [which] are insufficiently protective of raptor habitat and the important vegetation on the Shea property." Further, in general regarding the issues raised by Mr. Bloom and Mr. Stivers, the staff ecologist's memo states: "I agree that these are serious impacts and I did not consider them in my earlier recommendations.""

The property owner's letter further asserts that the staff recommendation ignores the over 1600 acres of raptor foraging habitat in the area, including habitat restoration to occur at the adjacent

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Parkside Property. However this too is already addressed in the staff report. The staff report, on page 26 states:

"Although some habitat has been preserved with recent development projects in the area (e.g. Brightwater 5-05-020 and Parkside 5-11-068), overall these developments have resulted in a significant LOSS in raptor foraging area. Although the Brightwater project preserved 37 acres for habitat restoration and public trails, 68 acres of viable raptor foraging area were lost. Likewise, with the Parkside project, although 22 acres were preserved in open space, 28 acres of viable raptor foraging area were lost. The area preserved at the Brightwater and Parkside developments allowed some development of privately-owned property while balancing the need to maintain a healthy overall Bolsa Chica ecosystem. The fact that not all habitat suitable for raptor foraging on nearby parcels has been lost does not justify complete loss of existing foraging habitat elsewhere, including at the subject Ridge Property. In fact, the eucalyptus ESHA would cease to function as ESHA unless adequate foraging habitat is maintained."

Moreover, the requirement to preserve habitat cannot be imposed unequally on various property owners. Why should, for example, the developer of the Parkside Property be required to preserve 22 of its 50 acres in order that a neighboring property owner may be excused from any habitat preservation requirements? Furthermore, that habitat preservation and restoration provided in projects previously approved in the area by the Commission were necessary to offset the loss of habitat due to those developments. Setting aside existing habitat while allowing the loss of other habitat, still results in a net loss. This is addressed in the staff report beginning on page 23.

The property owner's letter also raises questions regarding impacts to the adjacent eucalyptus ESHA due to drainage changes on the Ridge Property. The letter suggests that the fact that the letter writer, Guy Stivers, is a member of the Bolsa Chica Land Trust should have been identified. The Land Trust is on record as opposing the LCPA, but it is not clear why this disqualifies Mr. Stivers from providing a professional opinion. The issue raised by Mr. Stivers needs further investigation. Preservation of site drainage may affect any future development footprint. As proposed, this is not addressed by the City's LCPA. The property owner's letter suggests this issue is better considered under a coastal development permit. Nevertheless, the property owner refuses to process a permit application. But because this issue is known, it would be difficult to know what, if any, development footprint would be appropriate as required by the LCPA process. The property owner has attached letters from its biological consultant (LSA, 6/9/14) and from another consultant (Stantec, 6/5/14) responding to the Stivers letter. The LSA letter states: "The basis for analysis apparently includes three assumptions that are not *necessarily* correct. [emphasis added]" Thus, the LSA letter does not, at this point, conclude that the assumptions are incorrect. The staff recommendation recognizes that the Stivers letter raises significant concerns. More review is necessary. As suggested by the property owner's letter, this would best be reviewed via a coastal development permit application. The Stivers letter was received and made public in January. It is unclear as to why the property owner did not provide any response until the day before the hearing. The property owner suggests, in any case, that the drainage issue can be addressed by designing a system to "divert runoff from the Ridge to the eucalyptus grove" if needed. These matters must be

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vetted by the Commission's staff ecologist. That cannot be done the day before the hearing. Regardless, it is premature to accept the land use designation change without having more information regarding habitat impacts.

3. Cultural Resources

This issue is addressed at great length in the staff report starting on page 20. The property owner's letter states: *"Because the Ridge archaeological investigations were performed pursuant to a coastal development permit issued by the Commission, and not the City of Huntington Beach, the work was the subject of a 2013 enforcement action that was resolved last September."*

The archaeological investigations performed at the Ridge Property were conducted with no coastal development permit. This is reflected in Consent Cease & Desist Order No. CCC-13-CD-08 (Signal Landmark) and Consent Restoration Order No. CCC-13-RO-08 (Signal Landmark). As a party to the Consent Orders the property owner is aware and acknowledges that the archaeological work performed at the Ridge was not allowed by any coastal development permit, from either the Coastal Commission or the City.

Section 30244 of the Coastal Act states: *"Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required."*

The 1/6/14 letter from the State Historic Preservation Officer (exhibit 12 of the staff report) was not solicited by Coastal Commission staff. However, it is unclear as to why this would be an issue even if it was. Section 30244 of the Coastal Act identifies the State Historic Preservation Officer (SHPO) as the entity to identify archaeological resources in the coastal zone. Since the 1990s Commission staff has solicited the assistance of SHPO to review archaeological work occurring on the Bolsa Chica Mesa and to mediate disputes between the property owner, other archaeologists and Native Americans. SHPO informed Commission staff that their budget and staffing did not allow them to provide the requested assistance although they did provide comments at one point. The property owner is fully aware of Commission staff's past attempts to involve SHPO. The SHPO identified the entire Ridge Property as part of a village complex, as described in greater detail in the staff report. Since the 1/6/14, the State Office of Historic Preservation has reviewed the Final Report on ORA-86 Archaeological Investigations. The State Office of Historic Preservation has not provided further comment, thus the original letter must stand.

Concerning the enforcement matter on the Ridge site, the property owner's letter indicates that the property owner has "continued to work toward full compliance with these orders." However, the property owner recognizes that full compliance with the Consent Orders has not yet been achieved. In any case, it is premature to accept the land use designation change without having more information regarding these cultural resource questions.

4. Why was the Ridge Designated Open Space-Parks?

The property owner asserts that the Ridge was designated Open Space-Parks in anticipation of development that did not happen. The City also made this assertion during the process to complete the LCPA file. This is addressed at length in the staff report beginning on page 14. The staff report responds to this assertion as follows:

"It may be that the site was initially designated Open Space – Parks to offset the impacts of 3,000 potential future residential units. However, that basis for the designation was not described in the certified Land Use Plan at the time. As cited above, the LUP text from that time indicates that the site was designated Open Space – Parks due to the unique characteristics and location of the site. And the reasons cited in the 1982 LUP language for designating the site open space at the time, still apply today. The fact that the eastern portion of the referenced 10.5-acre site has been preserved as open space supports the significance of the 10.5-acre area and the initial LUP designation of Open Space – Parks and underscores the fact that the reasons for designating this site as open space were appropriate in 1982 and remain so today. The assertion in the original LUP language that the site is sensitive due to its location adjacent to the northern Eucalyptus ESHA and proximity to the Bolsa Chica remains true today. In addition, the fact that a great deal more is known with regard to the significance of the archaeological and cultural resources of the Bolsa Chica Mesa, further underscores the significance of the open space designation of the site. Additionally, a great deal more of the significant cultural resources on the Mesa have been lost due to development. The reasons given in the original LUP for designating the site Open Space Parks were accurate in 1982 and remain so today. The site is still within close proximity to ESHA that is now preserved in conservation open space, the view from the site extends to the Bolsa Chica wetlands and toward the ocean now, just as it did in 1982. In addition, an open space designation would be more appropriate for the recognition and protection of the rich prehistoric and historic uses as well as allow the protection in place of any archaeological resources that may still exist on site, rather than a residential designation."

5. Planning and Property Rights Principles

The property owner's letter suggests that it is the City's responsibility alone to determine the density and intensity of land development. However, within the coastal zone, the Coastal Act also identifies the Coastal Commission's role in determining appropriate density and intensity of land development. Hence, the subject LCPA.

Finally, the property owner's letter suggests that the staff recommendation "gives short shrift to the reasonable investment-backed expectations of the landowner." In its letters of August 30, 2010, December 13, 2010, and March 9, 2011 Commission staff requested economic viability determinations related to the subject LCPA and proposed land use designation change. This request was based on language in the City staff report that appeared to suggest that the open space parks

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land use designation deprived the property owner of economic use of its property. The Commission staff letter (3/9/11) to the City regarding information necessary to complete the LCPA file, states:

*"However, the abbreviated alternatives analysis appears to rely on conclusions based on the property owner's interest, rather than on consistency with Chapter 3 of the Coastal Act, which is the standard in this case. The City response dated 11/23/10 and received on 11/30/10 includes the following statement: **"Given that the City does not intend to acquire the site for development of a public park, the property owner is not afforded the opportunity to develop the property with any development in the interest of the owner."** Except for the agricultural use alternative (discussed further below), Commission staff had requested that the City submit economic viability determinations for each alternative because that appeared to be the basis for the City's land use decision. While Commission staff does not agree with the approach, we were attempting to understand the City's decision by obtaining the economic information the City used to support it. [emphasis added]"*

The City consistently declined to provide economic viability information. The City's final response to Commission staff's requests for economic viability information, as reflected in its 11/23/10 letter, is as follows: *"With respect to the economic viability determination, the landowner, Signal Landmark has declined our request to provide the necessary information to conduct such a determination citing proprietary concerns."* In any case, an economic viability study was requested, but submittal of such a study was refused.

B. Staff Report Exhibit 20: Ridge LCPA Timeline

Exhibit 20 to the Staff Report, the Ridge LCPA Timeline, was inadvertently omitted from the staff report. It is attached hereto.

C. Native American Heritage Commission Email

Although the 12/27/14 letter from the Native American Heritage Commission (NAHC) is included in the staff report as exhibit 13, the more recent 6/11/14 email from the NAHC expressing continued concerns with the LCPA was not attached. It is attached hereto.

D. Additional Letters Received Opposing the LCPA

Since the first addendum was finalized, additional letters have been received. Those received by 6/10/14 at 5 pm are attached hereto.

E. Letters Received in Support of the LCPA

The property owner submitted 58 copies of a form letter supporting preservation of the Goodell Property in exchange for allowing residential development on the Ridge Property. Staff notes that preservation of the Goodell Property was not a part of the LCPA submitted by the City and denial of the LCPA would not preclude this action. A copy of the form letter was distributed to

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Commissioners along with the Manatt letter from the property owner's legal consultant. A copy of the form letter is also attached hereto.

F. Letter From Huntington Beach Councilman Dave Sullivan

The attached letter opposes City purchase of both the Ridge and Goodell Properties.

Property Owner's Letter

Susan Hori

6/10/14

JUN 10 2014

CALIFORNIA
COASTAL COMMISSION

June 10, 2014

Client-Matter: 24970-031

VIA HAND DELIVERY AND ELECTRONIC MAIL

Steve Kinsey, Chair and
Members of the California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

**Re: Major Amendment Request No. HNB-MJ-1-12 (The Ridge) to the City of
Huntington Beach Certified Local Coastal Program
Hearing Date: Thursday, Item 9.a.**

Dear Chair Kinsey and Commissioners:

This letter is submitted on behalf of Signal Landmark ("Signal"), the landowner and proponent of the residential development that is proposed for the 5-acre property in the City of Huntington Beach ("City"), commonly known as "The Ridge" and the subject of the City's Local Coastal Program Amendment ("LCPA"). When your staff first reviewed the LCPA, it expressed a desire to address the land uses on The Ridge and the adjacent Goodell property at the same time. The very significant challenge, however, was that while The Ridge is within the City, the Goodell property remains unincorporated. Over the course of more than six months, your staff, City staff, and Signal have engaged in extensive deliberations and drafting to develop a set of Suggested Modifications that could be considered by the Commission as an alternative to the City's proposed LCPA. At times, your staff expressed reservations about that process, but nonetheless played a major role in the drafting of the Suggested Modifications. You will notice that, after these efforts and despite including every piece of communication it has received or solicited from members of the public and agencies, staff inexplicably elected not to share those Suggested Modifications with you. The most recent draft of Suggested Modifications, which was provided to staff on May 1, is attached to this letter as **Exhibit A**.

So, although the agenda item technically before you is the LCPA as forwarded to you by the City, you need to be aware that City staff and Signal had hoped to be discussing with you an efficient and effective means to accomplish what is not likely to be accomplished through your normal regulatory process, as will be detailed later in this letter. What we would like you to know is that although the LCPA proposes to change the land use designation and zoning of The Ridge from Open Space-Parks and Residential-Agriculture to Low Density Residential, the attached Suggested Modifications would retain the current Open Space-Parks designation and allow residential development through an overlay which ***could only be triggered upon the preservation of the adjacent and more resource-rich Goodell property.***

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Signal and the City have been working with your South Coast District staff for over four years to deem the City's LCPA application complete and address staff's questions regarding the proposed LCPA. The City's LCPA was originally scheduled for a hearing before the Coastal Commission in January 2014 with a staff recommendation for ***approval with suggested modifications***. Now, under the guise of new information – *all of which actually was previously known to Commission staff* – staff has changed its recommendation from approval to denial.

At the heart of the Staff Report is staff's desire to ensure that 5 acres of open space zoned property not be rezoned before its "loss" is mitigated. The Suggested Modifications squarely address this concern, retaining the existing Open Space-Parks land use designation and adding a residential overlay that would allow residential development of the Ridge site only if and after the 6.2 acre Goodell property is permanently deed restricted for open space and conservation uses, and conveyed to a public agency or non-profit organization acceptable to the Commission.

When Signal and the City met with staff to review these Suggested Modifications, Signal prepared a simple Question & Answer sheet to help explain how the overlay would work which is attached as **Exhibit B**. As staff has not accurately described the overlay concept in the City's proposal, to assist the Commission in its review of the City's proposal, attached as **Exhibit C** is a second Question & Answer Sheet which addresses concerns that have been raised in this Staff Report.

1. **The City's Suggested Modifications Discussed With Coastal Commission Staff Since Last Fall Provide for Concurrent Consideration of the Ridge and Goodell Properties.**

Both Signal and City agree with staff's goal that the Ridge and Goodell properties be considered by the Commission at the same time. That, however, is much easier said than done because the properties are in different jurisdictions and the owners of the Goodell site are not interested in participating in any process that would change the land use designation on their property. Signal, however, facilitated a solution to this riddle by acquiring an option on the Goodell property. The potential common ownership of the Goodell and Ridge sites creates the opportunity for the development rights on the Goodell site to be extinguished in a non-regulatory transaction in exchange for allowing residential on the Ridge site. Through the City's Suggested Modifications, it is not necessary for the Commission to regulate the Goodell site to achieve its preservation. That can be accomplished simply by requiring that the "common owner" record an open space/conservation deed restriction and convey the Goodell site to a public agency or private non-profit before residential development on the Ridge can occur. The challenge, however, is that there will be no "common owner" if the residential development of the Ridge site is not assured if the restriction and conveyance of the Goodell site occur.

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As explained more fully in the attached Q & A Sheet, the City's Suggested Modifications utilize a land use planning tool called an overlay. The base land use designation of the Ridge site would *remain* exactly as it is today, Open Space – Parks. The overlay would allow residential use if and only if the Goodell site is deed restricted to open space and conservation uses and conveyed to a public agency or private entity that will maintain it. This approach fully addresses the concerns expressed by Commission staff, as well as the concerns of Signal, Goodell and the City.

To achieve the very same objectives as the Suggested Modifications, Commission staff recommends that the City engage in the costly and time-consuming effort to process a general plan amendment and Local Coastal Program amendment prior to annexing the Goodell property, or that the landowners of the two properties apply for a single consolidated coastal development permit for both sites. Neither option is feasible because the Goodell Family Trust has indicated its unwillingness to annex the property into the city or consent to having their property included in a consolidated CDP. Further, even if Goodell was interested in pursuing the option of a consolidated coastal development permit, Coastal staff informed Signal that it would still recommend denial of such a permit application. Given staff's announced intent to recommend denial of a consolidated coastal development permit if applied for, why would any landowner pursue that course of action? The only difference between staff's proposal and the Suggested Modifications is that staff's proposal would take much longer, cost much more, place significantly greater demand on your staff resources, require several more hearings, and still never happen because the owner of the Goodell site is not willing to engage in the process proposed by staff. Despite staff's contentions to the contrary, all of the protections staff seeks are available by implementing the Suggested Modifications.

Staff's recommendation to deny the City's LCPA is also premised on its analysis of the LCPA's consistency with Coastal Act policies addressing biological resources and cultural resources. We address each below.

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2. **The LCPA is Consistent with the Protection of Biological Resources, including Environmentally Sensitive Habitat Areas (ESHAs). The City's LCPA and Suggested Modifications Recommend Buffers to Protect the Eucalyptus ESHA and Coastal Sage Scrub and Is Based Upon Substantial Evidence in a City-Approved Biological Assessment.**

The Ridge property is adjacent to the Parkside property that was approved by the Commission in October 2011. The Parkside approval included designation of a stand of eucalyptus trees between Parkside and the Ridge as ESHA because the trees provide raptor roosting and nesting habitat.

Staff asserts that the 5 acre Ridge site provides valuable raptor foraging habitat and must provide a rigid 300-foot setback from the eucalyptus trees that would extend west 150-feet from the Ridge's eastern property line. The setback is required in order to protect the eucalyptus and the restored coastal sage scrub habitat (to be provided by Parkside in the future), and to provide adequate foraging habitat for the raptors that use the eucalyptus trees. The City's Suggested Modifications provide for application of a variable buffer – a concept that staff fails to inform the Commission was used in its approval of the two adjacent developments, Parkside and Brightwater. The buffer proposed by the City's Suggested Modifications is entirely consistent with the variable width buffers the Commission has consistently required of the projects proposed in this area. A variable buffer of a minimum of 150 feet was approved by the Coastal Commission for the Brightwater project to the west that is located adjacent to much of the eucalyptus grove ESHA. The Parkside development was also approved using a variable buffer width.

Staff's analysis ignores the Suggested Modifications which expressly provide for a 300 foot buffer from the eucalyptus grove and 100 foot buffer from the restored coastal sage scrub habitat, but which may be reduced to a minimum of 150 feet and 50 feet respectively with the construction of a 6 foot high masonry wall at the edge of the Ridge Property. These provisions were originally drafted by your staff, but apparently are no longer acceptable because of additional outside input received by staff (see below) which has not been objectively evaluated by staff. (See **Exhibit A**, Suggested Modifications, "Design and Development," ¶ 4.) Staff's analysis provides no substantial evidence to demonstrate why a 150-foot buffer from the property boundary is needed for either purpose. In fact:

- Staff's analysis of raptor foraging habitat limits its consideration to the two adjacent developed areas (Parkside and Brightwater) and ignores the ***over 1600 acres of raptor foraging habitat that surrounds the Ridge.***

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- Staff's analysis fails to take into consideration the habitat restoration that is about to be implemented on the Parkside property that will upgrade disturbed habitat, the value of which is endorsed by Peter Bloom (see Letter from Peter Bloom, Staff Report Exhibit 14, cited by John Dixon in his memorandum to Meg Vaughn, Staff Report Exhibit 16). The Parkside habitat restoration will provide a significant increase in the habitat value surrounding the eucalyptus ESHA. See Memorandum from Art Homrighausen, LSA dated June 9, 2014, attached as **Exhibit D** ("Homrighausen Memo").
- Staff's analysis ignores the Biological Assessment that took into consideration the future Parkside development, the eucalyptus trees, and the use of the site by raptors, and provides no substantial evidence in support of its conclusions, only conjecture.
- Staff's analysis of raptor foraging habitat ignores the Lower Bench of the Bolsa Chica Mesa which has been documented as important raptor foraging habitat.
- Most importantly, staff ignores that the City's Suggested Modifications would set aside the 6.5-acre Goodell property as open space, thus making this buffer substantially wider. As noted in the Homrighausen Memo, neither Peter Bloom nor the Commission's biologist, John Dixon, consider the habitat value that would be realized by developing most of the Ridge in exchange for preservation of the 6.2 acre Goodell property which would be far more beneficial to raptors, and would exceed the California Department of Fish and Wildlife preservation ratio recommendation, and would consolidate open space preservation and raptor foraging areas in a parcel with much greater topographic and vegetative diversity.

Staff also expresses concern that development of the Ridge will eliminate a source of water for the eucalyptus trees. In support of this "new" concern, staff relies upon a letter from Guy Stivers, who conveniently failed to identify himself in the letter as a board member of the Bolsa Chica Land Trust. First, the action before the Commission is a LCPA, not a coastal development permit where grading and drainage are more appropriately addressed, as expressly required by the City's Suggested Modifications.¹ Second, although the action before the

¹ The City's Suggested Modifications specifically require that "[D]evelopment shall not significantly and adversely impact the continuance of adjacent and/or nearby Environmentally Sensitive Habitat Areas ("ESHAs") and wetlands. Potential significant adverse impacts to ESHA must be avoided and . . . to the extent feasible, be mitigated to a level of insignificance or avoided." Similarly, "[t]he [required] Water Quality Management Plan shall demonstrate that the proposed project will not significantly and adversely impact . . . any environmentally sensitive

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Commission is a LCPA, staff has been provided with the City's CEQA documentation and other analysis for the proposed development of the Ridge property with residential uses. It has had this information for four years. Had staff reviewed that information, it would have been aware of this concern long ago. Instead, it now recognizes this as an issue only because of letter from a project opponent, a concern which staff believes can only be addressed by preventing development on a portion of the property. Third, had staff thoroughly investigated the Stivers allegation, it would have determined that Mr. Stivers' calculations are oversimplified and overstated the amount of water that actually reach the eucalyptus. In reality, much of the rainfall is absorbed by the soil and does not sheet flow to the eucalyptus, and in the future, sheet flow runoff from the Ridge will actually be captured by the native shrubs and grasses that the Commission has required Parkside to plant between the Ridge and the eucalyptus. See **Exhibit D**, Homrighausen Memo at page 1².)

Signal's biological consultant and civil engineer both examined the Stivers letter and concluded that in addition to overstating the eucalyptus' dependency on runoff from the Ridge, a system could be designed to divert runoff from the Ridge to the eucalyptus grove if it is biologically needed to avoid the alleged degradation. The Homrighausen Memo also notes that the presence of groundwater and the creation of a large seasonal wetland adjacent to the eucalyptus grove also provide sources of water to sustain the eucalyptus. None of this information was taken into consideration by staff who has had the benefit of years of information and analysis regarding the Parkside project. (See **Exhibit D**, Homrighausen Memo at 2, and **Exhibit E**, Letter from Wilhelm Maul, Stantec Consulting Services Inc., dated June 5, 2014.) It is curious that staff prefers to recommend denial of the LCPA rather than consider a solution to this issue.

Finally, despite the fact that substantial evidence in the form of a Biological Assessment prepared by a credible environmental consulting firm (LSA) found neither Southern Tarplant nor burrowing owl on the Ridge, and without any evidence that the species may be present, staff simply recommends denial of the LCPA because the LCPA does not address the potential presence of species that the City has documented are not present.

habitat areas . . . within the adjacent Parkside property. . . ." (**Exhibit A**, Suggested Modifications, "Design and Development," ¶¶ s 4, 6.)

² Art Homrighausen is Parkside's biological consultant as well as the biological consultant for the Ridge. Mr. Homrighausen has spent over 14 years monitoring the biological conditions and functions of the Bolsa Chica Mesa, including these two properties and is overseeing the habitat restoration at Parkside.

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3. The City's LCPA and Suggested Modifications Area Consistent with the Protection of Cultural Resources.

Section 30244 of the Coastal Act and City LUP Policy C 5.1.2 both require "reasonable mitigation measures to minimize impacts" to archaeological resources. In carrying out this mandate, the City reviewed the history of archaeological investigation programs that were conducted on ORA-86, the archaeological site that is located in the southeast corner of the Ridge property. In their Suggested Modifications the City has proposed that the portion of ORA-86 that was discovered on the Ridge: the cultural depression or "house pit" be protected through avoidance and that a 50-foot setback be provided between the edge of proposed development and the "house pit".

The entire Ridge property was subject to a comprehensive archaeological investigation in 2001, and a summary report on the ORA-86 work was submitted to Commission staff in 2010 as part of the City's LCPA application. Because the Ridge archaeological investigations were performed pursuant to a coastal development permit issued by the Commission, and not the City of Huntington Beach, the work was the subject of a 2013 enforcement action that was resolved last September.

While Signal does not dispute the archaeological significance of ORA-83 and ORA-85 described in the Staff Report, ORA-86 is not a part of either of those sites. Nor does it dispute the discovery of ORA-86 in the southeastern portion of the Ridge. Signal does dispute the designation of the entire Ridge site as a Traditional Cultural Property, and the requirement that the only "reasonable mitigation" is the prohibition of residential uses on the Ridge. The City's LCPA and Suggested Modifications provide for the protection of ORA-86 in a manner that is consistent with Section 30244, and would allow for the implementation of Signal's proposed Cultural Mitigation Plan that has been submitted in connection with the Commission's adopted Restoration Order (CCC-13-RO-08) which provides for future Native American cultural use of the site.

Commission staff has based its changed recommendation on the letter it received from the State Office of Historic Preservation, dated January 6, 2014, commenting on the City's LCPA. That letter was requested by South Coast District staff to augment its analysis of the City's LCPA. At the time SHPO submitted its letter, it had not received a copy of the "Final Report on ORA-86 Archaeological Investigations," and therefore did not have the benefit of the information derived from the extensive archaeological investigation program. Had SHPO reviewed the Final Report they would have been informed of the following:

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- The purpose of the 2001 archaeological investigations was to determine the precise boundaries of ORA-86. The 2001 investigation implemented a comprehensive and systematic excavation program to establish site boundaries and identify whether any intact resources remained.
- Over the last 50 years, several archaeological investigations had been conducted that concluded that much of the site had been destroyed by historic farming activities, and that the only areas where intact resources might be encountered was in the far eastern portion of the site. The 2001 excavations confirmed that ORA-86 was present only in the southeast corner of the Ridge,
- Artifact deposits in a depressed area – reflecting human habitation - indicated that the area may have been used as for domestic occupation. The dates of occupation were 2370 to 2000 BP based upon radiometric dating of shell found in the cultural depression.
- ORA-86 is completely separate and distinct from the other two major sites on Bolsa Chica Mesa located west of the Ridge property, ORA-83 and ORA-85. Over 2000 years separate ORA-86 from the other two sites, and its use was limited to domestic occupation site as compared to the other sites which reflect a more complex set of artifacts and uses.
- ***The ORA-86 Cultural Depression Area Will Be Preserved.*** The area where the cultural depression was found will be permanently preserved in open space, and a 50 foot setback will be established from the edge of development. Because it is highly probable that other intact deposits from ORA-86 could be found on the adjacent parcel of property, the City's Suggested Modifications provides a mechanism to protect the Goodell property. (**Exhibit A**, Suggested Modifications, "Design and Development, ¶ 5.)
- The City's Suggested Modifications will assure that residential development of the Project Site would be consistent with Section 30244 of the Coastal Act. The protection in open space of the only intact area of ORA-86 provides reasonable mitigation for this archaeological resource.

Although not the subject of the City's LCPA, because staff has made certain representations regarding Signal's compliance with the Commission's adopted Consent Cease and Desist and Restoration Order, Signal is compelled to respond to those statements. Under the terms of the Consent Orders, Signal agreed to take steps to restore the areas subject to the

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unpermitted excavations. That work has been completed and the site restoration approved by the Commission enforcement staff. Signal also agreed to ensure the protection and appropriate treatment of significant archaeological resources. Signal has submitted a plan that was prepared in consultation with the Juaneno Band of Mission Indians that proposes the donation and curation of the archaeological artifacts at the Cooper Center at California State University at Fullerton. The representative from the Gabrielino Band of Mission Indians who has refused to consult directly with the landowner, and will communicate only to Commission staff, has indicated his preference that all artifacts be reburied on the Ridge. Signal is currently attempting to reach a compromise between the two Native American tribal groups. Signal has also prepared a mitigation plan to establish a cultural interpretive and reflection area for the Native Americans. The two Native American tribal groups also disagree on the location and design of the cultural site. Therefore, while these issues have been in the process of being resolved, Signal has continued to work toward full compliance with those Orders.

4. **The Ridge Was Zoned Open Space-Parks in Anticipation of Development that Never Happened.**

The 5-acre Ridge property was designated Open Space-Parks when the City's LCP was certified in 1982. As the Staff Report cites at page 13:

This bluff area contains a significant stand of mature eucalyptus trees [the Parkside Property's Northern Eucalyptus Grove ESHA] and affords a view into the Bolsa Chica and toward the ocean. To protect these bluffs and to allow public access to, and use of, this scenic area, it has been redesignated recreation.

What the Staff Report neglects to inform the Commission is the considerable amount of open space protection that has occurred in 30+ years. At the time the City's LCP was certified, the adjacent 1600-acre Bolsa Chica property was proposed for development of a marina and 5700 unit residential development. Given the Ridge's proximity to what would have been an influx of new residents, the City re-designated the area Open Space-Parks from its prior Low Density Residential zoning. Since 1982, a majority of the 1600-acre Bolsa Chica is now designated for Open Space uses, including:

- the 1200-acre State-owned Bolsa Chica Ecological Reserve,
- the 120-acre State-owned Lower Bench of the Bolsa Chica Mesa; and
- the 106 acre Harriett Wieder Regional Park.

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In addition, the two residential developments that have been approved – Parkside (CDP 5-11-068) and Brightwater (CDP 5-05-020) – will only generate less than 500 residential units and both provide open space-recreational amenities such as trails and local parks. The bluff protection that the City's LCP references has been accomplished by the setbacks imposed on the Parkside and Brightwater developments, as well as the open space areas provided since 1982 which also provides protection and buffering for the eucalyptus grove. Public access and views of the Bolsa Chica, wetlands and ocean have also been provided by the Brightwater development and the acquisition of almost 1500 acres of land by the State and County for open space, parks and trails. Contrary to staff's assertion, the reasons for designating this 5 acre site Open Space-Parks no longer apply today. The 5-acre Ridge property is surrounded on three sides by existing and proposed residential development, and its position on the Bolsa Chica Mesa is adjacent to over 1500 acres of natural open space and trails.

Staff has usurped the City's role in determining its local parks and recreation needs by concluding that there is less than 2 acres of park in the subject site's vicinity, and that the City is deficient in park space. Staff's conclusion ignores the fact that the City has concluded otherwise; that over 1500 acres of passive open space within a short walking distance (less than 1/4 mile) surround the Ridge; and the City's Suggested Modifications propose 7.5 acres of open space immediately adjacent to the Ridge on the Goodell property. Rather than a significant reduction in recreational opportunities as staff suggests, the City's Suggested Modifications would greatly enhance both recreational opportunities as well as cultural resource protections – both of which are consistent with and further Coastal Act policies.

5. Staff's Recommendation Ignores The Principles of Planning and Property Rights.

Staff suggests that as an alternative to the City's LCPA and its Suggested Modifications that the City consider allowing either 1 house on the 5 acre Ridge property (Staff Report at 18), or High Density Residential on a smaller footprint (Staff Report at 19). Determining land use compatibility is the function of a City in implementing its General Plan and LCP. To suggest dropping one 5-acre homesite into an area of low to medium-high density residential developments defies sound land use planning principles. The City is charged with determining the density and intensity of land development taking into consideration land use compatibility as well as implementation of its Housing Element as well as its Coastal Element. The City has balanced these considerations and has submitted its LCPA and Suggested Modifications to the Commission. We urge the Commission to not substitute its staff's judgment for the sound planning decisions made by the City.

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Finally, staff gives short shrift to the reasonable investment-backed expectations of the landowner. Signal owned the Ridge site in 1970, it was zoned residential by the city. Today, the Ridge and the adjacent Goodell parcel are the only two remaining undeveloped properties at Bolsa Chica. Residential development at Bolsa Chica has been considerably reduced from what was anticipated over the last 30 years. None of that, however, alters the basis for Signal's original investment in the Ridge site. The City's Suggested Modifications offer a straightforward path to assuring preservation of the Goodell site, according Signal a reasonable development of the Ridge site, and closing the final chapter of land development at Bolsa Chica. There is no reason to search for a more difficult, costly, time consuming, and ultimately unlikely path.

Signal respectfully requests the Commission to reject the Staff's recommendation and adopt the City's LCPA and its Suggested Modifications.

Very truly yours,

Manatt, Phelps & Phillips, LLP



Susan K. Hori
Partner

Enclosures: Exhibits A-D

- A: City's Suggested Modifications
- B: Question & Answer Sheet re Suggested Modifications
- C: Questions & Answer Sheet re Staff Report
- D: Memo from Art Homrighausen, LSA
- E: Letter from Wilhelm Maul, Stantec Consulting Services

cc: Ed Mountford, Signal Landmark
Scott Hess, City of Huntington Beach
Mary Beth Broeren, City of Huntington Beach
Jennifer Villasenor, City of Huntington Beach

EXHIBIT A

City's Suggested Modifications

THE RIDGE
LUP DESIGNATION OF OS-P WITH RESIDENTIAL OVERLAY

Draft Suggested Modifications

HNB-MAJ-1-12 (The Ridge)

NEW SUB AREA 4M

Intro & Background:

The City of Huntington Beach has requested Commission approval of an LCP amendment (HNB-MAJ-1-12) for property known as the Ridge (the "Ridge Site"). Adjacent to the Ridge Site is property which is not owned by the Ridge property owner and not within the boundaries of the City. That property is known as the Goodell Site and is identified as Assessor's Parcel No. 110-016-18. The LCP Amendment relates only to the Ridge Site because the Goodell Site is not within the City's boundaries and, therefore, not part of the City's LCP. As a result, when the LCPA was originally submitted, it contained no reference to the Goodell Site.

Currently, the land use designation for the Ridge Site under the City's LCP is "Open Space Parks." The County of Orange land use designation for the 6.2-acre Goodell Site is Residential Low Density. The goal of these suggested modifications is to allow residential development on the Ridge Site while, at the same time, removing the potential for residential development on the adjacent Goodell Site.

As submitted, the City's proposed LCPA would allow residential development on the Ridge Site and would not address the elimination of the potential for residential development on the County's Goodell Site. The challenge addressed by these suggested modifications is to preclude residential development of the Goodell Site and preserve it as open space without actually "regulating" it through another jurisdiction's (i.e., the City's) LCPA for the Ridge Site. After numerous discussions between the City, the owners of both properties, and Commission staff, these suggested modifications have been shaped to meet that challenge, providing a creative and efficient means to assure that the development potential on the Goodell Site is eliminated before residential development can occur on the Ridge Site, all without "regulating" the use of the Goodell Site. These mods assure that changing the land use designation for the Ridge Site from the higher priority Open Space Parks (OS-P) to the lower priority Residential Medium Density (RM) and using a voluntary deed restriction to limit uses on the Goodell Site to specified open space and conservation uses will be more protective of resources than the current potential for development.

DRAFT SUGGESTED MODIFICATIONS:

A. LUP MODIFICATIONS

The Coastal Element will be modified as follows:

Suggested Modification No. 1:

A new Subarea 4M will be added to LUP Table C-2 as follows:

Table C-2 (continued)
Community District and Subarea Schedule

Subarea	Characteristic	Standards and Principles
4M The Ridge	Permitted Uses	Land Use Category: OS-P-r; OS-C Open Space-Parks with a Residential Overlay
	Density / Intensity	<ul style="list-style-type: none"> • Unless conditions precedent to use of the Residential Overlay have occurred, only uses permitted under the Open Space-Parks land use designation shall be allowed. • Only if conditions precedent to use of Residential Overlay have occurred, residential development consistent with the RM land use designation shall be permitted. As provided in Table C-1, a maximum of 15 units per net acre shall be allowed, subject to compliance with all design and development standards specified below and depicted on LUP Figure C-6c.
	Design and Development	<p>Open Space-Parks: For those portions of Subarea 4M designated OS-P-r, uses consistent with the Open Space – Parks designation are allowed.</p> <p>Open Space-Conservation: For those portions of Subarea 4M designated OS-C, uses consistent with the Open Space – Conservation designation are allowed.</p> <p>Residential Overlay: For those portions of Subarea 4M designated OS-P-r, a Coastal Development Permit (a “CDP”) for residential development shall contain Conditions of Approval requiring that each of the following events occur prior to the issuance of a grading permit:</p> <ol style="list-style-type: none"> 1. A deed restriction has been recorded, in a form and content acceptable to the Executive Director of the Coastal Commission, which permanently restricts the use of the Goodell Site to specific open space, parks, and conservation uses (the “Permitted Uses”). The Permitted Uses shall be limited to archaeological or environmental interpretive facilities, public parking, pedestrian trails, observation areas, interpretive displays, habitat restoration, and any additional uses set forth in the Mitigation Plan prepared pursuant to Consent Cease and

		<p>Desist and Consent Restoration Orders Nos. CCC-13-RO-08 and CCC-13-RO-09 (the "Orders").¹ At the option of the Grantor/Offeror, the Deed Restriction may be included within the Conveyance Document described below or provided in a separate recordable instrument.</p> <p>2. Either:</p> <p>(a) An Irrevocable Offer to Dedicate the Goodell Site in fee to a public agency acceptable to the Executive Director of the Coastal Commission (the "Executive Director") and, if the Goodell Site has been annexed to the City, the Planning and Building Director of the City (the "Planning Director") has been made and recorded,</p> <p>OR</p> <p>(b) A grant has been made and recorded conveying the fee interest in the Goodell Site to a private non-profit entity acceptable to the Executive Director and, if the Goodell Site has been annexed to the City, the Planning Director.</p> <p>Within this Table C-2, the legal instrument conveying the fee in the Goodell Site shall be referred to as the "Conveyance Document," irrespective of whether it is an offer of dedication or a grant deed.</p> <p>The following public agencies and private entities shall be considered acceptable and require no further approval from the Executive Director or, if the Goodell Site has been annexed to the City, the Planning Director, (the "Pre-Approved Parties") unless the Commission later determines that the ability of the designated Pre-Approved Party to accept the responsibilities included within the "Maintenance Agreement" described below has been compromised since the approval of this LCP amendment:</p> <ul style="list-style-type: none"> • City of Huntington Beach • County of Orange • Bolsa Chica Conservancy • The Nature Conservancy • California Coastal Conservancy • California Department of Fish and Wildlife • California State Lands Commission • Payomkawichum Kaamalam
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¹ Among the uses set forth in the Orders are construction of a cultural area designed in consultation with the tribal group monitors and Most Likely Descendants (as those terms are defined in the Orders) that can be used for ceremonial and reflection purposes, public access amenities such as a parking area, trails that connect the cultural area to other trails, streets and public access areas, and signage.

		<p>The form and content of the Conveyance Document shall be approved by the Executive Director and, if the Goodell Site has been annexed to the City, the Planning Director, free of prior encumbrances (other than tax liens) that the Executive Director determines may affect the interest being conveyed. The Conveyance Document shall provide the public the right to use the dedicated area for the Permitted Uses only.</p> <p>3. A maintenance agreement for the Goodell Property has been entered into with the approved party under which that party accepts responsibility for maintenance and liability associated with the Goodell Property (the "Maintenance Agreement").</p> <p>The restrictions contained in the Conveyance Document shall run with the land in favor of the State of California and bind successors and assigns of the landowner. The Conveyance Document shall be irrevocable for a period of twenty-one (21) years from the date of the recording of the Conveyance Document.</p> <p>Residential development on the Ridge Property shall be subject to approval of a CDP consistent with the requirements for Subarea M set forth in this Table. Development approvals such as, but not limited to, tentative subdivision maps, site plans, and coastal development permits may be approved before recordation of the Conveyance Document, but shall not be effective unless and until that recordation occurs.</p> <hr/> <p>Any application for a CDP for proposed development on the Ridge Property must include, but is not limited to, the following:</p> <p>4. <i>A Biological Resources Assessment</i> shall be prepared by an appropriately licensed professional no more than one year prior to the submittal date of the CDP application. The Biological Resources Assessment shall provide a comprehensive assessment of the resources on both the Ridge and the Goodell Sites and evaluate the proposed project's potential impacts on biological resources not only on the Ridge Site, but also on properties within the vicinity of the Ridge Site, including the Parkside site (Subarea 4K), the Brightwater site, and the Goodell Site. Development shall not significantly and adversely impact the continuance</p>
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		<p>of adjacent and/or nearby Environmentally Sensitive Habitat Areas ("ESHAs") and wetlands. Potential significant adverse impacts to ESHAs must be avoided and significant impacts to other coastal biological resources identified in the Biological Resources Assessment must, to the extent feasible, be mitigated to a level of insignificance or avoided.</p> <p>Future development of the Ridge Site shall incorporate a three hundred (300) foot buffer from the Northern Eucalyptus Grove ESHA and a one hundred (100) foot buffer from all coastal sage scrub habitat (including the scrub/grassland ecotone) located on the Parkside Property (Subarea 4K) as depicted on Figure 4-1 of the approved 2013 Habitat Management Plan prepared for that development by LSA. However, the 300 foot Northern Eucalyptus ESHA buffer may be reduced to one hundred fifty (150) feet and the coastal sage scrub buffer may be reduced to fifty (50) feet if a minimum six (6) foot high masonry wall is constructed at the edge of development on the Ridge Site.</p> <p>If potential significant impacts to biological resources due to the proposed project are identified in the Biological Resources Assessment, the development proposal shall be modified to avoid adverse impacts to the extent feasible, including through additional setback requirements. In addition, if additional biological resources are identified on the Ridge and/or Goodell Sites, a Habitat Management Plan to protect and manage all significant biological resources on the Ridge and Goodell Sites shall be prepared and submitted for approval of the permit issuing authority.</p> <p>When privacy walls associated with residential development are located adjacent to public and/or conservation areas they shall be placed on the private property outside any sensitive archaeological or habitat area. Visual impacts created by the walls shall be minimized through measures such as open fencing/wall design, landscaped screening, use of an undulating or off-set wall footprint, or decorative wall features (such as artistic imprints, etc.), or a combination of these measures.</p> <p>The Biological Resources Assessment shall provide recommendations for design and development standards and/or other mitigation measures, including avoidance measures, and shall identify appropriate buffer distance(s) from significant biological resources as necessary to protect the resources. Such measures shall assure that the</p>
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		<p>proposed project is consistent with the City's Implementation Plan (Zoning and Subdivision Ordinance), including but not limited to Section 221.10 <i>Requirements for New Development Adjacent to Environmentally Sensitive Habitat Areas</i> and Section 221.22 <i>Buffer Requirements</i>.</p> <p>5. An Archaeological Resources Protection Plan shall be prepared by an appropriately licensed professional, in consultation with the Native American Heritage Commission (NAHC) and tribal groups with cultural ties to the area, as determined by the NAHC. The Archaeological Resources Protection Plan shall evaluate the proposed project's potential significant impacts to archaeological resources on the Ridge Site and adjacent properties, including the Goodell Site. This Plan shall evaluate the potential for impacts to any significant archaeological resources and recommend measures to appropriately mitigate those impacts. Where potential significant impacts are identified, measures to mitigate those significant impacts shall be recommended, including, where applicable, the identification of appropriate buffer distances from significant archaeological resources.</p> <p>Any CDP for development on the Ridge Site shall provide that archaeological (controlled) grading shall be employed within areas of the Ridge Site that would be disturbed by development and/or otherwise subject to subsurface disturbance. Once sterile soil has been reached through archaeological (controlled) grading, traditional grading may be employed only within the area of the identified sterile soil.</p> <p>Development shall avoid the area identified in the Archaeological Resources Mitigation Plan as the location of the "house pit" removed through unpermitted development (the "House Pit Site"). Development on the Ridge Site shall be set back a minimum of fifty (50) feet from the House PitSite.</p> <p>The Archaeological Resources Protection Plan shall be subject to peer review consistent with current professional standards.</p> <p>6. A Water Quality Management Plan shall be prepared by an appropriately licensed professional. The Water Quality Management Plan shall demonstrate that the proposed project will not significantly and adversely impact sensitive resources on the Ridge Site and on the surrounding areas,</p>
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including but not limited to any environmentally sensitive habitat areas, if any, and wetlands, if any, within the adjacent Parkside property, the Brightwater property, the Bolsa Chica Ecological Reserve, and the Goodell Site. Site design and source control Best Management Practices ("BMPs") are preferred. When the combination of site design and source control BMPs is not sufficient to protect water quality, structural treatment BMPs along with site design and source control measures shall be required.

7. **Privacy Walls:** When privacy walls associated with residential development are located adjacent to public and/or conservation areas they shall be placed on the private property outside any sensitive archaeological or habitat area, and visual impacts created by the walls shall be minimized through measures such as open fencing/wall design, landscaped screening, use of an undulating or off-set wall footprint, or decorative wall features (such as artistic imprints, etc.), or a combination of these measures.
8. **A Pest Management Plan** shall be prepared. This plan shall, at a minimum, prohibit the use of rodenticides and restrict the use of pesticides and herbicides in outdoor areas, except as determined necessary by Vector Control and conducted by the City or County.
9. **A Landscape Plan** shall be prepared that prohibits the planting, naturalization, or persistence of invasive plants and encourages low-water use plants and plants primarily native to coastal Orange County. Any ESHAs identified in the Biological Resources Assessment shall be subject to a separate Habitat Management Plan.
10. **A Domestic Animal Control Plan** shall be prepared that details methods to be used to prevent pets from entering the adjacent Open Space Conservation areas and any other ESHAs identified in the Biological Resources Assessment.

If all the above requirements are met, a maximum of fifteen (15) dwelling units per acre shall be allowed. However, the density shall be reduced and/or development clustered if necessary to protect coastal resources. Uses consistent with the Open Space-Parks designation are also allowed.

The Open Space-Conservation designated areas, as shown on Figure C-6c, are intended to assure that development is sited and designed to avoid impacts to habitat and significant archaeological resources on-site and/or in the surrounding area. However, notwithstanding the residential land use

		<p>designation and consistent with the policies of this Coastal Element, any allowable development at the Ridge Site must avoid adverse impacts to ESHAs and significant archaeological resources.</p> <p>The location of development, including roads and private open space, shall be consistent with other provisions of the LUP and the Implementation Program with respect to their proximity to any wetland, Environmentally Sensitive Habitat Areas, archaeological resource areas, or required buffer area.</p> <p>Consistent with Policy C 2.4.7, the streets of any approved residential subdivision at the Ridge Site shall be open to the general public for vehicular, bicycle, and pedestrian access, and general public parking shall be provided on all streets throughout the subdivision. All public entry controls (gates, guards, signage, etc.) and restrictions on use by the general public (preferential parking, etc.) are prohibited.</p>
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Suggested Modification No. 2:

A new Overlay Category will be added to Table C-1. In the "Overlay Category" column, the new category will be designated "Residential -r." In the "Characteristics/Requirements" column, would be the following text:

"Permits all uses allowed in the base land use category. In addition, residential uses are permitted, but only in compliance with the conditions described for Subarea 4M of Table C-2."

Suggested Modification No. 3:

Figure C-6 will be modified to identify the Goodell Site within the unincorporated area shown on the map as "COUNTY OF ORANGE (BOLSA CHICA)". No land use designation shall be shown for the Goodell Site as it is not within the City's jurisdiction.

Suggested Modification No. 4:

Add a new Figure C-6b, "Ridge Site," which will:

- Include and identify the Goodell Site within unincorporated territory; and
- Designate that portion of the Ridge Site located within 50 feet of the boundary of house pit as shown in Figure 16 of the 2013 Archaeological Abstract Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA, prepared by SRS, Inc. and dated April 2013 as Open Space - Conservation.
- Designate that portion of the Ridge Site within 50 feet of the Scrub/Grassland Ecotone depicted on Figure 4-1 of the approved Parkside Estates Habitat Management Plan prepared by LSA and dated October 2013 as Open Space — Conservation.
- Designate the 30-foot wide City owned parcel at the northern property boundary as Open Space-Parks (OS-P).

- e. Show the land use designation for the Ridge Site as OS-P –r (Open Space-Parks with a Residential Overlay); and
- f. Add a note applicable to the Ridge Site referring the reader to Table C-2, Subarea 4M.

Suggested Modification No. 5:

Land Use Plan Figure C-10, "Huntington Beach Sub-Area Map," shall be modified to:

- a. Identify "Subarea 4M – The Ridge Site;" and
- b. Within the unincorporated area and outside of Subarea 4M, identify the Goodell Site.

Suggested Modification No. 6:

A New Land Use Plan Figure C-14a, "Trails & Bikeways – Northern Bolsa Chica Vicinity," shall be added. This new figure shall depict the 30-foot wide, public trail adjacent to and immediately north of the Ridge Site. In addition, this new figure shall depict all public trails in this vicinity including the trail network resulting from the more recent projects in the vicinity including, but not limited to, the Brightwater, Parkside, and East Garden Grove Wintersburg flood control channel sites, as well as all public trails in the area including those within the Bolsa Chica Ecological Reserve and the Bicycle/Pedestrian Path along Bolsa Chica State Beach. This figure should also identify available public parking, including but not limited to, the public parking available on the public streets of the Brightwater and Parkside sites.

Suggested Modification No. 8:

Land Use Plan Figure C-16, "Significant Recreational Resources," shall be modified to include the public parks at the Parkside site and at the Brightwater site. This figure shall also be modified to include a note identifying where public parking is available adjacent to/near the parks on this figure, including available on-street public parking.

Suggested Modification No. 9:

The Land Use Plan text within the *Technical Synopsis*, under the heading "Sub-Area Descriptions and Land Use Plan" and subheading "Zone 2 – Bolsa Chica," shall be modified as follows:

The following new third paragraph shall be added under the subheadings "Coastal Element Land Use Plan" and "Inland (Pacific Coast Highway and areas north to the Coastal Zone Boundary)," just above the paragraph beginning "The Wintersburg Channel Bikeway is ... :

"Also included in this area is an approximately five acre parcel known as the Ridge, located on the Bolsa Chica Mesa at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue. The Ridge Site is land use designated Open Space – Parks, with a Residential Overlay (-r). Residential development, however, is permitted at the Ridge Site only upon compliance with the requirements and restrictions of Subarea 4M of Table C-2. Adjacent to and immediately north of the Ridge Site is a thirty foot wide public access trail easement that connects the public trails of the Parkside site to the east with Bolsa Chica Street and the trail network beyond."

Suggested Modification No. 10:

Table C-1 (on page IV-C-29) in the Land Use Category Open Space Conservation (OS-C) shall be modified as follows:

"Properties to be retained for environmental, visual, and archaeological resource conservation and management purposes (e.g., wetlands, ESHA, and archaeological resource protection). Ancillary activities and building may be permitted in locations on the property not possessing wetland or environmentally sensitive habitat or archaeological resources, provided that the buildings and ancillary development and use are sited and designed to prevent impacts which would significantly degrade any adjacent wetland or environmentally sensitive habitat areas or archaeological resources, consistent with Coastal Act provisions (Section 30233 and 30240)."

Suggested Modification No. 11:

The current "Appendices" consist only of a copy of the Coastal Act. This current Appendix (i.e., the Coastal Act) should be renamed "Appendix A – The Coastal Act." A new Appendix B shall be added which will include draft deed restriction and Conveyance Document language prepared and/or approved by legal.

Suggested Modification No. 12:

Add the following definition to the Coastal Element Land Use Plan Glossary:

"Significant Archaeological Resource –An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type; (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person. 'Significant Archaeological Resource' includes, but is not limited to, skeletal remains and/or grave goods, features, traditional archaeological sites and/or artifacts, religious and/or spiritual sites and/or artifacts, and/or intact midden soil that meets the criteria set forth above."

B. IP MODIFICATIONS

The City's Zoning Ordinance, which is the Implementation Program of the City's LCP, will be amended as follows:

Suggested Modification No. 13:

Add a new Chapter 229 to Title 22, Zoning Code Overlay Districts entitled "Coastal Residential Overlay District."

Suggested Modification No. 14:

Add a new Section 229.02 to Chapter 229 entitled "Coastal Residential Overlay District Established." The text of the Section should read as follows:

"The purpose of the Coastal Residential Overlay District is to facilitate the preservation of the of park, recreational, resource conservation, and/or open space uses within the Coastal Zone. This will be accomplished by allowing residential uses on property with a base designation of park, recreational, resource conservation, and/or open space uses in exchange for the restriction of other Coastal Zone property, inside or outside of the City, to park, recreational, resource conservation, and/or open space uses."

Suggested Modification No. 15:

Add a new Section 229.04 to Chapter 229 entitled "Zoning Map Designator." The text of the Section should read as follows:

"The Zoning Map shall show all property subject to the provisions of this chapter and overlay district by adding a "-cr" designator to the underlying base zone. The specific residential district which will apply to the property subject to the overlay will be shown parenthetically next to the -cr overlay designation (for example, '-cr(RM)')."

Suggested Modification No. 16:

Add a new Section 229.06 to Chapter 229 entitled "Land Use Regulations." The text of the Section should read as follows:

"Permitted uses, development requirements, and restrictions applicable to development within a Coastal Residential Overlay District shall be provided in the Coastal Element Land Use Plan, Table C-2, with the subject property identified as its own Subarea. Subdivision design and development within the District shall incorporate the information from the plans and studies required in Table C-2 for development of the design Subarea. If there is a conflict between the requirements and restrictions of Table C-2 and other provisions of the Zoning and Subdivision Ordinance, the requirements and restrictions included in Table C-2 shall prevail."

Suggested Modification No. 17:

Modify Chapter 210, Section 210.04 as follows:

In the schedule entitled "RL, RM, RMH, RH, and RMP Districts: Land Use Controls":

In the "Multi-Family Residential" row and the "Additional Provisions" column, add (T) to the entry so that it reads "(B)(C)(D)(R)(T)".

Suggested Modification No. 18:

Under the heading "RL, RM, RMH, RH, and RMP Districts: Additional Provisions," add the following new Additional Provision (T):

(T) See Coastal Element Land Use Plan, Table C-2, for permitted uses, development requirements and restrictions applicable to development within Subarea 4M as depicted in Figures C-6b and C-10 of the Coastal Element Land Use Plan. Subarea 4M shall incorporate the information from the plans and studies required in Table C-2 for development of that Subarea. If there is a conflict between the requirements and restrictions of Table C-2 and other provisions of the Zoning and Subdivision Ordinance, the requirements and restrictions included in Table C-2 shall prevail.

Suggested Modification No. 19:

Modify the Zoning Map by:

- Modifying Zoning District Map No. 29-5-11 to identify both the Ridge property and the Goodell property and by adding a note referencing the new figure described below.
- Adding a new figure 29-5-11a (or other appropriate number) identifying both the Ridge and Goodell properties and referring the reader to Section 210.04, Additional Provision (T).
- Showing the Ridge property as "OS-PR-cr(RM)-cz."

EXHIBIT B

**Questions & Answers re
The Ridge Overlay Proposal**

The Ridge Overlay Proposal

Questions and Answers

Q1: *What is an “overlay” and how does it work?*

A: An “overlay” land use designation is used by different jurisdictions, including by the City of Huntington Beach in its certified LCP, to accomplish a wide range of planning objectives. As discussed below, overlays have been used in many LCPs certified by the Coastal Commission. The objectives of those overlays vary widely, as does the manner in which those objectives are achieved. There is neither a single “correct” way to structure an overlay nor a single “purpose” for which overlays may be used, as is evidenced by the variety of overlays found not just within the Coastal Zone, but throughout the State.

An overlay is not the “primary” or “base” land use designation for a property. Rather, it typically establishes different or additional uses or development standards which will apply to the property under specified circumstances. For example, in 2011 the Commission certified an Implementation Plan Amendment submitted by the City of Capitola which established an Affordable Housing Overlay District. The purpose of the Capitola overlay is to “provide a means of directing and simplifying the process for creating and maintaining affordable housing.”¹ The Capitola overlay allows, under specified circumstances and subject to specific conditions, greater density than would be allowed under the base land use designation for properties with the Affordable Housing Overlay.

Similarly, and for a purpose much like that of the suggested overlay for the Ridge Site, the certified Implementation Program of the City of Pismo Beach contains an overlay “used to preserve sensitive scenic resources and open space areas” by allowing “developers to relocate permitted densities from one area to another area in order to retain and preserve desirable community resources and open space.”² Although the proposed overlay for the Ridge Site cannot be a density transfer because the Goodell Site is not within the City’s jurisdiction, its ultimate purpose is similar to that of the Pismo Beach overlay.

Relaxing development standards as an incentive to produce affordable housing (Capitola) and providing a mechanism to move density from one parcel to another to preserve the more significant resource values (Pismo Beach) are just two of the

¹ See Section 17.20.030 of the Capitola Municipal Code.

² Section 17.093.010 of the Pismo Beach Municipal Code.

many and varied applications of the overlay concept within certified local coastal programs. Not only have overlays been used to ease development standards, they also have been used to provide “supplementary” development standards, such as with the Coastal Zone Overlay District in the City of Huntington Beach, and add development standards to existing developments (e.g., Section 3.4.1 of Malibu’s Local Implementation Plan). Overlays have been used to achieve objectives for individual properties, such as with the Ellinwood Parcel (APN 004-013-026) Overlay District in Carpinteria which guides development of a single 3.87-acre parcel.

The bottom line is that overlays promote creativity and provide an opportunity to achieve objectives which might otherwise be too complicated to achieve using standard base land use designations.

Q2: What is the purpose of the Ridge Overlay proposal?

A: The purpose of the Ridge Overlay proposal is to resolve a dilemma which arises from the following facts:

1. There is consensus among the City, Commission staff, and the landowner that from a resource protection and open space enhancement perspective, restriction of uses on the Goodell Site is preferable to restriction of uses on the Ridge Site. As stated in the December 20, 2013, Commission Staff Report on Major Amendment Request HNB-MAJ-1-12 (The Ridge):

“The Ridge Property is a total of five acres. The Goodell Property is a larger property, totaling of 6.2 acres. The Goodell Property is nearer to a greater amount of sensitive habitat than is the Ridge Property. Moreover, the Goodell Property contains sensitive habitat on-site, whereas the Ridge site currently does not. In addition, the Goodell Property’s location would provide even better opportunities for direct public trail connections and public view front the Bolsa Chica mesa than would the Ridge Property.”

2. The current land use designation for the Ridge Site in the Huntington Beach LCP is Open Space – Parks (OSP). The adjacent Goodell Site is unincorporated and, therefore, within the jurisdiction of the County of Orange. It has not yet been included within any certified LCP, although the County has designated it for residential use. Signal Landmark owns the Ridge Site and has an option to acquire the Goodell Site.

The purpose of the Ridge Overlay, therefore, is to move the potential for residential development from the Goodell Site to the Ridge Site in order to

preserve the greater resource protection opportunity. The challenge is to create a mechanism which would meet the following objectives:

- Restrict the Goodell Site to open space and conservation uses;
- Allow residential development on the Ridge Site;
- Not allow residential development on the Ridge Site until the open space and conservation use restrictions are assured for the Goodell Site; and
- Accomplish each of these objectives without “regulating” or changing the land uses permitted on the Goodell Site.

Through the Ridge Overlay, each of these objectives are met. Most notably, the uses on the Goodell Site will be permanently restricted through **voluntary private action**, rather than through a governmental restriction which could be subject to a legal challenge.

Additionally, the Ridge Overlay provides a quick and efficient means to accomplish the objectives of each of the parties without protracted City, Commission, and perhaps even court proceedings.

Q3: *How would the Ridge Overlay work?*

A: The Open Space – Parks land use designation would remain on the Ridge Site. It would **not** be changed to Residential. However, an overlay would be added to the Ridge Site which, among other requirements, would require a Special Condition to any approval of a CDP for residential development on the Ridge Site providing that a grading permit could be issued only **after** the adjacent Goodell Site has been permanently restricted to open space, parks, and conservation uses and conveyed to a public or non-profit entity that would be responsible for its long-term maintenance and preservation.

Q4: *Would the Ridge Overlay restrict the conditions the City or the Commission could place on a CDP for residential development on the Ridge Site to achieve compliance with Coastal Act policies?*

A: No. The Ridge Overlay would not limit how the City or the Commission addresses Coastal Act policies with respect to any CDP application for residential development on the Ridge Site. Those issues would continue to be addressed in the same manner as with any CDP application.

Q5: *Would the Ridge Overlay change the base land use designation of the Ridge Site?*

A: No. The base land use designation of the Ridge Site would remain as it is today, which is Open Space - Parks (OSP).

Q6: *Why not simply change the land use designations for both sites?*

A: The Ridge Site is within the City of Huntington Beach, while the Goodell Site is located within the County of Orange. Therefore, the City cannot effect a change in land use designation for the Goodell Site and the Commission cannot unilaterally change the existing County designation for the Goodell Site. Presently, the Goodell Site, which is designated for residential use in the County's planning documents, is not within a certified LCP and development could not occur without further action being taken by the Commission.

The proposed Ridge Overlay, however, provides the City and the Commission with the opportunity to create an incentive for the owner of the Ridge Site to acquire the Goodell Site and **voluntarily** restrict the Goodell Site to open space and conservation uses. The Commission would *not* be regulating the use of the Goodell Site. By approving the Ridge Overlay, the Commission would simply be saying that residential development of the Ridge Site may not occur unless and until the Goodell Site has been permanently and *voluntarily* restricted to open space, parks, and conservation uses and conveyed to a public or non-profit entity that would be responsible for its long-term maintenance and preservation.

By adopting the Ridge Overlay, the Commission would be resolving the "chicken and egg" dilemma resulting from these adjacent properties being in different jurisdictions by allowing residential development on the Ridge Site *if and only if the owner of the Goodell Site voluntarily took steps to permanently restrict the use of the Goodell Site.*

Q7: *Assuming that the Commission had the opportunity to restrict the Goodell Site to open space and conservation uses, does the Ridge Overlay provide greater assurance of resource protection than there would be for a regulatory restriction?*

A: Yes, and considerably so. Absent approval of the Ridge Overlay, the Signal Landmark option will not be exercised and the Goodell Site will remain a single property owned by a party which does not own adjacent land. Therefore, in addition to avoiding a likely claim for inverse condemnation if the County and the Commission restrict the Goodell Site to only open space and conservation uses (i.e., essentially public uses), the Ridge Overlay would incentivize the private

conveyance of the Goodell Site to a public agency or private entity satisfactory to the Commission and committed to the long-term preservation and maintenance of the Goodell Site. This could not be accomplished through the ordinary regulatory process. Therefore, the Ridge Overlay offers the public considerable benefits that are not likely to be achieved through the standard LCP process.

Q8: *Has the current owner of the Goodell Site indicated a willingness to convey the Goodell Site to Signal Landmark so that the Ridge Overlay could be implemented?*

A: Yes. A representative of the Goodell Family Trust, the record owner of the Goodell Site, met with Commission staff and representatives of Signal Landmark to confirm that Signal Landmark has an option to purchase the Goodell Site. Signal Landmark has provided Commission staff with a memorandum of that option.

Q9: *What assurances are there that Signal Landmark or another party will purchase the Goodell Site?*

A: There are no assurances. However, if Signal Landmark does not exercise its option and the Goodell Site is not deed restricted and conveyed to a public agency or private entity that will maintain it, ***a grading permit for residential development of the Ridge Site cannot be issued and the status quo remains in place.***

Q10: *What happens if the Goodell Family Trust refuses to honor Signal Landmark's option or, for any other reason, does not sell the Goodell Site to Signal Landmark?*

A: Irrespective of who owns the Goodell Site (i.e., whether it is conveyed to the Ridge Site owner by the Goodell Family Trust or not), if the Goodell Site is not deed restricted and conveyed as required by the Ridge Overlay, **there can be no residential development on the Ridge Site.** There is no risk to the Commission or the public if the Goodell Family Trust holds on to the Goodell Site.

Q11: *Is there any risk to the Commission or the public if Signal Landmark conveys the Ridge Site before it purchases the Goodell Site?*

A: No. Although Commission staff expressed this concern in its January 2014 staff report, it simply doesn't matter who owns the Ridge Site. Under the Ridge Overlay, the Ridge Site cannot be developed unless the Goodell Site is deed restricted and conveyed to a public or non-profit entity. If Signal Landmark sells the Ridge Site and there is no deed restriction and conveyance of the Goodell Site, then there can be no residential development on the Ridge Site. There is no risk.

Q12: *Is there any reasonable basis for requiring that the Goodell Site be irrevocably offered for dedication before the land use designation is changed to add the Ridge Overlay?*

A: No. As proposed by the Ridge Overlay, the LUP will provide that a CDP for residential development can be approved without the Goodell Site being offered for dedication. However, the LUP will require *a condition for the approval of the CDP stating that a grading permit for the Ridge Site may not be issued and development cannot occur until the offer of dedication for the Goodell Site has been made.* The bottom line is simple: **Development cannot occur without the Goodell offer of dedication being made.** There is no risk to the Commission. On the other hand, it is a virtual certainty that no developer would give away the Goodell Site without the assurance that it would receive its side of the bargain in return.

Q13: *If there is a requirement that the Goodell Site be irrevocably offered for dedication before the land use designation is changed to add the Ridge Overlay, what is the resulting effect on the landowner?*

A: Again, it is a virtual certainty that no landowner would give away the Goodell Site without having the certainty that residential development of the Ridge Site would be permitted as a result. It simply is not reasonable to ask any landowner to give away their land without receiving anything in return. Therefore, the effect on the landowner is that the offer would not be made.

Q14: *Is there any reasonable basis for requiring that an offer of dedication for the Goodell Site be accepted by the public agency to whom the offer is made before the land use designation is changed to add the residential Ridge Overlay?*

A: No. The *acceptance* of the offer is not within the control of the landowner. Nonetheless, the *making* of the offer is recorded against the property and is a cloud on title until it is accepted. There is no statutory requirement forcing an agency to accept the offer within a certain timeframe. It could sit unaccepted for many years, even decades. Therefore, the offer could be made, but the initial adoption of the Ridge Overlay could not even be *considered* until the offer is accepted. The Ridge landowner would need to purchase the Goodell Site and give it away with no assurance whatsoever that the Ridge Overlay would ever be adopted. No prudent landowner would agree to this structure.

Q15: *Is there any reasonable basis for requiring that an offer of dedication for the Goodell Site be accepted by the public agency to whom the offer is made after the land use*

designation is changed to add the Ridge Overlay, but before the CDP for the Ridge is issued?

A: No. The problem remains the same even if the land use designation is first changed to include the Ridge Overlay. If the issuance of the CDP is dependent upon the public agency accepting the offer, then, as noted above, the use of both the Goodell Site and the Ridge Site could be delayed potentially for decades. No prudent landowner would agree to this structure.

Q16: *Why does the Ridge Overlay allow for a CDP to be approved before the conveyance and permanent use restriction of the Goodell Site occurs?*

A: This provision protects the City, the Commission, and the landowner. Signal will not purchase and convey the Goodell Site without knowing that it has a viable development opportunity on the Ridge Site. At the same time, the Ridge Overlay provides that the CDP cannot be *issued* unless, among other requirements, the deed restriction and conveyance have occurred. As the Commission is aware, the approved CDP will expire if the special conditions have not been timely satisfied. Thus, all parties are protected.

Q17: *Why does the Ridge Overlay proposal include provision for conveyance of the Goodell Site by offer of dedication if it is made to a public agency and by grant deed if it is made to a private entity, such as a non-profit?*

A: The offer of dedication process is statutorily created and provides for its use only when property is conveyed to a public agency. The conveyance of land to a private entity is typically accomplished through a grant deed and cannot be accomplished through an offer of dedication. Therefore, it is necessary to clearly identify how the conveyance would occur under either circumstance.

Q18: *If development of the Ridge Site is to be allowed in return for protection and conveyance of the Goodell Site, why is it important that the land use designation for the Ridge Site remain Open Space - Parks with the Ridge Overlay, as opposed to either (1) being designated both Open-Space Parks and Residential or (2) Open Space - Parks only?*

A: The potential use of the Ridge Site and the pre-conditions to that use must be open and transparent. If both designations are included, that could leave the impression to the public or to a potential purchaser of the Ridge Site that either use (Open Space - Parks or Residential) is possible *as a matter of right*. That is not the intention. On the other hand, if the designation is Open Space - Parks only, that could leave the reader of the land use map believing that residential use of the

Ridge Site is not permitted under any circumstances. The explanation that under some circumstances residential development of the Ridge Site could occur should be readily apparent.

The Ridge Overlay would be open, transparent, and specific. The nature of an overlay is that there are specific circumstances under which it may be "triggered." As proposed, the land use map would disclose that residential use is possible, but only through the Ridge Overlay. A textual description of the circumstances under which the Ridge Overlay would be triggered would be in the IP text. Thus, even if the reader didn't fully understand how an overlay works, he or she would still be aware that residential development is possible. If the reader, now with clear notice that residential development is possible, sought an explanation, the conditions for triggering the Ridge Overlay would be explained in the IP text.

EXHIBIT C

**Additional Questions & Answers
In Response to Staff Report
(June 6, 2014)**

The Ridge Overlay Proposal
Additional Questions and Answers
In Response to Staff Report
(Prepared June 6, 2014)

Q1: *Are the changes proposed by City staff and the property owner "asking the Commission to act on two parcels of land," as stated on Page 5 of the Staff Report?*

A: *No.* Staff's statement is incorrect. The proposed changes do not address any change in land use designation for or place any restriction whatsoever on the Goodell Site. No Commission action of any nature with respect to the Goodell Site is proposed.

What *is* proposed is to use an overlay to move the potential for residential development from the Goodell Site to the Ridge Site, though purely private action, in order to preserve the greater resource protection opportunity, something that the Commission cannot now do on its own. The proposed Suggested Modifications simply condition residential development of the Ridge Site on the Ridge Site owner assuring, through strictly private transactions, that the Goodell Site is deed restricted to open space and conservation uses and conveyed to a public agency or private entity that will maintain it ***before a grading permit for residential development of the Ridge Site can be issued.*** If the developer of the Ridge Site cannot deed restrict and convey the Goodell Site as described above, residential development of the Ridge Site is prohibited.

Q2: *Is the Commission at risk if it allows "the Ridge land use designation to be changed from open space to residential without first securing the Goodell Property as open space," as stated on Page 5 of the Staff Report?*

A: *No.* Staff's statement is incorrect. The proposal is not at all to simply change the Ridge land use designation from open space to residential. In fact, ***the base land use designation of the Ridge Site is proposed to remain exactly as it is today, which is Open Space - Parks (OSP).*** The proposed overlay would allow residential use if and only if the Goodell Site is deed restricted to open space and conservation uses and conveyed to a public agency or private entity that will maintain it.

As for the timing of the conveyance, it is unreasonable to expect a landowner to acquire adjacent property, deed restrict it, and then give it away all while "betting on the come" that the Commission will approve a land use change and, ultimately,

a residential development. As drafted, the overlay carefully protects the interests of both the public and the landowner. There is no risk to the Commission.

Q3: Are there “alternatives to link the two sites other than through the proposed LCPA,” as suggested on Page 5 of the Staff Report?

A: None that staff has indicated they will support. The idea of a consolidated CDP involving both properties has been raised by Staff previously. However, when asked by the landowner if Staff could support residential use on the Ridge Site if the consolidated CDP approach was taken, Staff told the landowner that it would not. So, yes, the consolidated CDP approach can be taken, but it is more cumbersome, adds cost and delay, requires the owner of the Goodell Site to submit his land to the Commission’s jurisdiction and combine it with the Ridge Site (neither of which is he inclined to do), offers no actual advantage over the overlay proposal, and has already been prejudged by Staff to be unacceptable.

Q4: Is protection of the resource values on the Ridge Site compromised by adopting the overlay approach?

A: No. Irrespective of the procedural approach taken by the Commission, we assume that the Commission will evaluate and take appropriate measures to protect the resources on the Ridge Site. We do not understand how any other process will yield a meaningfully different result. While we have differences with Staff as to the evaluation and appropriate mitigation of the resources on the Ridge Site, those differences are typical of any entitlement proceeding and will be resolved during the course of the hearings. There is no benefit to “punting” those discussions to a different process.

Q5: Should the Commission prejudge how the City Council will respond to the proposed Suggested Modifications?

A: Despite the letters received from some City Council members, we note that it is not proper for any elected official to state in advance how they would vote on a matter that has not yet come before them. We do **not** believe that is what those Council members were doing. In their letters, they were not addressing the proposed Suggested Modifications that, if adopted by the Commission, would then need to come back before them for a hearing and a vote. Rather, elieve they were exercising their right to individually oppose the Commission’s approval of the LUP and IP amendments which the City Council had previously approved. As a result, it seems both incorrect and unfair to those Council members to suggest that they

have already decided how they will vote on Suggested Modifications that may come before them in the future. The Staff Report's conclusion that "it does not appear likely that such suggested modifications would ultimately be accepted by the City Council" is an inappropriate suggestion that those Council Members will be acting with bias and not accord the landowner a fair hearing if the Suggested Modifications are returned to the Council. It also seems contrary to the independent decision making process of the Commission to base its decisions on pure speculation as to what local government officials will do when and if Suggested Modifications are returned to them for their fair consideration.

EXHIBIT D

Memo from Art Homrighausen, LSA

MEMORANDUM

DATE: June 9, 2014

TO: Ed Mountford

FROM: Art Homrighausen

SUBJECT: LCPA No. 1-12 – The Ridge

This memorandum responds to the California Coastal Commission (CCC) staff report on the subject Local Coastal Program Amendment (LCPA), with a focus on two issues and the associated comment letters. These issues are: (1) the potential for modification of rainwater runoff patterns and consequent effects on the Eucalyptus Environmentally Sensitive Habitat Area (ESHA) on the adjacent Parkside Estates project site; and (2) the potential effects of The Ridge site development on raptor foraging habitat.

WATER SUPPLY TO EUCALYPTUS ESHA

The January 4, 2014, letter from Guy Stivers (Stivers & Associates) and associated staff analysis make considerably oversimplified conclusions about the water supply to the Eucalyptus ESHA. The basis for analysis apparently includes three assumptions that are not necessarily correct.

First, the runoff coefficient calculation is oversimplified and assumes that 60 percent of all rainfall would run off and provide a water supply to the Eucalyptus ESHA. Actually, as Mr. Stivers notes, the permeability of the soil on site is such that between 0.25 and 1 inch of rain per hour can be absorbed into the soil. Much of the rain that is received in this area comes in small events that do not exceed the absorption rate of the soil. Only larger storms saturate the soil and begin to run off at the rates Mr. Stivers uses in his calculations. Furthermore, as Mr. Stivers notes, the runoff rate is significantly affected by vegetation. Following the imminent implementation of habitat restoration on the Parkside Estates site that is noted in the staff report, the native shrubs and grasses that the CCC has required are likely to impede and absorb much of the water that would run off under the existing conditions. Thus, Mr. Stivers has greatly overstated the amount of rainfall runoff that would reach the Eucalyptus ESHA in the absence of The Ridge project.

Second, Mr. Stivers strongly implies that rainfall runoff is the only water supply for the Eucalyptus ESHA. Two important facts are overlooked here, probably due to Mr. Stivers' lack of familiarity with the details of the adjacent Parkside Estates property and the proposed project. Over the past several decades, LSA Associates, Inc. (LSA) and other researchers have consistently noted a significant groundwater presence beneath the Parkside Estates site. In fact, the groundwater at the lower portion of the slope in the Eucalyptus ESHA has frequently been found to be 6 to 8 feet below the surface. In addition, the CCC's requirement for the creation of a large seasonal wetland immediately adjacent to the Eucalyptus ESHA, to be supplied from the Parkside Estates Natural Treatment System, will greatly enhance this water supply, which is likely far more significant than rainfall runoff.

Finally, Mr. Stivers and the staff analysis make no recommendations for re-routing The Ridge project runoff to enhance the water supply. This option seems entirely feasible and would have the potential to actually increase the total runoff, if desired, given the impermeable surfaces inherent in residential development. Instead, the analysis seems to assume this is not an option and uses the alleged reduction in runoff as a reason to dismiss the amendment.

RAPTOR FORAGING

Obviously, any residential development reduces the total amount of raptor foraging area, and, all other factors being equal, this is not a benefit to populations of most raptor species. However, in this case, the simple reduction of foraging area does not tell the whole story. Three other important factors should also be considered.

First, as noted several times previously, the only species of raptor that has ever successfully nested in the portion of the Eucalyptus ESHA during LSA's 14 years of intensive monitoring is the Cooper's hawk. The adaptation of this species to residential development areas has led to its removal from the California Department of Fish and Wildlife (CDFW) list of California Bird Species of Special Concern.

Second, in his letter dated January 6, 2014, Peter Bloom (Bloom Biological, Inc.) notes the value of upgrading disturbed habitat with restored native vegetation. This is precisely what is about to occur on the entire western portion of the Parkside Estates project, thus providing a significant increase in the habitat value surrounding the Eucalyptus ESHA. This fact is not recognized in Mr. Bloom's analysis.

Finally, Mr. Bloom and John Dixon, Ph.D., both note that the continuing loss of raptor foraging habitat is a significant concern. Indeed, in his memorandum to Meg Vaughn regarding The Ridge LCPA (dated May 23, 2014), Dr. Dixon cites the CDFW policy recommendation of preserving 0.5 acre of foraging area for 1 acre of development. (It should be noted that this policy inherently assumes the realistic expectation that some amount of development will occur.) Oddly, Dr. Dixon applies this recommendation to The Ridge parcel in isolation, stating that a setback of an additional 150 feet would be in accordance with the preservation ratio recommended by CDFW (development of 3.31 acres and preservation of 1.66 acres in this case). Neither Mr. Bloom nor Dr. Dixon considers the possibility of developing most of The Ridge site in exchange for preserving *all* of the 6.2-acre Goodell parcel. In my opinion, that would be far more beneficial to raptors. It would greatly exceed the CDFW recommendation for preservation ratios and would consolidate open space preservation and raptor foraging area in a parcel with much greater topographic and vegetative diversity. For example, some of the abrupt grade changes and sparse nonnative vegetation actually provide better habitat for the burrowing owl than either of the adjacent The Ridge and Parkside Estates properties in their current condition. In addition, portions of the Goodell parcel provide scrub habitat that could be used by the threatened coastal California gnatcatcher, and there are trees on the Goodell property that provide roosting and nesting opportunities beyond those of the Eucalyptus ESHA.

EXHIBIT E

Letter from Wilhelm Maul, Stantec Consulting Services



Stantec Consulting Services Inc.
38 Technology Drive, Suite 100, Irvine CA 92618-5312

June 5, 2014
File: 2042 449100

Attention: Ed Mountford
Signal Landmark
27285 Las Ramblas, Suite 210
Mission Viejo CA
92691

Dear Ed,

Reference: The Ridge – Huntington Beach

Stantec has reviewed the California Coastal Commission's staff report for Major Amendment Request No. HNB-MAJ-1-12 (The Ridge), specifically in regards to a letter submitted by Guy Stivers of Stivers & Associates and his comments related to the Eucalyptus ESHA and the storm water runoff from The Ridge property.

The Ridge property is approximately 5 acres in size. 3 acres of the site naturally drains easterly towards the Eucalyptus ESHA. During a storm event the runoff from The Ridge site passes through an approximate 2 acre area as it heads towards the Eucalyptus grove. Through this reach the existing topography has a gradient of approximately 10.5% (10.5 feet of vertical drop for every 100 feet of horizontal travel). In addition, the runoff begins to be funneled from an approximate width of 500' at the Ridge boundary edge, to an approximate north and south width of 200' when the water reaches the Eucalyptus ESHA. The Eucalyptus grove, however, is greater than 200' and extends approximately 500' north and south. It should also be noted that the gradient of the existing terrain steepens once the runoff reaches the ESHA from 10.5% to approximately 17% (17 of vertical drop for every 100 feet of horizontal travel). There is no opportunity for the water to slow down and infiltrate into the soil as it passes through the Eucalyptus ESHA.

If the site were to be developed and it is desired that the storm water runoff from the Ridge property be directed toward the Eucalyptus ESHA, it would seem likely that a system could be designed to direct and disperse the runoff in that direction.

Should you have any questions regarding the above, please contact me at the number provided.

Regards,

STANTEC CONSULTING SERVICES INC.

A handwritten signature in black ink, appearing to read "Wilhelm J. Maul".

Wilhelm J. Maul, P.E.
Principal
Phone: (949) 923-6284
Fax: (949) 923-6121
bill.maul@stantec.com

Staff Report

Exhibit 20

Ridge LCPA Timeline

Ridge LCPA Time Line

HNB MAJ-3-10 (Ridge)

Time Line:

Submitted: 8/17/10

Incompleted: 8/31/10; 12/13/10; 3/9/11; 9/18/11

The LCPA was deemed complete on 9/23/11. A time extension for up to one year was granted at the December 7-9, 2012 Commission hearing, extending the time limit to act to 12/22/12.

Withdrawn by the city: 10/30/12

The incomplete letters requested information regarding alternatives to the amendment as proposed (i.e. options other than converting the entire site from Open Space-Parks to Low Density Residential such as retaining some portion as residential, etc.); additional information regarding the archeology of the site, including the status of whether the work that had been performed was performed pursuant to an approved coastal development permit; information regarding biological resources on-site and nearby that may be effected by future residential development on-site; and, information regarding whether other entities might consider developing the site as a public park. Although the amendment request was ultimately deemed complete, the information provided did not adequately address the questions raised by the amendment as proposed. This led to deciding that the staff recommendation would be one of denial.

Major Issues:

- Proposal to convert land use designation of Open Space Parks to Low Density Residential – loss of higher priority use for lower priority residential use without provision of alternate higher priority use or basis for loss of OSP other than it is a privately owned parcel and the developer does not intend to provide a park use on the site. (also proposal to convert zoning from Residential Agriculture to Low Density Residential)
- Questions regarding status of archaeo work at site.
- Inclusion of Goodell at request of City/property owner even though the Goodell site is not part of LCPA request and not within HNB city boundary. No evidence submitted for the record that Ridge property owner had ownership option on Goodell; Goodell owner not party to LCPA.
- Also, questions regarding whether setbacks from ESHA, Archaeo were needed on Ridge site.

Commission staff was prepared to take the amendment to hearing in November 2012 with a recommendation of denial based on:

- Conversion from the higher priority designation of Open Space Parks to the lower priority Residential land use and corresponding loss of potential open space recreational area within the Bolsa Chica vicinity;

- The piecemeal nature of the amendment in not processing both of the two remaining Bolsa Chica parcels, which are adjacent to each other, together in a single LCP amendment;
- Potential biological and archaeological impacts that could result from future development of the property, which is further impacted by not processing the two remaining parcels as a single LCPA.

Commission staff was prepared to take the amendment to hearing at the Commission's November 2012 hearing. At the time of the staff report preparation for the Commission's November 2012 hearing, the City had indicated that the Goodell parcel annexation into the City was expected to be complete within approximately 90 days. Based upon discussions with City staff regarding the annexation timeline and with the Ridge property owner regarding an "option to purchase" on the Goodell site, the City decided to withdraw the amendment rather than to go forward at the November hearing with a recommendation of denial. At that time all parties (City staff, property owner, Commission staff) agreed that not going forward with denial was preferred. At the time the LCPA was withdrawn, the understanding was that the LCP amendment would be resubmitted *once the Goodell parcel annexation into the City was complete, thus bringing both properties before the Commission together as a single LCPA action.*

It is important to note that processing the two adjacent parcels together (the Ridge and Goodell properties) was put forth by the property owner with the support of the City. This LCPA direction was first raised by the property owner at a meeting with Commission staff in September 2012, more than two years after it was originally submitted and apparently in response to concerns raised through the incomplete process. The property owner, however, did not submit for the record any documentation that confirmed its property interest in the Goodell property until May 19, 2014. Commission staff agreed at the time and continues to agree now, however, that processing the two sites together in terms of land use planning is preferred to processing them separately.

Based on Commission staff conversations with City staff and the property owner at the time leading up to the withdrawal of the original Ridge LCPA 3-10, it was Commission staff's understanding that the City withdrew the original LCP amendment submittal (HNB-MAJ-3-10) due to unresolved issues, particularly regarding the archaeological work on the Ridge and the opportunity to comprehensively plan the last two remaining undeveloped parcels at Bolsa Chica together. In an email from Commission staff to City staff dated 10/25/12 (prior to resubmittal of the LCPA as LCPA 1-12), Commission's staff's understanding of the next step in the process was relayed to City staff:

"However, we want to make it clear that our recommendation will relate directly to what the City and the property owner can accomplish in that time period [prior to resubmittal of the LCPA] in annexing the Goodell site and an LCPA that includes both parcels, and/or some means to accomplish a binding commitment regarding provision of open space parks over the Goodell parcel and appropriate open space on The Ridge site."[emphasis added].

However, the City's resubmitted amendment request did not include any new information or changes to the amendment proposal, even regarding the Goodell annexation or any means of effecting a binding commitment regarding the Goodell site. After resubmittal, City staff indicated that they believed revising the amendment at the local level would be too time consuming. Subsequent to re-submittal of the LCPA, City staff informally suggested modification language they would find acceptable. But CCC staff did not feel it was adequate to achieve the goal of tying potential future development of the Goodell site with the Ridge site.

In addition, in the time between the initial submittal of LCPA 3-10 and the re-submittal as LCPA 1-12, it was determined (and conceded to by the property owner) that all archeological work that had occurred on the Ridge site had been performed without benefit of a valid coastal development permit, and moreover, that a significant cultural resource (prehistoric house pit) had been removed entirely. The results of an enforcement action at the Ridge site could affect ultimate land use and zoning designations. Thus, the resubmittal was deemed incomplete pending resolution of the enforcement action. In September 2013, the Commission issued "Consent Orders" Nos. CCC-13-CD-08/09 and CCC-13-RO-08/09 to resolve violations of the Coastal Act on the Ridge property, and adjacent Goodell property and the re-submitted LCP amendment was deemed complete.

Those steps that Signal Landmark agreed to take pursuant to the Consent Orders include, but are not limited to, in consultation with representatives of the affected tribes, 1), arrange for final appropriate treatment of cultural materials excavated from the site as a result of the unpermitted development ("Cultural Materials"), and 2) mitigate for impacts to cultural resources by constructing a cultural site and trails on property owned by Signal Landmark, which must cost a minimum of \$200,000 to construct, that provides an area that can be used by Native Americans for ceremonial and reflection purposes, as well as the general public ("Cultural Site").

Pursuant to the Consent Orders, Signal Landmark has submitted for staff's review and approval a proposed Cultural Materials Plan and a proposed Mitigation Plan in order to meet the two requirements of the Consent Orders. However, as submitted, and as staff has informed Signal Landmark, the proposed Cultural Materials and Mitigation Plans do not satisfy the terms of the Consent Orders for the reasons discussed in the staff report. Thus, even now in June 2014, there remain unresolved issues regarding resolution of the enforcement actions on the Ridge Property.

HNB MAJ-1-12 (Ridge Resubmittal)

Time Line:

Submitted: 11/2/12

Incompleted: 11/9/12; 2/7/13; 5/9/13; 6/4/13; 6/26/13

The LCPA was deemed complete on 9/11/13 upon Commission action on the enforcement matter.

A time extension of the 90-day time limit for Commission action was approved at the Commission's November 2013 hearing. The deadline to act is December 12, 2014.

The incomplete letters were necessary because the amendment was re-submitted with no change to the previous submittal and with no new and/or additional information to support the amendment as requested. Information requested in the incomplete letters included questions relating to the archeological work that had been performed at the site without benefit of an approved coastal development permit; questions regarding biological resources; questions regarding the status of the Goodell Property annexation; and questions regarding the 30 foot strip of land north of the Ridge Property.

As stated above, the LCPA was resubmitted with no changes and without resolution or change to the primary issues raised by the amendment. Rather, the City and property owner requested that Commission staff prepare suggested modifications to the amendment as necessary to bring it into conformity with the Coastal Act and City's certified LUP. As recognized by both City staff and the property owner, the requested modifications are necessarily complex due, in large part to the fact that the City and property owner requested that the modifications bind a parcel not within the City's corporate boundary or within the City's LCP jurisdiction.

Commission Staff has did prepare suggested modifications in conjunction with the staff recommendation prepared for the Commission's January 2014 hearing. However, the modifications were found to be unacceptable by both the City and the property owner.

The LCPA was scheduled for action at the Commission's January 2014 hearing in San Diego. However, the City requested that the Commission postpone the matter. The Commission did postpone the matter as requested by the City.

For the reasons described in the staff report prepared for the Commission's June 2014 hearing, Commission staff is no longer recommending approval of the amendment with modifications. The June staff report recommends denial of the LCPA as proposed.

Native American Heritage
Commission
Email 6/11/14
&
Letter 12/27/14

Vaughn, Meg@Coastal

From: Henry, Teresa@Coastal
Sent: Wednesday, June 11, 2014 12:32 PM
To: Vaughn, Meg@Coastal
Subject: FW: Major Amendment (HNB-MAJ-1-12; The Ridge
Attachments: Letter to Coastal Commission re- The Ridge 12-27-13.docx

Hi Meg,
The attached letter is the one they sent when this was scheduled for January. However, print out the email and letter for the file when you get a chance.

Teresa Henry
District Manager, South Coast District
California Coastal Commission
(562) 590-5071

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

From: Willis, Andrew@Coastal
Sent: Wednesday, June 11, 2014 12:25 PM
To: Henry, Teresa@Coastal
Subject: FW: Major Amendment (HNB-MAJ-1-12; The Ridge

I haven't been able to read this at the hearing, but sending along.

From: Dave Singleton [ds_nahc@pacbell.net]
Sent: Wednesday, June 11, 2014 12:04 PM
To: Willis, Andrew@Coastal
Subject: Major Amendment (HNB-MAJ-1-12; The Ridge

June 11, 2014

Dear Mr. Willis:

Regarding the above-referenced project, to be considered by the Coastal Commission June 12, 2014, I have attached the letter from the California Native American Heritage Commission (NAHC) pointing out concerns with this project, from a Native American cultural resources perspective. The NAHC recommends that the site, now also known as CA-ORA-86, be avoided pursuant to CEQA Guidelines Section 15370 (a) in order not to damage the cultural resources known and unknown at that site. The NAHC prefers that The Ridge not be developed.

Please share with the Commission as appropriate .

Sincerely,

Dave Singleton

California Native American Heritage Commission

1550 Harbor Boulevard, Suite 100

West Sacramento, CA 95691

(916) 373-3715 - Direct Line

(916) 373-3710 - Main Line

(916) 373-5471 - FAX

ds_nahc@pacbell.net<mailto:ds_nahc@pacbell.net><mailto:ds_nahc@pacbell.net>

www.nahc.ca.gov<<http://www.nahc.ca.gov/>> <http://www.nahc.ca.gov/>

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NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net



December 27, 2013

Ms. Meg Vaughn
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

Sent by U.S. Mail
No. of Pages: 2

RE: California Coastal Commission Hearing on the City of Huntington Beach LCPA (HNB-MAJ-1-12) January 8-10, 2014. Project also identified as SCH#2009091043 (State Clearinghouse #); CEQA NOD; Project Title, The Ridge; Lead Agency: City of Huntington Beach; Applicant Signal Landmark, Owner; Orange County, California.

Dear Ms. Vaughn:

The California Native American Heritage Commission (NAHC) has reviewed the proposed action proposed by the City of Huntington Beach and the developer and has concerns regarding the possible impact of the project on Native American cultural resources. The proposed land was previously zoned 'open space;' the Native American Heritage Commission (NAHC) deemed that appropriate as it bordered the internationally known "The Cogged Stone Site," that had been nominated in 1980 for placement on the *National Register of Historic Places*. In that nomination by Pat Hammon, the property description included The Ridge parcel, what is now called CA-ORA-86 but then was termed part of CA-ORA-83, The Cogged Stone Site. Dr. Brian Fagan, Professor Emeritus of the University of California, Santa Barbara also terms this parcel as part of The Cogged Stone Site. Clearly, this parcel is situated in a very sensitive archaeological and native American historic location.

Archaeological field work at the proposed site have yielded some archaeological items. While no Native American human remains have been excavated from this site, the adjacent areas comprising CA-ORA-83 and CA-ORA-85 have been locations where 178 sets of remains were reported to the NAHC. The NAHC is of the opinion that the proposed construction of 22 housing units on the five-acre Ridge site would cause further damage to Native American cultural resources and should be avoided if at all possible pursuant to CEQA Guidelines Section 15370 (a).

In the 1985 Appellate Court decision (170 Cal App 3rd 604), the Court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native

American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

If you have any questions or need additional information, please contact me at (916) 373-3715.

Sincerely,

ORIGINAL SIGNATURE ON FILE

Dave Singleton
Program Analyst

Additional Letters Received

Opposed to LCPA



California Cultural Resource Preservation Alliance, Inc.

**P.O. Box 54132
Irvine, CA 92619-4132**

**An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.**

June 6, 2014

Honorable Commissioners
California Coastal Commission

Item No. TH9a
Application No. HNB-MAJ-1-12
Opposition to the project

Ms. Teresa Henry, District Manager
California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

Dear Honorable Commissioners:

We are writing in support of staff's recommendation to deny the above mentioned application to change the zoning of the Ridge property from open space park to low density housing. We also want to affirm the significance of the archaeological deposits within the property that would be impacted by the proposed housing development. The Ridge property contains the last remaining portion of CA-ORA-86. ORA-86 was occupied 2000 years ago and represents the Late Period settlement of the prehistoric village and cemetery complex that thrived on the Bolsa Chica Mesa for over 7,000 years. A large portion of CA-ORA-86 was destroyed to make way for the Sandover housing development.

The ORA-83,85,86, and 144 site numbers are merely recording conveniences, the entire Bolsa Chica Mesa represents a prehistoric village complex that was occupied at varying points of time beginning 9,000 years ago. During this lengthy occupation there were no boundaries in our usual use of the term. From an archaeological perspective, the site has the potential to provide important information regarding California prehistory and there are many outstanding questions that cannot be addressed with the current state of the art. Unfortunately, archaeology as it is practiced today is a destructive process. As open space, the property protects the last 5 acres of this site as a witness area for a future archaeology that will use non-destructive remote sensing.

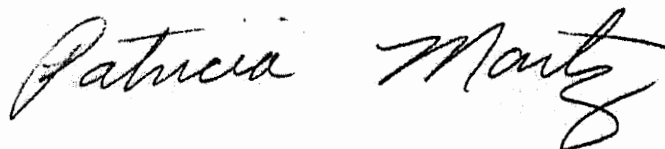
Most important, prehistoric burials have been found in all of the sites. The site complex holds great cultural and spiritual meaning for Native American descendants and is considered to be sacred by the Gabrielino/Tongva and the Juaneño/Acjachemen, the Native American Heritage Commission; and as indicated by attendance and letters presented at the January 2014 Coastal Commission hearing, by the Pala Band of Mission Indians, the San Luis Rey Band of Mission Indians, and the Luiseno Band of Mission Indians. These values can't be "mitigated" through archaeological investigations to recover scientific information.

The cumulative effects of the housing developments on the Bolsa Chica Mesa, including desecration of the graves of their ancestors have been devastating for the Native American descendants. Although

preservation of the ancient cemetery within the 11-acre portion of the cogged stone site, ORA-83, was feasible, (as evidenced by the preservation of the prehistoric cemetery at the Hellman Ranch housing development in Seal Beach), this was not required. Instead development on the Bolsa Chica Mesa has resulted in the destruction of 11-acres of the 9,000 year old ORA-83 village and cemetery known as the cogged stone site, all of the 4,500-3,500 year old ORA-85 village and cemetery, and most of the 2,000 year old occupation of that portion of the village complex known as ORA-86. As a result only the 5-acre Ridge property and the 6-acre Goodell property are left of at least 30-acres of the village complex.

Please, do not repeat this tragedy, please deny the City of Huntington Beach's application and protect this significant cultural resource for present and future generations.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Martz". The signature is written in dark ink and is positioned above the typed name and title.

Patricia Martz, Ph.D.
President

California Coastal Commission
South Coast District
200 Oceangate, Suite 1000
Long Beach, Ca 90802-4302

June 9, 2014

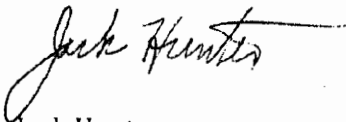
Re: Land use designation change for the Ridge Property, Bolsa Chica

Dear Commission Members,

One of the enduring mysteries in California prehistory is the meaning and use of a type of ancient Native American artifact known as a "cogged-stone." Researchers have speculated on their interpretation since the days of 19th century Indian relic hunters. While archaeological science has improved tremendously in the 20th century, we here in the 21st century are no closer to solving this enigma than were our predecessors. In our investigative and descriptive science, context is everything. Archaeological tools to study the past are in continuous development, but it cannot be predicted when we will have the means to solve this riddle. It must be said that without the survival of the location of their greatest occurrence, the chances of deciphering their historic importance is greatly reduced and possibly completely lost.

It is not enough to photograph, make molds and rebury these artifacts. They must be studied in the undisturbed soil of their occurrence for any chance of solution. Significant parts of archaeological site CA-ORA -83/86 in Bolsa Chica have already been destroyed by modern development. The surviving portion of this village/cemetery known now as the Ridge Property must be protected with at least a continued Open Space designation and spared additional impact. Please find it your duty to protect this sacred location for future generations having the science to at last discover the truth of these remarkable artifacts.

Sincerely,



Jack Hunter
Caltrans District Archaeologist (Ret.)
PO Box 4338
San Luis Obispo, Ca 93403
(805) 704-1356

June 2, 2014

California Coastal Commission
Teresa Henry, District Manager
200 Oceangate, Suite 1000
Long Beach, CA 90802
RE: The Ridge (HNB-MAJ-1-12) Opposition to the project

RECEIVED
South Coast Region

JUN - 9 2014

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commissioners,

I ask that you deny the City of Huntington Beach's LCPA which is before you this June. The land, known as the Ridge and Goodell properties, is a part of the Sacred Cogged Stone site. This site holds an irreplaceable spot in the history and cultural landscape of California Native American's. We have an unfortunate history of destroying the history of the Indigenous People's of California. Please take a stand, and work to be a part of a new future in which Californian's work to preserve and appreciate sacred sites. The decision before you is to either preserve a sacred, religious site or allow for the building of 22 homes. Weighing the costs and benefits of this decision you are faced with choosing in favor of a few homes (which will exist for the short term, 50-100 years) or saving an educational treasure for future generations. This site has stood for thousands of years, and we can destroy it in a moment.

As a professor of Anthropology at Fullerton College for the past 16 years I have seen first hand the value of students learning about the history of the land in which they live. To have sacred sites preserved in their community, available for them to see and experience, is one of the most powerful teaching tools there is. We have a living history that exists all around us, unfortunately it is being destroyed, day by day. The context of this decision is- do we make a short term, irrevocable decision to destroy that which has existed for thousands of years, or do we take a longer term, view and work to preserve what little is left of the legacy of those who inhabited this land for some 9,000 years.

Thank you for your time, and the work that the Coastal Commission does to support the spirit of the Coastal Act.



Professor K. Markley
Fullerton College, Anthropology Dept.
kmarkley@cox.net

RECEIVED
South Coast Region

JUN - 9 2014

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
Teresa Henry, District Manager
200 Oceangate, Suite 1000
Long Beach, CA 90802

Monday, June 2, 2014

RE: The Ridge (HNB-MAJ-1-12) Opposition to the project

Dear Coastal Commissioners,

As a Native American I urge you to deny the City of Huntington Beach's LCPA which is before you this June. This land, known as the Ridge and Goodell properties, is part of our Sacred Cogged Stone site, and holds a significant place in our cultural landscape. For many years we have stood looking out onto the site, blocked by fences, as we celebrate our Ancestors each October. We come together at this site as it is a sacred place for our people, in its entirety, and this land and its significance to our people cannot be mitigated.

Too much of our culture has been destroyed at Bolsa Chica. Our ancestors' graves have been desecrated, our ancient villages graded away. The spirit of the Coastal Act is to protect our Coastal Resources, and the 9,000 year old archaeology, religious significance and culture of our people at Bolsa Chica is a precious resource which must be protected.

I urge you to deny the City of Huntington Beach's LCPA and to protect our sacred site in its entirety.

Sincerely,



Darrell Johnston
Language Committee Chair
Juaneño Band of Mission Indians
Teeyaaxum@G-mail.com
714 290-3339

RECEIVED
South Coast Region

June 3, 2014

JUN - 9 2014

California Coastal Commission
Teresa Henry, District Manager
200 Oceangate, Suite 1000
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

RE: The Ridge (HNB-MAJ-1-12) Opposition to the project

Dear Coastal Commissioners,

This letter requests that the City of Huntington Beach's LCPA which is to be decided by you this June, be denied. The Ridge and Goodell property in question is a part of the ancient Bolsa Chica settlement and ritual site sacred to the indigenous peoples who settled there 9,000 years ago. This site is not only a rich archaeological one, but continues to have cultural significance to California's Native Americans today. The proposed use of the land to build 22 homes will destroy an irreplaceable cultural heritage that would be a detriment to all Californians. The archaeological research has revealed village settlements, graves, ritual sites, and artifacts such as the Torus stones that show evidence of a sophisticated technology and complex culture that requires further study.

As a scholar and a member of an ethnic faction, I believe that it would be myopic and tragic to bulldoze a unique historical, cultural and educational resource that could never be reversed. The price for such a loss is unfathomable; and as custodians of our land and heritage, it lies with you to preserve and protect such a unique cultural treasure.

I thank you all for including in your considerations the responsibility we of the present generation are bound to uphold to preserve the past for posterity, and to honor the beliefs and obligations of those in the present.

Very truly yours,
Linda Sun Crowder, Ph.D.



Linda Sun Crowder, Ph.D.
Lecturer, Dept. of Anthropology
California State University, Fullerton
Fullerton Community College
University of Hawaii, Manoa
lcrowder@fullerton.edu

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South Coast Region

JUN - 9 2014

CALIFORNIA
COASTAL COMMISSION

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059

760-891-3510 Office | 760-742-3189 Fax



PALA THPO

June 3, 2014

California Coastal Commission
Teresa Henry, District Manager
South Coast Area Office
200 OceanGate, Suite 1000
Long Beach, CA 90802

Item Number Th9a
Application Number: HNB-MAJ-1-12
Shasta C. Gaughen
Tribal Historic Preservation Officer
Opposition to the Project

Re: The Ridge (HNB-MAJ-1-12)

Dear Ms. Henry and Commissioners:

As the Tribal Historic Preservation Officer for the Pala Band of Mission Indians, I strongly urge you to deny the City of Huntington Beach's LCPA which will come before you this June. This land, known as the Ridge, is part of the sacred Cogged Stone site, and holds a significant place in the culture, history, and religion of the Native people of Southern California. Much of the surrounding Bolsa Chica site has already been destroyed, and what remains must be preserved as open space.

Please keep in mind the following important points as you consider your decision.

- The ORA-83 and ORA-86 site numbers are merely recording conveniences. The entire area was one huge village complex with the main focus of occupation varying through time.
- ORA-86 and portions of ORA-83 represent the Intermediate Horizon occupation of 1700-2300 (SRS Bolsa Chica Technical Series No. 11, page 122).
- ORA-83/86 is a world class site. It was established around 9,000 years ago by some of the first people to settle California, continuously occupied for over 7,000 years, and represents one of the earliest ritual and trade centers in North America.
- It was the production and distribution center for the unique cogged stones that are believed to have functioned in an ancient religious congregation that extended from the coast to the Mojave desert.
- Cogged stones are also found in 9,000-year-old coastal sites in Chile, indicating interaction with Bolsa Chica, probably by boat.
- The site is recognized and revered as a sacred place by California Native Americans who were devastated by the desecration of graves of their ancestors to make room for a residential development.

The developers have taken more than 11 acres of ORA-83/86 and all of ORA-85 for the Sandover gated housing and the Brightwater (Hearthside) housing. The cumulative effects of these developments are that only 11 acres (5 acres Ridge and 6 acres Goodell) remain of at least 30 acres of the prehistoric village complex. The remaining portions of these cultural properties

should be preserved as open space in the public interest.

The spirit of the Coastal Act is to protect coastal resources, including cultural sites, and the 9,000-year-old archaeology, religious significance, and culture represented at Bolsa Chica is a precious resource which must be protected for the present people and for future generations.

I urge you to deny the City of Huntington Beach's LCPA and to protect this sacred site in its entirety.

Sincerely,

A handwritten signature in black ink, appearing to read "Shasta Gaughen". The signature is fluid and cursive, with the first name "Shasta" being more prominent than the last name "Gaughen".

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802
Attn: Meg Vaughn/Teresa Henry

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Application number: HNB-MAJ-1-12
Opposition to the project

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commission,

I am writing to urge you to maintain the open space zoning on the Bolsa Chica Ridge and Goodell in order to preserve not only the parkland for our children but the integrity of this archeologically rich site. Please do not allow building on this land.

Thank you,

Sue Eberhardt

DEAR MEG VAUGHN; I WILL BE OUT OF STATE
& WON'T BE ABLE TO ATTEND THE HEARING SO TRIED
'TO SEND YOU THIS LETTER OVER E-MAIL BUT WAS
UNABLE TO DO SO, SO SEND THIS. THANK YOU.

williamkettler@earthlink.net | Preferences | Help | Feedback | Sign Out | Use the previous WebMail

Web Mail

0% of 600 MB used.

Email Folders (Edit)

- Inbox [105]
- Drafts [5]
- Sent [789]
- Trash [415] [Empty]
- 000000:apro... [1]
- Undeliverabl...

- spamBlocker (Edit)
- Known Spam [253]
- Virus Blocker

Write Message

Email Addresses from Address Book or enter nicknames (separated by commas)

To Meg.Vaughn@Coastal.CA.Gov

Cc
Bcc

Show

Subject Item Th9A Agenda # HNB-MAG-1-12 The Ridge

Add attachments:

(20MB message size limit)

☒ Save a copy to your 'Sent' folder.

Plain Text ☒

Dear Meg Vaughn; I grew up a mile away from the Ridge & roamed the area after heavy rains looking for Indian artifacts. I am now 92 years of age, still working, a WW II vet, & implore your Commission to deny development & save it for posterity. Years ago there was a developer wanting to build 4800 homes on the site who said the archeological study detected no graves found although the Jaunenos & Gabrielenos Indians claimed it was a sacred burial grounds. I came forward and told of my discovering two Indian burials when a boy. There was further examination and over a hundred burials found. When the homes were built on the Northern portion of the site, again over 100 burials were found. Respectfully submitted. William (Bill) Kettler, 623 7th Street, Huntington Beach, CA 92648. Phone: 714-536-2030

William E Kettler

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CALIFORNIA
COASTAL COMMISSION

Diane L. Ellis
16352 N. Pacific Ave., No. 1
P.O. Box 1295
Sunset Beach, CA 90742
562-592-2437

June 4, 2014

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JUN - 9 2014
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802
Attn: Meg Vaughn/Teresa Henry

Re: Application No. HNB-MAJ-1-12/Opposition to the Project

Dear Ms. Vaughn and Ms. Henry:

I am fortunate to live near the Bolsa Chica Wetlands and am constantly reminded that it is a true treasure that must be protected. I strongly urge the Commission to deny the application to develop the Ridge, and to keep the zoning as open spaces/parks. Besides being a valuable natural habitat, the area is rich in archeological significance, including cog stones, burial grounds and village.

We have already lost enough of Bolsa Chica to developers. Please deny this application for more development.

Sincerely,


Diane L. Ellis

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South Coast Region

JUN - 9 2014

June 5, 2014

California Coastal Commission
200 Oceangate #1000
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Re: Request for zone change at Bolsa Chica by the City of Huntington Beach

Honorable Commissioners,

Too many of our coastal open space resources have already been lost to development.. The mesa at Bolsa Chica should be preserved as part and parcel of the wetlands below. I hope you will deny this zoning change request from The City of Huntington Beach; and preserve the land unspoiled for future generations to enjoy.

Sincerely



Willa Moore
355 Bay Shore Ave
Long Beach, CA 90814

Vaughn, Meg@Coastal

From: Zink, Paul <PZink@DIRECTV.com>
Sent: Tuesday, June 10, 2014 1:32 PM
To: Vaughn, Meg@Coastal; eresa.Henry@coastal.ca.gov
Subject: FW: Opposed to Development of Cogged Stone Site at Bolsa Chica

Agenda Item Number W24a

Application Number Ridge LCPA (HNB-MAJ-1-12)

Dear Coastal Commissioners,

As a resident of Huntington Beach, I support the Bolsa Chica Land Trust's efforts to permanently protect the entire 9,000 year old Cogged Stone site at Bolsa Chica from destruction.

Please **DENY** the City of Huntington Beach's LCPA (HNB - MAJ - 1- 12 Ridge). Too much has been lost to development at Bolsa Chica. For years, this land has been designated Open Space - Parks and I am **OPPOSED** to changing the zoning and allowing a housing development that would destroy this unique archaeological site and take away the open space from all of us.

I urge you to save our open space and please DENY the zone change!

Many thanks,

Paul Zink
9592 Lassen Cr
Huntington Beach, Ca, 92646

To the attention of The California Coastal Commission:

I write this letter expressing my discontent over the desire to transform Bolsa Chica into more developments. For too long we have allowed greed and profiteering to dictate the fate of our open spaces and cultural resources. The notion of tax dollars and "jobs" has trumped reason and rational to realize our true place on this earth and the need to protect it. The two places of proposed development might seem small in comparison to other open spaces in our great state; however the ramifications that will transpire should the development go through will transcend even our largest notions of loss.

Years ago I took part in the Ancestors Walk; A Pilgrimage by the Tongva and Acjachemen Nations to sacred burial grounds that have been disturbed. I remember ascending the hill at Bolsa Chica while the last construction was taking place, seeing the pits where ancestors were being removed from the ground. I remember the sorrow I felt as a Native American, thinking to myself "what if that was my mother or father, grandmother or grandfather." One year later the homes replaced the burial pits and all was lost. History has been none to kind to the fate of sacred sites of Native People or environmental resources. Gone are the days where treaties promised "till the rivers flow and the grass grows" that cultural sites would remain significant in our society. When will it be that we remember the humanness in humanity?

I understand the proposed development sites are in a "prime" location. They reside in an area that is attractive to those who can afford to play in such extravagance. The draw and lure to approve the development is no doubt a great quandary. From aerial views, Bolsa Chica is just a small island of refuge surrounded by industry; yet should the development be allowed to go through, the consequences to our future will outweigh any monetary gain that might be achieved. This would not just be a Native loss or an environmental one. It will strike at the very fabric for which we as a society decree upon the importance of the value of land itself. When there is no more open space left, what value will be place upon land then? Do we only see value in something we can squeeze a dollar out of? Or will we triumph over that way of thinking and realize that although we may not all share the same cultural connection to those proposed sites as the tribes, we all share the responsibility to, in some way, create a connection that is bigger than ourselves.

The choice is within all us to decide which connection we chose to inhabit; monetary or something far deeper we may have yet to learn but are not removed from completely. It may not seem like it but whichever way you decide, history and precedence will be established in this vote. Will this vote join the ranks of the days when humanity has ignored the importance of an entire race of people or will we hold fast on the belief that all cultures deserve autonomous rights to their heritage? It won't be an easy decision, but to strike down the development proposal will be a true legacy to be proud of for those who have the ability to shape our landscape and our own history for future generations.

Thank you.

Sincerely,

Jeffrey Helmkamp

CHATTEN-BROWN & CARSTENS LLP

2200 PACIFIC COAST HIGHWAY

SUITE 318

HERMOSA BEACH, CALIFORNIA 90254

www.cbcearthlaw.com

TELEPHONE: (310) 798-2400

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E-MAIL:
MNB@CBCEARTHLAW.COM

Th9a - Requesting Denial

June 6, 2014

Honorable Commissioners
California Coastal Commission
Headquarters Office
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Ms. Teresa Henry
Ms. Meg Vaughn
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Via U.S. Mail and email: Teresa.Henry@coastal.ca.gov
Meg.Vaughn@coastal.ca.gov

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JUN - 9 2014

CALIFORNIA
COASTAL COMMISSION

Re: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of
Huntington Beach Certified Local Coastal Program (LCP); Support for
Staff Recommendation to Deny LCPA 1-12

Dear Honorable Commissioners:

We submit these comments on behalf of the Bolsa Chica Land Trust (BCLT) in support of staff's recommendation to deny the City of Huntington Beach's proposed amendment to its Local Coastal Program (LCP) affecting the parcel referred to as the Ridge. The mission of BCLT is to acquire, restore and preserve the entire 1,700 acres of the mesa, lowlands and wetlands of the Bolsa Chica ecosystem, and to educate the public about its unique biological and Native American cultural resources. BCLT supports staff's recommendation to deny the amendment due to its inconsistencies with Coastal Act policies concerning land use priorities, significant cultural resources, and sensitive habitat areas.

The proposed LCP amendment would change the land use designation for five acres of the Bolsa Chica uplands from "Open Space – Parks" to "Residential – Low Density" and the zoning designation from "Residential Agriculture – Coastal Zone Overlay" to "Residential Low Density – Coastal Zone Overlay." The Ridge is one of two remaining privately-owned undeveloped parcels in the Bolsa Chica ecosystem. As discussed in the staff report, the LCP amendment does not propose mitigation to offset the loss of 5 acres of designated parkland in the City or the conversion of the site from a higher priority Coastal Act designation to a lower priority designation. The underlying residential project also violates policies of the City's General Plan concerning the protection of coastal bluffs, enhancement of public recreational facilities, and preservation of environmentally sensitive areas. Consequently, four of the seven sitting members of Huntington Beach's City Council believe the City's 2010 approval of the LCP amendment was in error and requested the Commission's denial of LCPA 1-12 in January of this year.

BCLT thanks staff for its diligence and the detail in which it has addressed the concerns raised by BCLT, the Native American community, biologists, arborists, and state agencies since the continuance of the January 2014 hearing on this LCP amendment. In particular, BCLT appreciates staff's recognition that the Ridge site itself is an important Traditional Cultural Property of Southern California's Native American Community. The Native American Heritage Commission wrote that development of the site "would cause further damage to Native American cultural resources and should be avoided if at all possible." (Staff Report, Exhibit 13.) According to the State Office of Historic Preservation, "Since the significance of Traditional Cultural Properties is based on cultural and often religious significance, and not on their ability to yield...information ...impacts cannot be mitigated to less than a significant level by usual archaeological practices such as excavation." (Staff Report, Exhibit 12.) Therefore, as concluded by the staff report, the only way to protect the site's resources in satisfaction of Public Resources Code section 30244 is to preserve the Ridge as open space.

BCLT appreciates Dr. Dixon's concurrence with Dr. Bloom's and Guy Stivers' conclusion that the LCP amendment, as submitted, fails to mitigate potential impacts to the eucalyptus ESHA caused by the loss of grasslands used for raptor foraging and the loss of water supply. The proposed variable buffer considers only anthropogenic impacts on the use of the trees themselves, not on the supporting grasslands where raptors actually forage, and therefore fails to adequately protect ESHA in violation of Public Resources Code section 30240. (Staff Report, Exhibit 16.) The LCP amendment further fails to disclose, analyze, and mitigate the potential loss of fifty percent of the forest's water supply, which could damage both the eucalyptus ESHA and the habitat restoration approved for the adjacent Shea Parkside property. (Staff Report, Exhibit 16.) Staff's

conclusions as to the LCP amendment's failure to protect sensitive biological resources are well-supported.

Staff properly recognizes that several alternative uses for the Ridge property have yet to be explored by Signal Landmark, including its sale to a public agency or land trust for retention as open space. Signal Landmark developed the 365-unit Brightwater and Sandover residential communities on Bolsa Chica Mesa land that was zoned for open space and parks at the time of acquisition. Therefore, Signal Landmark's reasonable investment-backed expectations have been satisfied. (Staff Report, pp. 17-18.) As discussed at page 16 in the staff report, BCLT remains a willing buyer of the Ridge site, for retention as open space, subject to a fair appraisal of the property. Additionally, on February 24, 2014, the City informed the Commission that it is identifying funds to acquire the Ridge and the adjacent Goodell property for park purposes pursuant to its Strategic Plan for 2014. Should Signal Landmark indicate a willingness to sell the Ridge property, BCLT and others are prepared to acquire the necessary funding to preserve the property as open space, and with it, its unique cultural and biological resources.

Finally, Consent Orders CCC-13-CD-08, CCC-13-CD-09, CCC-13-RO-08, and CCC-13-RO-09 required Signal Landmark to complete certain tasks to restore the Ridge and Goodell properties before additional development can be considered on the sites. The Commission has not yet received satisfactory Cultural Materials and Mitigation Plans from Signal Landmark, and the outstanding enforcement actions remain unresolved. Anything other than denial of the LCP amendment is inappropriate at this time.

Thank you for your consideration of these comments. BCLT supports staff's recommendation to deny Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach's certified LCP for the reasons set forth in the staff report. Based on the information currently before the Commission, only total preservation of the Ridge parcel can satisfy the cultural and biological resource protections contained within the Coastal Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle N. Black", with a stylized flourish at the end.

Michelle N. Black, on behalf of the
Bolsa Chica Land Trust

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June 5, 2014

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CALIFORNIA
COASTAL COMMISSION

Teresa Henry
District Manager
South Coast District Office
California Coastal Commission
200 Oceangate, 10th floor
Long Beach, Ca. 90802-4416

Dear Ms. Henry,

Re: City of Hunting Beach LCP Ammendment No. HNB-MAJ-12 (Ridge)

I am providing comments with regards to the proposed land use designation from open space/parks to low density housing and zoning change from agriculture to residential low density in the area known as the "Ridge." As an individual who is actively involved in cultural resource preservation and protection of indigenous sites, this request for permitting is extremely concerning and I would ask that you deny such permit.

The area is part of a larger indigenous community complex, with a very large village with significant cultural identification, with at least one site listed on the NRHP OAR-83 a production site of cogged stones. Additional sites surround the area OAR-84, OAR-85, OAR-86, OAR-288, with only portions of OAR-83 & OAR-86 as a result of previous disturbance, as a result of development.

This area, the Bolsa Chica mesa is a well known cultural and religious site to the California indigenous community of the region, as well as great significance to the Gabrieleno/Tongva tribe. The multiple site function uses from past occupations makes this of great importance to connectedness of the indigenous community to the land.

Over the years, indigenous communities throughout California and the U.S. have lost a great deal of their cultural identity and heritage as a result of assimilation, as well as through development, with the loss of their cultural gathering, religious, shrine, and sacred sites. Over the years, the indigenous communities have faced cultural genocide either physically, mentally, or spiritually. Today indigenous communities across this land view this as a continued form of cultural genocide forced upon them through development and a lack of concern or strength in the law to protect them.

As we lose our sites, a little bit of our cultural identity goes with it. In my area alone, since the 1970's, we have loss as much as 70% of our recorded cultural sites due to development, not to mention those sites loss as a result of the fact that they were not recorded or indentified.

The indigenous community would consider this as a traditional cultural property (TCP) that has a distinct value to the indigenous community, as well as one of educational value to the non-indigenous community at large. This is an area that the City of Huntington Beach shouldn't and can't afford to lose. With so much of our coastal resources being lost to development and the encroachment of industry, we need to work at preserving the little bit of coastal lands that we still have open.

Whether it is CEQA, Calif. State requirement or Sec 106, Federal requirement, both state that the best management practice in determining or deciding on a project, is to first consider what is at stake. How does this proposal affect human quality of life, our environment, our air, our waters, or historic content? But when talking about historic features, either that of the Americas or that of Indigenous peoples, avoidance be the preferred choice.

Given the fact that we have a site listed on the NRHP and according to PRC code section 30244 when an archaeological or paleontological site is going to be adversely impacted, that has been identified by the SHPO that reasonable mitigation measures are taken (paraphrased). Section 30116 also includes sites that have been designated as a sensitive coastal area. This area needs protection.

I would ask that the CCC take some serious consideration in their deciding of this matter and way all of the evidence and the devastating impacts that this could have on the local indigenous community, as well as the indigenous and non-indigenous community at large and deny such permit.

Sincerely,



Freddie Romero
Chumash
805-403-2873

Vaughn, Meg@Coastal

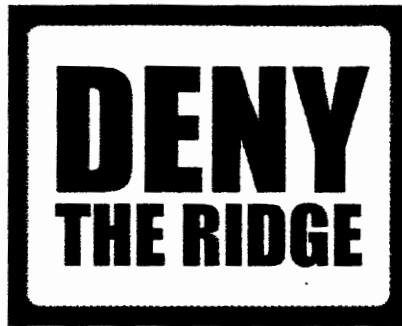
From: Thomas Osborne <thomasjoeosborne@gmail.com>
Sent: Tuesday, June 10, 2014 10:18 PM
To: Vaughn, Meg@Coastal
Subject: CCC Agenda Item Th9A #HBN-Mag-1-12 The Ridge

Dear Ms. Vaughn,

It may well be too late for me to register my opinion on the City of Huntington Beach's effort to amend its LCP to allow for building 22 homes at the Ridge site, but I'll write anyway. At the upcoming meeting on June 12, 2014 in Huntington Beach, I urge the Coastal Commission to DENY the amended LCP regarding the Ridge Property. I read the staff report, paying particular attention to the cultural issues involved. As a historian of California (my most recent book is *Pacific Eldorado: A History of Greater California*, 2013), I believe that there is no mitigation for the irretrievable loss of the historical resources that would most likely follow in the wake of development of the Ridge Property. The building of houses in this ancient repository of cultural artifacts predating Egypt's pyramids would constitute an unwarranted loss not just for local indigenous peoples but for all Californians, past, present, and future.

Thomas J. Osborne, Ph.D.

Specialist in California and Pacific History



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CALIFORNIA
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Application #HNB-MAJ-1-12
OPPOSITION TO THE PROJECT

June 2, 2014

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802

Attn: Meg Vaughn/Teresa Henry

My letter is in support for saving the entire lands both Ridge and Goodell, and keeping the zoning to open spaces - parks.

This area is a 9,000 year old archeological site which for years has been designated Open Space – Parks. It is an important part of the Native American cultural landscape that is rich in archeological significance including cog stones, burial grounds and village.

Please don't let them ruin these last remaining open lands by allowing them to build homes in these areas. Too much at Bolsa Chica has been lost to this developer already.

Thank you in advance for your consideration in keeping this one of the last standing wetlands ecosystems in Southern California that is worth preserving for future generations.

Sincerely,


Lissa Vaughn

3 copies received

Dear Coastal Commissioners,

As a resident of Southern California, I support the Bolsa Chica Land Trust's efforts to permanently protect the entire 9,000 year old Cogged Stone site at Bolsa Chica from destruction. Please **deny** the City of Huntington Beach's LCPA (HNB - MAJ-1-12 Ridge). Too much has been lost to development at Bolsa Chica. For years, this land has been designated Open Space - Parks and I am **opposed** to changing the zoning and allowing a housing development that would destroy this unique archeological site and take away the open space from us all.

I urge you to save our open space!! DENY the zone change!!!

Name: Kira Perov
Address: 282 Granada Ave
Long Beach, CA 90803

Bill Viola
282 Granada Ave
Long Beach
CA 90803

26 Additional Copies
Received

Form Letter Supporting
Preservation of Goodell
Property

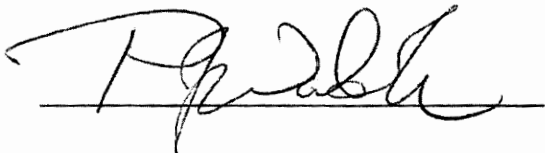
California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, California 94105

Chairman Kinsey and Commissioners:

As a resident of Huntington Beach, I support Signal Landmark's proposal to purchase the six acre Goodell property and preserve it as open space in exchange for the Coastal Commission allowing residential development on Signal's five acre property known as the Ridge. Signal's proposal would add six acres to the over 1,600 acres of lowland and upland habitat that has already been preserved at Bolsa Chica (94%) while allowing homes to be built on five acres adjacent to existing development.

As noted by Coastal Commission staff, the Goodell property provides far more biological, cultural and open space value than the Ridge property. Signal's proposal presents an opportunity to preserve the most ecologically valuable remaining property and bring an end to the 40 year battle over Bolsa Chica. It's time to put this controversy behind us and focus our efforts on restoring Bolsa Chica's native habitats.

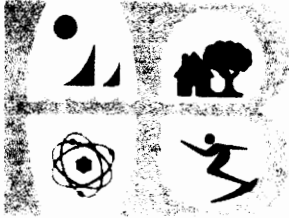
Signal's proposal makes sense and deserves your support.



58 Copies
Received

Letter from Councilman
Sullivan

6/9/14



City of Huntington Beach

2000 MAIN STREET

Dave Sullivan
Councilman

CALIFORNIA 92648

DRUG USE
IS
LIFE ABUSE

California Coastal Commission:

I was elected to the HB city council in Nov. 2012 with 2 additional council members. I have not missed a single meeting since I was elected. There has been NO proposal or study session discussion to buy the Godell property or the Ridge. ~~Had there been such a discussion I would have opposed it,~~ because the city in these difficult fiscal times doesn't have sufficient funds to take care of the basics e.g. public safety, our washboard-like roads, infrastructure and the needs of our youth and especially our vulnerable elderly. I strongly suspect that 2 additional fiscal conservatives on our council hold the same view. One thing is certain: there is neither money nor Hb City Council consensus to purchase the Ridge or the Godell property.

Sincerely,

Dave Sullivan
Huntington Beach City Councilman

*I will be on a pre planned
vacation and unfortunately miss
the meeting
D.S.*

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CALIFORNIA
COASTAL COMMISSION

TELEPHONE (714) 536-5553
FAX (714) 536-5233

Web: www.huntingtonbeach.org

Attn: Japan

CALIFORNIA COASTAL COMMISSION

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

[Click here to go to
original staff report](#)



June 9, 2014

Th 9a

ADDENDUM

To: Commissioners & Interested Persons

From: South Coast District Staff

Re: Commission Meeting of Thursday, June 12, 2014, Item TH9a, City of Huntington Beach Major Amendment Request No. 1-12 (HNB-MAJ-1-12) (Ridge), Huntington Beach, Orange County.

A. Correction to Executive Summary

The following sentence in the last paragraph on the bottom of page 4 (that carries over to the top of page 5), should be corrected as follows (deleted language shown struck through, added language shown bold, underline):

The subject parcel has been designated open space since its incorporation into the City and was so designated when the City's LCP was certified in the mid 1980s. During this time, and through to the present, the site has had a single landowner: Signal Landmark. Signal Landmark received approval for ~~a and has constructed 349 residences~~ **lot single family residential community** at the Brightwater site and 16 residences at the Sandover site, both located immediately west of the open space that is the subject of this LCPA. The LCP amendment before the Commission requests a change in land use designation from Open Space-Parks to Low Density Residential. No offsetting measures for the loss of five acres currently designated open space are proposed by the City of Huntington Beach as a part of the submittal.

This change is intended to accurately reflect that while 347 residences have been approved at the Brightwater site, not all of the residences have been constructed at this point. This is accurately reflected in the staff report findings.

B. Additional Letters/Emails Received

See attached.

C. Additional Ex Parte Communications

See attached.

Correspondence

Received

For

June 2014 Hearing

All correspondence received as of June 9, 2014 have been in opposition to the LCPA as proposed.

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0065
(916) 319-2065
FAX (916) 319-2165

Assembly California Legislature

DISTRICT OFFICE
1400 N. HARBOR BLVD., SUITE 601
FULLERTON, CA 92835
(714) 526-7272
FAX (714) 526-7278

SHARON QUIRK-SILVA
ASSEMBLYMEMBER, SIXTY-FIFTH DISTRICT

April 21, 2014

To All Interested Parties:

I am in support of the acquisition of two parcels of property commonly known as the Ridge and Goodell property at Bolsa Chica for the sole purpose of preservation.

In the interest of the common good, this land should be preserved to protect the neighboring sensitive wildlife habitat, to allow Native American descendants of today and tomorrow the opportunity to remember their ancestors on this sacred land. Preserving this important archaeological site will enable future scientists to understand the complex social culture that once thrived there.

Established 9,000 years ago by some of the first people to settle California, and continuously occupied for over 7,000 years, these parcels represent one of the earliest ritual and trade centers in North America. It was the production and distribution center for the unique cogged stones and the center of an ancient ceremonial complex that extended from the coast into the Mojave Desert.

These two parcels are recognized and revered as a sacred place by California Native American descendants who were devastated by the desecration of the graves of their ancestors to make room for a residential development on the immediately adjacent Brightwater property also owned by Signal Landmark.

Over 32 archaeologists, including Dr. Patricia Martz, Emeritus, California State University, Los Angeles; Dr. Brian Fagan, Emeritus University of California, Santa Barbara; and Dr. J. Daniel Rogers Curator of Archaeology, National Museum of Natural History, Smithsonian Institution all support the protection of this unique cultural resource. The State Historic Preservation Officer, Dr. Carol Roland-Nawi and the California Native American Heritage Commission concur.

It is in the highest public interest to keep this remaining area Open Space. This property is an integral part of the local Native American's cultural landscape, precious wildlife habitat, and as open space for everyone in our local community we urge for its protection.

The Ridge and Goodell properties have much to offer all Californians, and as such I support the land's acquisition, restoration and preservation, as it is a rich and vital part of the human history and cultural landscape of California. Should you have any questions, do not hesitate to contact me at (714) 526-7272.

Sincerely,

Sharon Quirk-Silva

Sharon Quirk-Silva
Assemblywoman, 65th District

30 May 2014

RECEIVED
South Coast Region

JUN - 2 2014

CALIFORNIA
COASTAL COMMISSION

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802
Attention: Meg Vaughn/Teresa Henry

Re: Opposition to the Project
Application No. HNB-MAJ-1-12

Dear Ms. Vaughn and Ms. Henry,

As a member and former Board member of the Bolsa Chica Land Trust, I wish to register my strong opposition to all further development on or adjacent to the Bolsa Chica Reserve. The Ridge Project, on which you are scheduled to hear testimony June 12th, should be denied for several reasons.

First, this area has significant archeological significance as a former Native American Village and burial ground, and is the site of significant archeological finds including cog stones several thousand years old, previously found at only one other location. Much of the archeologically-significant area on the Bolsa Chica Mesa has already been destroyed by development. Please do not allow further destruction to continue.

Second, the adjacent lands to the Bolsa Chica should remain undeveloped to prevent further damage to sensitive wetlands and other ESHAs present at the Bolsa Chica Reserve. These areas, including both the Ridge and Goodell properties should be left to act as buffer zones to the existing reserve, and natural habitat for the many sensitive species resident at Bolsa Chica.

Third, open space is badly needed by Huntington Beach. All undeveloped areas adjacent to the Bolsa Chica should retain their zoning as parkland/open space for the benefit of existing and future generations of Huntington Beach residents and visitors.

I hope you will take these comments to heart and ensure that the Ridge Project is denied.

Thank you,



Gay M. Infanti

RECEIVED
South Coast Region

JUN - 4 2014

CALIFORNIA
COASTAL COMMISSION

June 1, 2014

I am writing to the Costal Commission relative to application #HNE-MAN-1-12.
"Opposition to the phoject"

The Costal Commission
South Coast Area Office
200 Oceant Gate, Suite 1000
Long Beach, CA. 90802
Attn: Meg Vaughn/ Teresa King

It is vitally important to save the entire lands, both ridge & Goodall, keeping the three original open spaces and parks. It is an area rich in archiological significance. such as cog stones, burial grounds and th
village.

Thank you for your attention,
Send to www:Bolsa Chica Land Trust. org.

Thank you,

Elizabeth W. Singer
2705 Mountain View DriveUnit 223
LaVerne, CA . 91750--4346

Elizabeth W. Singer

RECEIVED
South Coast Region

JUN - 4 2014

CALIFORNIA
COASTAL COMMISSION

16222 Monterey Lane
Huntington Beach, CA
92649

The California Coastal Commission
South Coast Area Office
200 Oceangate Suite 1000
Long Beach, Ca. 90802

MAS-12

Attn: Meg Vaughn/Teresa Henry

Application # HNB- MAS-12 "Oppositon to the project"

To the Coastal Commission:

I am writing in relation to the Bolsa Chica area being discussed at the Huntington Beach City Hall on June12. I am unable to attend the meeting but wish to give you my opinion. I wish to Save the entire lands in dispute and keep the zoning to open spaces and parks. This area is a rich archeological area and should be preserved. We have so little preserved areas in Huntington Beach let us not use up this small area for more housing. **LET'S KEEP IT PRESERVED!!!!**

Yours truly,



Pearl G. Holmes

FROM THE DESK OF
RAYMOND SHERRARD
RHS ENTERPRISES
PO BOX 5779
GARDEN GROVE, CA 92846-0779
(714) 840-4388 FAX 5835

RECEIVED
South Coast Region

MAY 30 2014

JUN - 4 2014

TO COASTAL COMMISSION
SOUTH COAST AREA OFFICE CALIFORNIA COASTAL COMMISSION
200 OCEANGATE SUITE 1000
LONG BEACH CA 90802
ATTN: MEG VAUGHN/TERESA HENRY

IN RE; DENY THE RIDGE
HNB-MAJ-1-12
OPPOSITION TO THE PROJECT

Hello

I AM WRITING TO ASK YOU TO DENY THIS NEW INCURSION ONTO SOME OF THE LAST REMAINING OPEN SPACE ON THE BOLSA CHICA MESA AND ENVIRONS. AS A LONGTIME MEMBER OF THE BOLSA CHICA LAND TRUST AND A LONGTIME RESIDENT ON LOS PATOS AVENUE, I AND MY WIFE AND NEIGHBORS HAVE BEEN SUBJECTED TO UNWARRANTED AND UNWISE DEVELOPMENT OF OUR PRECIOUS OPEN SPACE.

NOW THE DEVELOPERS CONTINUE TO ATTEMPT TO PAVE OVER THE LITTLE REMAINING OPEN SPACES. THIS AREA CONTAINS ARCHEOLOGICAL SIGNIFANCE , COG STONES , BURIAL GROUNDS AND SITES OF EARLY VILLAGES OF OUR INDIAN PREDECESSORS. LETS NOT ALLOW GREED AND AVARICE TO TRUMP HISTORICAL SITES THAT WILL BE LOST FOREVER TO BULLDOZERS, ALL FOR THE CHANCE OF A QUICK DOLLAR.

THANK YOU,

Raymond Sherrard

RAYMOND AND SANDRA SHERRARD
4701 LOS PATOS AVE HB CA 92649

Vaughn, Meg@Coastal

From: Charlotte Masarik <charlottemasarik@cox.net>
Sent: Thursday, June 05, 2014 12:39 PM
To: Vaughn, Meg@Coastal
Cc: 'Kim Kolpin'
Subject: OPPOSITION to proposed Project by Signal Landmark - HNB-MAK-1-12 The Ridge at Bolsa Chica

CALIFORNIA COASTAL COMMISSION

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

January 3rd, 2014

TO: Commissioners and Interested Persons

Attn: Meg Vaughn and Teresa Henry

SUBJECT: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge, LCPA) ~ **OPPOSITION TO PROJECT**

City of Huntington Beach Certified Local Coastal Program (LCP). For public hearing and Commission in Huntington Beach on 6/12

Dear California Coastal Commissioners:

Ref: **Sacred Cogged Stone Site - Bolsa Chica**

I am writing to let you know how much this Sacred Cogged Stone Site has meant to me over the past 15 years and why I am against the proposed project by Signal Landmark to build 22 homes on this sensitive site. I live in Laguna Beach and was introduced to this special area many years ago by Flossie Horgan, Juana Mueller, Ginger Osborne and others, all early on activists who helped save The Bolsa Chica Wetlands. I have sat quietly on this site, held hands with others in a circle, and feel the beauty and peace of this place should be saved from ALL development.

I believe that every effort should be made to preserve this site because of the site's unique characteristics and the clear importance it had in the ancient history of California. The preservation of the Cogged Stone Site would dedicate the site and remaining artifacts so that it can be left undisturbed and the site can serve as an area that honors the memory of the first families who made Bolsa Chica their home. It is one of the most unusual archaeological sites in California and I believe it should be made an Historic Site for all to learn and appreciate more about our forebears.

Therefore, I strongly oppose the Ridge Project by Signal Landmark.

Thank you and Sincerely,

Charlotte Masarik
761 Oak Street

Laguna Beach, Ca 92651
949-494-1630
949-295-8040 Cell
charlottemasarik@cox.net

Charlotte Masarik
949-494-1630 Land
949-295-8040 Mobile
charlottemasarik@cox.net



This email is free from viruses and malware because avast! Antivirus protection is active.

June 5, 2014

Teresa Henry
District Manager
South Coast District Office
California Coastal Commission
200 OceanGate, 10th floor
Long Beach, Ca. 90802-4416

Dear Ms. Henry,

Re: City of Hunting Beach LCP Amendment No. HNB-MAJ-12 (Ridge)

I am providing comments with regards to the proposed land use designation from open space/parks to low density housing and zoning change from agriculture to residential low density in the area known as the "Ridge." As an individual who is actively involved in cultural resource preservation and protection of indigenous sites, this request for permitting is extremely concerning and I would ask that you deny such permit.

The area is part of a larger indigenous community complex, with a very large village with significant cultural identification, with at least one site listed on the NRHP OAR-83 a production site of cogged stones. Additional sites surround the area OAR-84, OAR-85, OAR-86, OAR-288, with only portions of OAR-83 & OAR-86 as a result of previous disturbance, as a result of development.

This area, the Bolsa Chica mesa is a well known cultural and religious site to the California indigenous community of the region, as well as great significance to the Gabrieleno/Tongva tribe. The multiple site function uses from past occupations makes this of great importance to connectedness of the indigenous community to the land.

Over the years, indigenous communities throughout California and the U.S. have lost a great deal of their cultural identity and heritage as a result of assimilation, as well as through development, with the loss of their cultural gathering, religious, shrine, and sacred sites. Over the years, the indigenous communities have faced cultural genocide either physically, mentally, or spiritually. Today indigenous communities across this land view this as a continued form of cultural genocide forced upon them through development and a lack of concern or strength in the law to protect them.

As we lose our sites, a little bit of our cultural identity goes with it. In my area alone, since the 1970's, we have loss as much as 70% of our recorded cultural sites due to development, not to mention those sites loss as a result of the fact that they were not recorded or indentified.

The indigenous community would consider this as a traditional cultural property (TCP) that has a distinct value to the indigenous community, as well as one of educational value to the non-indigenous community at large. This is an area that the City of Huntington Beach shouldn't and can't afford to lose. With so much of our coastal resources being lost to development and the encroachment of industry, we need to work at preserving the little bit of coastal lands that we still have open.

Whether it is CEQA, Calif. State requirement or Sec 106, Federal requirement, both state that the best management practice in determining or deciding on a project, is to first consider what is at stake. How does this proposal affect human quality of life, our environment, our air, our waters, or historic content? But when talking about historic features, either that of the Americas or that of Indigenous peoples, avoidance be the preferred choice.

Given the fact that we have a site listed on the NRHP and according to PRC code section 30244 when an archaeological or paleontological site is going to be adversely impacted, that has been identified by the SHPO that reasonable mitigation measures are taken (paraphrased). Section 30116 also includes sites that have been designated as a sensitive coastal area. This area needs protection.

I would ask that the CCC take some serious consideration in their deciding of this matter and way all of the evidence and the devastating impacts that this could have on the local indigenous community, as well as the indigenous and non-indigenous community at large and deny such permit.

Sincerely,

A handwritten signature in cursive script that reads "Freddie Romero".

Freddie Romero
Chumash
805-403-2873

Vaughn, Meg@Coastal

From: williamkettler@earthlink.net
Sent: Friday, June 06, 2014 4:31 PM
To: Vaughn, Meg@Coastal
Subject: Item Th9A Agenda # HNB-MAG-1-12 The Ridge

Dear Meg Vaughn; I grew up a mile away from the Ridge & roamed the area after heavy rains looking for Indian artifacts. I am now 92 years of age, still working, a WW II vet,& implore your Commission to deny development & save it for posterity. Years ago there was a developer wanting to build 4800 homes on the site who said the archeological study detected no graves found although the Jaunenos & Gabrielenos Indians claimed it was a sacred burial grounds. I came forward and told of my discovering two Indian burials when a boy. There was further examination and over a hundred burials found. When the homes were built on the Northern portion of the site, again over 100 burials were found. Respectfully submitted. William (Bill) Kettler, 623 7th Street, Huntington Beach, CA 92648. Phone: 714-536-2030

CHATTEN-BROWN & CARSTENS LLP

2200 PACIFIC COAST HIGHWAY

SUITE 318

HERMOSA BEACH, CALIFORNIA 90254

www.cbcearthlaw.com

TELEPHONE: (310) 798-2400

FACSIMILE: (310) 798-2402

E-MAIL:
MNB@CBCEARTHLAW.COM

Th9a - Requesting Denial

June 6, 2014

Honorable Commissioners
California Coastal Commission
Headquarters Office
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Ms. Teresa Henry
Ms. Meg Vaughn
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Via U.S. Mail and email: Teresa.Henry@coastal.ca.gov
Meg.Vaughn@coastal.ca.gov

Re: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of
Huntington Beach Certified Local Coastal Program (LCP); Support for
Staff Recommendation to Deny LCPA 1-12

Dear Honorable Commissioners:

We submit these comments on behalf of the Bolsa Chica Land Trust (BCLT) in support of staff's recommendation to deny the City of Huntington Beach's proposed amendment to its Local Coastal Program (LCP) affecting the parcel referred to as the Ridge. The mission of BCLT is to acquire, restore and preserve the entire 1,700 acres of the mesa, lowlands and wetlands of the Bolsa Chica ecosystem, and to educate the public about its unique biological and Native American cultural resources. BCLT supports staff's recommendation to deny the amendment due to its inconsistencies with Coastal Act policies concerning land use priorities, significant cultural resources, and sensitive habitat areas.

The proposed LCP amendment would change the land use designation for five acres of the Bolsa Chica uplands from "Open Space – Parks" to "Residential – Low Density" and the zoning designation from "Residential Agriculture – Coastal Zone Overlay" to "Residential Low Density – Coastal Zone Overlay." The Ridge is one of two remaining privately-owned undeveloped parcels in the Bolsa Chica ecosystem. As discussed in the staff report, the LCP amendment does not propose mitigation to offset the loss of 5 acres of designated parkland in the City or the conversion of the site from a higher priority Coastal Act designation to a lower priority designation. The underlying residential project also violates policies of the City's General Plan concerning the protection of coastal bluffs, enhancement of public recreational facilities, and preservation of environmentally sensitive areas. Consequently, four of the seven sitting members of Huntington Beach's City Council believe the City's 2010 approval of the LCP amendment was in error and requested the Commission's denial of LCPA 1-12 in January of this year.

BCLT thanks staff for its diligence and the detail in which it has addressed the concerns raised by BCLT, the Native American community, biologists, arborists, and state agencies since the continuance of the January 2014 hearing on this LCP amendment. In particular, BCLT appreciates staff's recognition that the Ridge site itself is an important Traditional Cultural Property of Southern California's Native American Community. The Native American Heritage Commission wrote that development of the site "would cause further damage to Native American cultural resources and should be avoided if at all possible." (Staff Report, Exhibit 13.) According to the State Office of Historic Preservation, "Since the significance of Traditional Cultural Properties is based on cultural and often religious significance, and not on their ability to yield...information...impacts cannot be mitigated to less than a significant level by usual archaeological practices such as excavation." (Staff Report, Exhibit 12.) Therefore, as concluded by the staff report, the only way to protect the site's resources in satisfaction of Public Resources Code section 30244 is to preserve the Ridge as open space.

BCLT appreciates Dr. Dixon's concurrence with Dr. Bloom's and Guy Stivers' conclusion that the LCP amendment, as submitted, fails to mitigate potential impacts to the eucalyptus ESHA caused by the loss of grasslands used for raptor foraging and the loss of water supply. The proposed variable buffer considers only anthropogenic impacts on the use of the trees themselves, not on the supporting grasslands where raptors actually forage, and therefore fails to adequately protect ESHA in violation of Public Resources Code section 30240. (Staff Report, Exhibit 16.) The LCP amendment further fails to disclose, analyze, and mitigate the potential loss of fifty percent of the forest's water supply, which could damage both the eucalyptus ESHA and the habitat restoration approved for the adjacent Shea Parkside property. (Staff Report, Exhibit 16.) Staff's

conclusions as to the LCP amendment's failure to protect sensitive biological resources are well-supported.

Staff properly recognizes that several alternative uses for the Ridge property have yet to be explored by Signal Landmark, including its sale to a public agency or land trust for retention as open space. Signal Landmark developed the 365-unit Brightwater and Sandover residential communities on Bolsa Chica Mesa land that was zoned for open space and parks at the time of acquisition. Therefore, Signal Landmark's reasonable investment-backed expectations have been satisfied. (Staff Report, pp. 17-18.) As discussed at page 16 in the staff report, BCLT remains a willing buyer of the Ridge site, for retention as open space, subject to a fair appraisal of the property. Additionally, on February 24, 2014, the City informed the Commission that it is identifying funds to acquire the Ridge and the adjacent Goodell property for park purposes pursuant to its Strategic Plan for 2014. Should Signal Landmark indicate a willingness to sell the Ridge property, BCLT and others are prepared to acquire the necessary funding to preserve the property as open space, and with it, its unique cultural and biological resources.

Finally, Consent Orders CCC-13-CD-08, CCC-13-CD-09, CCC-13-RO-08, and CCC-13-RO-09 required Signal Landmark to complete certain tasks to restore the Ridge and Goodell properties before additional development can be considered on the sites. The Commission has not yet received satisfactory Cultural Materials and Mitigation Plans from Signal Landmark, and the outstanding enforcement actions remain unresolved. Anything other than denial of the LCP amendment is inappropriate at this time.

Thank you for your consideration of these comments. BCLT supports staff's recommendation to deny Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach's certified LCP for the reasons set forth in the staff report. Based on the information currently before the Commission, only total preservation of the Ridge parcel can satisfy the cultural and biological resource protections contained within the Coastal Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle N. Black".

Michelle N. Black, on behalf of the
Bolsa Chica Land Trust

Vaughn, Meg@Coastal

From: Adam Plesniak <plesniak@gmail.com>
Sent: Sunday, June 08, 2014 5:06 PM
To: Vaughn, Meg@Coastal; Henry, Teresa@Coastal
Subject: Opposed to Development of Cogged Stone Site at Bolsa Chica

Agenda Item Number W24a

Application Number Ridge LCPA (HNB-MAJ-1-12)

Dear Coastal Commissioners,

As a resident of Huntington Beach, I support the Bolsa Chica Land Trust's efforts to permanently protect the entire 9,000 year old Cogged Stone site at Bolsa Chica from destruction.

Please **DENY** the City of Huntington Beach's LCPA (HNB - MAJ - 1- 12 Ridge). too much has been lost to development at Bolsa Chica. For years, this land has been designated Open Space - Parks and I am **OPPOSED** to changing the zoning and allowing a housing development that would destroy this unique archaeological site and take away the open space from all of us.

I urge you to save our open space and please DENY the zone change!

Many thanks,

Adam Plesniak
6091 Hamshire Drive,
Huntington Beach, CA 92674

Vaughn, Meg@Coastal

From: Peggy Huang <peggy.huang@gmail.com>
Sent: Sunday, June 08, 2014 5:08 PM
To: Vaughn, Meg@Coastal; Henry, Teresa@Coastal
Subject: Opposed to Development of Cogged Stone Site at Bolsa Chica

Agenda Item Number W24a

Application Number Ridge LCPA (HNB-MAJ-1-12)

Dear Coastal Commissioners,

As a resident of Huntington Beach, I support the Bolsa Chica Land Trust's efforts to permanently protect the entire 9,000 year old Cogged Stone site at Bolsa Chica from destruction.

Please **DENY** the City of Huntington Beach's LCPA (HNB - MAJ - 1- 12 Ridge). too much has been lost to development at Bolsa Chica. For years, this land has been designated Open Space - Parks and I am **OPPOSED** to changing the zoning and allowing a housing development that would destroy this unique archaeological site and take away the open space from all of us.

I urge you to save our open space and please DENY the zone change!

Many thanks,

Peggy Huang
6091 Hamshire Drive,
Huntington Beach, CA 92674



LEAGUE OF WOMEN VOTERS OF ORANGE COAST

Aliso Viejo, Costa Mesa, El Toro/Lake Forest, Huntington Beach, Irvine, Laguna Beach,
Laguna Hills, Mission Viejo, Newport Beach, Rancho Santa Margarita, Seal Beach

June 8, 2014

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, California 90802
Attn: Meg Vaughn/Teresa Henry

RE: City of Huntington Beach LCPA: HNB-MAJ-1-2, The Ridge

LETTER OF OPPOSITION TO THIS AMENDMENT

Dear Commissioners:

The Orange Coast League of Women Voters strongly OPPOSE the above proposed Local Coastal Plan Amendment for the following reasons:

1. The League has long supported the preservation of the Bolsa Chica as an ecological preserve surrounded by open space.
2. This proposal would reduce designated open space-parks by approximately five acres within the area surrounding the Bolsa Chica ecological preserve.
3. As open space-parks, this site not only preserves environmentally sensitive habitat, but also buffers environmentally sensitive habitat that is within 200' of the site.
4. Elimination of open space-park sites is not consistent with coastal policies regarding public access and recreation.
5. Coastal policies establish priorities for land within the coastal zone; open space is the highest priority for this site.
6. This site has been designated open space since the incorporation of the City of Huntington Beach; retaining this remaining coastal resource is the highest priority.

We urge you to DENY both the LUP and the IP portions of this LCPA.

Thank you for your consideration of our position and your past strong stance on preservation of the Bolsa Chica ecological preserve and its environs.

Barbara Wood
Grace Winchell
Co-Presidents

June 8, 2014

California Coastal Commission
Attn.: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RE: Recirculated Environmental Assessment No. 2008-016 - "The Ridge" 22-unit Planned Unit Development (Th9a, public hearing on June 12, 2014)

Dear Ms. Vaughn and Coastal Commission members,

I **strongly support** the staff recommendation to DENY Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach Certified Local Coastal Program (LCP). The reasons are outlined below.

I. OPEN SPACE – PARKS IS A HIGHER PRIORTIY THAN RESIDENTIAL

The Coastal Act speaks for itself (or at least it should):

"Coastal Act Section 30222 Private lands; priority of development purposes

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry." (emphasis added)

What is the point of saying that public recreation SHALL HAVE PRIORITY over private residential if the "shall" in that instruction is ignored? It either means something or it doesn't.

That alone—the 30222 SHALL HAVE PRIORTIY mandate—is enough to deny this request.

II. PARKLAND INSUFFICIENT IN CITY'S COASTAL ZONE

The City's certified Implementation Plan (Zoning and Subdivision Ordinance) establishes a standard for the provision of park space and requires five acres of parks per every thousand residents. In the immediate vicinity of the subject site, between Warner Avenue, Graham Street, the East Garden Grove/Wintersburg flood control channel and the Bolsa Chica Ecological Reserve, there are well over 1,000 residents. Although there are trails and habitat conservation open space, the only park within the area is the small tot lot area within the Brightwater development. A future one-acre active park and 0.6-acre passive park have been approved on the Parkside site, but construction is not yet underway. Thus, there is less than two acres of park in the subject site's vicinity. Even by the City's own standard (5 acre/1,000 residents), the area is deficient in park space. (Th9a staff report, page 15)

Council members who approved the LCPA noted that the annexation of Sunset Beach into the City limits would resolve the open space deficit. The problem with that justification is twofold:

1. The open space provided by Sunset Beach is public beach. The City, which already had 8 miles of public beach along its border, was not lacking in that particular recreational amenity.
2. The open space provided by Sunset Beach is not in the near-vicinity of the subject property. Within a 1-mile radius of the subject property, there is hardly any park space or sizeable open space for residents to enjoy a game of touch football, to fly a kite, to kick around a soccer ball, to have a picnic in the park, to hold a birthday party, etc.

Another City justification for the lack of parkland in the vicinity is that the "5 acres per 1,000 residents" standard in the certified Implementation Plan is an aggregate standard for the entire City, and not meant to be a localized standard. However, the IP language doesn't specify aggregate or local neighborhood standard, so it is open to interpretation. Coastal staff has already demonstrated in the Th9a staff report that the localized area of the subject property is deficient by the standard. But since the City is focused on aggregates, why not look at the issue in terms of the City's Coastal Zone aggregate, since the Coastal Commission's purview is the Coastal Zone?

If one uses that approach, the results are still appalling. There are many, many thousands of residents in the Huntington Beach Coastal Zone—and very, very few parks. There are a half a dozen parks of 1 acre or less in the Huntington Harbour neighborhood, which are hard to get to unless you are familiar with the area. Seabridge Park is the largest Coastal Zone park at 3.9 acres, at the far northern end of the City. There is Manning Park in the southern end of the city, 2.4 acres. There is Bolsa View Park, another 2.4 acres, enclosed inside a housing tract. And.... That is it. Approximately 12-15 acres of Open Space - Parks for at least 10,000 (and probably more) residents--let alone any visitors to the area. Do the math... it's still only about 1 acre for every 1,000 residents within the entire Huntington Beach Coastal Zone!

Finally, it's rather bemusing that the City, which for the last several years has celebrated the statewide "Parks Make Life Better" campaign, would protest that it has enough parkland and really doesn't need any more to improve the quality of life for its residents.

From the City of Huntington Beach website (accessed 6/7/14):

http://www.huntingtonbeachca.gov/about/parks_recreation/

"Parks Make Life Better! in Huntington Beach by providing access to the serenity and inspiration of nature, outdoor space to play and exercise; facilities for self-directed and organized recreation; positive alternatives for youth which help lower crime and mischief; and activities that facilitate social connections, human development, the arts, and lifelong learning. Parks and Recreation programs assist the City of Huntington Beach in achieving our mission: To provide sustainable quality services to maintain and enhance our safe and vibrant community. Keep reading to learn more about how PARKS MAKE LIFE BETTER in Huntington Beach!

[snip]

Whatever it is that inspires you, take a moment each day to remember the stories and images of why beaches, parks, and programs are important. Remember, Parks Make Life Better! in Huntington Beach."

III. CUMMULATIVE IMPACTS NOT ADDRESSED

The owner of the subject site has already received approval for and constructed the residential development at the adjacent Sandover site and construction is well underway on the Brightwater development (totaling 365 single family residential units). At the time those developments were approved the subject site was identified as Open Space-Parks. A request to convert the subject site from the Open Space-Parks land use designation for the purpose of more residential development more appropriately would have been raised by the property owner at the time those developments were under consideration to provide a more comprehensive understanding of ultimate development of the property owner's entire interest at the site, rather than characterize this last piece of the property owner's interest on the Bolsa Chica mesa as its sole interest. (Th9a staff report, page 18)

Coastal Act Section 30250 says in part [emphasis added]:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

In the 1980's, the Commission attempted to look at Bolsa Chica holistically, in a cohesive LUP. That effort fell through, and so instead the Commission has been dealing with Land Use at Bolsa Chica in a piecemeal fashion, as individual projects are brought forward one-by-one. The subject property has been designated Open Space Parks through the approvals of Sandover, Brightwater, Parkside, the archeological exploration of Goodell, and even through the Bolsa Chica Wetlands Restoration Project. Each of those projects impacted the Bolsa Chica ecosystem one way or another yet was evaluated individually, rather than cumulatively, due to artificial property lines. That approach is at the expense of the coastal resources as a whole ecosystem, because it's not looking at the big picture.

Permitting additional residential in this location in lieu of a park not only contradicts Section 30222's Higher Priority clause, but contradicts 30250a's Cumulative Impacts clause. As discussed above, there aren't any parks in the immediate vicinity, and wiping out the last possible location for such a coastal amenity is a significant adverse effect. Coastal Act section 30250a understands the big picture, but is sadly neglected.

IV. OPTIONS FOR RETURN ON INVESTMENT STILL POSSIBLE

Nevertheless, it appears that retaining the Open Space-Parks designation on the site could afford the property owner with a viable interest, contrary to the City's assertion. As discussed above, it is possible that the site could be sold to either a public entity or private non-profit entity for park use. It has not been demonstrated that that is not feasible. (Th9a staff report, Page 18)

Staff's optimism has basis in fact. In April 2014, it was announced in the press that Friends of Coyote Hills and landowner Chevron had agreed to enter talks with the Trust for Public Land to discuss a win-win resolution to a hotly-disputed parcel in Fullerton, California (inland Orange County). Such an outcome is just as doable at the Ridge, and, in fact, one would think such an outcome would be preferable to this particular property owner, who ran into financial hardship with Brightwater and had to relinquish control of Brightwater to another developer to complete sales of those homes.

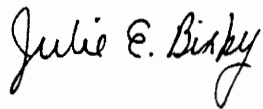
V. SUMMARY

1. OPEN SPACE – PARKS IS A HIGHER PRIORTIY THAN RESIDENTIAL PER THE COASTAL ACT SECTION 30222
2. PARKLAND INSUFFICIENT IN CITY'S COASTAL ZONE PER CERTIFIED IMPLEMENTATION PLAN
3. CUMMULATIVE IMPACTS ON COASTAL RESOURCES NOT ADDRESSED
4. OPTIONS FOR RETURN ON INVESTMENT STILL POSSIBLE

In short, Coastal Act Section 30222 prioritizing coastal resources should be sufficient grounds for denying this application in and of itself, and there are other issues and problems with the amendment request to further support denial.

Thank you.

Sincerely,



Julie E. Bixby
Huntington Beach, CA

Appendix – Exhibit A – City of Huntington Beach Zoning Map – Lack of Adequate Open Space
- Parks in Vicinity

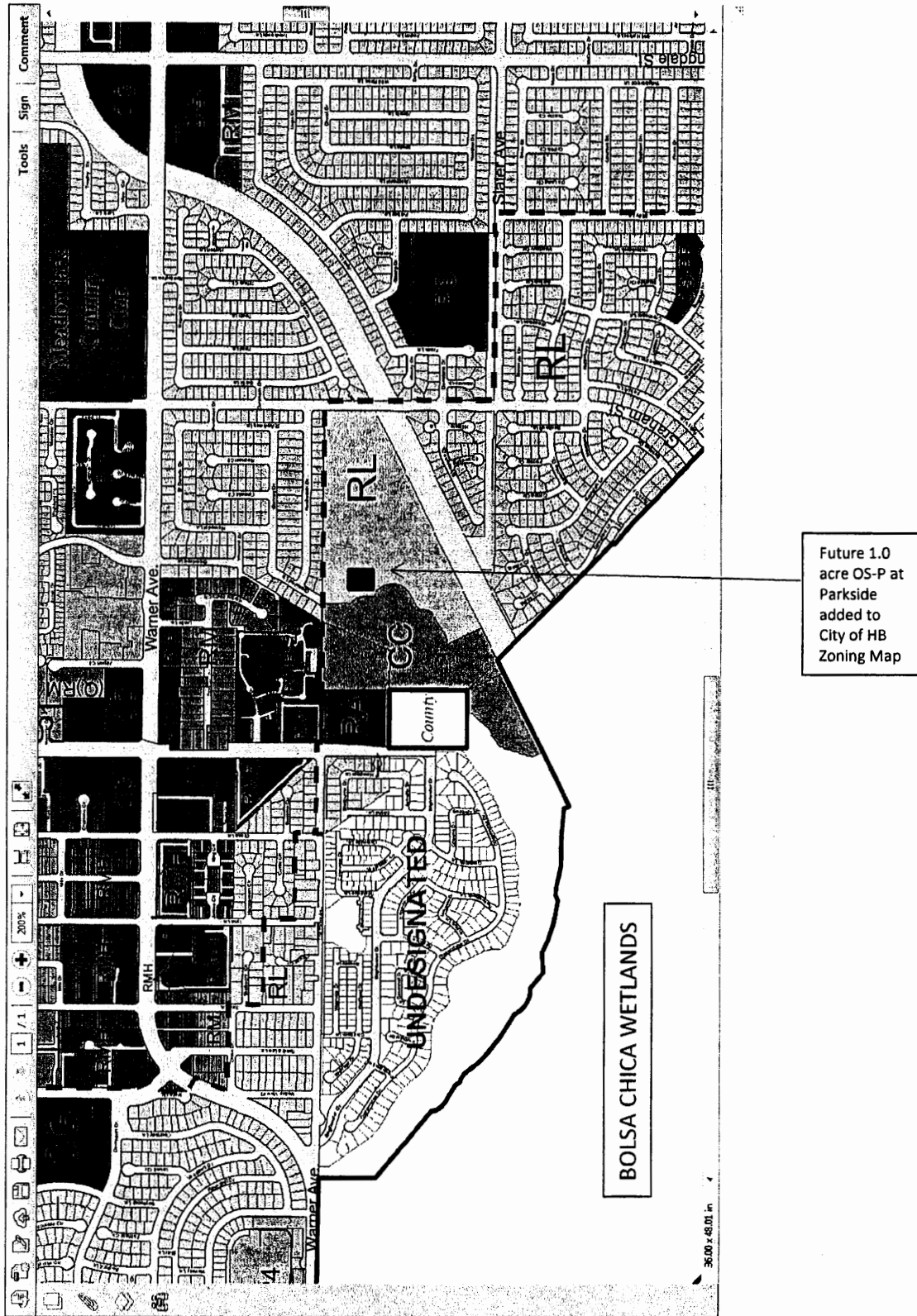


Exhibit A – City of Huntington Beach Zoning Map – Lack of Adequate Open Space – Parks in Vicinity

Dear Coastal Commissioners,

As a resident of Southern California, I support the Bolsa Chica Land Trust's efforts to permanently protect the entire 9,000 year old Cogged Stone site at Bolsa Chica from destruction. Please **deny** the City of Huntington Beach's LCPA (HNB - MAJ-1-12 Ridge). Too much has been lost to development at Bolsa Chica. For years, this land has been designated Open Space - Parks and I am **opposed** to changing the zoning and allowing a housing development that would destroy this unique archeological site and take away the open space from us all.

I urge you to save our open space!! DENY the zone change!!!

Name: Sylvia & Richard Ludlow

Address: 16696 Intrepid Lane
Huntington Beach, CA 92649

Approximately
700 Copies Received

AGENDA ITEM NO. Th9a
HNB-MAJ-1-12 (RIDGE LCPA)
SLR BAND OF MISSION INDIANS
OPPOSITION

SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081
760-724-8505 • FAX 760-724-2172
www.slrmissionindians.org

June 6, 2014

Teresa Henry, District Manager
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

VIA EMAIL
Teresa.Henry@coastal.ca.gov

**RE: CALIFORNIA COASTAL COMMISSION AGENDA ITEM NO. TH9A-
THE RIDGE (HNB-MAJ-1-12) — SAN LUIS REY BAND OF MISSION
INDIANS OPPOSITION TO THE RIDGE LCPA**

Dear Coastal Commissioners,

We, the San Luis Rey Band of Mission Indians ("Tribe" or "SLR Band"), have reviewed the Major Amendment Request No. HNB-MAJ-1-12 (The Ridge LCPA) of the City of Huntington Beach Certified Local Coastal Program (LCP) as prepared for the California Coastal Commission ("Commission") for public hearing and Commission action at the Commission's June 12, 2014 meeting in Huntington Beach. The spirit of the Coastal Act is to protect California's Coastal Resources and the 9,000 year old archaeology, religious significance and culture of California's native people at Bolsa Chica is a precious resource which must be protected by the Commission. As we stated in our January 2, 2014 letter of opposition to the Commission, we are a San Diego County Tribe whose traditional territory includes Camp Pendleton, the current cities of Oceanside, Carlsbad, Vista, San Marcos and Escondido, as well as unincorporated areas in northern San Diego County, such as the communities of Fallbrook and Bonsall. The Tribe is resolute in the preservation and protection of cultural, archaeological and historical sites within all these jurisdictions and throughout the state.

After our review, the Tribe is unquestionably **OPPOSED** to this Major Amendment Request being approved by the Commission. The proposed change of land use designation from Open Space-Parks to Residential Low Density and the zoning from Residential Agriculture to residential Low Density would significantly impact the remains of ORA-86 as well as other remains of this native village complex that represents 9,000 years of human occupation. The

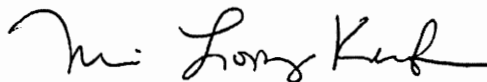
land being proposed for additional residential development, 5 acres of what is known as The Ridge and Goodell Properties, is part of a much larger sacred area commonly known to the Native American community as "Bolsa Chica." Bolsa Chica is sacred to the Southern California Native American community because it is part of the Sacred Cogged Stone site and holds a significant place in our culture, history, and religion. Bolsa Chica was a huge village complex that represented one of the earliest ritual and trade centers for our ancestors. It was the production and distribution center for the unique cogged stones that have been part of Native American religious gatherings from the California coast to the Mojave Desert. Moreover, this land has been nominated to the National Register of Historic Places and is internationally known as the sacred Cogged Stone Site.

Furthermore, in the previous residential development of the lands immediately adjacent to it, over 178 sets of Native American ancestral remains were desecrated. This blatant desecration of our ancestors graves is unforgiveable and cannot be ignored. Leave what land has not been defiled in protective open space. Do not allow for any more development. Our history demands the Commission's protection. The actions taken against the ancestors to these lands and their most likely descendants have been outrageously dishonorable and the significance of this land continually belittled and disrespected by the government agencies that have been entrusted to protect it from destruction. This land is vitally important to our Native American religious and cultural beliefs and must be protected. This land must be preserved and protected for our future generations and future generations of Californians and the United States. The Commission should DENY the Ridge LCPA and KEEP this land in protective OPEN SPACE.

The cost to the Native American people in this part of the state has already been too great. Much of our history and ancestral resting places have been annihilated for the sake of residential and commercial development. This is an area that needs to be protected from any further development. Protecting this land protects and preserves this state's irreplaceable cultural and natural resources. Allowing for this land to be further desecrated for the sake of 22 homes and some parking lots would be an unconscionable act by this Commission, therefore we demand that this Commission DENY the Ridge LCPA.

In conclusion, we, along with all of the California Native American tribes, implore you to deny the City of Huntington Beach's LCPA and to protect our sacred site in its entirety. We thank you for your continuing assistance in protecting our invaluable Native American cultural resources.

Sincerely,



Merri Lopez-Keifer
Tribal Legal Counsel

cc: Melvin Vernon, SLR Tribal Captain
Carmen Mojado, SLR Secretary of Government Relations

Correspondence

Received At or After the
January 2014 Hearing

All correspondence received have been in opposition
to the LCPA as proposed.

Dear Coastal Commissioners,

As a resident of Southern California, I support the Bolsa Chica Land Trust's efforts to permanently protect the 9,000 year old Cogged Stone site at Bolsa Chica from destruction. Please deny the City of Huntington Beach's LCPA (HNB - MAJ-1-12) and protect the rare archaeology, open space, habitat area for all.

Name: CIGI GARRETS

Address: 16311 ANGLER LN.

HUNTINGTON BEACH, CA
92647

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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

11 copies received

Item number W24a
Application number: HNB-MAJ-1-12
Susan Suntree "Opposition to the project"

Ms. Teresa Henry, District Manager
California Coastal Commission
South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Re: Land Use Designation Change for the Ridge Property, Bolsa Chica

Dear California Coastal Commissioners,

I urge you to deny the proposed Land Use Designation change referenced above. I am an award-winning writer most recently of *Sacred Sites: The Secret History of Southern California* (University of Nebraska Press 2010) who has researched extensively the geographical and indigenous histories of our region. It is clear to me that this property is a profoundly important indigenous sacred site of serious archaeological concern and a site with importance to world history. It contains some of the last remnants of a 9,000-year-old village, cemetery and population center that makes it a valuable touchstone for California's history. My research leads me to entirely concur with John W. Foster, Manager (ret) of Archaeology and History for the California State Parks system, and I quote him below:

The ancient peoples who occupied this terrace above a lagoon on what is now known as the Santa Ana River established one of the oldest settlements on the Pacific coast. They developed a characteristic cogged-stone industry – unique in North America. We don't yet know their exact use, but these ancient artifacts were concentrated at the site designated CA-ORA-83/86 and traded across the southern California landscape. The cogged-stones probably mark the spread of language, ritual and cultural enterprise across the region.

This site is highly significant for its scientific information as well as important heritage value to living native people in southern California. It represents some of the earliest human settlement on the Pacific coast. Deepest archaeological components were laid

down at least 2,000 years before Stonehenge was erected (5,000-3,000 BP); and 2,500 years prior to the laying of the first stones of the pyramids on the Giza plateau (4,500 BP). The first sections of China's Great Wall were constructed some 2,700 years after the Bolsa Chica settlement was established. These archaeological deposits are known to represent some of the earliest settled villages in the world. That this history is so little known in our region leaves this and other sites like it vulnerable to depredation. I would hope that the Coastal Commission might support the protection of what will one day be our treasured history.

Certainly this kind of extraordinary antiquity deserves to be recognized and respected. It has deep meaning to living Native peoples and stands as testimony to the peaceful, sustainable California culture that once occupied our coast.

More than 50% of the archaeological complex has been sacrificed for residential development. Please protect the remaining area (5 acres Ridge and 6 acres Goodell) in Open Space designation. That is the appropriate and higher use of this ancient site in the public interest.

Sincerely,

A handwritten signature in cursive script, reading "Susan Suntree", with a long, sweeping horizontal line extending to the right.

Susan Suntree

www.susansuntree.com

CALIFORNIA COASTAL COMMISSION

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

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South Coast Region

JAN 6 2014

January 3rd, 2014

**CALIFORNIA
COASTAL COMMISSION**

TO: Commissioners and Interested Persons

Attn: Meg Vaughn

SUBJECT: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach Certified Local Coastal Program (LCP). For public hearing and Commission

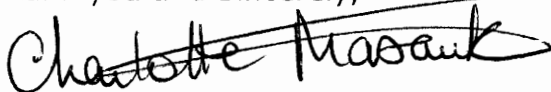
Dear California Coastal Commission:

Ref: Sacred Cogged Stone Site - Bolsa Chica

Dear Commissioners: I am writing to let you know how much this Sacred Gogged Stone Site has meant to me over the past 15 years and why I am against the proposed project by Signal Landmark to build 22 homes on this sensitive site. I live in Laguna Beach and was introduced to this special area many years ago by Flossie Horgan, Juana Mueller, Ginger Osborne and others, all early on activists who helped save The Bolsa Chica Wetlands. I have sat quietly on this site, held hands with others in a circle, and feel the beauty and peace of this place should be saved from ALL development.

I believe that every effort should be made to preserve this site because of the site's unique characteristics and the clear importance it had in the ancient history of California. The preservation of the Cogged Stone Site would dedicate the site and remaining artifacts so that it can be left undisturbed and the site can serve as an area that honors the memory of the first families who made Bolsa Chica their home. It is one of the most unusual archaeological sites in California and I believe it should be made an Historic Site for all to learn and appreciate more about our forebears. Therefore, I strongly oppose the Ridge Project by Signal Landmark.

Thank you and Sincerely,



Charlotte Masarik, 761 Oak Street, Laguna Beach, Ca 92651

949-494-1630 Land, 949-494-1630, 949-295-8040. charlottemasarik@cox.net

January 3, 2014

California Coastal Commission
Teresa Henry
200 OceanGate #1000
Long Beach, Ca 90802

Agenda W24a
HNB-MAJ-1-12
Denial

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South Coast Region

JAN 6 2014

RE: Agenda item W 24a

CALIFORNIA
COASTAL COMMISSION

I. The Ridge and Adjacent Properties Contain Irreplaceable Cultural Resources.

The LCP amendment contains insufficient mitigation measures and protections for cultural resources that may persist on the Ridge site, including the house pit, which warrants denial of the LCP amendment at this time.

A. The applicant's archaeological consultant (SRS) Scientific Resource Surveys concludes that additional cultural resources and human remains will not be found on the Ridge site. However, we must remember that the adjacent Brightwater development was similarly investigated by SRS prior to the beginning of grading and construction. The applicant told Staff at that time 97 % of the site had already been excavated, additional recoveries were unlikely. The permit to build was granted. Staff report pp24-27.

After the permit to build was granted a memo surfaced. In a November 2007 memo from the developer's archeologist to Ed Mountford et al in which it was disclosed that the following had been recovered at the Brightwater site. The following is stated:

- There are 87 human remains that need to be reburied
- There are 83 prehistoric features that were uncovered with the burials
- There are 4,217 artifacts that were found during grading monitoring on ORA 83
- There are 1,622 artifacts that were found during the grading monitoring ORA 85
- There are approximately 2,000 boxes of materials
- There are over 100,000 artifacts that have been collected.

January 19, 2007 memo to Ed Mountford from Nancy DeSautels "On Friday Ted and I will wrap each burial with its grave goods. Each individual will then be wrapped again in colored burlap coded to male (blue) , female (red) , and unknown (beige). Children will additionally have a color separation or other designator."

The Land Trust requested a revocation hearing in 2008 and at that time the Commission voted against revocation. Commission stated at the time that if they had known at the time of the permitting the significance of the archeological resources changes could have been made to the permit.

B. One of the conditions of approval for Brightwater development required an archeological report from SRS. All of the archeological work was done by SRS and completed in 2006 (page 24 staff report) the report was to be sent to Coastal Commission for peer review by 2007. Only recently was the 11 volume report submitted to ED on December 20, 2013. page 27 staff report
ELEVEN VOLUMES

In order for the Commission to consider this LCPA amendment it needs to be briefed by the Staff as to the contents of the 11 volumes. The Staff needs time to review and report to the Commission on the 11 volumes of this archeological report of the Brightwater development on ORA 83, 85 and 86. The Commission needs this invaluable information prior to making any decisions regarding further development on the remaining 11.2 acres of this area.

C. Three maps have been included with this submission. Attached #1,#2,#3)

First: map shows the cultural resources that have been impacted by development at Bolsa Chica.

Second: map generated by the SRS in the May 2009 Archaeological Abstract shows the boundaries of ORA 83/144/86

Third: map from same Abstract also shows boundaries of ORA 83/86/144

D. Also, the Peer Review committee composed of SRS employees. SRS staffing website with names <http://www.srscorp.net/staffing.html> Henry Koerper, Paul Chase. Roger Mason has been employed and may still be employed by SRS. The conflict of interest here is puzzling. Attached #4 and #5

E. This LCP amendment contains no mitigation for impacts that would be experienced by Native Americans who visit the Ridge site for worship and ceremonial purposes. (Staff Report p. 41.) The value of this land, as a cultural landscape, and its importance in the culture and religion of the Native Americans cannot be mitigated.

F. In 2012, four prominent archaeologists (Brian Fagan, Ph.D, John Foster, California State Archaeologist, retired; Patricia Martz, Ph.D. and Shannon Tushingham, Ph D.) sent a letter to their colleagues asking them to sign on to a letter asking Coastal Commission to preserve the remaining 11.2 acres of Cogged Stone Site. Over 41 signatories from around the country signed on to the letter.

See attached letter #6 and List of archeologists#7

These experts in the field of archeology recognize that these 11.2 acres represent the last opportunity for the Commission to mitigate the destruction of cultural resources and Native American sacred sites caused by past development in the area.

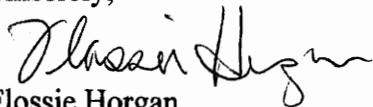
I urge the Commission to adopt the staff's recommendation to deny the amendment. However, I do not support the approval with conditions. There are too many uncertainties and unanswered questions. For instance:

On page 31 of Staff report, it states " The City has indicated that annexation of the Goodell property into the City was near completion until the process was suspended at the request of the Ridge property owner. What is the significance of such action? Why would the owners of the Ridge stop the annexation of another property owner's property?

Further on page 50 of Staff report, there is a sentence that raises questions about the level of cultural resources protection. It is unclear if **only** "controlled shallow layer grading prior to construction grading" would require a redesign to avoid impacts to cultural resources. At Brightwater development the discovery of major archeological artifacts were uncovered during **construction grading**.

For these and many other reasons, I urge denial of Major Amendment Request No. HNB-MAJ-1-12 I The Ridge) to the City of Huntington Beach certified LCP.

Sincerely,

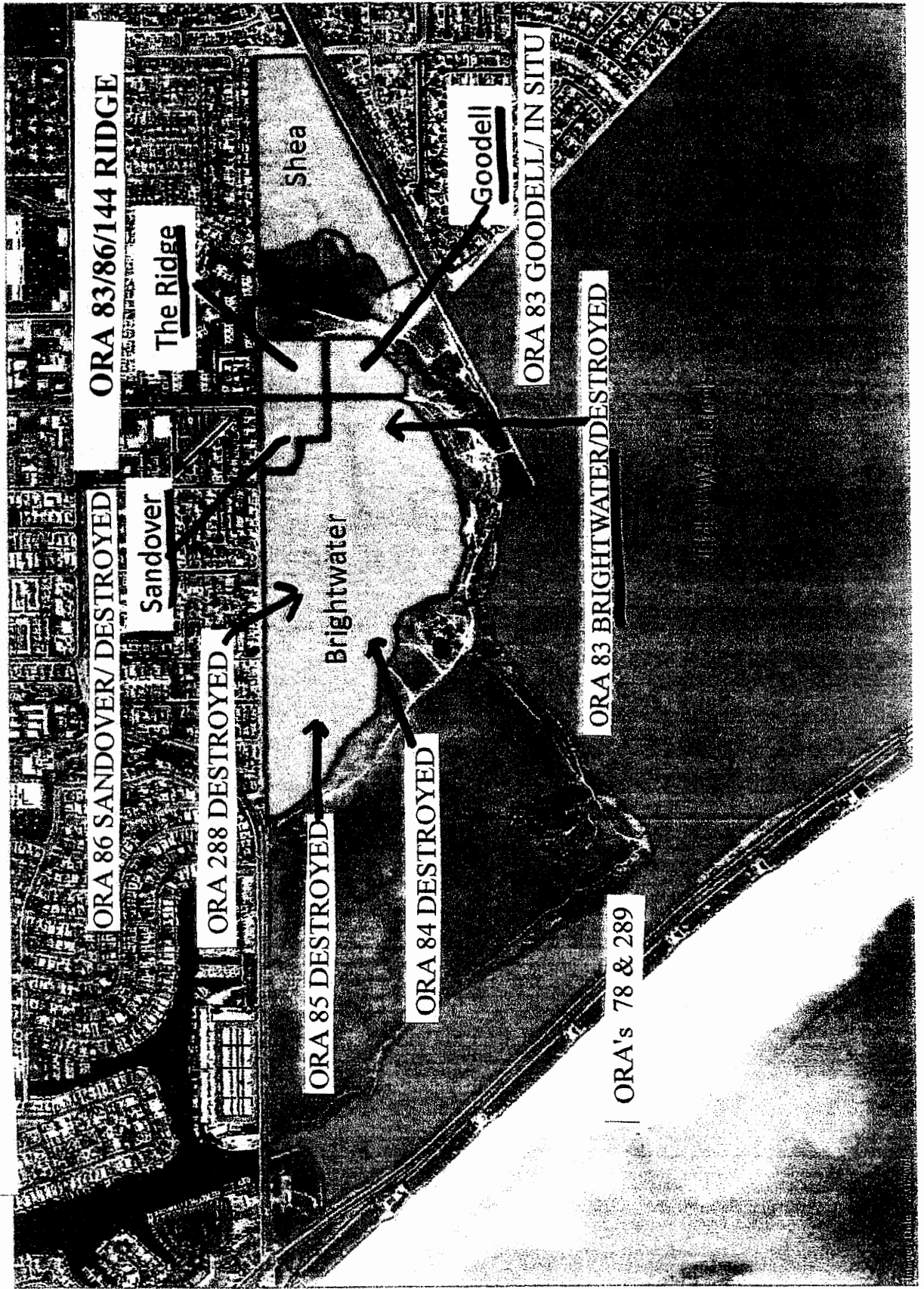


Flossie Horgan
Co- founder and Boardmember
Bolsa Chica Land Trust

Attachments

1. map showing cultural resources lost
2. map from SRS May 2009 Archaeological Abstract boundaries of ORA 83/86/144
3. map from SRS May 2009 Abstract boundaries of ORA 83/86/144
4. Peer Review report 2009 members Paul Chase, Henry Koerper and Roger Mason
5. SRS website employees Paul Chase and Henry Koerper
6. Letter from Brian Fagan, Ph.D, John Foster, State Archeologist, retired; Patricia Martz, Ph.D, and Shannon Tushingham, Ph.D.
7. Signatures from experts in field

LOSS OF CULTURAL RESOURCES



ridge map - loss of cultural resources

ARCHAEOLOGICAL SITE RECORD
(Supplement)

Permanent Trinomial: CA-ORA-83/86/144
Other Designations: Strandt #7;
Herring's "A" and "E" loci;
"The Cogged Stone Site"

38. Archaeological Site Map:

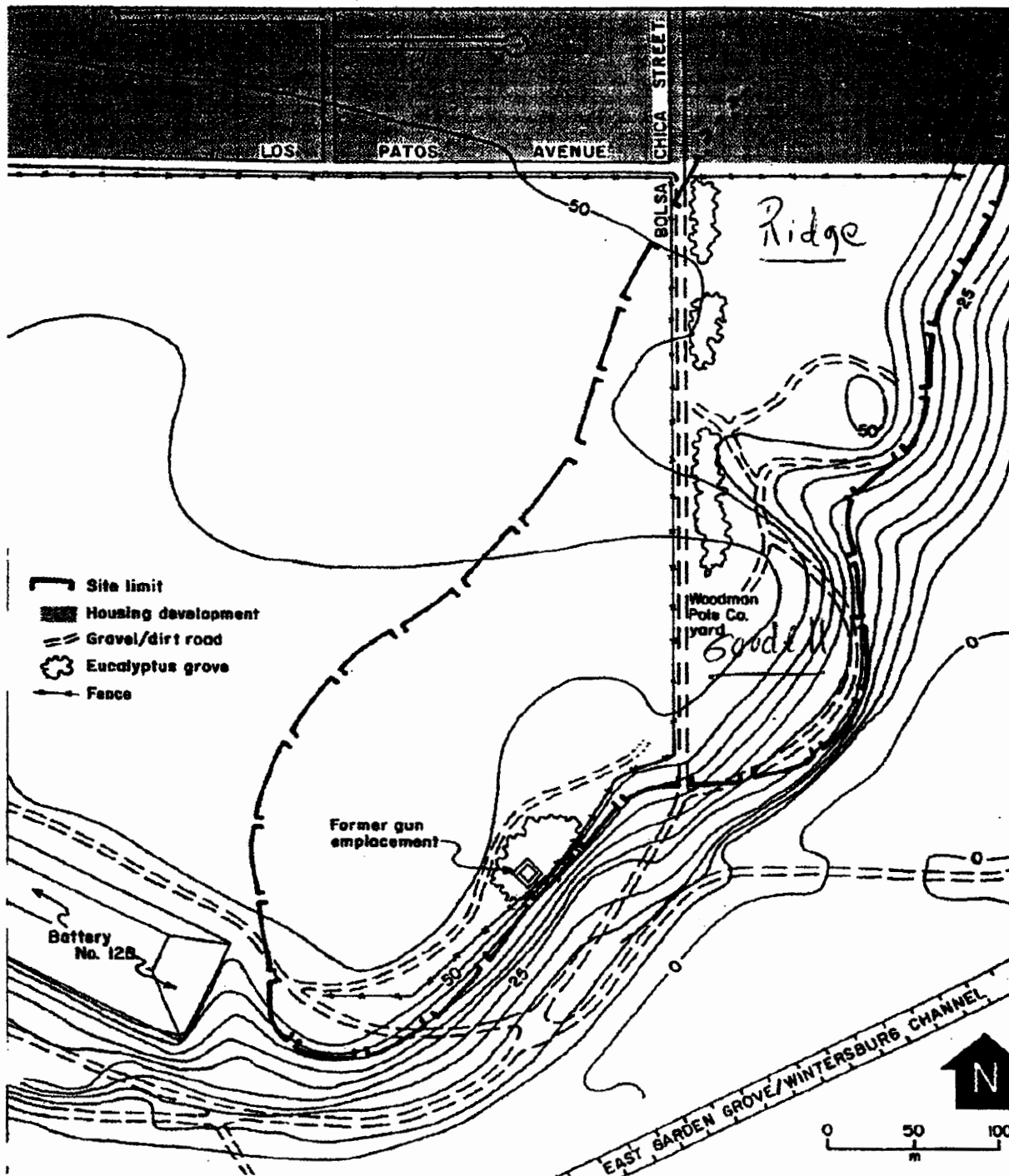
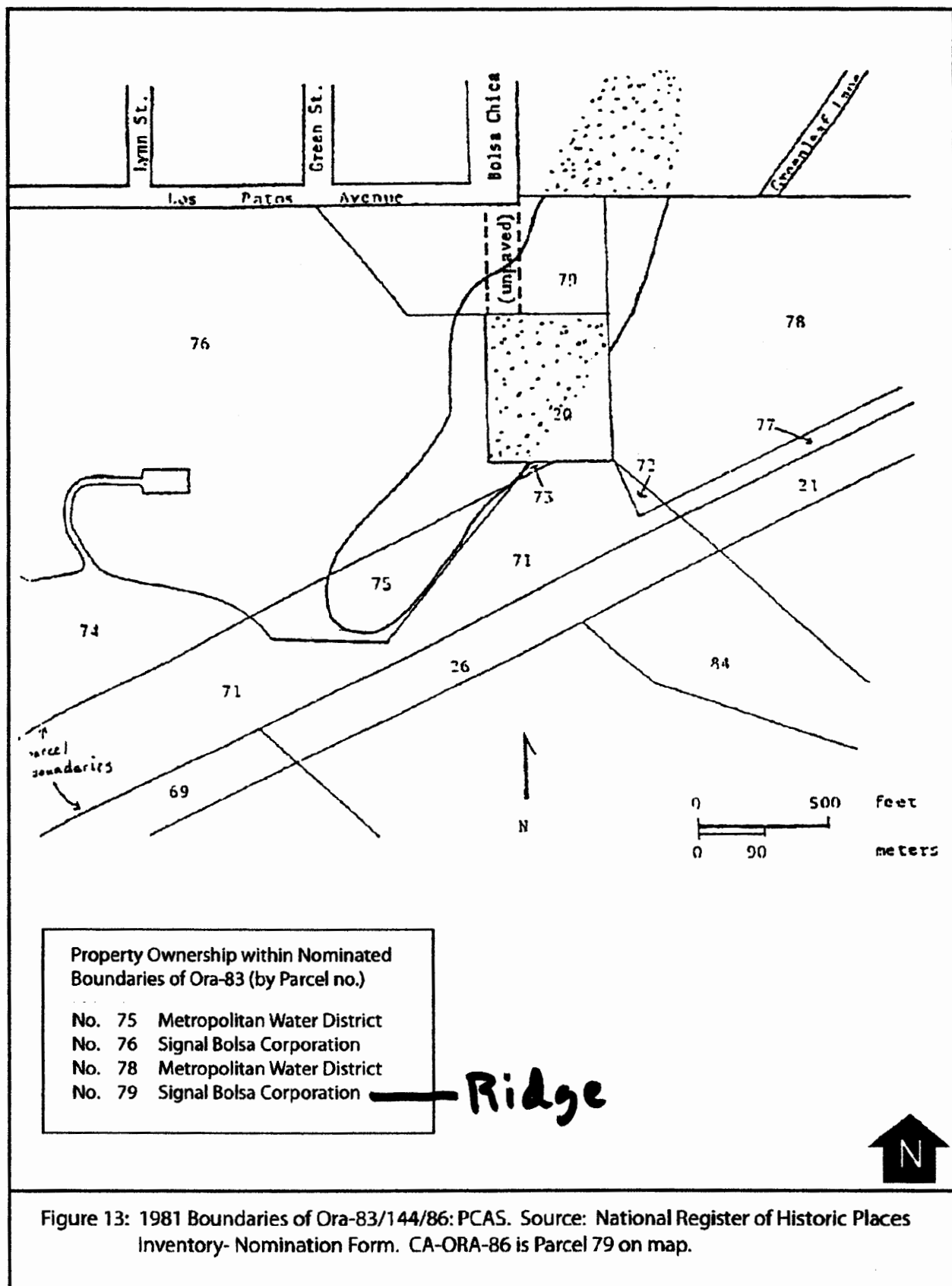


Figure 14: 1988 Site Form for ORA 83/144/86: INFOTEC. Source: South Central Coastal Information Center, California State College, Fullerton.

ridge boundaries ORA 83-86-144
SKS
27



4

December 10, 2009

Dr. Nancy Anastasia Wiley
Scientific Resource Surveys, Inc.
2324 N. Batavia Street, Suite 109
Orange, CA 92865

Re: Status and Recommendations for CA-ORA-86, Bolsa Chica Area, Orange County

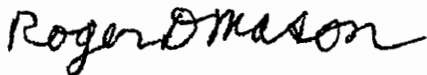
Dear Dr. Desautels,

I have reviewed "Archaeological Abstract: Archaeological Site CA-ORA-86: Herring's Site E" prepared by Scientific Resource Surveys, Inc. (SRS) and dated May, 2009. The report demonstrates that CA-ORA-86 has been the subject of 33 archaeological investigations beginning in the 1920s. These investigations indicate that the site has been greatly disturbed and most of the remaining midden has been redeposited as a result of twentieth century agricultural activities (chisel plowing, ripping, terracing, and deposition of peat from the marsh). In addition, the northern part of the site has been destroyed by residential development. The most recent investigation by SRS in 2001 was especially comprehensive and consisted of surface survey, surface artifact and shell collection, a systematic auger program, a backhoe trenching program, and hand excavation. The results of this investigation showed that the only intact archaeological deposit in the site was located in the southeastern part of the site on the bluff edge. This area yielded a subsurface feature (an oval depression), a large quantity of unbroken shell, and artifacts. Data recovery was carried out to document the feature and recover the associated artifacts and ecofacts.

Now that data recovery has been completed in the only intact portion of the site and, given that the rest of the site is no longer intact, CA-ORA-86 has no more potential to yield data important in prehistory and, therefore, is not eligible for the California Register of Historical Resources under Criterion 4. Therefore, other than grading monitoring, mitigation measures that would require preservation or data recovery are not necessary.

I recommend that grading and other ground disturbing activities at CA-ORA-86 be monitored by archaeological and Native American monitors so that, although unlikely, any remaining intact deposits will be identified.

Sincerely,



Roger D. Mason, Ph.D., RPA
Archaeologist
Member, Bolsa Chica Peer Review Committee



Henry C. Koerper, Ph.D.
Archaeologist
Member, Bolsa Chica
Peer Review Committee



Paul G. Chace, Ph.D.
Archaeologist
Member, Bolsa Chica
Peer Review Committee



Scientific Resource Surveys, Inc

"Still Leading Cultural Resources Management into the Future!" EST 1973

DBE and SBE Certified
Member ACRA,
RPA Certified for
Archaeological and
Historic Studies

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714-685-0204

STAFFING

SRS Personnel meet or exceed the Secretary of the Interior's Professional Qualifications Standards to work as Principal Investigator for Prehistoric and/or Historic Archaeological Investigations, History, Architectural History, Historic Architecture, Historic Preservation, Ethnographic Work and Paleontological investigations [Code of Regulations 36 CFR Part 61]. Several individuals on SRS, Inc. staff have been certified as Principal Investigator by agencies including the counties of Orange, Los Angeles, and Riverside, the City/Harbor of San Diego, the California Coastal Commission and the California Energy Commission. In addition to management concerns and insuring that research objectives are met, the principal investigators have had between 10 and more than 35 years dealing with the political objectives of the client; the academic objectives of archaeological and paleontological interest groups, historical societies; the traditional and spiritual interest of numerous Native American tribal groups; the guidelines of federal and state agencies, particularly the Native American Heritage Commission, the California Coastal Commission, the California State Historic Preservation Office; and the requirements of many county and city governmental entities.

DR. NANCY ANASTASIA WILEY, Ph.D

President/Owner SRS

Principal Investigator and Research Director

DR. HANK KOERPER, Ph.D

Private Consultant

Second co-Principal Investigator and Pre-historian

DR. PAUL G. CHACE, Ph.D

Paul G Chace and Associates - Consultants

Third co-Principal Investigator and Project Manager

GERLADINE ARON, M.S.

Paleo Solutions - Consultants

Paleontological Investigations

SCOTT R. ARMSTRONG, A.A.

Paleo Solutions - Consultants

Paleontological Field and Laboratory Manager

ROY PETTUS, M.A.

Private Consultant

Field Director, Marine Archaeologist

RYAN TAFT, B.A., M.A. [student]

Field Director, Archaeological Investigations,
GIS, ERSI Specialty

MAUREEN LYNCH, M.A.

Archaeological Investigations, Geophysics,
GIS Specialty

ANDREW GARRISON, M.A.

Lab Director, Historic Preservation
Prehistoric Lithics Specialty

LAURA BATSTONE, B.A.

Historical Research and Documentation

REZENET MOGES, M.A.

Digital Graphic Design, 3-D replication

MARGARET ZACHOW WETHERBEE, M.A.

Historical Research, Museum Curation

CONNIE "DESTINY" COLOCHO, B.S.

Archaeological Investigations, Lithics Specialty

AMY TUPA, M.A.

Archaeological Investigations, Artifact Analyst,
Archival Researcher

SRS, Inc 2324 N. Batavia Street, Suite 109 Orange CA 92865
Phone: (714) 685-0204 Fax: (714) 685-0082

March 27, 2012

6

Dear Colleague,

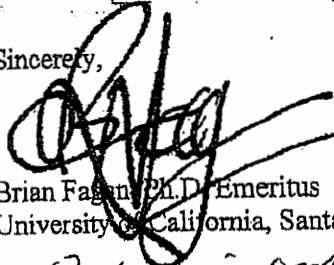
We the undersigned, ask for your help in saving the last remaining 11.2 acres of a 9,000 year old internationally known archaeological site located in Orange County, California. This site is famous for the mysterious stone sculptures known as "cogged stones" and is sacred to the Native American community. The "Cogged Stone Site", designated CA-ORA-83, is situated on the upper bench of the Bolsa Chica Mesa in Huntington Beach where it overlooks the Bolsa Chica Ecological Reserve and the Pacific Ocean. In July 2009, the National Register of Historic Places elevated 17 acres of this site to the eligible list of National Historic sites.

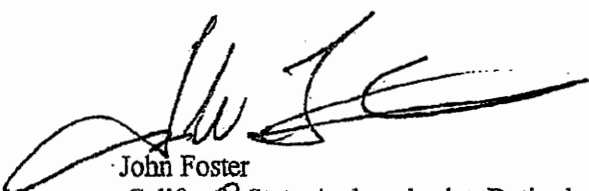
The site was a village and cemetery. It represents the remarkable achievements of an ancient civilization we know very little about and a people who deserve a place in history. It is famous for the cogged stone sculptures because: (1) Over 500 have been found at this site. Only a few have been found at other sites in the region. (2) The cogged stones are time markers for the poorly understood Millingstone Period in southern California. (3) There is evidence that CA-ORA-83 was the manufacturing and distribution center for the cogged stones and the center of an ancient ceremonial complex that extended along the coast and into the Mojave Desert. (4) A few cogged stones have been found at sites dating to 9,000 years ago in Chile. The connection remains a mystery. (5) There is evidence to suggest that the site and the cogged stones were involved in astronomical observations.

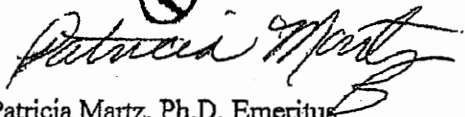
Eleven acres of this important site have been destroyed to make way for a housing development. Over 178 human burials, semi-subterranean house pits, caches of cogged stones, and over 100,000 artifacts have been recovered and reburied. 11.2 acres of this unique site remain intact but are threatened by future development. Based on where the other human burials were found, additional burials are almost certain to be present within the eleven remaining acres. The site is of great scientific importance and should be preserved for a future archaeology that is less destructive than is practiced today. Most important, the site holds great cultural and religious importance for local Native American descendants who have been holding vigils at the site for several years.

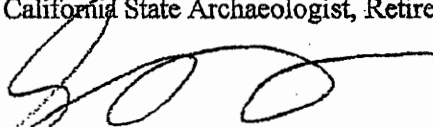
We request that you sign on to the attached letter of support for the preservation of this most significant site. Our goal is to permanently protect these remaining acres of the Cogged Stone Site as a part of the Bolsa Chica Ecological Reserve. Please send the letter to the Bolsa Chica Land Trust, 5200 Warner Ave, #108, Huntington Beach, CA 92649

Sincerely,


Brian Fagan, Ph.D., Emeritus
University of California, Santa Barbara


John Foster
California State Archaeologist, Retired


Patricia Martz, Ph.D., Emeritus
California State University, Los Angeles


Shannon Tushingham, Ph.D., Associate Professor
University of California, Davis

Archaeologists & Organizations For Preservation

The Bolsa Chica Land Trust has on file signed petitions from the following archaeologists, organizations and community leaders regarding Cogged stone site:

U N I V E R S I T Y	<p>Eric John Bartelink, Ph.D., California State University, Chico</p> <p>Joseph Chartkoff, Professor Emeritus of Anthropology, Michigan State University</p> <p>A.A. Donohue, Rhys Carpenter Prof. of Classical & Near Eastern Archaeology and Chair, Bryn Mawr College</p> <p>Jessica Einhorn, Professor of Anthropology, Social Science Division, Cañada College</p> <p>Brian Fagan, Ph.D., Emeritus, University of California, Santa Barbara</p> <p>Lynn Gamble, Ph.D., Professor of Archaeology, University of California, Santa Barbara</p> <p>Patricia Martz, Ph.D., Emeritus, California State University, Los Angeles</p> <p>Michael Newland, M.A. RPA, President, Society for California Archaeology & Staff Archaeologist, Anthropological Studies Center, California State University, Sonoma</p> <p>Brunhilde Ridgway, Rhys Carpenter Prof. Emeritus of Classical and Near Eastern Archaeology</p> <p>Wendy G. Teeter, PhD RPA, Curator of Archaeology, Fowler Museum at UCLA & American Indian Studies, UCLA</p> <p>Shannon Tushingham, Ph.D., Associate Professor, University of California, Davis</p> <p>Barbara L.Voss, Associate Professor, Dept. of Anthropology, Stanford University</p> <p>Michael Walsh, Ph.D. RPA, Cotsen Institute of Archaeology, University of California, Los Angeles</p> <p>Helen Wells, Ph.D. RPA, California State University, Los Angeles</p>
P U B L I C A G E N C Y	<p>Marie Cottrell, Ph.D., Natural and Cultural Resources Officer, US Marine Corps</p> <p>David Curtis, Archaeologist, Branch of Anthropology & Archaeology, Yosemite National Park</p> <p>Randall Dean, Archaeologist, Environmental Planning Division, San Francisco Planning Dept.</p> <p>Richard Fitzgerald, Senior State Archaeologist, California State Parks, Dept. of Parks & Recreation</p> <p>John Foster, Retired, California State Archaeologist</p> <p>Cynthia Gomez, Executive Secretary, Native American Heritage Commission</p> <p>Jack Hunter, Retired, Caltrans Dist. Archaeologist</p> <p>Denise Jaffke, Associate State Archaeologist, California State Parks</p> <p>J. Daniel Rogers, Ph.D., Curator of Archaeology, National Museum of Natural History, Smithsonian Institution</p> <p>Carolyn Shepherd, Archaeologist, Ret. China Lake Naval Station</p> <p>Dave Singleton, Program Analyst, Native American Heritage Commission</p> <p>Lisa D. Thomas-Barnett, Lab Director & Head Curator, San Nicolas Island, CA</p>

P R I V A T E	Susan Goldberg M.A. RPA, Principal at Applied Earthworks, Inc.
	Nancy Farrell, Archaeologist, President at Cultural Resource Management Services
	Shelly Davis-King MA RPA, Davis-King & Associates
	Julia Costello Ph.D., Foothill Resources, LTD
	Richard Guttenberg, Vice President Cultural Resources, John Minch & Associates
	Michael F. Rondeau M.A., Archaeologist, Rondeau Archaeological

<u>SOCIETY FOR CALIFORNIA ARCHAEOLOGY</u>		<u>COMMUNITY LEADER</u>
<u>MEMBERS</u>		
Patrick Brady	Lydia Gomes, BA Anthropology	Frank Arredondo, Coastal Band of the Chumash Nation
Jim Cassidy, Ph.D. RPA	Kathleen Lindahl	
Gerald Gates, MA	Sannie Kenton Osborn, Ph.D. RPA	Anthony Morales, Tribal Chairman, Gabrieleno/Tongva Band of Mission Indians-San Gabriel
Dean Gaumer		

Jim Moreno

Board of Trustees

1370 Adams Avenue
Costa Mesa, CA 92626
office (714) 438-4848
fax (714) 438-4878
cell (714) 588-9527
jmoreno@mail.cccd.edu

<http://www.cccd.edu>



RECEIVED
South Coast Region

JAN 6 2014

**CALIFORNIA
COASTAL COMMISSION**

200 OceanGate #1000
Long Beach, CA 90802-4316
Attention: Ms. Meg Vaughn

Honorable Members of the Coastal Commission,

You have a formidable and historic issue and decision before you and I would like to provide my perspective as a longtime resident, proud member of the community and as an elected official to the Coast Community College District in which this parcel of land is located. I am writing to you as a concerned citizen.

As a college student in the 60's I would travel from Long Beach State, south on PCH and then east on Warner to visit friends when Warner Ave. was a four lane road with ditches on each side. I have seen many changes in our city of Huntington Beach and many have been good and others not so good. I ask you give this matter of the proposed Ridge Project your careful consideration and think of the many other, more appropriate parcels that have been converted to housing tracks. This 11 acre parcel will not only be lost to cement and asphalt, but a historic site will be lost forever.

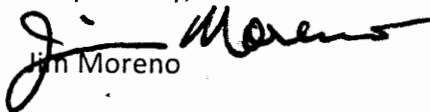
My family members have lived on Los Patos Dr. in Huntington Beach for decades and their view of the ocean was replaced with a twenty foot wall of dirt that supports houses "with an ocean view." We can't even park there on the 4th of July to see the fireworks on the pier. Gone forever.

We need to keep those spaces we can point to that reflect the history in this part of the state. Your choice to preserve this acreage for cultural and historical purposes would be the right thing to do. Signal Landmark with its projected twenty two homes will be but a spark in time. In one hundred years there will be more homes replacing the proposed project. What is to be gained? Do the right thing and preserve our land and keep it for the ages. This site is meant for the people, and our future generations.

Please provide a common sense approach to the use of our dwindling land resources.

Thank you for taking the time to read my letter.

Respectfully,


Jim Moreno

C: Joe Shaw

Item number W24a
Application number: HNB-MAJ-1-12
John Kawakami, Opposition to the project

RECEIVED
South Coast Region

JAN 8 2013

CALIFORNIA
COASTAL COMMISSION

FROM:
John Kawakami
651 S. Mathews St.
Los Angeles, CA 90023
(please update my address in your database)

TO:
Coastal Commission Teresa Henry, District Manager
200 Oceangate, Suite 1000
Long Beach, CA 90802
RE: The Ridge (HNB-MAJ-1-12)

Dear Coastal Commissioners,

Thank you for informing me about this hearing. I am unable to attend, but object to the rezoning of the Ridge to allow construction of homes.

While homes and housing are important, they are not as important as the study of a prehistoric community on the same site that's estimated at over 8,000 years old. Such a site has global significance.

To rip out this piece of our human pre-history, to build houses, is short-term thinking. Bolsa Chica has significant value as it is – and the value only increases over time as more is learned from its past. The study of the site, and preservation of the site, requires labor and scholarship. That is economic activity. Perhaps it will take centuries to realize the gains that, in the short term, some new condos or houses would realize, but some things are worth long, painstaking study.

Today, the people of the Tongva and Acjachemem consider the site a sacred site, and a connection to their ancestry.

Please do not approve a zone change.

Please support the designation of the area as a National Historic site.

Respectfully,


John Kawakami

Ms. Teresa Henry, District Manager
California Coastal Commission
South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Re: Land Use Designation Change for the Ridge Property, Bolsa Chica

Dear California Coastal Commissioners,

Please, In the name of everything that is good I write to urge you to deny the proposed Land Use Designation change referenced above. As you are aware, this property contains some of the last remnants of a 9,000 year old village, cemetery and population center that makes it a valuable touchstone for California's history. Think about where your ancestors and relatives are buried, would you want someone to exhume their remains and build a Wal-Mart there!? Thousands of years of history wiped away just for residential homes?! If you can't protect this site, then what is your purpose? The ancient Native American peoples who occupied this terrace above a lagoon on what is now known as the Santa Ana River established one of the oldest settlements on the Pacific coast. They developed a characteristic cogged-stone industry – unique in North America. We have yet to discover their exact use, but these ancient artifacts were concentrated at the site designated CA-ORA-83/86 and traded across the southern California landscape. The cogged-stones probably mark the spread of language, ritual and cultural enterprise by peaceful villagers across a tremendous area. PLEASE STOP THE DESECRATION OF SACRED SITES!!! ALL OF US ARE WATCHING THE CCC!!! Use the power you have to assist revitalization of Native American culture in California!

This site is highly significant for its scientific information as well as important heritage value to living native people in southern California. It represents some of the earliest human settlement on the Pacific coast. Deepest archaeological components were laid down at least 2,000 years before Stonehenge was erected (5,000-3,000 BP); and 2,500 years prior to the laying of the first stones of the pyramids on the Giza plateau (4,500 BP). The first sections of China's Great Wall were constructed some 2,700 years after the Bolsa Chica settlement was established. These archaeological deposits are known to represent some of the earliest settled villages in the world. Certainly this kind of extraordinary antiquity deserves to be recognized and respected. It has deep meaning and spiritual significance to living Native peoples and stands as testimony to the peaceful, sustainable California culture that once occupied our coast. Please do not contribute to the further desecration and destruction of California Native peoples ceremonial centers.

More than 50% of the archaeological complex has been sacrificed for residential development. I ask you to keep the remaining area (5 acres Ridge and 6 acres Goodell) in Open Space designation. That is the appropriate and higher use of this ancient site in the public interest.

Most sincerely,

Diane O. Montano



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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Ms. Teresa Henry, District Manager
California Coastal Commission
South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Land Use Designation Change for the Ridge Property, Bolsa Chica

Dear California Coastal Commissioners,

Please, In the name of everything that is good I write to urge you to deny the proposed Land Use Designation change referenced above. As you are aware, this property contains some of the last remnants of a 9,000 year old village, cemetery and population center that makes it a valuable touchstone for California's history. Think about where your ancestors and relatives are buried, would you want someone to exhume their remains and build a Wal-Mart there!? Thousands of years of history wiped away just for residential homes?! If you can't protect this site, then what is your purpose? The ancient Native American peoples who occupied this terrace above a lagoon on what is now known as the Santa Ana River established one of the oldest settlements on the Pacific coast. They developed a characteristic cogged-stone industry – unique in North America. We have yet to discover their exact use, but these ancient artifacts were concentrated at the site designated CA-ORA-83/86 and traded across the southern California landscape. The cogged-stones probably mark the spread of language, ritual and cultural enterprise by peaceful villagers across a tremendous area. PLEASE STOP THE DESECRATION OF SACRED SITES!!! ALL OF US ARE WATCHING THE CCC!!! Use the power you have to assist revitalization of Native American culture in California!

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Most sincerely,

Damien Montano



Item Number W24a

Ridge LCPA (HNB-MAH-1-12)

Stephanie Hernandez, Opponent of Development at the Ridge

January 7, 2014

California Coastal Commission

200 Oceangate, 10th Floor

Long Beach, CA 90802-4416

Dear Commission Members,

My name is Stephanie Hernandez. I'm writing to today because I have serious concerns about the proposed development of part of the Bolsa Chica Mesa. From January 2006 to April 2008 I was a staff archaeologist for Scientific Resource Surveys, Inc. My duties at SRS included curation of previous field seasons, participation in data recovery of artifact and burial units, collection of artifacts, grade monitoring, monitoring supervisor, project research, osteology and sorting lab technician, and photography archivist. My employment at SRS was my first job as an archaeologist as I was still attending college for my undergraduate degree. It is because of my experience at SRS that I am writing you today.

I began at SRS before the final major data recovery phase of the project. I was told to expect some artifacts and burials, but that the project should not be expected to go past the summer. The overwhelming majority of SRS employees for this phase were young, inexperienced college students and lay people. I was taught and learned everything while in the field. At the beginning of the project the supervision was very close for those who were responsible for excavation, but as the months wore on and the field phase of the project grew longer than expected, the attitude became more urgent with a "get it out now, we need to be done because the developer's giving us pressure" atmosphere. The Native

American monitors expressed concern with the speed of excavation, but we were told to disregard their concerns because they didn't know what they were talking about. The employees were told not to trust any of the Native American monitors on site, as they were not archaeologists and were trying to stop the project.

As the project wore on, the field director, Jeff Couch, began to take shortcuts with methodology and personnel safety. Grade monitoring was conducted less than five feet alongside excavating personnel and, when grade monitoring the extension of Bolsa Chica Street, I was told that they couldn't exactly pinpoint where the old gas lines were and to "run like hell" if I heard or smelled gas. The management has a cavalier attitude to their employees safety and well being and has little oversight or input from owner Nancy Anastasia Wiley. There was little effort for transparency or accountability in terms of employee or company conduct and any individual that was not an SRS employee was to be met with suspicion and distrust. When SRS employees raised questions or concerns about the project, we were told and repeatedly reminded that the developer didn't even need to do anything in terms of data recovery and we should just be grateful they didn't bulldoze the site. SRS sees Hearthside homes as their benefactor.

After the end of the data recovery phase, SRS employees began to process the data from the field. The concerns or oversight from Native American monitors was seen even more unwelcomed than it had been in the field, and I was instructed by Jeff Couch and Tracey Stropes to give as little information to the monitors as possible. When it became apparent that there was a large volume of archaeological matrix to sort, the management made the decision to hire the employees of an asphalt and pavement crew owned by the son of Ted Wiley, Nancy Wiley's husband, to do the sorting. These men had no archaeological training whatsoever and spoke no English, which made teaching them proper methodology impossible. SRS asked the lab manager at the time, Stephanie Granite, to generate a sorting manual, which was later translated into Spanish. There was no effort to find and hire qualified archaeologists to complete the sorting.

From the first day I began grade monitoring of CA-ORA-85 (and subsequently CA-ORA-83), in May of 2006, cultural constituents were being observed very close to the surface. The sheer number of

artifacts observed, collected, or excavated a day is evidence of the extensive cultural history of the Mesa. Given the location of the proposed property development, I know full well that the Ridge is not absent of cultural constituents. I believe this is the area where SRS and Hearthside Homes had their mobile offices and I recall excavating a unit directly outside of the gates that was unearthed during construction in the summer of 2007.

The Bolsa Chica Mesa is an area of over 9000 years of California Native American prehistory, complete with numerous burials and artifacts that cannot be found anywhere else. It is completely unreasonable to believe that there is little chance of subsurface cultural deposits in the proposed area when the presence of indigenous culture was evident everywhere. The only way to do the environment, archaeology, and Native Americans justice is to deny amendment to the Local Coastal Program to allow private development of the Ridge. Given the track record and reputation of SRS, I am pleading with you not to amend the Program nor entrust SRS with such an important piece of California and Native history. Thank you for your time and allowing me to voice my concerns.

Regards,

Stephanie Hernandez

Vaughn, Meg@Coastal

From: Henry, Teresa@Coastal
Sent: Wednesday, March 26, 2014 9:57 AM
To: Vaughn, Meg@Coastal
Subject: FW: agenda item Number W24a

Hi Meg,
Please print this out for the Ridge file, if you haven't done so already (this is from Jan)

Teresa Henry
District Manager, South Coast District
California Coastal Commission
(562) 590-5071

From: JimBarry [<mailto:dr.wjbarry@gmail.com>]
Sent: Monday, January 06, 2014 7:10 PM
To: Henry, Teresa@Coastal
Subject: agenda item Number W24a

From: W. James Barry, Ph.D.
Number W24a

agenda Item

405 Sylvan Rd
Sierra Springs Ranch
Colfax, CA 95713
(530)389-2318

application number Ridge LCPA (HNB-MAH-1-12),
Dr. W. James Barry - I oppose this application

To: California Coastal Commission: South Coast District , 200 Oceangate, Suite 1000, Long Beach, CA 90802-4302. Attention: Teresa Henry, District Manager and Meg Vaughn

Dear Ms Henry and Vaughn,

I have reviewed the 102 page staff report " Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach Certified Local Coastal Program (LCP). For public hearing and Commission action at the Commission's January 8-10, 2014 meeting in San Diego. I would like my comments placed on the record.

The Ridge property contains one of the last remaining portions of CA-ORA-83, the cogged stone site. The developers have already destroyed 16 acres of the 9,000 year old village and cemetery site known for the large numbers of cogged stones. An Open Space Park is considered to be a higher priority than residential land use, as is the preservation of 5 of the last remaining 11 acres of the world class cogged stone site.

Although already damaged, this site is extremely significant to California Indians. The large burial site is considered sacred and should not be disturbed.

I saw no evidence of the geologic stability being considered at the Ridge site. No mention of soil erosion potential that development of the site will cause. I am quite familiar with the general area of Bolsa Chica as I have worked there frequently over more than 3 decades. I have seen the sediment loading offshore - both from the air and by SCUBA.

Water resources were not considered. Although this is a relatively small development it will add to California's

dire water future. More urban water usage will require farmers to use less water, thus produce less food and fiber. During the drought of 1976-77 my irrigation water was cut in half as the provider had contracts to seed so much water south. I lost more than 60,000 potted plants in my native plant nursery and 20 acres of mature English walnuts. All and all lost 20 acres of pears and about the same in irrigated pasture. Meanwhile in Southern California I observed gutter flooding on my frequent trips to the south. The current drought situation is much more severe. Land use agencies need to come out of denial.

Sincerely,

W. James Barry

W. James Barry, Ph.D.
Sr. State Park Ecologist, Retired
Resources Agency-University of California Fellow
Certified Soil Scientist, SSSA
California Indian Roll # 4388

cc. California Native Heritage Commission
Sacramento Archeological Society
California Farm Bureau

California Coastal Commission

South Coast District

200 Oceangate, Suite 1000

Long Beach, Ca 90802-4302

RECEIVED
South Coast Region

JAN 6 2014

January 4th, 2014

CALIFORNIA
COASTAL COMMISSION

Re: Land use designation change for the Ridge property, Bolsa Chica

Dear Commission Members,

One of the enduring mysteries in California prehistory is the meaning and use of a type of ancient Native American artifact called a "cogged-stone." Researchers have speculated on their interpretation since the days of 19th century Indian relic hunters. While archaeological science has improved tremendously in the 20th century, we here in the 21st century are no closer to solving this enigma than were our predecessors. In our investigative and descriptive science, context is everything. Archaeological tools to study the past are in continuous development, but it cannot be predicted when we will have the means to solve this riddle. It must be said that without the survival of the location of their greatest occurrence, the chances of deciphering their historic importance is greatly reduced and possibly completely lost.

It is not enough to photograph, make molds and rebury these artifacts. They must be studied in the undisturbed soil of their occurrence for any chance of solution. Significant parts of archaeological site CA-ORA-83/86 in Bolsa Chica have already been destroyed by modern development. The surviving portion known as the Ridge Property must be protected with at least a continued Open Space designation and spared from additional impact. Please find it your duty to protect this sacred location for future generations having the science to at last discover the truth of these remarkable artifacts.

Sincerely,



Jack Hunter

Caltrans District Archaeologist (Ret.)

PO Box 4338

San Luis Obispo, Ca 93403

Item # W24A
Application # HNB-MAJ-H1
Paul R Moreno
Oppose this project

Dear Coastal Commissioners,

As an Indigenous person of this land, I strongly urge you to deny the City of Huntington Beach's LCPA which will come before you this January. This land, known as the Ridge, is part of our Sacred Cogged Stone site, and holds a significant place in our culture, history, and religion. For many years we have stood looking out onto the site, blocked by fences, as we celebrate our ceremonies. We have watched the destruction of our sacred sites to build houses, schools, malls, freeways, farms and factories. We come together at this site as it is a sacred place for our people, in its entirety. This place in its entirety is significant to our people and cannot be mitigated. We need our sacred places to continue.

Too much of our culture has been destroyed at Bolsa Chica. We need these places to renew ourselves, in order to continue to survive. Our ancestors' graves have been desecrated, our ancient villages graded away. The spirit of the Coastal Act is to protect our Coastal Resources, and the 9,000 year old archaeology, religious significance and culture of our people at Bolsa Chica is a precious resource which must be protected for the present people and for future generations.

I implore you to deny the City of Huntington Beach's LCPA and to protect our sacred site in its entirety.

Sincerely,

Paul R Moreno
(949) 228-7262

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South Coast Region

JAN 10 2014

CALIFORNIA
COASTAL COMMISSION

Ex Parte Communication Forms

Received

For

June 2014 Hearing

JUN 03 2014

FORM FOR DISCLOSURE OF
EX PARTE COMMUNICATIONS

CALIFORNIA
COASTAL COMMISSION

Name or description of project, LPC, etc.:

City of Huntington

Date and time of receipt of communication:

10:100 6/2/74

Location of communication:

Phone

Type of communication (letter, facsimile, etc.):

Person(s) initiating communication:

Connie Boardman

Detailed substantive description of content of communication:

(Attach a copy of the complete text of any written material received.)

We discussed her opposition to
the project her concerns about
the biological and archeological
issues on the site. She is
supportive of the staff recommendation
of denial. She is hopeful
that they can work with
the developer and try to
purchase the property to
protect the property.

Date

6/2/74

Signature of Commissioner

W. W. W.

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

JUN 04 2014

CALIFORNIA
COASTAL COMMISSION

FORM FOR DISCLOSURE OF
EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: Th. 9A Huntington Beach

Date and time of receipt of communication: 11:00AM LA 6/3/14

Location of communication: LA

Type of communication (letter, facsimile, etc.): in-person

Person(s) initiating communication: Dave Neish, Ed Mumford, Steve Kaufman

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

*of LAP
Amund*
Reviewed power point (provided to staff) discussed
denial impact on Goddell property not
being put into open space and
preserved. housing development would
be small part of ridge property
and preserve Goddell property
for Native American interpretive
center

6/4/14
Date

[Signature]
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

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If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

JUN 9 2014

CALIFORNIA
COASTAL COMMISSION

Exparte

5/21/2014

With Joe Shaw and Flossie Horgan Bolsa Chica Land Trust

45 minu RECT 5/21/14
11:30-3:00 PM
South Coast Commission

How to resolve this for all

Concerns

1. Archeological issues

National recognized archeologists weigh in
SHPO letter of January 2014
Construction grading
SRS

CALIFORNIA
COASTAL COMMISSION

2. The LCP Amendment Would Adversely Affect Biological Resources and Designated ESHA.

Haz mat

Buffers

Six foot masonry wall to reduce the 100 meter buffer otherwise required to protect ESHA from encroaching on the residential development

Bluffs
water

The Project will also reduce water flow to the Shea Parkside parcel

Foraging habitat

Removal of foraging resources would cause direct harm to raptors.

3. The LCP Amendment is Inconsistent with the Coastal Act, the City's Certified LCP, and the City's General Plan.

The Ridge site is currently designated "Open Space - Parks." The Amendment would change the designation to "Residential Low Density."

City's certified LCP forbids private development of the Bolsa Chica Mesa bluffs. The policy reads, "Prohibit private development along the bluffs rising up to the Bolsa Chica mesa

4. The Ridge and Goodell Properties should be Considered Together.

Together, the Ridge and Goodell Properties 11.2 acres which are the last remaining undeveloped portions of the Bolsa Chica Mesa.

BCLT urges the Commission to adopt staff's well-researched recommendation to deny the amendment.

S. Kinsey

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

Th9a

May 30, 2014



TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, South Coast Deputy Director (Orange County)
Teresa Henry, District Manager, South Coast District
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach Certified Local Coastal Program (LCP). For public hearing and Commission action at the Commission's June 12, 2014 meeting in Huntington Beach.

SUMMARY OF HNB LCP AMENDMENT REQUEST NO. 1-12

The proposed LCPA request affects an approximately five acre parcel of land located at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue, commonly known as the Ridge. The amendment request would change the land use designation at the site from Open Space – Parks (OS-P) to Residential Low Density – 7 units per acre (RL-7). The proposed amendment would also change the zoning designation at the site from Residential Agriculture – Coastal Zone Overlay (RA – CZ) to Residential Low Density - Coastal Zone Overlay (RL-CZ). In addition, the proposed Local Coastal Program Amendment (LCPA) would make changes to the Implementation Plan (IP) portion of the certified IP's Zoning and Subdivision Ordinance Chapter 210 *Residential Districts*, Section 210.12 – *PUD (Planned Unit Development) Standards and Provisions*. The changes proposed to the PUD standards would allow “greater flexibility in the provision of parking spaces.” The subject site is one of the last two remaining parcels in the Bolsa Chica area with uncertain future land use. The proposed amendment was submitted for Coastal Commission action via City Council Resolution No. 2010-48.

Issues raised by the proposed LCPA include: conversion from the higher priority designation of Open Space-Parks to the lower priority Residential land use designation and corresponding loss of land designated Open Space-Parks within the Bolsa Chica vicinity; the lack of adequate protection of significant cultural resources; and the lack of adequate protection of sensitive habitats.

City of Huntington Beach LCPA 1-12 (HNB-MAJ-1-12, the Ridge) affects both the Land Use Plan and the Implementation Plan portion of the City's certified LCP. A one-year extension was granted for the deadline to act on this LCPA. The deadline to act is December 12, 2014.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends denial of the Local Coastal Program Amendment because the LUP portion of the amendment is not consistent with the Chapter 3 policies of the Coastal Act,

Huntington Beach Major LCPA No. 1-12
The Ridge

and because the Implementation Plan portion of the amendment is not in conformity with nor adequate to carry out the provisions of the certified Land Use Plan.

Staff is recommending denial of both the LUP and IP portions of the proposed amendment request because the amendment would eliminate a higher priority land use designation, and does not assure that significant culture resources and sensitive habitats will be protected as required by the Coastal Act and the City's certified Local Coastal Program.

The subject site is significant because it is located within the Bolsa Chica area, one of the most ecologically and culturally sensitive areas within the City's LCP jurisdiction, or indeed southern California. Because the proposed amendment would allow an area designated in the certified Land Use Plan as Open Space-Parks (OS-P) to be redesignated to the lower priority residential land use, the proposed amendment is inconsistent with the public access and recreation and priority of uses policies of the Coastal Act and certified Land Use Plan.

The motions to accomplish the staff recommendation are found on Pages 7 & 8.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

The standard of review for the proposed amendment to the LCP Implementation Plan (IP), pursuant to Sections 30513 and 30514 of the Coastal Act is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP).

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City Council held one public hearing on this amendment on July 6, 2010. The City's Planning Commission held one public hearing on this amendment on April 27, 2010. In

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addition, the City Council adopted Mitigated Negative Declaration (MND) No. 08-016 for the related project proposal (not a part of this LCP amendment) on July 6, 2010. Public comments received at the public hearings addressed biological resources impacts including questions regarding appropriate buffer distance from the environmentally sensitive habitat area immediately east of the site, site drainage impacts to wetlands on the property immediately to the east, impacts to the Bolsa Chica wetlands ecosystem in general, and questions regarding use of herbicide on the subject site. Public comments also raised concerns with the extent and protection of archaeological resources at the site. Other comments received questioned whether the related project's required public benefit was adequate; questioned the property owner's financial status; expressed concerns with loss of the Open Space Parks designation; objection to processing a MND rather than an Environmental Impact Report in conjunction with the related project; raised questions regarding the presence of prescriptive rights on the subject site; and made assertions that the slope at the site's eastern boundary is a coastal bluff.

The City made all staff reports and agendas for public hearings related to this LCPA available for public review in the Planning Department, the Huntington Beach Public Library, and on the City's website.

SUBSTANTIVE FILE DOCUMENTS

1. City of Huntington Beach Certified Local Coastal Program (LCP).
2. City of Huntington Beach Submittal Resolution No. 2010-48 (with exhibits)
3. Mitigated Negative Declaration/Environmental Assessment No. 2008-016
"The Ridge" 22-unit Planned Unit Development
4. Biological Resources Assessment, The Ridge Property, prepared by LSA, 3/2010
5. *2013 Archaeological Abstract Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA, prepared by SRS, Inc. and dated April 201*
6. Response to Archaeological Questions prepared by SRS, Inc., dated 9/19/11
7. Coastal Development Permit File 5-05-020 (Brightwater)
8. Coastal Development Permit File 5-11-068 (Parkside)
9. City of Huntington Beach Land Use Plan Amendment No. 1-06 (Parkside)
10. City of Huntington Beach Implementation Plan Amendment No. 2-10 (Parkside)

FOR ADDITIONAL INFORMATION

The LCP Amendment file is available for review at the South Coast District office located in the Molina Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. The staff report can be viewed on the Commission's website: www.ca.coastal.ca.gov

For additional information, contact Meg Vaughn in the South Coast District office at (562) 590-5071.

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LIST OF EXHIBITS

1. Vicinity Map
2. Aerial Photo of Bolsa Chica Area
3. City of Huntington Beach City Council Resolution No. 2010-48
 - A. Location Map
 - B. Amended Land Use Plan (Extract of Figure C-6 of the Coastal Element)
 - C. Zoning Text Amendment No. 09-008
 - D. Zoning Map Amendment 08-007
4. City of Huntington Beach Letter, 11/23/10
5. Coastal Commission Staff Letter, 8/30/10
6. Parkside Land Use Plan (LUP Figure C6-a)
7. Approved Parkside HMP Figure 4-1 Restoration Plan
8. Figure 16 of the *2013 Archaeological Abstract Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA, prepared by SRS, Inc. and dated April 2013*
9. Proposed Inadequate Archaeological Setback: Figure 24 of the *2013 Archaeological Abstract Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA, prepared by SRS, Inc. and dated April 2013*
10. Huntington Beach City Council Member Letters dated 12/30/13 (2), 1/3/14, and 1/6/14
11. Mayor Pro Tem Letter Re Parks Acquisition, dated 2/20/14
12. State Office of Historic Preservation Letter dated 1/6/14
13. Native American Heritage Commission Letter dated 12/27/13
14. Peter Bloom, Bloom Biological, Inc. Letter dated 1/6/14
15. Guy Stivers, Stivers & Associates Letter dated 1/4/14
16. Memorandum Re Ridge LCPA from John Dixon to Meg Vaughn, 5/23/14
17. Chatten-Brown & Carstens LLP Letter dated 5/20/14
18. Stephanie Hernandez Letter dated 1/7/14
19. Communications Received Regarding January 2014 Staff Report
20. Ridge LCPA Timeline
21. ExParte Forms received On or After the January 2014 Hearing

Executive Summary

The parcel in question is located on the Bolsa Chica Mesa, an area known for its cultural value due to human use of the area dating back 9,000 years and the consequent significance and extent of cultural resources that have been discovered there. The site retains significant cultural and spiritual value based on its past use and its significance to local Native Americans today.

The subject parcel has been designated open space since its incorporation into the City and was so designated when the City's LCP was certified in the mid 1980s. During this time, and through to the present, the site has had a single landowner: Signal Landmark. Signal Landmark received approval for and has constructed 349 residences at the Brightwater site and 16 residences at the Sandover site, both located immediately west of the open space that is the subject of this LCPA. The LCP amendment before the Commission requests a change in land

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use designation from Open Space-Parks to Low Density Residential. No offsetting measures for the loss of five acres currently designated open space are proposed by the City of Huntington Beach as a part of the submittal.

The Bolsa Chica Mesa is also known for its extensive habitat value. The Bolsa Chica lowlands and lower bench of the mesa southwest of the site have been preserved as part of the Bolsa Chica Ecological Preserve; however, much of the habitat in the upland portion of the mesa and nearby area has been developed. The subject site and the adjacent Goodell Property to the south are two of the last remaining undeveloped properties.

This LCPA was scheduled for the January 2014 Commission hearing and was postponed at the hearing at the request of the applicant. At that time, the staff recommendation included approval with suggested modifications. However, since the hearing, the cultural significance of the entire property has been emphasized by the State Office of Historic Preservation and other interested parties. In addition, mitigation measures necessary to comply with the Consent Order addressing unpermitted removal of significant archeological resources from the site have not been finalized and may affect the development potential of the Ridge Property. Further, required buffers from adjacent environmentally sensitive habitat areas may be larger than anticipated which would affect the development potential of the subject site. As supported in the following findings, approval of the LCPA at this time would be premature until these relevant issues are addressed and the development potential of the property is fully known.

Although, the City staff and the property owner have both suggested ideas for additional language to be imposed by the Coastal Commission in its action on this LCPA, the City Council has not modified the proposed LCPA since the original resolution was adopted in 2010. The LCPA requests only the change in land use designation that would result in the loss of land designated for open space use and allow up to 22 single family residences by changing the land use designation to Residential Low Density.

The changes suggested by the City staff and the property owner for imposition by the Coastal Commission would link the authorization for residential development on the subject open space site (Ridge Property) with a proposal to preserve open space on an adjacent property known as the "Goodell Property". Linking the two sites (Ridge Property and the Goodell Property) via this LCPA is problematic because the Goodell Property is not located within the City's corporate boundaries and so not subject to the City's LCP jurisdiction. Nevertheless, the City staff and property owner are asking the Commission to act on two parcels of land, while both of those parcels are not before the Commission as part of this LCPA. The LCPA is further problematic because the suggested modifications that the City planning staff would like Commission staff to recommend would allow the Ridge land use designation to be changed from open space to residential without first securing the Goodell Property as open space.

There are alternatives to link the two sites other than through the proposed LCPA. The property owner could apply for a consolidated coastal development permit involving both properties. This would allow the Coastal Commission to consider the two sites together without considering LCP jurisdiction boundaries, and to consider the merits of a single proposed project that could include residential development on part of the two sites and

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preservation of open space on the remainder. Commission staff first suggested the possibility of pursuing a consolidated coastal development permit in its letter dated 6/4/13 and has re-raised the possibility consistently since then. However, the property owner has declined to submit an application for a consolidated coastal development permit and has continued to pursue the proposed conversion of the open space property to residential use through the City's proposed LCPA.

Another alternative that would allow the two sites to be considered together would be for the City Council to submit a revised LCPA that puts both sites before the Commission, either after annexation of the Goodell Property into the City (and so into the City's LCP jurisdiction) or by requesting pre-annexation zoning prior to final annexation of the Goodell Property. The zoning would then take effect upon final annexation. To consider the Goodell Property as part of the land use change in the City's LCP, the City should continue to pursue annexation of the property from the County of Orange.

The City staff and the property owner have consistently rejected each of these options, asserting that the timing of the alternative options would be too lengthy. However, it is worth noting that this LCPA was first submitted by the City in 2010 as LCPA 3-10. That submittal was withdrawn by City staff to avoid a staff recommendation of denial that would have been scheduled for the Commission's November 2012 hearing. Since the first LCPA was withdrawn, Commission staff worked extensively with City staff and the property owner in an effort to develop suggested modifications that would assure preservation of the Goodell Property in open space if residential development were to go forward on the Ridge Property. That staff recommendation was scheduled for the Commission's January 2014 hearing. At the request of the City staff, the hearing on the matter was postponed. The LCPA is now re-scheduled for the current June 2014 Commission hearing, almost four years after the City Council adopted Resolution No. 2010-48. (See exhibit 20 for a timeline of the Ridge LCPAs).

It is also important to note that, although extensive suggested modifications were developed for the staff recommendation for the Commission's January 2014 hearing, the suggested language was not acceptable to the City staff and the property owner.

Moreover, after the January 2014 staff report was made public, prior to the Commission's January hearing, many public comments were received regarding the proposed LCPA and the staff recommendation at that time. Among the comments received was a letter from the State Office of Historic Preservation, Department of Parks and Recreation, dated January 6, 2014, regarding the cultural significance of the Ridge Property, and letters commenting on the habitat value of the subject site. Prior to the release of the January 2014 staff report, information in the record, prepared by the archaeological consultant for the subject property owner, suggested that other than the pre-historic house pit that was removed from the Ridge and Goodell Properties without a valid coastal permit, no additional cultural resources were expected to be present on the Ridge Property, and thus, no additional cultural value could be ascribed to it. In addition, other than a 50-foot setback from the southeast corner of the property to protect the removed house pit and surrounding area and a portion of the adjacent habitat restoration area, no habitat value was thought to exist on the Ridge Property.

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However, based on information received since the January 2014 staff report was issued, it became evident that the Ridge Property does contain significant value, of both cultural and habitat resources. Thus, it is now clear that a change in the land use designation at the Ridge Property should be carefully considered independent of potential preservation of the Goodell Property, taking into consideration mitigation required to address past and future impacts to cultural resources in this area. The revelation of the cultural value of the Ridge Property, in part, forced staff to reconsider the previously recommended suggested modifications (which the City staff and the land owner both found to be unacceptable).

Finally, also in response to the release of the January 2014 staff recommendation, letters were received from four of the seven current Huntington Beach City Council Members each requesting that the LCPA be denied (see exhibit 10). In addition, a letter from the current Huntington Beach Mayor Pro Tem was received in February 2014 (see exhibit 11), relaying the fact that the City Council had voted to consider methods of acquiring both the Ridge and Goodell Properties for park use. Based on this new information, it became apparent that, even if Commission staff were to attempt again to prepare extensive suggested modifications which may link the Ridge and Goodell Properties, it does not appear likely that such suggested modifications would ultimately be accepted by the City Council.

The specifics of the proposed LCPA and of the Ridge and Goodell Properties are described in detail in the following findings.

I. STAFF RECOMMENDATION

Staff recommends adoption of the following motions and resolutions:

A. Deny the LUP Amendment Request as Submitted

MOTION I: *"I move that the Commission certify Land Use Plan Amendment No. 1-12 as submitted by the City of Huntington Beach."*

Staff recommends a **NO** vote. Failure of this motion will result in denial of the LUP Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution to Deny Certification of the LUP Amendment as Submitted

The Commission hereby denies certification of Land Use Plan Amendment No. 1-12 as submitted by the City of Huntington Beach and adopts the findings set forth below on grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

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B. Reject the IP Amendment Request as Submitted

MOTION II: *"I move that the Commission reject Implementation Plan Amendment No. 1-12 as submitted by the City of Huntington Beach."*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the amendment to the LCP Implementing Ordinances as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Reject the IP Amendment as Submitted

The Commission hereby denies Amendment Request No. 1-12 to the LCP Implementation Plan for the City of Huntington Beach as submitted and adopts the findings set forth below on grounds that the Implementation Plan Amendment does not conform with, and is not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act because there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

II. FINDINGS FOR DENIAL OF THE LAND USE PLAN AMENDMENT

A. Land Use Plan Amendment Description

The subject site is an approximately five acre property commonly known as the Ridge Property, located southeast of the intersection of Los Patos Avenue and Bolsa Chica Road, APN 110-016-35 (See Exhibit 1). The subject site is a particularly significant site because it is one of two remaining properties within the Bolsa Chica mesa area with uncertain future land use. It has an Open Space land use designation, but the landowners intend to obtain authorization to develop the property with residences. The second significant undeveloped site is the adjacent Goodell Property, which is currently outside of the City's corporate boundaries. The subject Ridge Property is part of the City's certified LCP and the current LCPA requests a change to its certified land use designation and zoning. The subject site is undeveloped. The Bolsa Chica area in general is significant due to the extensive presence of environmentally sensitive habitats and wetlands and due to the significance and extent of Native American cultural resources that have been discovered there.

The site is currently land use designated Open Space-Parks (OS-P) and zoned Residential Agriculture (RA). The proposed amendment would change the land use designation to: *Residential Low Density – 7 dwelling units per acre (RL-7)*. The zoning is also proposed

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to be changed to *Residential Low Density – Coastal Zone overlay (RL-CZ)*. The zone change affects the Implementation Plan portion of the LCP and is discussed later in this staff report, along with the proposed change to the Implementation Plan Zoning and Subdivision Ordinance Chapter 210 *Residential Districts*. The LCPA (both LUP and IP) was submitted for Commission action pursuant to Huntington Beach City Council Resolution No. 2010-48. Huntington Beach City Council Resolution No. 2010-048 includes four exhibits: A. Location Map; B. Amended Land Use Plan (Extract of Figure C-6 of the Coastal Element); C. Zoning Text Amendment No. 09-008; and, D. Zoning Map Amendment No. 08-007.

Exhibit B of City Council Resolution No. 2010-48 conveys the changes proposed to the City's certified Land Use Plan Map. City Council Resolution No. 2010-48, with exhibits, is attached to this staff report as Exhibit 3. City Council Resolution No. 2010-48, Exhibit B, depicts the proposed land use designation change, but according to City staff clarification, but is not intended as a new figure in the Coastal Element (LUP). Exhibit B is titled "*Extract of Figure C-6*" (See Exhibit 3).

City Council Resolution No. 2010-48 Exhibit B depicts the subject site's proposed land use designation change, but also shows a strip of land along the northern property boundary of the site that is designated Open Space-Parks (OS-P). City staff has clarified that this strip of land is a separate, City-owned parcel and not part of the subject Ridge Property. The City-owned property is also designated Open Space-Parks and is intended to be developed for public trail access. However, the City-owned parcel, designated OS-P, is not shown as connecting to the Los Patos/Bolsa Chica Street intersection. Rather, it is separated from those public rights-of way by a strip of land designated RL-7. Exhibit B is confusing because, although included in the proposed Land Use Plan Map change, City Council Resolution No. 2010-48 does not describe any portion of the site as Open Space Parks and does not suggest the amendment applies to other than the single subject site.

The subject site (Ridge Property) is located on the Bolsa Chica mesa, which rises above and to the north of the Bolsa Chica Ecological Reserve and wetlands complex (See Exhibit 2). In addition to the habitat of the Bolsa Chica Ecological Reserve itself, abundant habitat is present throughout the subject site vicinity. The wetlands, Eucalyptus environmentally sensitive habitat areas (ESHAs), and Open Space-Conservation area of the adjacent Parkside Property are immediately east of the subject site. The Ridge Property immediately abuts this habitat conservation area. The northern Eucalyptus grove ESHA is located approximately 135 feet from the eastern edge of the Ridge Property line. The AP/EPA wetland complex on the Parkside Property is located approximately 195 feet from the Ridge Property line at its nearest point. In addition, the habitat and public trails of the Brightwater Property are located west of the subject site, just across Bolsa Chica Street. In addition, the subject site also abuts the Goodell Property, which is located to the south of the subject site. The Goodell, Parkside and Brightwater Properties are described below. The subject site and the Goodell Property are the last two remaining properties in the northern Bolsa Chica area, whose land use

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designation and zoning remain in question. Both the Ridge and Goodell Properties are currently vacant.

The Ridge Property has historically been farmed, and more recently served as the construction staging area for the adjacent Brightwater development. A Biological Assessment was prepared for the Ridge Property by LSA in March 2010 and found only disturbed (including fallow agriculture) or barren land present on the site. The Assessment also recognizes an approximately 0.24 acre landscaped area at the northwest corner of the site. However, the Assessment also recognizes that there is a potential for the occurrence on site of southern tarplant and the burrowing owl.

B. Background

Previously, Commission staff prepared a staff recommendation for the proposed LCP amendment that recommended denial of the amendment as submitted and approval with suggested modifications. The suggested modifications would have allowed the land use designation to change from Open Space – Parks to Residential Low Density only after the adjacent Goodell Property was preserved (through acceptance of an offer to dedicate) for open space uses only. In addition, a portion of the subject site was recommended to be land use designated Open Space-Conservation. Based on information in the record at the time, it appeared that the linking of the Ridge and Goodell Properties would work because it was thought that it would preserve an area of equivalent or greater value, the Goodell Property, to replace the open space loss at the Ridge Property. Because the Goodell Property is known to contain both significant cultural and habitat resources, where the Ridge Property was thought devoid of such resources except within the southeast corner, and because the Goodell Property is 6.2 acres compared to the Ridge Property's 5 acres, as well as the Goodell Property's closer proximity to the Bolsa Chica Ecological Reserve, it was believed by Commission staff that the exchange would be consistent with the Coastal Act requirements to protect cultural and habitat resources, and promote public access and recreation uses over lower priority residential uses. However, since that time, information has come to light that reveals that the Ridge Property itself contains significant cultural and habitat resources, and thus replacing a high priority open space land use designation, which is most protective of such resources, with the low priority residential designation cannot be found to be consistent with the Coastal Act. The question of the proposed land use designation change's consistency with the Coastal Act is discussed later in this staff report.

The proposed Land Use Plan (LUP) amendment requests a change in land use designation from Open Space – Parks to Low Density Residential. No offsetting measures for the loss of five acres currently designated for open space use is proposed.

The parcel in question is located on the Bolsa Chica Mesa, an area known for its significant cultural value dating back as far as 9,000 years before present time based upon pre-historic human use, including manufacturing and ceremonial use of unique cogged stone artifacts, numerous archaeological features and artifacts and as a Native American cemetery, and for its significant habitat values. Although the Bolsa Chica lowlands and

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lower bench of the mesa have been preserved at great cost though public expenditure, much of the upland value of the mesa and nearby area have been lost to residential development.

The subject parcel has been designated open space since its incorporation into the City and was so designated when the City's LCP was certified in the mid 1980s. During this time, and through to the present, the site has had a single landowner – Signal Landmark. Signal Landmark received approval for subdivision and creation of a 349 lot single family residential community at the Brightwater site and 16 residences at the Sandover site, both located immediately west of the subject open space site.

Although, the City staff and property owner have made suggestions for language to be imposed by the Coastal Commission in its action on this LCPA as suggested modifications, the City, declined to take its requested language to the City Council for formal adoption and inclusion in the LCP amendment, thus the amendment submittal, itself, has **NOT** been modified to reflect the City's proposed modifications. The LCPA requests only the change in land use designation that would result in the loss of land designated for open space use.

The language suggested by the City staff and the property owner for imposition by the Coastal Commission would link allowing residential development on the subject site (Ridge Property) with preserving open space on the adjacent Goodell Property. Linking the two sites via this LCP amendment is problematic because the Goodell Property is not located within the City's corporate boundaries and so is not subject to the City's LCP jurisdiction. This makes linking the two sites via this LCP amendment difficult. Nevertheless, the property owner is asking the Commission to act on two parcels of land, while steadfastly refusing to put both parcels before the Commission. The City staff and the property owner's language is described later in this staff report.

There are alternatives to linking the two sites through the current LCPA. The property owner could apply for a consolidated coastal development permit involving both properties. This would allow the Coastal Commission to consider both sites together without considering LCP jurisdiction boundaries, and to consider where development may be appropriate on either property and what areas of both properties must be preserved in open space. Commission staff first suggested the possibility of pursuing a consolidated coastal development permit in its letter dated 6/4/13 and has re-raised the possibility consistently since then. However, the suggestion has steadfastly been refused.

Another alternative that would allow the two sites to be considered together would be for the City to submit a revised LCP amendment that puts both sites before the Commission, either after annexation of the Goodell Property into the City (and so into the City's LCP jurisdiction) or by requesting pre-annexation zoning prior to final annexation of the Goodell Property. The zoning would then take effect upon final annexation.

Under the Ridge Property owner's alternative language, the Commission would take on the legal risk of regulating residential development on the Ridge Property to preserve

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open space resources because, in the Ridge owner's scenario, the land use re-designation would occur before the transfer of the Goodell Property in fee title with recorded open-space restrictions recorded against the property to mitigate for the loss of open space on the Ridge Property. The property owner's proposal would also remove the impediment (Open Space LUD) to developing a site that is now known to contain significant ecological and cultural resources. As described above, the City and property owner have other options to pursue that could allow consideration of a residential project on a portion of the Ridge Property concurrently with extinguishment of development potential on the Goodell Property. However, the City and property owner have chosen not to pursue either of the other options.

C. Coastal Act Consistency

1. Priority of Use

Coastal Act Section 30210 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.

Coastal Act Section 30213 states, in pertinent part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30210 requires that public access and recreational opportunities be maximized. Sections 30213, 30222 and 30223 of the Coastal Act establish a higher priority for public recreational uses over lesser priority uses such as residential, office or general commercial; and that upland areas necessary to support recreational uses be reserved for such use, where feasible.

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In addition, the certified Land Use Plan/Coastal Element contains the following policies:

C 3.1.3

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

C 3.2.1

Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

Although the standard of review is the Chapter 3 policies of the Coastal Act, the LUP policies may be used as guidance. These policies also establish a higher priority for public recreational use over private residential use.

The above policies prioritize recreation and visitor serving uses over other uses within the coastal zone. Not all land within the coastal zone is designated for visitor and/or recreational use. Non-recreational land use designations are allowed within the coastal zone. However, this underscores the importance of promoting and retaining recreational use over lesser priority uses at those sites designated for recreational use. Typically, land that is designated for recreational use is specifically identified for such use because its location and attributes especially lend itself to recreational opportunities. These locations may be near the beach, near public trails, offer wildlife and coastal view opportunities, and/or are located in an area known as a visitor destination. Therefore, any change of allowable land use within recreationally designated areas must be carefully considered.

Since the original certification of the City's LCP in 1982, the land use designation at the subject site has been Open Space-Parks. The area by area discussion in the originally certified LCP states (with [parenthetical] updates):

*A 10.5 acre area [the eastern portion of the original area is now part of the Parkside Property and is designated Open Space - Conservation] between the proposed Bolsa Chica Street extension [the Bolsa Chica Street extension has since been constructed] and the bottom of the mesa bluff is now planned low density residential. This bluff area contains a significant stand of mature eucalyptus trees [the Parkside Property's Northern Eucalyptus Grove ESHA] and affords a view into the Bolsa Chica and toward the ocean. To protect these bluffs and to allow public access to, and use of, this scenic area, **it has been redesignated recreation**. While the property could support either passive or active recreational uses without jeopardizing scenic amenities, a major recreation facility would not be compatible with the sensitive nature of the bluff and would not be allowed. The recreation designation is also compatible with existing stables [the stables have long since been gone from the area] located directly south in the County's*

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jurisdiction [portions of the Goodell and Parkside Properties]. [Emphasis added in bold].

The eastern portion of the 10.5-acre site referenced above is now preserved under the land use designation Open Space-Conservation (Huntington Beach LUPA 1-06 Parkside). The remaining western five acres comprise the subject Ridge Property. Although the language cited above was not carried over when the LUP was updated via Land Use Plan Amendment No. 3-99, the Open Space-Parks land use designation was retained.

A letter from the City, dated 11/23/10, regarding the history of designating the site Open Space – Parks states:

“The property was annexed into the City in 1970. At the time it was incorporated into the City, both the General Plan land use and Zoning Map designations designated the project site for low density residential uses. After the Coastal Act was enacted in 1976, the City submitted a proposed Land Use Plan to the Coastal Commission for certification. At that time, a large scale development that included approximately 3,000 residential units was being considered by the County for the adjacent Bolsa Chica property, including the mesa and lowland. In anticipation of the development on the County property, the City re-designated an area that included the project site to Open Space – Park on the City’s Land Use Plan, which was certified by the Commission in 1982.”

It may be that the site was initially designated Open Space – Parks to offset the impacts of 3,000 potential future residential units. However, that basis for the designation was not described in the certified Land Use Plan at the time. As cited above, the LUP text from that time indicates that the site was designated Open Space – Parks due to the unique characteristics and location of the site. And the reasons cited in the 1982 LUP language for designating the site open space at the time, still apply today. The fact that the eastern portion of the referenced 10.5-acre site has been preserved as open space supports the significance of the 10.5-acre area and the initial LUP designation of Open Space – Parks and underscores the fact that the reasons for designating this site as open space were appropriate in 1982 and remain so today. The assertion in the original LUP language that the site is sensitive due to its location adjacent to the northern Eucalyptus ESHA and proximity to the Bolsa Chica remains true today. In addition, the fact that a great deal more is known with regard to the significance of the archaeological and cultural resources of the Bolsa Chica Mesa, further underscores the significance of the open space designation of the site. Additionally, a great deal more of the significant cultural resources on the Mesa have been lost due to development. The reasons given in the original LUP for designating the site Open Space Parks were accurate in 1982 and remain so today. The site is still within close proximity to ESHA that is now preserved in conservation open space, the view from the site extends to the Bolsa Chica wetlands and toward the ocean now, just as it did in 1982. In addition, an open space designation would be more appropriate for the recognition and protection of the rich prehistoric and historic uses as well as allow the protection in place of any archaeological resources that may still exist on site, rather than a residential designation.

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In addition to the habitat on the Parkside site, some habitat is known to exist on the adjacent site to the south, the Goodell Property. Moreover, environmentally sensitive habitat area (ESHA) and other significant habitat are present in the greater project vicinity at the Parkside and Brightwater Properties and within the Bolsa Chica Ecological Reserve. Furthermore, a pre-historic house pit was found along the property line separating the subject Ridge Property and the adjacent Goodell Property, suggesting a possibility of archaeological resources still extant on the subject site. The fact that all these issues apply as well to the Goodell Property further underscores the appropriateness of considering both sites together.

The City's certified Implementation Plan (Zoning and Subdivision Ordinance) establishes a standard for the provision of park space and requires five acres of parks per every thousand residents. In the immediate vicinity of the subject site, between Warner Avenue, Graham Street, the East Garden Grove/Wintersburg flood control channel and the Bolsa Chica Ecological Reserve, there are well over 1,000 residents. Although there are trails and habitat conservation open space, the only park within the area is the small tot lot area within the Brightwater development. A future one-acre active park and 0.6-acre passive park have been approved on the Parkside site, but construction is not yet underway. Thus, there is less than two acres of park in the subject site's vicinity. Even by the City's own standard (5 acre/1,000 residents), the area is deficient in park space. Moreover, the project vicinity, including the Bolsa Chica Ecological Reserve, is a visitor draw of statewide magnitude. The conversion of land designated Open Space Parks to Residential will increase the number of residents in the area and thus increase the parks deficiency, while retaining it would help to offset the existing deficiency.

Given the size of the State-owned Bolsa Chica Ecological Reserve and surrounding habitat areas and given the greater than regional draw of the area, an area dedicated specifically for public park use on the Ridge Property would be consistent with Chapter 3 policies governing priority uses on private property in the coastal zone. A public park in this location would be ideal for trail staging area and/or for a public restroom. In addition, this site offers views of the habitat area preserved to the east and to the Bolsa Chica Ecological Reserve to the south and of the ocean to the southwest. The subject site's location on the bluff top and adjacent to Bolsa Chica Street (a major access point for the public trail system), make it readily visible and accessible to local and regional visitors, underscoring its suitability for such a use.

The City has indicated that the site has not been used for public park use, stating in the City staff report (Request for City Council Action, 7/6/10): *"Although the project site is designated Open Space – Parks, the site is not currently used for a public park or public open space area. In addition, the property is not included on the City's inventory of parks and the City's Community Services Department does not intend to acquire the site in the future for a park or recreational use. Also, since the project site has been privately owned since it was incorporated into the City, passive use of the property by the public has never existed. Therefore, the proposed general plan amendment would not result in*

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the loss of existing park space, passive public open space or planned future park and recreational opportunities.”

However, since the date of that City staff report, at its biannual Strategic Planning Session, the City of Huntington Beach City Council asked its staff “to study adding two Bolsa Chica sites [the Ridge and Goodell Properties] to its Parks Master Plan that would include recommendations for outside funding for acquiring those sites for a new park.” This is now part of the City’s Strategic Plan for 2014. (see exhibit 11, 2/20/14 Mayor pro tem letter).

In response to Commission staff questions regarding whether entities other than the City (including governmental or nonprofit) might develop the site as a public park, and asking whether these other entities had been contacted regarding interest in the site as a public park, City staff responded in a letter dated 11/23/10 (See Exhibit 4): *“The subject site does not appear on the long range plans of either the State or the County of Orange as a public park or open space area. The State and the County are in the business of providing large-scale park and recreation opportunities and given the small size of this site, it would not meet the State or County criteria for a regional facility. As to the interest of non-profit organizations in purchasing the property, no action that the City has taken would preclude a non-profit from purchasing the property. There is no guarantee however that any of these organizations, if they were to purchase the property, would convert it to public park use.”*

The City has not approached any other entities to ascertain interest in the site prior to the local approval of the conversion of the subject site from the higher priority public recreation land use designation to the lower priority residential designation. In addition to the current interest expressed more recently by the City Council itself, there are local non-profit groups who could reasonably be approached to this end. For example, the Bolsa Chica Land Trust has long been active in raising money to preserve the Bolsa Chica area. In addition, Orange County Coast Keeper is actively involved in managing publicly owned access and recreation facilities in the City of Huntington Beach, including the recently opened public beach at the Huntington Harbour Bay Club site, as well as other public walkways fronting along Huntington Harbour such as the one adjacent to the Portofino Condominium complex near Sea Bridge Park and another northwest of Peter’s Landing. Moreover, the State of California is the landowner of the Bolsa Chica Ecological Reserve and the lower bench of the Bolsa Chica Mesa and may consider including the subject site in conjunction with its duties in managing the Reserve.

Furthermore, as cited above, the City staff has stated: *“As to interest of non-profit organizations in purchasing the property, no action that the City has taken would preclude a non-profit from purchasing the property.”* However, it is generally acknowledged that a land use designation change can affect property value. The City’s approval of a designation change from Open Space-Parks to Residential for submittal to the Commission for certification may in fact have the effect of pricing the property beyond an interested non-profit’s means, whereas retention of the existing higher priority land use designation may not.

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Regarding the basis for changing the land use designation from the high priority Open Space - Parks to the lower priority Residential, the City's 7/6/10 Request for Council Action (RCA) staff report states (and is reiterated in its letter dated 11/23/10):

"Currently, under the Open Space – Park land use designation, the project site would be permitted to develop as a public park or public recreational facility. No other uses would be permitted and the property owner would not be able to develop any of the uses allowed under its current Residential Agricultural zoning designation. Given that the City does not intend to acquire the site for development of a public park¹, the property owner is not afforded the opportunity to develop the property with any development in the interest of the property owner. The proposed General Plan Amendment would allow the property owner to develop the property and would eliminate a current inconsistency between the General Plan and zoning land use designations."

This argument appears to indicate that retaining the site's land use designation as Open Space Parks would deprive the property owner of his investment backed expectations. However, such a conclusion cannot be drawn based upon the information provided in the record. Notably, it's hard to imagine that there is a reasonable investment backed expectation to develop the requested residential density allowed under the proposed LUP amendment when the Ridge Property owner has known that the property has been designated Open Space Parks for over 30 years, which is a designation that doesn't allow residential development.

Commission staff requested an economic viability determination be performed in conjunction with the proposed land use designation and zone change. The City responded to that request, in its 11/23/10 letter, as follows: *"With respect to the economic viability determination, the landowner, Signal Landmark has declined our request to provide the necessary information to conduct such a determination citing proprietary concerns."* The City further argued, in its letter of 11/23/10, that a Mitigated Negative Declaration (MND) was approved in conjunction with the proposal and that CEQA does not require an alternatives analysis for MNDs. Nevertheless, the City indicates that it did consider alternatives, but that alternatives must consider the feasibility of an alternative. Regarding this matter, the City's 11/23/10 letter further states: *"Because an alternatives analysis was not required, the feasibility of each alternative was not examined. Even if an alternatives analysis were prepared, however, economic feasibility would not be the sole focus of the analysis. For these reasons, the City did not conduct nor is it legally required to prepare an economic viability determination. If the Coastal Commission believes that it must consider the economic viability of alternatives in order to avoid the payment of just compensation for taking private property pursuant to Coastal Act Section 30010, the City believes that it would be the responsibility of the Coastal Commission to conduct that analysis."*

¹ Per the 2/20/14 letter from the City's Mayor pro tem, the City Council has voted to consider acquiring the site for a new park use, see exhibit 12.

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However, it is important to note that Commission staff did not ask for the economic viability study because it must consider the economic impact of alternatives under section 30010² of the Coastal Act in the review of an LCPA³, but because, based on the City's language cited above (*"Given that the City does not intend to acquire the site for development of a public park, the property owner is not afforded the opportunity to develop the property with any development in the interest of the property owner."*), it appeared that the City was arguing that any land use designation other than Residential at the site would not afford the property owner the opportunity to develop the site with *"any development in the interest of the property owner."* In any case, an economic viability study was requested, but submittal of such a study was refused.

Nevertheless, it appears that retaining the Open Space-Parks designation on the site could afford the property owner with a viable interest, contrary to the City's assertion. As discussed above, it is possible that the site could be sold to either a public entity or private non-profit entity for park use. It has not been demonstrated that that is not feasible. Moreover, options other than either retaining the entire site as Open Space Parks or converting the entire site to Residential exist. It does not have to be an all or nothing proposition. It may be appropriate to apply more than one land use designation to the site and/or another land use designation(s) on site may be appropriate. It appears that other land use designation options could be feasible at the site and would provide the property owner an interest. The current zoning at the subject site is Residential Agriculture, which does not match the current land use designation Open Space – Parks. However, the Residential Agriculture zone allows one residential unit per five acres. Thus, in addition to the options above, the possibility of allowing one residential unit at the site while retaining the remainder of the site in open space merits consideration. This too would provide the property owner with an economic use of its property. The owner of the subject site has already received approval for and constructed the residential development at the adjacent Sandover site and construction is well underway on the Brightwater development (totaling 365 single family residential units). At the time those developments were approved the subject site was identified as Open Space-Parks. A request to convert the subject site from the Open Space-Parks land use designation for the purpose of more residential development more appropriately would have been raised by the property owner at the time those developments were under consideration to provide a more comprehensive understanding of ultimate development of the property owner's entire interest at the site, rather than characterize this last piece of the property owner's interest on the Bolsa Chica mesa as its sole interest.

² Section 30010 of the Coastal Act provides:

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

³ As cited above, section 30010 of the Coastal Act applies only in actions taken by the Commission, local government or port governing body in approving or denying a coastal development permit.

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The City has argued that it cannot be required to consider alternatives to the proposed land use designation change. A letter from the City Attorney on this topic argues: *“The requested Alternatives Analysis would be especially arbitrary for amendments that involve solely land use zoning designations, as the range of “alternatives” for such designations would be open-ended. Why, for example, as part of the analysis would the City also not be required to evaluate designations for Industrial or High-Density residential? In other words, the Alternative Analysis you have proposed seems to be an arbitrary requirement designed to force the City to expend resources exploring designations which Commission staff believes might be preferable. That level of discretion is not vested in Coastal Commission staff. If the Alternatives Analysis is required as a pre-condition to consideration of the City’s proposed submittal, we believe it would constitute an arbitrary obstacle to processing of the City’s submittal, and an abuse of discretion.”*

However, as is reflected in Commission staff’s letter requesting the additional information (See Exhibit 5), the information is necessary because the proposal would eliminate a use designated by the Coastal Act as a high priority and instead replace it with a use that is a very low priority under the Coastal Act. For that reason, there would be no point in considering an Industrial use alternative, because that also is a very low Coastal Act priority use. However, consideration of High Density Residential at the site would be appropriate. If a residential land use designation is to be contemplated, consideration should be given to concentrating the residential use in a smaller footprint while also considering a higher density within that smaller footprint. The area of the site not within the smaller, high density residential footprint could then be retained for public recreational or conservation use. Such an alternative could potentially allow the property owner development interest, while also allowing for retention of a higher priority Coastal Act use on the site.

The proposed LUPA, rather than protecting and encouraging recreational opportunities, would significantly reduce such opportunities. Land available for recreational and other open space uses in the coastal zone is limited. Due to the limited number of sites available for recreational uses, the proposed conversion of land that is land use designated high priority Open Space – Parks to the lower priority Low Density Residential does not assure maximum access and recreational opportunities as required by the Coastal Act policies cited above. Moreover, the proposed amendment does not include any measures to offset the proposed loss of a higher priority public access and recreational land use designation at the subject site. There appear to be feasible options to the proposed re-designation from the higher priority to the lower priority land use designation that could preserve the potential for providing public recreational use at the site, such as offering the site for sale to government or non-profit agencies or converting the land use designation of only a portion of the site to another use. There may be other options as well. Given the expected demand, the limited number of parks in the vicinity, and the site’s unique location, the Commission finds that conversion of the land use designation from one which allows priority public recreational uses to one which would result in lower priority private residential use is not consistent with the public access and recreation policies of Sections 30210, 30213, 30222 and 30223 of the Coastal Act.

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Therefore, the amendment as proposed is inconsistent with the requirements of Section 30210, 30213, 30222 and 30223 of the Coastal Act and must be denied.

This unmitigated loss of area land use designated for public access and recreation cannot be addressed via suggested modifications. Preserving a portion of the site as OS-P would not adequately offset the loss of the remainder of the site. Therefore no modifications are suggested because there are no modifications that would be able to address this loss. It is important to reiterate that only the Ridge Property is before the Commission under the subject LCP amendment.

2. Protection of Cultural Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

In addition, the City's certified Land Use Plan/Coastal Element includes Goal C 5, which states:

Promote the preservation of significant archaeological and paleontological resources in the Coastal Zone.

In addition, the City's certified Land Use Plan/Coastal Element also includes Objective C 5.1, which states:

Identify and protect, to the maximum extent feasible, significant archaeological, paleontological and historic resources in the Coastal Zone.

LUP Policy C 5.1.2 states: "*Where new development would adversely impact archeological or paleontological resources within the Coastal Zone, reasonable mitigation measures to minimize impacts shall be required.*"

Although the standard of review is the Chapter 3 policies of the Coastal Act, the above cited LUP policies may be used as guidance. Both these LUP standards and Coastal Act Section 30244, cited above, require protection and reasonable mitigation of cultural resources. The presence of significant cultural resources, including the remnants of a semi-subterranean pre-historic dwelling structure or house pit, containing a hearth, fire-affected rock, tools, ornaments and other artifacts and intact cultural midden soils within a known significant archaeological and cultural site, have been documented at the subject site. However, as described below, these cultural resources have been removed from the site without the required coastal development permit. Nevertheless, extensive use, including seasonal occupation, manufacture of unique cogged stone and other artifacts, ceremonial and burial use by native people is documented throughout the Bolsa Chica Mesa, dating back 9,000 years before present time,. The Ridge property is one of several

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properties on the Bolsa Chica Mesa. The Bolsa Chica Mesa as a whole has a rich archaeological past with several mapped archaeological sites. Given the rich cultural heritage of the Bolsa Chica Mesa, including the subject Ridge site, the question becomes how to best protect the resources, avoiding any further significant impacts, and thus avoid mitigation.

The proposed LUP amendment would change the current land use designation of the site of Open Space-Parks to low density residential land use. Further, the property would be developed with single family residential development after removing and curating off-site any additional artifacts subsequently found. Any human burials, if subsequently found through future grading, would be excavated and reburied elsewhere on-site outside of the proposed development footprint, as proposed in this LCP amendment request. Although the presence of the rare semi-subterranean pre-historic house feature and the surrounding artifacts was known at the time the proposed LCP amendment was prepared, no reasonable mitigation measures, as required in Section 30244 of the Coastal Act, such as a setback from these significant cultural features, is included in the LCP amendment proposal. Staff initially proposed through suggested modifications what we believed to be reasonable mitigation measures, such as a development setback from these resources as well as archaeological grading and monitoring prior to residential grading, and the requirement that any significant artifacts or human remains be left in place and the residential development be redesigned to accomplish these measures, in order to protect the significant prehistoric cultural use area and prevent further significant adverse impacts. However, these suggested modifications were unacceptable to the City and property owner. Off-site curation in a museum and excavation, relocation and reburial of human remains, in order to make way for residential development, is considered feasible mitigation by the City and property owner. However, the Commission finds that denial of the proposed change in land use designation from Open Space – Parks is most protective of the cultural resources of the site because it will allow any additional resources to remain in place thereby avoiding any additional significant impacts and eliminating the need for mitigation.

The Bolsa Chica Mesa, including the subject site, is an irreplaceable significant cultural resource site. According to the December, 2013 eleven volume final archaeological report prepared by SRS, Inc., as required by the Coastal Commission in approving the implementation of the archaeological research design of ORA-85 and ORA-83, two archaeological sites on the adjacent Brightwater project site, ten prehistoric archaeological sites have been recorded on the Bolsa Chica Mesa and approximately the same number of recorded sites are on the Huntington Mesa, located east of the Bolsa Chica Lowlands. Volume 11: Chronology and Cultural Implication of the final report indicates that the numerous archaeological sites within the Bolsa Bay region were used at various time periods, beginning approximately 9,000 years ago. Some sites were used only in a single time period, such as ORA-85 and ORA-86 while other archaeological sites experienced sporadic re-use, for both seasonal occupation and permanent habitation, over thousands of years. Additionally, on some sites where pre-historic semi-subterranean house pit structures were no longer being used, the site was continued to be used for new burials. The archaeological report for the subject Ridge site (prepared by

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the same archaeologist for the Brightwater site) indicates that the individual or family who occupied the house-pit on the Ridge site used tools from the much older ORA-83 archaeological site. These facts support the concept that the Bolsa Chica Mesa as a whole should be considered a significant Native American cultural landscape or Traditional Cultural Property, as expounded in the January 6, 2014 letter by the State Historic Preservation Officer (Exhibit 12).

The most significant of the archaeological sites on the Bolsa Chica Mesa is ORA-83. ORA-83, known as the Cogged Stone Site, was continuously occupied for over 7,500 years, beginning approximately 9,000 years ago. It is listed in the National Register of Historic Places by the National Park Service at the recommendation of the State Historic Resources Commission and the State Historic Preservation Officer. As stated above, the Mesa contains several mapped archaeological sites; CA-ORA-83, -85, -86 and -144. These archaeological site numbers are discrete identifiers that are assigned for recording convenience. In fact, many archaeologists believe that ORA-86 on the subject Ridge site is the northeastern extension of ORA-83. According to the State Historic Preservation Officer, as well as several archaeologists and Native Americans, these separate archaeological sites are a part of a large prehistoric village complex that occupied the upper banks of the Bolsa Chica Mesa from 9,000 to 2,000 years before present time. During this lengthy occupation period, there were no boundaries marking these sites and portions of the entire Bolsa Chica Mesa were used at some points in time. The significance of the Bolsa Chica Mesa as a cohesive landscape or Traditional Cultural Property is partly born out by the rare, unique and prolific resources found on the property. The archaeological site complex also holds great spiritual meaning to Native American descendants who consider the land sacred given the number of burials. Although ORA-83 is known as the cogged stone site because these unique discoidal carved stones were believed to have been manufactured there, the site is actually much more complex and is site of permanent human habitation as well as a sacred burial site or Native American cemetery. On ORA-83 and ORA-85 alone approximately 350 prehistoric cultural features were discovered, including approximately 160 human burials and 31 animal burials, 25 semi-subterranean structures (house pits with hearths, storage sheds, and ceremonial structures with a dance floor), fire affected rocks and other rock artifacts, shell and rock cairns, and well over 100,000 beads, charm stones, tools and other artifacts were discovered. It should also be noted that of the Native American and animal burials and prehistoric features that were discovered on the Bolsa Chica Mesa, more than 70% of them were found outside of the boundaries of the recorded archaeological sites.

Although 11-acres of the 9,000 year old permanent village and cemetery site known as ORA-83, all of the 4,500 year old village and cemetery site known as ORA-85 and most of the 2,000 year old village complex that extends onto the subject Ridge site (as well as on the adjacent Sandover site) have been destroyed by residential development or to make way for residential development, the Bolsa Chica Mesa still has tremendous value as a Traditional Cultural Property and the remaining portion that is not covered by residential development should be preserved in open space. Beginning in the early 1980's, the property owner, Signal Landmark, was granted several coastal development

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permits to investigate CA-ORA-83, as well as other archaeological sites on the mesa such as CA-ORA-85, “The Eberhart Site”, and that portion of ORA-83 site, not including Goodell and Ridge properties. The coastal development permits for this work were approved in the early 1980s and 1990s, and allowed full excavation of all existing on-site archaeological resources. This work was carried out over a 20 year period and was completed in 2006. On September 11, 2013 the Commission determined that excavation and removal of intact cultural remnants of a pre-historic dwelling structure, artifacts, and intact cultural midden of ORA-86 occurred at without the necessary coastal development permit (CCC-13-CD-08, Signal Landmark [owner of the Ridge Property]). The pre-historic dwelling structure and related cultural remnants straddled the boundary between the Ridge and Goodell site, located immediately south of the Ridge site. Both properties contain the known archaeological site CA-ORA-86. No coastal development permit has ever been approved for sub-surface archaeological work on either The Ridge Property or the Goodell Property.

The Goodell Property contains archaeological site, CA-ORA-144, “The Water Tower Site”, so named in recognition of a water tower structure that was historically on the site until the 1980s. Moreover, some archaeologists also consider the Goodell site to be the north-eastern portion of the highly significant 9,000 year old archaeological site CA-ORA-83, “The Cogged Stone Site”. The Ridge property owner’s archaeological consultant, Scientific Resources Surveys, Inc. (SRS) has been conducting the archaeological research on the Bolsa Chica Mesa for decades has agreed that the Goodell Property is a part of “The Cogged Stone Site” ORA-83. Therefore, given the cultural resources of the Goodell site, it is questionable as to how much, if any, of that site would be appropriate for residential development.

Coastal Act Section 30244 states that reasonable mitigation measures should be implemented when development will significantly impact archaeological resources. If the LCP amendment to change the land use designation of the subject site from open space to residential land use is denied, the potential for development to impact the resources is greatly dimensioned. Open space uses could be provided in a manner that would have little or no sub-surface development.

3. Protection of Habitat

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (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.*

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In addition, the certified Land Use Plan, which provides guidance here, includes policy C-7 1.3 which incorporates the same requirement that development adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade the ESHA and that the development be compatible with the continuance of the ESHA.

a) Eucalyptus ESHA

There is a grove of trees located less than 150 feet east of the Ridge Property's eastern property line, on the Parkside Property. This grove of trees was found by the Commission, based on extensive research included in Parkside LUPA file, to be Environmentally Sensitive Habitat Area (ESHA) in its actions on the Parkside LUPA , the Parkside IP amendment, and the Parkside coastal development permit.⁴ This grove of eucalyptus trees is also recognized in the City's certified LCP as ESHA.

Although it is known as the eucalyptus ESHA, it also includes several palm trees and pine trees that are also used by raptors and herons. None of the trees are part of a native plant community. Nevertheless, this eucalyptus grove has been recognized as ESHA consistently in past Commission actions not because it is a native ecosystem, or because the trees in and of themselves warrant protection, but because of the important ecosystem functions it provides. At least ten species of raptors have been observed in this grove and Cooper's hawks, a California Species of Special Concern, are known to have nested there. Some of the other raptors known to use the grove include the white tailed kite, sharp-shinned hawk, Cooper's hawk, and osprey. Many of these species are dependent on both the Bolsa Chica wetlands and the nearby upland areas as they forage for their food.

Moreover, the Bolsa Chica mesa must also be viewed in the larger context of its role in the upland/wetland ecosystem. According to both the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, the Bolsa Chica mesa and the lowland wetlands are biologically interdependent. Together with the Bolsa Chica wetlands, a part of the roughly 1,300 acre Bolsa Chica Lowlands, the mesa communities which include both the Bolsa Chica mesa and the Huntington mesa to the south of the Lowlands, combine to make this area an important upland-wetland ecosystem. These biological interdependencies are vital to maintaining biological productivity and diversity. However, it must also be recognized that over the years, this resource area has declined due to human impacts and development pressures. Commission staff ecologist, Dr. John Dixon, summarized the declining, but still valuable, overall ecological condition of the greater Bolsa Chica area in a July 15, 2004 memo for the Commission hearing in October 2004 for the adjacent Brightwater Development Project in this way:

“The Bolsa Chica wetlands once covered over 30 square miles and, on the Bolsa Chica and Huntington Mesas, were bounded by coastal sage scrub communities that interacted ecologically with the wet lowlands. Although the wetlands have

⁴ City of Huntington Beach Land Use Plan Amendment No. 1-06, City of Huntington Beach Implementation Plan Amendment 2-10, and Coastal Development Permit 5-11-068 (Shea Homes).

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been reduced to less than two square miles and the adjoining mesas have been substantially developed and the remaining open space much altered, the U. S. Fish and Wildlife Service in 1979 nonetheless identified the Bolsa Chica ecosystem as “one of the last remaining viable wetland-bluff ecosystems in southern California.” This viewpoint was echoed by conservation biologists over twenty years later: “...Bolsa Chica is one of the last remaining areas in coastal southern California with a reasonably intact upland-wetland gradient, which is of high ecological importance and generally lacking in representation in reserves in the region.” In nearly all other coastal marsh ecosystems in southern California, the upland components have succumbed to urban development. Uplands provide pollinators for wetland plants, nesting and denning sites for avian and mammalian predators that forage in wetlands, important alternative prey populations for many of those predators, and critical habitat for primarily upland species. Many species have life-stages that rely on both wetland and upland habitats ... ” [citations omitted]

Section 30240 of the Coastal Act requires that all ESHA be protected from significant disruption and that development in areas adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade the ESHA and that development be compatible with the continuance of the ESHA.

b) Raptor Foraging

Upland areas within the Bolsa Chica region, such as the Ridge Property, provide raptor foraging area. Raptor foraging area is necessary to maintain the viability of the overall Bolsa Chica ecosystem. The extent of continuing use of the eucalyptus ESHA by the raptors is directly related to the amount of viable foraging area available from the ESHA trees. Because its use by a suite of raptors is what makes the grove of trees ESHA, raptor foraging area is necessary to support the ESHA and assure its continuance. Although the ESHA trees would continue to provide nesting, roosting and a base from which to forage, as surrounding raptor foraging area is lost, the ESHA’s ability to support the raptors diminishes because the food sources decrease. If raptor use of the trees declines, the value of the ESHA is degraded and continuance of the ESHA is not assured.

Relevant research indicates that under many circumstances, human land use patterns can have a negative affect on individual raptors and raptor populations. This concern is compounded when cumulative effects of various land use activities are considered. Loss of foraging habitat is considered a direct impact to raptor habitat. Habitat loss, degradation, and fragmentation are widely accepted causes contributing to raptor population declines worldwide (Snyder and Snyder 1975, Newton 1979, LeFranc and Millsap 1984).

The Ridge Property currently provides raptor foraging area due to its open, undeveloped state, the presence on site of small mammals and invertebrates, and its proximity to open lands that provide habitat to various types of the Bolsa Chica ecosystem’s wildlife. Although the Biological Assessment prepared in conjunction with the proposed LCP

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(LSA, March 2010) amendment recognizes the loss of upland raptor foraging habitat that would accrue from the proposed amendment, it does not find the loss significant due to the amount of remaining foraging habitat that has been preserved. However, this reasoning is not logical. Although some habitat has been preserved with recent development projects in the area (e.g. Brightwater 5-05-020 and Parkside 5-11-068), overall these developments have resulted in a significant LOSS in raptor foraging area. Although the Brightwater project preserved 37 acres for habitat restoration and public trails, 68 acres of viable raptor foraging area were lost. Likewise, with the Parkside project, although 22 acres were preserved in open space, 28 acres of viable raptor foraging area were lost. The area preserved at the Brightwater and Parkside developments allowed some development of privately-owned property while balancing the need to maintain a healthy overall Bolsa Chica ecosystem. The fact that not all habitat suitable for raptor foraging on nearby parcels has been lost does not justify complete loss of existing foraging habitat elsewhere, including at the subject Ridge Property. In fact, the eucalyptus ESHA would cease to function as ESHA unless adequate foraging habitat is maintained.

At Bolsa Chica, the foraging habitat on the mesa is absolutely necessary for the continued presence of many of the raptors that utilize the eucalyptus ESHA. Furthermore, concerning the interconnectedness of the foraging habitat and Bolsa Chica's eucalyptus ESHAs, California Department of Fish and Wildlife⁵ biologist Ron Jurek wrote, in an October 2000 independent review of the potential effects of development on raptors of the Bolsa Chica Mesa, that the eucalyptus ESHA "...is a zone of trees with good perching and nesting conditions within raptor habitat. It is not the raptor habitat itself. In my professional opinion, for most of the raptor species known to use the ESHA, raptor use depends primarily on the availability of the food resources of the surrounding lands....".⁶

One way the Commission has addressed the question of preserving foraging area in previous actions (such as the Brightwater and Parkside projects described above), has been to preserve some habitat area (including raptor foraging area) by establishing a buffer area. A buffer area around the ESHA must be established to assure that adjacent development is compatible with the continuance of the ESHA. A buffer area requires that development adjacent to the ESHA be set back an appropriate distance from the ESHA. A buffer setback area is intended to locate development far enough away from the ESHA so as to reduce any impacts that may otherwise accrue from the development upon the ESHA and that would significantly degrade the ESHA or be incompatible with its continuance.

Implementing an appropriate buffer area reduces both human impacts on the ESHA (such as noise, light, and physical human and pet intrusion), as well as the impacts that would accrue due to loss of sufficient foraging area necessary to support the raptors that use the

⁵ California Department of Fish & Wildlife was previously known as California Department of Fish & Game.

⁶ Jurek, R. (CDFG; Member, Independent Review Committee appointed by CCC, CDFG & Hearthsides Homes). October 16, 2000. Letter to S. Hansch (CCC) concerning probable effects of development on raptors at Bolsa Chica Mesa.

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ESHA. Without an appropriate buffer setback distance applied to the Ridge Property from the adjacent eucalyptus ESHA, the consequent loss of raptor foraging habitat would result in a serious impact to the ESHA and may interfere with the ESHA's continuance. This impact becomes more critical when considering the cumulative impact due to the upland habitat that has already been reduced due to surrounding residential development.

In its action on the Parkside project east of the subject site, the Commission found that a buffer setback distance of a minimum of 300 feet from the dripline of the eucalyptus ESHA was appropriate to protect the ESHA and assure its continuance. The Commission found this setback distance appropriate for other eucalyptus grove ESHAs in the project vicinity, including a second eucalyptus ESHA on the Parkside site and eucalyptus ESHA on the Brightwater site. There is no reason to expect that development on the Ridge Property would not have the same impacts on the ESHA that the development on the Parkside and Brightwater sites would have had if development were to have been allowed closer than 300 feet to the ESHA.

If the same 300 foot buffer setback distance were applied to the Ridge Property, it would result in a development setback from the eastern property line of approximately 150 feet, except in the northernmost portion of the Ridge Property where the ESHA is more distant. However, to protect raptor foraging habitat, the California Department of Fish & Wildlife (CDFW) recommends that one-half acre of foraging habitat be preserved for every acre impacted by development⁷. On the 4.97-acre Ridge Property, this ratio would result in about 1.66 acres of open space preserved for raptor foraging. A 150 foot setback along the entire eastern property line would establish both the 300 foot setback from the eucalyptus grove ESHA and also preserve one half-acre of foraging habitat for every acre that would be lost to development on the Ridge Property.

The 150 foot buffer distance, taken from the Ridge Property's eastern property line, would provide an appropriate ESHA buffer area in that development, with the related noise, intrusions and activities, would not occur within the buffer zone and also because the buffer area would continue to provide viable raptor foraging area. In approving the LUPA for the adjacent Parkside site the Commission found that buffer area was necessary to both reduce the impacts of development upon the ESHA and to retain adequate foraging area to support the raptors continued use of the ESHA. The Parkside buffer area was determined based on the area necessary to prevent impacts which would significantly degrade the ESHA and to assure the continuance of the ESHA. The 300 foot ESHA buffer width is consistent with those required in the certified LCP and that have been found in past Commission actions to be adequate to protect the eucalyptus ESHA and assure its continuance.

The Ridge Property is located as close as 135 feet of the eucalyptus ESHA on the adjacent Parkside Property at its closest point. The distance between the ESHA and development, the buffer area, must be wide enough to assure that the development would

⁷ The Commission followed this CDFW recommendation in its approval of Coastal Development Permit 5-97-367-A1 (Hellman).

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not degrade the ESHA and would be compatible with the continuance of the ESHA. In order to assure that the ESHA is not significantly degraded, and that development would be compatible with its continuance, an appropriate buffer setback distance from the ESHA should be identified and land use designated Open Space-Conservation on the Ridge Property. The Open Space-Conservation land use designation allows environmental and visual resource conservation and management, and would be the appropriate land use designation for the necessary protective buffer area.

However, as proposed, the amendment would designate the entire Ridge Property Residential Low Density, with no area to be designated Open Space-Conservation. As described above, a 150 foot setback from the eastern property line is necessary to provide appropriate buffer distance from the adjacent ESHA to protect it and assure its continuance as required by Coastal Act Section 30240. As proposed, the amendment would allow development on the Ridge Property that would degrade the ESHA and that would not be compatible with its continuance. Therefore, the proposed amendment is inconsistent with the requirement of Coastal Act Section 30240 that ESHA be protected and that development adjacent to ESHA not degrade the ESHA and be compatible with the continuance of the ESHA. Therefore the proposed Land Use Plan Amendment must be denied.

Although the matter currently before the Commission is an LCP amendment, not a development project, it is known at this time that a buffer setback area from the adjacent ESHA must be imposed on the subject site for the amendment to be found consistent with Section 30240 of the Coastal Act. However no buffer area is incorporated into the LCP amendment as proposed. Although a modification could be suggested to designate the area within the 150 foot from the eastern property line Open Space-Conservation as necessary to protect the ESHA, other questions regarding the appropriate land use designation for other areas of the site cannot be determined at this time. Other questions regarding land use designation at the site include the loss of the higher priority land use designation with no offsetting measures and questions regarding the high cultural value of the subject site. Based upon the questions raised, it is not clear whether any portion of this site could support a land use designation of residential. Moreover, at the time of preparation of this staff report, it is known that the City staff and the property owner are unwilling to accept the previous suggested modifications that included a habitat buffer area. Therefore, no modifications are suggested.

The previously recommended buffer area has been revisited by the Commission's staff ecologist. In response to the questions raised regarding these aspects of the previously prepared suggested modifications, the Commission's staff ecologist prepared the Memorandum attached as Exhibit 16, which states that the standards for the previously recommended setbacks were "based solely on reducing anthropogenic disturbance to sensitive habitats, [which] are insufficiently protective of raptor habitat and the important vegetation on the Shea property." Further, in general regarding the issues raised by Mr. Bloom and Mr. Stivers, the staff ecologist's memo states: "I agree that these are serious impacts and I did not consider them in my earlier recommendations."

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c) ESHA's Water Source

A letter dated 1/4/14 submitted by Guy Stivers of Stivers & Associates (Landscape Architecture, Urban Forestry, Environmental Planning) states (see exhibit 15 for complete letter):

“The Eucalyptus ESHA [150 feet east of the Ridge Property, discussed above] is a viable self sustaining forest. If The Ridge project is developed, it will reduce storm water runoff resource to the forest by approximately 50%. Most of the storm water resource from the Ridge project drains to the lower third of the ESHA. If this is removed it will have an immediate impact on the forest's largest trees and numerous saplings. Overtime the water resource reduction will compromise the viability of the entire forest [ESHA].”

This letter introduces a concern heretofore unconsidered regarding future development of the Ridge Property: the impacts on the adjacent eucalyptus ESHA due to changes in drainage patterns arising from future development of the Ridge Property that would be made possible by the Residential land use designation proposed by the LUP amendment. The Stivers letter is based on information available from the City's processing of a local coastal development permit for a 22-unit residential project on the Ridge Property. This LCP amendment is a project driven amendment based on this 22-unit residential project proposal. The City processed the local coastal development permit prior to, but based upon an expectation of approval of, the current LCP amendment. However, the City has since rescinded its Notice of Final Action that was sent to the Commission South Coast District office as a result of the applicant of that permit withdrawing the project at the local level.

Under current conditions, the Ridge Property generally drains from west to east. Toward the center of the Ridge Property's eastern property line, the grade slopes down approximately 15 feet lower than the western property line. This section of the eastern property line is the Ridge Property's lowest location and where storm water drainage exits in a shallow swale that forms a drainage runnel (natural channel) that drains to the ESHA. The eucalyptus ESHA forest is near the bottom of the downslope, and drainage from the Ridge Property is directed there.⁸

As supported by details in his 1/4/14 letter, Mr. Stivers estimates the contemplated 22-unit residential development on the Ridge Property would lead to a 50% reduction in water reaching the forest/ESHA. Such a reduction in water to feed the ESHA trees would place the ESHA in jeopardy and create an impact that would significantly degrade the ESHA, inconsistent with the requirements of Section 30240 of the Coastal Act. A reduction in runoff would also affect the viability of the restored habitat on the Parkside site (discussed below). These alterations in current drainage patterns that would result

⁸ Guy Stivers, Stivers & Associates, letter report to Bolsa Chica Land Trust regarding The Ridge development (Tentative Tract Map 17294) negative impacts on the adjacent Eucalyptus ESHA at Bolsa Chica, Huntington Beach, 1/4/14. See exhibit 14.

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from the contemplated residential development of the Ridge Property represent significant impacts to the established ESHA.

The Stivers letter concludes:

“If The Ridge project is built it will reduce storm water flows to the Eucalyptus ESHA by 50%. Most of the storm water drainage will be removed from southern third of the forest. The forest’s largest trees and numerous newly germinated saplings grow there.

The removal of this water source will have a significant impact on the health of these trees. Altering the drainage will reduce trees and forest survivability. The large trees will decline in health and most of the saplings will die reducing the forest’s long term viability. In addition a decline of the largest trees in the forest will increase fire potential, tree failure, loss of habitat, and the potential for personal injury and property damage.”

The Commission’s staff ecologist has reviewed the Stivers 1/4/14 letter and concurs with its assertions and conclusions (see exhibit 16, Memorandum Re Ridge LCPA, from John Dixon to Meg Vaughn, 5/23/14).

The proposed LCP amendment does not address preserving drainage patterns from the Ridge Property into the adjacent eucalyptus ESHA as necessary to protect the ESHA and to assure its continuance as required by Section 30240 of the Coastal Act. Although the 150 foot buffer setback from the eastern property line would also allow a mechanism to maintain at least portions of this watershed in addition to preserving raptor foraging area, no such consideration has been included in the proposed LCP amendment. Moreover, it is not known whether a 150 foot wide buffer area would be adequate to preserve site drainage into the ESHA.

Thus, the proposed amendment would allow development on the Ridge Property that would degrade the ESHA and continuance of the ESHA would not be assured. Therefore, the proposed amendment is inconsistent with the requirement of Coastal Act Section 30240 that ESHA be protected and that development adjacent to ESHA be compatible with the continuance of the ESHA. Therefore the proposed Land Use Plan amendment must be denied.

d) Adjacent Habitat Restoration

As described previously, immediately adjacent to the Ridge Property is the Parkside Property, abutting the Ridge Property’s eastern property line. As a condition of approval for the Parkside project (Coastal Development Permit 5-11-068, Shea Homes) and as required by the City’s certified LCP, the western 22 acres of the Parkside site is the subject of habitat restoration. This restoration area abuts the Ridge Property. As required by the approved Habitat Management Plan for the Parkside project, the area adjacent to the Ridge Property will be restored with native grassland habitat. The area of the

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Parkside Property adjacent to the Goodell Property will be restored with coastal sage scrub habitat. A coastal sage scrub/grasslands ecotone transition area will be restored between the grasslands and coastal sage scrub habitats.

Coastal sage scrub (CSS) is a general vegetation type characterized by special adaptations to fire and low soil moisture. The defining physical structure in CSS is provided by small and medium sized shrubs which have relatively high photosynthetic rates, adaptations to avoid water loss, including drought deciduousness, and adaptations to fire, such as the ability to survive the loss of above ground parts and re-sprout from root crowns. In addition to twenty or so species of perennial shrubs, such as California sagebrush, CSS is home to several hundred species of forbs and herbs, such as the California poppy.

About 2.5% of California's land area was once occupied by CSS. In 1981, it was estimated that 85% to 90% of the habitat type had been destroyed statewide and, in 1991, it was estimated that San Diego, Orange, and Riverside counties had lost 66% of their CSS. Current losses are higher and losses in the coastal zone have undoubtedly been much higher. Compared to its natural distribution and abundance, CSS is in decline and it is in decline because it has been destroyed by human activities. Unfortunately for the habitat type, it occupies shallow slopes on lower elevations of coastal mountain ranges, areas that are understandably prized for development.

Despite its decline, CSS provides important ecological functions. It can be home to some 375 species of plants, many of which are local endemics. About half the species found in CSS are also found in chaparral after fire, but disappear from that habitat after about seven years. CSS may provide a spatial refuge for those herbs between fires. Nearly 100 species of rare plants and animals are obligately or facultatively associated with coastal sage scrub habitats. In addition, coastal sage scrub is often the natural upland habitat adjacent to wetland habitats such as coastal salt marshes and vernal pools, and is important to species that require both habitat types to complete their life cycle.

Grassland vegetation provides foraging habitat for many species of raptors, including white-tailed kites (a Fully Protected Species) and several California Species of Special Concern (CSC) such as northern harriers and the burrowing owls, known to exist in the vicinity of the subject site. These raptor species are known to use the eucalyptus ESHA on the Parkside site.

Grassland habitat is a general vegetation type considered significant because 100 % of coastal native grasslands are no longer present in Orange County, and even non-native coastal grasslands are rare. Grasslands are a valuable source for raptor foraging. The restored grassland on the Parkside Property is significant vegetation because it is one of the integral components of Bolsa Chica's wetland/upland ecosystem.

In the past, little concern has been expressed nor any actions taken about the loss of annual grasslands and ruderal vegetation given their status as non-native habitat. However, in recent years, with the increasing loss of native grassland, it has come to the attention of the California Department of Fish and Wildlife (CDFW) and other raptor

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biologists that the remaining grasslands are becoming a critical food source which is essential to the health of populations of many birds of prey and other native species.

Although the Parkside HMP has not yet been implemented, it is part of an approved coastal development permit. Implementation is expected to begin once the permit issues. The Parkside applicant has submitted the information required by the “prior to issuance” special conditions, and is waiting for Commission staff’s response on the last remaining conditions. Therefore, implementation of the HMP is imminent. The Parkside coastal development permit is expected to be issued and implemented soon. Any future development on the Ridge Property would require approval of a coastal development permit, compliance with any prior to issuance special conditions, and permit issuance. Based on the time frame, with Parkside permit nearing issuance and no coastal development permit application yet submitted for the Ridge Property, it is reasonable to expect the Parkside habitat will be in place prior to implementation of any development on the Ridge Property. With this knowledge it would be grossly remiss to not recognize the restored sensitive habitat restored on the Parkside Property which is located immediately adjacent to the Ridge Property.

Parkside’s restored habitat will be located immediately adjacent to the Ridge Property’s eastern property line, and thus, the required habitat buffer would extend onto the Ridge Property. Any future development of the Ridge Property would need to incorporate a setback for this sensitive habitat restoration area. Such a setback would be included within the area required to protect the eucalyptus ESHA described above. However, this setback requirement is not addressed in the LUP Amendment request.

Habitat buffer setback areas are imposed to protect the habitat from significant disruption, and to prevent impacts that would significantly degrade the habitat areas. The proposed land use designation change does not identify land on the Ridge Property that must be reserved for buffer area as necessary to protect habitat. Area needed for habitat setback would appropriately be designated Open Space-Conservation. However, as proposed, no area of the Ridge Property would be designated anything other than Residential. Thus, protection of the adjacent habitat is not assured as required by Section 30240 of the Coastal Act, and therefore, the amendment must be denied as submitted.

e) Southern Tarplant and Burrowing Owl

The Biological Assessment (LSA, 3/10) prepared for the Ridge Property recognizes that, although none was found at the time of the survey, the site would be expected to support both Southern Tarplant and the burrowing owl. The burrowing owl is also known to occur on the adjacent Parkside and Brightwater Properties. Southern Tarplant is also known to be present on the adjacent Parkside Property and the Brightwater Property.

The burrowing owl is one of the sensitive raptor species found on the Bolsa Chica mesa. The California Department of Fish and Wildlife (CDFW) considers the burrowing owl (*Athene cunicularia*) a California Species of Special Concern. It hunts for prey in open grasslands and areas of ruderal vegetation. In addition to foraging over the grasslands,

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the burrowing owl uses the abandoned burrows of the California ground squirrel and other small rodents as shelter during the nesting and wintering seasons. The findings for approval of the Brightwater project found that wintering burrowing owls use the Bolsa Chica Mesa during most years. The burrowing owl is in decline in most areas of California, especially in the coastal zone, due to the loss of habitat as a result of development and rodent control activities. The rapid decline of this species in Orange County has been chronicled in the latter half of the 20th century.⁹

The Southern Tarplant is a Federal “Species of Concern” and listed as a 1B (Rare, Threatened, or Endangered in California and Elsewhere) plant by the California Native Plant Society (CNPS), and it also meets the CEQA Guidelines’ definition of rare, threatened, or endangered species. Southern Tarplant is an annual plant that favors damp, disturbed areas and is generally restricted to grasslands, wetland edges, vernal pools, and alkaline flats in the coastal counties of southern California. Southern Tarplant populations have been greatly reduced and fragmented by development. According to the Commission staff ecologist, Southern Tarplant has become rare in California and its remaining habitat is particularly valuable due to the loss of its natural habitat.

A characteristic of the Southern Tarplant is that, as an annual (life cycle is completed within one year), the number of detectable (above-ground flowering) plants visible in any one year varies sharply depending on factors such as soil moisture. Because of this characteristic, quantifying populations and determining the impacts of a development project on existing tarplant communities can be problematic. Therefore, the long-term health of the tarplant population depends on an extensive seed bank. However, it is difficult to determine the presence of seed bank in years when the plant is dormant.

In past actions, the Commission has found some Southern Tarplant communities to be ESHA. In its action on the Brightwater project, the Commission identified Southern Tarplant ESHAs and required a development setback/buffer area from the tarplant ESHAs of 50 feet. And in its action on the Brightwater project, the Commission found areas used by the burrowing owl to be ESHA and imposed a buffer setback from those areas. Because the presence of both species is difficult to determine at any given time due to the dormancy periods of southern tarplant and the burrowing owls use of abandoned burrows of other animals, it is difficult to definitively define their presence or absence on-site. However, the proposed LUP amendment does not address the potential presence of either the burrowing owl or southern tarplant and includes no requirements that would be applicable at the time development of the site is considered. Thus, as proposed, the LUP amendment does not assure protection of all ESHA that could reasonably be expected at the site. Therefore, as proposed the Land Use Plan amendment cannot be found to be consistent with Section 30240 of the Coastal Act regarding protection of habitat.

⁹ Hamilton and Willick (1996) and Gallagher and Bloom (1997), according to Draft Subsequent Environmental Impact Report, Volume I, Brightwater Development Project, Orange County, California, SCH #1993071064, LSA, November 17, 2001, page 4.9-21.

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f) Habitat - Conclusion

The proposed LCP amendment does not require a setback from the adjacent eucalyptus ESHA or from the restored sensitive habitat located immediately adjacent to the Ridge Property, does not address preserving drainage patterns from the Ridge Property into the ESHA, and does not consider the potential presence of the burrowing owl or Southern Tarplant that may occur on the site, all of which are necessary to protect ESHA and assure its continuance as required by Section 30240 of the Coastal Act. Designating the eastern 150 feet of the property as Open Space-Conservation for habitat preservation and buffer area may address some of these issues, but not all. However, the entire site is proposed to be designated Residential Low Density, with no area to be preserved as Open Space-Conservation. Thus, the LUP amendment as proposed would allow development to occur on the Ridge Property that would not protect ESHA and continuance of ESHA would not be assured. Therefore, the proposed amendment is inconsistent with the requirement of Coastal Act Section 30240 that ESHA be protected and that development adjacent to ESHA be compatible with the continuance of the ESHA. Therefore the proposed Land Use Plan amendment must be denied.

Although a modification could be suggested to designate the area within the 150 foot setback from the eastern property line Open Space-Conservation as necessary to protect the eucalyptus ESHA and adjacent restored habitat, other questions regarding the appropriate land use designation for remainder of the site cannot be determined at this time. Questions regarding the loss of the higher priority land use designation with no offsetting measures and questions regarding culture resources remain. Moreover, at the time of preparation of this staff report, it is known that the City staff and the property owner were unwilling to accept the previous suggested modifications that included a habitat buffer area. Therefore, no modifications are suggested.

4. City-owned Parcel

The proposed change to the Land Use Plan Map is reflected in Exhibit B, attached to City Council Resolution No. 2010-48, titled “*Extract of Figure C-6*” (See Exhibit 3). *Extract of Figure C-6* identifies the subject site as RL-7 (Residential Low Density – 7du/acre), and also shows a strip of land along the northern property boundary of the site that is land use designated Open Space-Parks. It was not clear, from the information contained in the amendment submittal, whether this strip of land falls within the five-acre Ridge Property, or off site. The City has since clarified that the area in question is a 30-foot wide parcel owned by the City. The City has also indicated that it is its intent that this parcel be land use designated Open Space-Parks and used as a public access trail linking the informal trail on the Parkside Property with Bolsa Chica Street.

However, the proposed Open Space-Parks (OS-P) designation shown on Extract of Figure C-6 at the northern property line does not extend all the way to the Los Patos Avenue/Bolsa Chica Street intersection. Rather it is separated from those public rights-of-way by a strip of land shown with a Residential Low Density land use designation. Thus, the proposed change to the land use plan map depicts the City owned, OS-P parcel,

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as being blocked from connecting to the public sidewalk, which would make the OS-P strip moot. Although this appears to have simply been an oversight in the LCPA, it is important to correct this error on the Land Use Plan Map in order to implement the important public access function this City-owned parcel is intended to serve. The proposed Land Use Plan Map would interfere with public trail access and so is inconsistent with the public access and recreation policies of the Coastal Act and must be denied.

D. Concurrent Consideration of the Adjacent Ridge and Goodell Properties

The Ridge and Goodell Properties have much in common. They are the only two parcels remaining in the northern Bolsa Chica area whose land use designation and zoning remain in question. The Goodell Property has no land use designation or zoning certified by the Coastal Commission. The subject Ridge Property's land use designation and zoning are certified, but the City, pursuant to this amendment request, would like to change that land use designation and zoning. Both sites are undeveloped open space.

Shorthand name	Relative Location	Owner	Jurisdiction	APN
The Ridge Property	Northern	Signal Landmark	Huntington Beach	110-016-35
Goodell Family Trust Property	Southern	Goodell Family Trust	Unincorporated Orange County (CCC)	110-016-18

Both sites contain significant archaeological resources. The presence of archaeological resources on one site may affect the potential development footprint on the other. Biological resources are known to be present on the Goodell Property; however, at this time they appear to be far enough away from the Ridge Property that a habitat buffer would not likely extend onto the Ridge Property. The Ridge Property abuts the habitat restoration area of the Parkside site and is within approximately 135 feet of the Parkside eucalyptus ESHA at its closest point. Typically, development must be setback as necessary to assure that impacts from development adjacent to ESHA do not disrupt the habitat value and that such development is compatible with the continuance of the ESHA.

In conjunction with development approval on the Parkside site, development was required to be setback a minimum of 300 feet from the eucalyptus ESHA. Also, given the habitat in the project vicinity, it is possible that either property may develop additional habitat resources in the interim between action on this LCP amendment and consideration of the coastal development permit(s) that any future development on either site would require. Moreover, the loss of raptor foraging area necessary to support the eucalyptus ESHA is not addressed in the proposed LCPA. The Biological Assessment prepared for the Ridge Property by LSA, dated March 2010 recognizes that there is potential for the occurrence on site of southern tarplant and the burrowing owl, but neither are addressed by the proposed LCP amendment. Thus, possible future habitat may include the presence of burrowing owls and/or establishment of southern tarplant, both of which are protected species. Other sensitive habitat areas becoming established

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on either site is also possible, including California gnatcatcher habitat, which is known to exist on the adjacent Brightwater Property and in the Bolsa Chica Ecological Reserve. That possibility would require future study in conjunction with any future development proposal.

Typically, when a site is located in an area of known sensitive habitat or significant cultural resource value, when determining appropriate land use designation and zoning current site specific information is required at the time a specific development is proposed. The currently LCP amendment request would designate and zone the entire property for residential development, without identifying the need for site specific information at the time a development is proposed. Given the significance of the site and surrounding area, it would be appropriate to undertake a full analysis of the resource values of the project site (possibly as part of a coastal development permit application), so that the specific impacts of a detailed project development plan could be evaluated.

The Ridge Property owner has demonstrated a property interest option in the Goodell Property and has acted as agent on behalf of the Goodell Property owner for previous Commission actions (including an enforcement action to address unpermitted archaeological work on the Goodell Property (in addition to CCC-13-CD-08) and a coastal development permit application (5-10-258, Goodell) to implement an Archaeological Research Design (ARD) on the Goodell Property (withdrawn)).

Given the similarities and interrelatedness, and given the City staff and the property owner's desire to link the two sites, it appears that the best option for Commission action on the Ridge and Goodell Properties would be to process both properties together under a single action. There are two options by which the two sites could readily be processed together: 1) a single LCP amendment covering both sites: either after final annexation of the Goodell Property has occurred or as pre-zoning that will become effective upon final annexation; or, 2) a single consolidated coastal development permit for both sites together prior to the annexation of the Goodell Property into the City.

The City has indicated that annexation of the Goodell Property into the City was near completion until the process was suspended at the request of the property owner. The City has indicated that once the process is reinstated, final annexation is expected within sixty to ninety days. If a single LCP amendment covering both sites were proposed by the City, either pre- or post-annexation, a new local hearing process to address the LCPA would be necessary.

The other option available to process both sites together in a single action would be to process a single consolidated coastal development permit (CDP) for both sites. Section 30601.3 of the Coastal Act allows that the Commission may process and act upon a consolidated coastal development permit if both the following criteria are satisfied: 1) a proposed project requires a coastal development permit from both a local government with a certified Local Coastal Program and the Commission; and 2) the applicant, local government, and the Commission agree to processing a single consolidated coastal

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development permit. In this case, the Ridge Property falls within the City's LCP jurisdiction and would require a coastal development permit from the City; whereas the Goodell Property falls within an unincorporated and uncertified Orange County area and would require a coastal development permit from the Coastal Commission. If this option were to be pursued, both property owners would need to be co-applicants on the permit application, and both property owners, the City and the Commission would all have to agree to processing the application as a consolidated coastal development permit. Because the Ridge Property owner has demonstrated a property interest option in the Goodell Property, the Ridge Property owner could process the consolidated coastal development permit on behalf of the Goodell Property owner. This option would not require a new local hearing process for the coastal development permit. The consolidated coastal development permit would be subject to the public hearing process required by the Coastal Commission. However, a local hearing(s) may be required for other local approval(s) related to development considered under the consolidated coastal development permit.

Both options have been suggested to City staff and the Ridge Property owner. However, both options were declined by both City staff and the Ridge Property owner. Reasons given for declining either option were based upon concerns regarding the additional time necessary to begin a new process. However, the Ridge Property owner will, nonetheless, have to seek local CDP approval from the City if redesignation of the Ridge Property were approved. Such a local CDP approval could also be subject to an appeal to the Commission because the Commission's appellate jurisdiction extends to the Ridge Property since it is located between the sea and the first public road paralleling the sea. Thus, it would appear that it may take more time to gain final CDP review of a residential development project on the Ridge Property through the currently proposed LCPA than by pursuing a single consolidated CDP for both properties from the Commission directly, without having to go to through the local CDP process first.

With regard to the length of time to process the matter, the LCPA was originally submitted in 2010, but was withdrawn by the City due to issues related to the City's and property owner's stated desire that the Goodell Property be included in evaluating the proposed Ridge LCP amendment. The City, together with the Ridge Property owner desired to tie the Ridge LCPA with the Goodell Property in order to avoid a staff recommendation of denial on the Ridge LCPA. The first Ridge LCP amendment submittal (3-10) was withdrawn by the City to avoid a staff recommendation of denial due to then proposed amendment's proposed loss of the higher priority Open Space-Parks land use designation for the lower priority Residential designation without any consideration of mitigation to offset the loss.

When the earlier LCP amendment (3-10) was withdrawn, it was with the understanding that when it was re-submitted it would include a mechanism for linking the two sites, such as final annexation of the Goodell Property into the City. However, just eight days after it was withdrawn (on October 25, 2013) it was re-submitted (on November 2, 2013) in exactly the same form it had previously been submitted. Rather than go forward with a recommendation for denial, the City staff and Ridge Property owner requested that

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Commission staff prepare suggested modifications to the re-submitted LCPA that would link the proposed land use designation change on the Ridge Property to limiting future development potential at the Goodell Property. Typically, if a City submits an LCPA for certification by the Commission and knows prior to submittal that it has language that it wants to include in the submittal, a City would hold a public hearing and approve the revised language to submit for Commission review and approval. In this case, however, the City declined to go that route.

Consequently Commission staff prepared suggested modifications for the Commission's January 2014 hearing that would have linked residential development on the Ridge Property with preservation of the Goodell Property in passive open space. At that time, Commission staff believed that the majority of the Ridge Property was suitable for residential development based upon the then perceived lack of habitat or cultural resources on-site and because the loss of the open space land use designation would have been expanded and preserved on the Goodell Property. However, since that time, based upon comments received in response to the January staff report, it has been demonstrated that allowing the Ridge Property to be developed with residential uses, as would be allowed by the proposed LCPA, would adversely impact both habitat and cultural resources on the Ridge Property, in addition to the loss of the open space land use designation proposed by the LCP amendment. Consequently, Commission staff no longer believes that the two sites can be linked via suggested modifications to this LCPA. In any case, the City staff and property owner objected to the previous suggested modifications prepared for the Commission's January 2014 hearing. At the Commission meeting, prior to opening the hearing on the matter, the City staff requested that the matter be postponed. The Commission granted the City staff's request for postponement.

E. January 2014 Staff Recommendation

1. Summary of Previous Staff Recommendation

The subject site, known as the "Ridge", is a particularly significant site because it is one of two remaining properties within the Bolsa Chica mesa area with uncertain future land use. The second site is the adjacent Goodell Property. Although the Ridge Property is part of the City's certified LCP, the current amendment requests a change to its certified land use designation and zoning. The Goodell Property is not located within the City of Huntington Beach, and thus is not subject to the City's certified Local Coastal Program. There is no certified land use designation or zoning on the Goodell Property. Both properties are currently undeveloped. The Bolsa Chica area in general is significant due to the extensive presence of environmentally sensitive habitats and wetlands and due to human use of the area dating back 9,000 years and the consequent significance and extent of cultural resources that have been discovered there.

Currently the Ridge Property is land use designated Open Space-Parks. The zoning for the site is Residential Agriculture. The LCP amendment proposes to change both the land use designation and zoning to Residential Low Density. Both the Coastal Act and the City's certified Land Use Plan place a much higher priority on public recreational

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uses than on private residential uses. Although the amendment proposes to delete this high priority open space land use designation and replace it with the low priority residential designation, measures to offset the loss of this higher priority open space designation are not proposed.

The property owner suggested, supported by the City, linking the proposed residential land use designation and zone change at the Ridge Property with restricting the adjacent Goodell Property to passive public open spaces uses.

At the time of the January 2014 staff report, Commission staff agreed that such an approach could be found consistent with both the Coastal Act and certified Land Use Plan. The proposed linking of the two properties, it was thought, would work because it would preserve an area of equivalent or greater value, the Goodell Property, to replace the open space loss at the Ridge Property. Commission staff prepared extensive suggested modifications for the proposed LCP amendment to accomplish linking the two sites. These modifications were scheduled for Commission review at the January 2014 Commission hearing. The suggested modifications prepared by Commission staff were intended to assure that the loss of the open space land use designation at the Ridge Property would not occur until after the Goodell Property land use restrictions were in place. To accomplish this, the previously suggested modifications required that the land use designation at the Ridge Property would not change until after the Offer to Dedicate the Goodell Property had been ACCEPTED. However, the City staff and the property owner rejected this aspect, among others, of the suggested modifications.

The LCPA was not heard at the January hearing. Since preparation of the January suggested modifications, it has been determined that the Ridge Property, contrary to previous understanding, in fact contains both significant cultural resources and significant biological resources. The presence of these resources on the Ridge Property is discussed earlier in this staff report. The previously recommended suggested modifications were thought to be acceptable due to the thinking that the Ridge Property had neither cultural nor habitat value, other than those that would have been protected by the previously recommended 50 foot buffer setback in the southeast corner of the site. However, it is now recognized that, because the Ridge Property does support these significant resources, the suggested modifications recommended previously could not be found to be consistent with the Coastal Act requirement to protect cultural and habitat resources. Currently, the Ridge Property is land use designated Open Space-Parks. The current land use designation is appropriate for protection of the on-site resources. The proposed land use designation, residential, would not be protective of these significant resources. Thus, the staff recommendation on the proposed amendment is now denial with no suggested modifications.

In addition, at the time of the Commission's January 2014 hearing, letters from four of the seven current City of Huntington Beach City Council Members were received requested that the Commission deny the LCP amendment (see exhibit 10). Thus, even if staff were to prepare suggested modifications for the proposed amendment it is likely the City would not accept the modifications.

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2. Basis for Changing Staff Recommendation

a) Cultural Resources

The new information regarding the cultural and habitat significance of the Ridge Property came to light in response to the staff report that was circulated for the January hearing. In response to the January staff recommendation many comment letters were received. A number of them raised new questions not addressed in the January staff recommendation. One was a letter received from the State Office of Historic Preservation (SHPO) stating (SHPO letter, 1/6/14, see exhibit 12):

“The property in question, known as the Ridge, is part of a very large village complex that occupied the upper banks of the Bolsa Chica mesa from 9000 to 2000 years before the present. Over the years a number of specific archeological sites within this complex have been recorded, including ORA-83 (site of production and distribution of cogged stones), ORA-84, ORA-85, ORA-86, and ORA-288; only portions of ORA-83 and ORA 86 remain, the balance lost to development. ORA-83, known as the cogged stone site, is listed in the National Register of Historic Places by the National Park Service at the recommendation of the State Historic Resources Commission and the State Historic Preservation Officer. . . . The property on Bolsa Chica mesa holds great cultural and religion importance to California Native Americans, including the Gabrieleno/Tongva Band of Mission Indians-San Gabriel. Large scale properties comprised of multiple, linked features that form a cohesive landscape are known as Traditional Cultural Properties.”

The 1/4/14 SHPO letter continues:

“Since the significance of Traditional Cultural Properties is based on cultural and often religious significance, and not on their ability to yield, or likely yield, information important in history or prehistory, impacts cannot be mitigated to less than a significant level by usual archeological practices such as excavation.”

Therefore, the Ridge Property, whether or not it retains burials and other discrete archeological artifacts, is itself significant because of its use together with the other prehistoric use areas on the Bolsa Chica Mesa by prehistoric and historic peoples and the site’s significance to them. That is, the documented use and occupation of the mesa, dating back 9,000 years, in and of itself makes the site significant. Moreover, the Ridge Property cannot be separated out from the larger village surrounding the Bolsa Bay and other interrelated areas of prehistoric and historic use of the mesa. It must be considered together as part of the overarching whole village that existed in various forms over thousands of years. Supporting this approach is a letter received from the Native American Heritage Commission (see exhibit 13), dated 12/27/13, which states:

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“The California Native American Heritage Commission (NAHC) has reviewed the proposed action proposed by the City of Huntington Beach and the developer and has concerns regarding the possible impact of the project on Native American cultural resources. The proposed land was previously zoned ‘open space;’ the Native American Heritage Commission (NAHC) deemed that appropriate as it bordered the internationally know “The Cogged Stone Site,” that had been nominated in 1980 for placement on the National Register of Historic Places. In that nomination by Pat Hammon, the property description included the Ridge parcel, what is now called CA-ORA-86 but then was termed part of CA-ORA-83, The Cogged Stone Site. Dr. Brian Fagan, Professor Emeritus of the University of California, Santa Barbara also terms this parcel as part of The Cogged Stone Site. Clearly, this parcel is situated in a very sensitive archaeological and native American historic location.”

These letters from SHPO and the NAHC both conclude the archeological site identified on the Ridge Property, ORA-86 should be considered together with other archeological sites recognized on the Bolsa Chica mesa and, as stated by SHPO in the letter cited above, *“Although these various sites have been given discrete identifiers, it is important to remember that they are all part of a larger property. Site numbers are merely recording conveniences and each only represents a part of the whole. Impacts to the Ridge property would in fact impact the whole of the remaining part of this once large village.”*

In addition, the 1/4/14 SHPO letter states:

“Based on the cultural material, including human remains, encountered during prior development on parts of ORA-83 and ORA-86, there is a high likelihood of encountering similar cultural material at the Ridge property.”

Furthermore, as indicated by SHPO, contrary to the property owner’s contention, it is still likely that discrete artifacts, and even possibly human remains, are still present on the Ridge Property itself.

The 1/4/14 SHPO letter concludes:

“The proposed change of land use designation from Open Space-Parks to Residential Low Density and the zoning from Residential Agriculture to residential Low Density would significantly impact the remains of ORA-86 as well as other remains of this village complex that represents 7000 years of human occupation.”

Previously, Commission staff had accepted the property owner’s archeological consultant’s position that the Ridge Property offered no further cultural resource value beyond the prehistoric house pit that was removed from the southeast portion of the site. Staff had addressed the presence of the house pit (though removed without approval of a coastal development permit) with a suggested modification to designate a semi-circular,

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50 foot buffer area measured from the southeast corner of the site Open Space-Conservation. However, since then, as reflected in the letters from SHPO and the NAHC, it appears that regardless of the current status of the Ridge Property artifacts, it retains significant cultural value based on its past use and its significance to local Native Americans still today. And, in addition, it appears that there does remain a reasonable likelihood that the site may in fact contain human burials and/or discrete artifacts given the site's very close proximity to mapped significant archeological resources. For these reasons, Commission staff no longer found the loss of the open space designation at the Ridge Property to be consistent with the Coastal Act given the significant archeological and historical significance of the site which cannot be mitigated, as indicated in the SHPO letter.

Moreover, there remain unresolved enforcement issues related to unpermitted archeological work on the Ridge Property. The Commission issued "Consent Orders" Nos. CCC-13-CD-08/09 and CCC-13-RO-08/09 to resolve violations of the Coastal Act on the Ridge Property, and adjacent Goodell Property, that included unpermitted excavation and removal of an intact prehistoric house pit and excavation of trenches and test units within an area of known archaeological and cultural significance on the properties. Under the terms of the Consent Orders, the property owners agreed to take steps in order to restore the areas subject to the unpermitted excavations and ensure protection and appropriate treatment of the significant archaeological and cultural resources on the properties. These enforcement issues remain unresolved. Appropriate land use designation at the site will depend, among other things, on resolution of these issues. Therefore, suggested modifications cannot be prepared at this time to address the issue of cultural resources.

It should also be noted that although the presence of the prehistoric house pit (though illegally removed) is acknowledged by all parties, under the proposed amendment, the entire site would be land use designated residential. The appropriate land use designation in an area of known archeological resources is open space.

For these reasons, Commission staff no longer believes that suggested modifications can be prepared that could result in an LCP amendment that could be found to be consistent with Section 30240 of the Coastal Act.

b) Habitat

In the staff recommendation prepared for the January 2014 hearing, only a habitat buffer measured 20 feet from the southeast corner of the property was required by the suggested modifications. This buffer area was intended to protect the coastal sage scrub/grasslands transitional area of restored habitat. No setback was required from the remainder of the restored habitat immediately adjacent to the eastern property line. A setback from the eucalyptus ESHA was only required by the previous suggested modifications if future development did not include a six foot high masonry wall along the eastern property line. Moreover, impacts to the eucalyptus ESHA due to loss of raptor foraging area and due to drainage pattern modifications on the Ridge Property that would result from future

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residential development of the site were not considered at all in the suggested modifications.

However, with release of the January 2014 staff recommendation, a comment letter (Bloom, exhibit 14) was received raising issue with the adequacy of a masonry wall to protect the eucalyptus ESHA and assure its continuance. The letter also questioned the related loss of raptor foraging due to acceptance of the wall rather than a buffer setback distance on the ground. In addition, a comment letter (Stivers, exhibit 15) was received detailing the impacts to the eucalyptus ESHA due to changes in site drainage that would result from future residential development of the Ridge Property. These ESHA impacts are discussed in greater detail earlier in this staff report. In response to the questions raised regarding these aspects of the previously prepared suggested modifications, the Commission's staff ecologist prepared the Memorandum attached as Exhibit 16, which states that the standards for the previously recommended setbacks were "based solely on reducing anthropogenic disturbance to sensitive habitats, [which] are insufficiently protective of raptor habitat and the important vegetation on the Shea property." Further, in general regarding the issues raised by Mr. Bloom and Mr. Stivers, the staff ecologist's memo states: "I agree that these are serious impacts and I did not consider them in my earlier recommendations."

Based on the information received and questions raised in response to the January staff report, it became clear that the Ridge Property itself was not devoid of habitat value and that the proposed change in land use designation resulting in the loss of the open space designation at the site would indeed have adverse impacts on ESHA. Thus, Commission staff could no longer find that the proposed change in land use designation, even with suggested modifications, would be consistent with the Coastal Act requirements to protect ESHA.

F. City Staff and Property Owner's Suggestions

1. Subarea Table

The City staff and the property owner have presented possible avenues for developing suggested modifications for the proposed LCP amendment that would tie the Ridge and Goodell Properties. One avenue would be to add the Ridge Property to Subarea Table C-2 in the City's certified LUP. The certified Land Use Plan Table C-2 identifies subareas of the City's coastal zone and describes the permitted uses, development requirements, and restrictions that apply to each of the subareas. This approach was successful with the adjacent Parkside Property. And, in fact, this is the approach that was used in the suggested modifications developed for the Commission's January 2014 hearing. The January suggested modifications included a trigger that would have allowed the land use designation on the Ridge Property to change from open space to residential at the time an offer to dedicate the Goodell Property as open space is accepted.

However, Commission staff no longer recommends this avenue because it is now believed that the open space designation is appropriate for the Ridge Property, and thus

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allowing it to change, even once the Goodell Property is preserved in open space cannot be found to be consistent with the Coastal Act. If both the Ridge and Goodell Properties were before the Commission under a single action request (such as a consolidated coastal development permit or a single LCPA that includes both sites), the overall 11 acre area could be considered together. This would allow the Commission to determine whether any portion of either site could support residential development, and if so, where the residential development could be located that would be consistent with the requirements of the Coastal Act and the City's certified LCP. The Ridge Property owner has the ability to pursue a consolidated CDP as owner of the Ridge Property, and as holder of an exclusive option to purchase the Goodell Property. However, thus far, the Ridge Property owner has declined this option.

2. Residential Overlay Zone

More recently, the City staff and the property owner have presented an avenue for developing suggested modifications by creating and attaching a Residential Overlay Zone to the Open Space-Parks land use designation at the Ridge Property. The Residential Overlay Zone would apply only to the Ridge Property. This avenue would also add the Ridge Property as a new subarea to the subarea table, providing a subsection that would describe the requirements for the residential overlay to become effective.

Allowing residential use as an overlay within an Open Space-Parks land use designation is an unusual approach. Although overlay zones are routinely used in planning and zoning documents, most typically, overlay zones allow the underlying use(s), but impose additional and/or more specific requirements/restrictions on properties within the overlay zone. It is very unusual to apply an overlay to allow an expansive use of property antithetical to the underlying use, as is being suggested here in suggesting that residential use could be allowed in an open space area.

The City's certified LCP does contain a number of overlay zones, both in the LUP and in the IP. For example, the IP includes the coastal zone overlay and the flood protection overlay. In addition, the City's certified IP Downtown Specific Plan includes a Visitor-Serving Commercial Overlay in the Specific Plan's District One. In each of these overlay zones, the overlay does not allow an opposite use; rather the overlay zones tend to impose more specific and/or increased restrictions necessary to address specific concerns applicable to the parcels to which the overlay zone applies. For example, the coastal zone overlay, lets a reader know that the subject site is in the coastal zone and that in addition to the requirements of the underlying zone, the requirements of the City's LCP also apply. The coastal zone overlay is applied to all properties located within the City's coastal zone. Likewise the flood protection overlay zone lets a reader know that, in addition to the requirements of the underlying zone, specific measures necessary for flood protection area also required. Similarly, the Visitor-Serving Commercial Overlay Zone in District 1 of the City's Downtown Specific Plan establishes more specific and restrictive requirements for development within the overlay. In District 1 of the Downtown Specific Plan, the primary use is visitor serving commercial, however, other types of commercial and non-commercial uses are also allowed, subject to some

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restrictions. The overlay applies to the portion of District 1 located within the City's visitor serving core along Main Street and Pacific Coast Highway, just inland from the City's pier. In District 1 generally, all ground floor, street fronting uses must be visitor serving commercial uses. However, in the VSC overlay zone, the entire ground floor area, not just ground floor, street fronting area, must be a visitor serving use. Thus, the use is still consistent with the uses allowed in District 1, but in the area most appropriate for visitor serving commercial use, the overlay requires more specific types and locations for the uses allowed within the District.

It is unusual, if not unheard of, for an overlay zone to allow a completely different and more expansive land use than the underlying zone. And it is very odd indeed to create an overlay zone to allow residential development within an Open Space-Parks land use designation. The two uses are not complimentary. The residential overlay suggested by the City would allow a completely different, lower priority use within the underlying high priority Open Space-Parks designation.

More importantly the residential overlay zone presented by the City staff and the property owner addresses the Commission staff's concern of retaining the Open Space-Parks land use designation at the Ridge Property until open space is assured on the Goodell Property by simply allowing residential use in an open space land use designation. However, allowing residential development within the Open Space-Parks land use designation in effect retains the open space designation in name only.

Furthermore, the overlay option still creates the issue of residential use at the Ridge Property being recognized in the certified land use designation, but then if the Goodell Property, for whatever reason, is no longer available to the current or a future Ridge Property owner, that owner could argue that the certified land use designation does not allow him/her to develop his/her property consistent with the approved land use designation, creating a legal conundrum that could significantly hamper regulatory efforts to protect the significant habitat and cultural resources on the subject site, thereby causing irretrievable loss of those significant resources.

In presenting the overlay language to be considered for use as suggested modifications, the City staff and the property owner included examples of overlay zones the Commission has approved previously. These examples included the Capitola Affordable Housing Overlay (City of Capitola LCP Amendment No. 1-10 (Part 2), 2/11/11); the Carpinteria Green Heron Spring/Ellinwood Parcel Overlay (City of Carpinteria LCP Amendment 2-07, 2/5/09), and Transfer Density Overlay Zone (City of Pismo Beach, referenced in LCP Amendment 1-10 Part 1). In each of these examples provided by the City staff and the property owner the overlay provides more specific standards than are otherwise required in the underlying land use designation or zone. None of these examples include an overlay zone that allows a use antithetical to the underlying allowed use.

The Capitola Affordable Housing Overlay allows increased density when affordable units are provided in a development project. However, the overlay only applies in Multiple

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Family residential zoning districts. So the use allowed by the overlay zone, multiple family housing, is consistent with the underlying zone – multi-family housing. The Capitola overlay example does not allow a completely different type of use from the underlying residential zone. It does not allow a use inconsistent with the underlying zone, such as allowing residential use within an area land use designated Open Space-Parks.

The Carpinteria Green Heron Spring/Ellinwood Parcel Overlay was created as a suggested modification by the Commission in approving that LCPA. As stated in the overlay itself, the purpose of the overlay is to provide specific standards for development of the parcel to ensure a more precise level of planning than is ordinarily possible under the IP, specifically regarding oak tree protection and mitigation, retention basin drainage pond maintenance, wetland enhancement, permanent stormwater management, drainage plans and lighting. Again, this overlay does not allow a distinct, separate use that is inconsistent with the underlying zone (in this case the underlying zone is Planned Unit Development), but rather to provide more specific standards for development within the overlay. Both the overlay and underlying zones allow Planned Unit Development. The more specific standards of the overlay zone are intended to provide increased protection of resources. An interesting aside regarding this LCPA is that it approved pre-zoning for a site that was in the process of being annexed into the City, but the annexation had not yet been finalized. That is the same case with the Goodell Property. The City is in the (suspended) process of annexing the site, but annexation is not yet final. This suggests the option of the City submitting an LCPA that includes both the Ridge and Goodell Properties that proposes pre-zoning for the Goodell Property that would become effective once annexation is final.

Finally, the Pismo Beach LCP amendment referenced by the City staff and the property owner references the Transfer Density Overlay Zone in the Pismo Beach LCP. In this case, the overlay zone is intended to provide incentives to preserve a scenic stretch of parcels in open space. As stated in the findings for Pismo Beach LCPA 1-10 Part 1, the purpose of this overlay zone is to preserve sensitive scenic resources and open space areas in the City. Although residential use within the open space zone in this case could be allowed at the parcels subject to this overlay zone, the residential use could only be allowed when the property owner demonstrates, via an economic viability study, that the uses allowed in the open space zone do not afford the owner any economic use of the property. And, more importantly, the allowance for residential development in the open space zone is NOT described in the overlay zone, but rather in the underlying zone. Rather, the overlay zone offers an incentive to preserve the open space, not destroy it. Again, this overlay zone would not allow development inconsistent with the underlying zone, but instead would allow development density to be transferred to a more appropriate location in order to avoid adverse impacts to coastal resources that would otherwise accrue.

The residential overlay zone suggested by the City staff and the property owner would not protect coastal resources. It would allow residential development in an area land use designated open space. The intent of an open space designation and a residential

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designation are diametrically opposed. Residential development destroys the resources that would be protected in an open space designation. Moreover, according to the language presented by the City staff and the property owner, residential development would be allowed prior to acceptance of the Goodell Property for open space uses. If the Goodell Property were offered for dedication, but not accepted, and the offer expired, the open space use on the Ridge Property would be lost with no offsetting measures. If the Goodell Property were offered for dedication, but was not accepted for many years, in that interim significant impacts would accrue. Moreover, it is now known that the Ridge Property itself contains significant resources and the open space designation is appropriate at that site. If the property owner wishes to preserve the Goodell Property in exchange for residential development on the Ridge Property, then both properties should be put before the Commission concurrently. Considering both properties at the same time, under a single action would allow consideration of whether some parts of either site might support development and appropriate preservation in open space on other parts could be assured.

The recently suggested overlay language does not present any new or different solutions from the previous Subarea Table approach. The overlay language would still add a Ridge Property subarea to the Subarea Table. It would still allow residential development on the Ridge Property once the Goodell Property is offered for open space dedication, but prior to acceptance of that offer by an appropriate entity. While the new language adds the possibility of grant deed rather than an offer to dedicate prior to allowing residential development, that decision is up to the property owner. The new language would add the overlay mechanism, but what that effectively does is allow residential development within the Open Space-Parks land use designation. The overlay approach would not resolve the dispute with the previous suggested modifications regarding whether or not the Goodell Property must be ACCEPTED prior to the land use designation conversion. The potential to allow residential development within the Open Space-Parks land use designation is a dangerous and slippery precedent. Moreover, it must be reiterated that the City is NOT proposing this language but rather requesting that the Coastal Commission impose it.

Trying to link the two sites via this LCP amendment is difficult because only the Ridge Property is located within the City's LCP jurisdiction or corporate boundaries. If the Coastal Commission were to accept a change to Residential land use designation on the Ridge Property, any requirements involving the Goodell Property would be difficult to assure because of its location outside this LCP's jurisdiction. Thus the open space designation on the Ridge Property would be lost, but preservation of the Goodell Property in open space would not be assured. Moreover, as discussed earlier in this staff report, regardless of any alternative language put forth by City staff and the property owner, allowing the proposed land use designation change on the Ridge Property cannot be found to be consistent with the Coastal Act given the recent information that has come to light regarding the significant biological and cultural resources on the site.

As proposed, only the Ridge Property is before the Commission and only the request to eliminate the Open Space-Parks land use designation and replace it with a Residential

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Low Density land use designation is before the Commission. The City has not PROPOSED any of the options it has presented. If the land uses at the Ridge and Goodell Properties do not occur as is currently expected by the property owner, the burden of proof would shift from demonstrating that the Ridge Property's currently certified land use designation should be retained as Open Space-Parks to demonstrating why the "approved" residential use should not go forward. In effect, under the Ridge Property owner's "alternative" language, the Commission would, likely on appeal, take on the regulatory burden of attempting to condition development on the Ridge Property to address the impacts of the significant cultural and biological resources on the Ridge site (especially if a large swath of the site is considered a significant cultural resource) if the permanent restrictions on the Goodell Property are not imposed prior to the land use designation change. The language suggested by the property owner does not answer the question of how the land use designation would be implemented in the future in the event that the Goodell Property is not be available in the future offset the loss of open space at the Ridge Property. If either property is sold or otherwise changes hands, or even if either current property owner changes the currently expected plans for their respective properties, a potential developer of the Ridge Property could reasonably argue that the Commission has found residential development to be an acceptable use at the Ridge Property, and the Goodell Property is not available to off set the open space loss. Thus, the City staff and the property owner's option does not assure that open space/recreation will be preserved nor does it account for the protection of cultural and biological resources on the Ridge site. Without such assurance, the higher priority open space use would be lost, and protection of significant cultural and biological resources would not be assured. Thus, the City staff and the property owner's language cannot be found to be consistent with the Coastal Act.

As described in this staff report, the property owner has other options to pursue that could allow consideration of a residential project at the Ridge Property concurrently with extinguishment of development potential on the Goodell Property.

III. FINDINGS FOR DENIAL OF THE IMPLEMENTATION PLAN

A. Incorporation of Findings for Denial of the Land Use Plan Amendment

The findings for denial of the Land Use Plan amendment as submitted are incorporated as though fully set forth herein.

B. Implementation Plan Amendment Description

The Local Coastal Program (both Land Use Plan and Implementation Plan) amendment was submitted for Commission action pursuant to Huntington Beach City Council Resolution 2010-48. The City's certified Implementation Plan is comprised of the City's Zoning and Subdivision Ordinance (ZSO), the Zoning District Maps, and a number of Specific Plans. The proposed zone change is reflected in Zoning Map Amendment 08-007, attached as Exhibit D to City Council Resolution No. 2010-48. In addition, Zoning

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Text Amendment No. 09-008, attached as Exhibit C to City Council Resolution No. 2010-48, requests a change to Chapter 210 *Residential Development* of the ZSO. The City's submittal resolution and attachments are included herein as Exhibit 3.

The subject site is an approximately five acre site located southeast of the intersection of Los Patos Avenue and Bolsa Chica Road (See Exhibit 1), described in greater detail previously. The site is currently land use designated Open Space-Parks and zoned Residential Agriculture. The proposed amendment would change the land use designation to Residential Low Density-7 dwelling units per acre (RL-7). The proposed amendment would also change the zoning designation at the site from Residential Agriculture – Coastal Zone Overlay (RA – CZ) to Residential Low Density - Coastal Zone Overlay (RL-CZ). The proposed land use designation change is discussed earlier in this staff report and those findings have been incorporated herein by reference.

In addition to the proposed change to the zoning on the Ridge Property to RL-7, the proposed zoning map shows a strip of land running the length of the northern property line that, as proposed, would be retained as Residential Agriculture.

Changes proposed via Zoning Text Amendment No. 09-008 include a request to modify Chapter 210 *Residential Development* of the Zoning and Subdivision Ordinance (the certified Implementation Plan) by adding two new sections to existing sub-section 210.12 *Planned Unit Development Supplemental Standards and Provisions*.

The changes proposed to sub-section 210.12 are (language proposed to be added by the City is shown below in ***bold italic*** text):

210.12 Planned Unit Development Supplemental Standards and Provisions

This section establishes supplemental development standards and provisions that shall apply to all planned unit developments.

A Planned Unit Development shall provide a mutual benefit for the residents of the project as well as the general public. Examples of public benefits that may be provided in a Planned Unit Development include, but are not limited to: the creation of permanent open space, usable and appropriately located recreation facilities, the conservation of natural elements, land features and energy, and other public improvements.

- A. Maps. A tentative and final or parcel map shall be approved pursuant to Title 25, Subdivisions.
- B. Project Design.
 - a. Driveway parking for a minimum of fifty percent of the units shall be provided when units are attached side by side.

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- b. A maximum of six units may be attached side by side and an offset front of the building a minimum of four (4) feet for every two units shall be provided.
- c. A minimum of one-third of the roof area within a multi-story, multi-unit building shall be one story less in height than the remaining portion of the structure's roof area.
- d. ***The number of required parking spaces for each dwelling unit shall be provided in accordance with Chapter 231. In addition, one or more of the following alternative parking configurations may be permitted in a Planned Unit Development if it is determined that such configuration and location thereof will be accessible and useful in connection with the proposed dwelling units of the development:***
 - 1. ***Required enclosed spaces may be provided in a tandem configuration provided that the minimum parking space dimensions comply with Section 231.14.***
 - 2. ***Required open spaces may be provided with a combination of off-street and on-street spaces as long as the total number of required parking spaces is provided with the development site.***

C. Land Use Plan Consistency

1. Consistency with Land Use Designation

Ridge Property

The Ridge Property is currently zoned Residential Agriculture. Section 9100 General Provisions of Article 901 Residential Agriculture District (RA) states: "The residential agriculture district (RA) is intended to serve as a transition or holding zone for property with current agricultural activities and as a zone where restricted residential development is permitted. Section 9104 provides for the maximum density/intensity within the RA zone: "The maximum density shall not exceed one unit per acre. A maximum of five (5) units is permitted on any single parcel." Thus, the currently certified zoning could allow up to five residential dwelling units on the Ridge Property. However, as noted earlier, the land use designation at the site is Open Space-Parks. Table C-1 of the certified Land Use Plan/Coastal Element (LUP) establishes the land use designation categories and their typically permitted uses. Uses permitted in the Open Space-Parks land use designation are: "Public parks and recreational facilities, which provide activities such as, but not limited to: picnic and observation areas, nature trails, peripheral bike paths, tot-lots, play fields informational signs and/or displays. Ancillary development may include buildings such as maintenance equipment storage, restrooms, nature centers, concession stands, and parking."

Based on the uses allowed within the land use designation Open Space-Parks compared to the uses allowed in Residential Agriculture, the currently certified zoning at the Ridge

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Property is inconsistent with the site's currently certified land use designation. Thus, as currently certified, the subject site's land use designation and zoning are inconsistent. The proposed amendment would change both the land use designation and zoning to Residential. Thus, the amendment as proposed would create consistency between the proposed land use designation and the proposed zoning where none currently exists. However, the proposed Land Use Plan/Coastal Element amendment to eliminate the open space land use designation has been denied. Thus, the proposed Residential zoning across the entire subject site cannot be found to be consistent with or adequate to carry out the Open Space-Parks land use designation. Therefore, the Implementation Plan zoning amendment must be denied as submitted.

30 Foot Wide Parcel Along Northern Property Line

The proposed zone change is reflected in Zoning Map Amendment 08-007, attached as Exhibit C to City Council Resolution No. 2010-48 (See Exhibit 3). The proposed zoning map shows a strip of land immediately north of the subject site to be retained as Residential Agriculture. At the time the amendment request was submitted, it was unclear whether the 30 foot wide strip of land along the Ridge Property's northern property line was part of the Ridge Property or a separate parcel. Based upon information ultimately provided by the City, it has been demonstrated that this strip of land is a separate parcel from the Ridge Property and that it is owned by the City.

This same parcel of land is shown on the proposed land use plan map as Open Space-Parks. It seems likely that the proposed Residential Agriculture zone designation shown on the proposed zoning map is an error. Currently, the Ridge Property is the only property left in the City that is zoned Residential Agricultural. The City has indicated that, with the proposed amendment to change the zoning at the Ridge Property to residential, the Residential Agriculture zone will no longer apply to any property anywhere in the City. This supports the likelihood that it is not the City's intent to zone the parcel north of the Ridge Property Residential Agriculture. Nevertheless, that is what the proposed zoning map reflects. More likely, it was the City's intent to zone this strip of land Open Space-Parks and Recreation, consistent with the proposed Land Use Plan Map (Extract of Figure C-6). However, there is no discussion in the LCP amendment submittal about either the land use designation or the zoning for this strip of land or about this parcel at all. The only zone change discussion submitted with the proposed amendment addresses the proposed zone change from Residential Agriculture to Residential. There is no discussion regarding retaining the existing zoning for this parcel or of re-zoning it Open Space-Parks and Recreation. Thus, we must rely on the zoning as it is reflected on the proposed zoning map.

The City has since clarified that it is its intent that this parcel be zoned Open Space-Parks and Recreation and that it be used as a public access trail linking the informal trail on the Parkside Property with Bolsa Chica Street. Although this appears to have simply been an oversight in the amendment submittal, it is important to clarify the correct zoning for this strip of land in order to implement the important public access function it is intended to serve. If this area were to be zoned Residential Agriculture, that could present a barrier

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to establishing and maintaining its intended public access use. The proposed amendment, as reflected in the proposed zoning map indicates that the 30 foot wide parcel north of the Goodell Property is proposed to be zoned Residential Agriculture. Thus, it is inconsistent with the Open Space-Parks land use designation at the subject site and therefore must be denied as submitted.

2. Priority of Use

The City's certified Land Use Plan/Coastal Element (LUP) includes the following goals, objectives and policies:

Goal C3-Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Objective C 3.1-Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policy C 3.1.3-Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Objective C 3.2-Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Policy C 3.2.1-Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

Policy C 1.1.3 of the certified Land Use Plan states:

The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The policies cited above require that public recreational uses be provided and protected in the Coastal Zone. Policy C 1.1.3 identifies the priority afforded recreational uses over the lesser priority uses of residential, office or general commercial. Residential, office and general commercial uses are not considered priority uses within the coastal zone. Unlike typical coastal recreational uses such as hiking/walking, bird watching, nature study and enjoying the views that draw visitors because of their location in the coastal zone, the lesser priority uses would not typically draw or be a reason for people to visit the coastal zone. In addition, the lesser priority uses are not normally dependent on a coastal location and could function just as well elsewhere. As the population increases, greater demand is placed on those limited opportunities for coastal recreation that are available, making it all the more important to retain those areas identified to fill that need.

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The existing zoning at the site, Residential Agriculture, does not provide high priority coastal recreational uses, and, moreover the RA zone is not consistent with the currently certified land use designation, Open Space-Parks. However, rather than eliminate the higher priority certified land use designation and then change the zoning to be consistent with that, the preferred option and the option consistent with the LUP policies cited above, would be to retain the higher priority land use designation and change the zoning to be consistent with that. As described previously in the findings for denial of the Land Use Plan amendment as submitted, the proposed loss of the Open Space-Parks designation is not consistent with the priority of use and the public access and recreation policies of the Coastal Act. Likewise, changing the zoning at the subject to make it consistent with a lesser priority use rather than changing it to make it consistent with the currently certified land use designation cannot be found to be consistent with the priority of use and public access and recreation policies of the certified LUP. Moreover, no measures to offset the loss of the higher priority use were considered as part of the amendment process. Therefore, it cannot be found that the proposed loss of land designated for higher priority recreational use is unavoidable. It is recognized that a zone change to create consistency between the land use designation and zoning at the site is appropriate. However, such a change must be consistent with the policies of the certified LUP, including the priority of use policies and the policies that promote public access and recreation. As proposed, the zone change will not be consistent with the certified Open Space-Parks land use designation at the site. Thus, the proposed zone change will not be consistent with or adequate to carry out the City's certified Land Use Plan. Therefore, the Implementation Plan zoning amendment must be denied as submitted

3. Cultural Resources

The City's certified Land Use Plan/Coastal Element includes Goal C 5, which states:

Promote the preservation of significant archaeological and paleontological resources in the Coastal Zone.

In addition, the City's certified Land Use Plan/Coastal Element also includes Objective C 5.1, which states:

Identify and protect, to the maximum extent feasible, significant archaeological, paleontological and historic resources in the Coastal Zone.

LUP Policy C 5.1.2 states: "*Where new development would adversely impact archeological or paleontological resources within the Coastal Zone, reasonable mitigation measures to minimize impacts shall be required.*"

The proposed change in the land use designation and implementing regulations for the Ridge site is consistent with the above cultural resource protection policies. If the site remains in Open Space-Parks land use, allowing low intensity development that is

Huntington Beach Major LCPA No. 1-12
The Ridge

complementary to the rich cultural heritage of the site would be consistent with the existing land use designation. A change in the land use designation that would allow up to 22 residential units is inconsistent with the above LUP policies. As submitted, the future residential use of the site would have little or no setback adjacent to most of the pre-historic house pit that existed on the site prior to its removal without a required coastal development permit and the land owner would be able to remove significant cultural features that are discovered through grading for the residential development. Therefore, the proposed Implementation Plan amendment is inconsistent with the certified Land Use Plan provisions aimed at protecting cultural resources and is denied.

4. Habitat

The certified Land Use Plan includes the following goals, objectives, and policies regarding protection of wetlands and environmentally sensitive habitat areas (in pertinent part):

Goal C7 – Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City’s Coastal Zone, including the Bolsa Chica which is within the City’s Sphere of Influence.

Objective C 7.1 – Regulate new development through design review and permit issuance to ensure consistency with Coastal Act requirements and minimize adverse impacts to identified environmentally sensitive habitats and wetland areas.

Policy C 7.1.2 – Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. ...

Policy C 7.1.3 – 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.

Policy C 7.1.4 – Require that new development contiguous to wetlands or environmentally sensitive habitat areas include buffer zones. Buffer zones shall be a minimum of one hundred feet setback from the landward edge of the wetland with the exception of the following: ...

Objective C 7.2 – Promote the improvement of the biological productivity and appearance of wetland and environmentally sensitive habitats.

As required by the Land Use Plan policies cited above, the certified LUP limits the amount and types of development that may occur within and adjacent to environmentally sensitive habitat areas (ESHAs). Environmentally sensitive area is defined in the certified LUP Glossary as “any area in which plant or animal life or their habitats are

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either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” With the ever rising pressure to develop in the southern California coastal zone, preservation of those ESHAs that remain becomes more critical. The ESHA policies of the certified LUP recognize the importance of preserving and protecting these significant resources.

The Ridge Property is located within close proximity to a significant amount of sensitive habitat including ESHAs and wetlands. Restored habitat will be located immediately adjacent to the subject site. Yet consideration of protection of these resources was not included in the proposed amendment. The proposed zone change would make the entire site Residential without considering whether setbacks from sensitive habitats necessary to protect those habitats would extend onto the Ridge Property. In fact, the site falls within the habitat buffer required for the Parkside eucalyptus ESHA and the site is immediately adjacent to restored habitat on the Parkside Property including native grasslands and coastal sage scrub. Typically, required setbacks necessary to protect sensitive habitat are land use designated Open Space-Conservation and zoned Coastal Conservation. This land use designation and zoning have been applied throughout the project vicinity on areas with sensitive habitat, including at the immediately adjacent Parkside and Brightwater Properties. However, no such designation or zoning have been included in the proposed amendment. Consequently, the amendment cannot be found to be consistent with the certified LUP policies regarding habitat protection. Therefore the amendment must be denied as submitted.

IV. California Environmental Quality Act

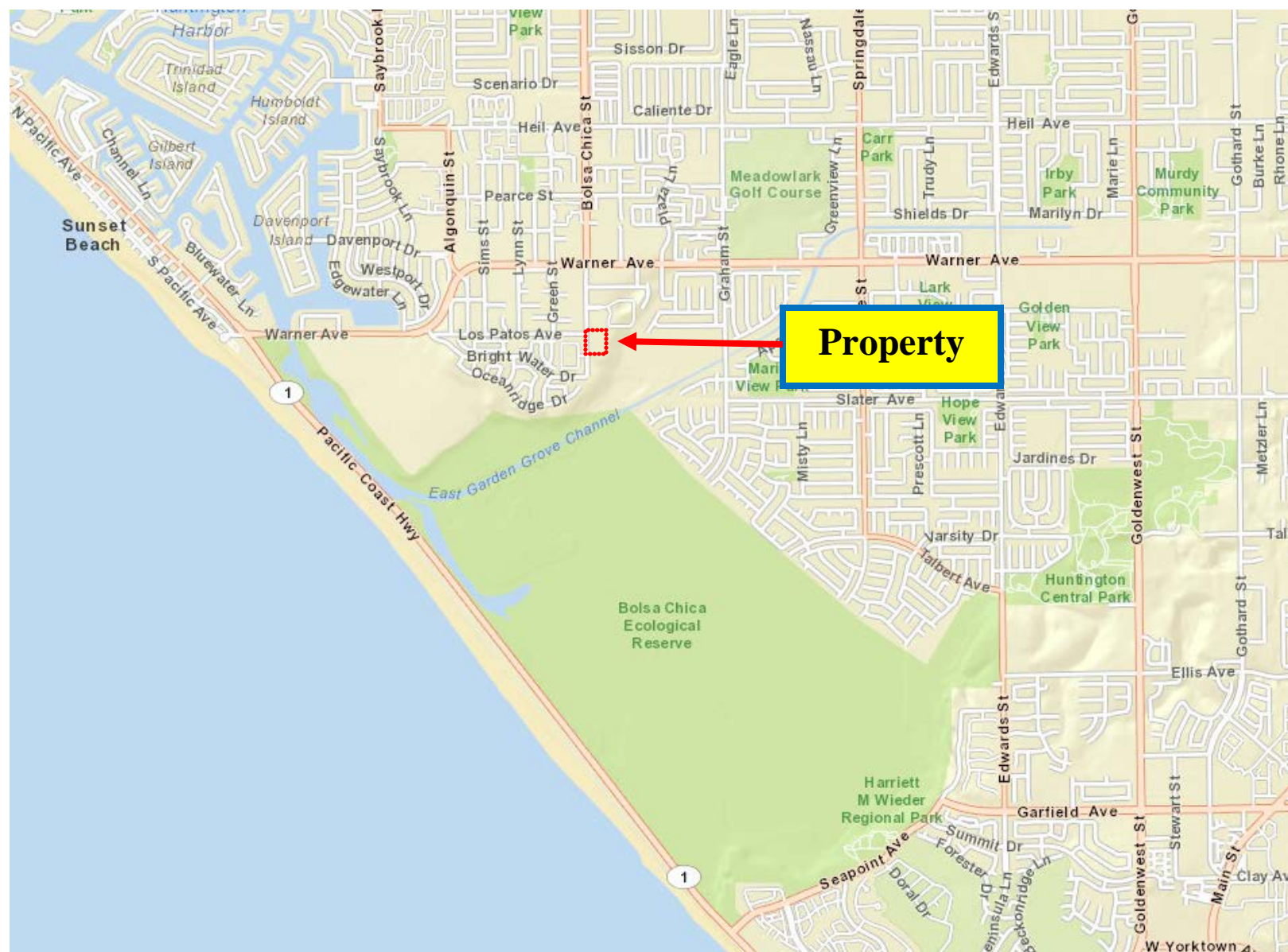
Section 21080.9 of the California Public Resources Code – a section of the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission’s LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process, pursuant to Public Resources Code (“PRC”) section 21080.5. Thus, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required, in approving an IP or LCP submittal (or, as in this case, an IP or LCP amendment submittal) to find that the approval does conform with the provisions of CEQA, including the requirement in PRC section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b). The City of Huntington Beach LCP amendment 1-12 effects both the Land Use Plan and Implementation Plan (IP) portions of the LCP.

As outlined in this staff report, the LUP amendment request is not consistent with the public access and recreation, priority of use, cultural resource protections and habitat

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protection policies of the Coastal Act; and the IP amendment is not in conformity with nor adequate to carry out the public access and recreation, priority of use, cultural resource protections and habitat protection policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment will result in significant adverse environmental impacts under the meaning of CEQA.

Feasible alternatives exist in that a revised LCP amendment could be prepared and submitted for Commission action that addresses the loss of open space designated area and the resultant impacts on higher priority uses, protection of cultural resources and protection of habitat either at the subject site alone or together with the adjacent Goodell Property. In either case, methods to address these issues must be included in any future LCPA for the subject site. An additional alternative exists in that the property owner could submit a consolidated coastal development permit application that allows consideration of the subject site together with the adjacent Goodell Property such that appropriate protections can be assured. Therefore, the Commission finds that there are feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts. Therefore, the Commission finds that, for the reasons described in this staff report, the proposed LUP amendment is inconsistent with the Coastal Act and that the IP amendment is inconsistent with the certified LUP and therefore must be denied.



Location of the Property



Overview of the Properties

AUG 17 2010

CALIFORNIA
COASTAL COMMISSION

RESOLUTION NO. 2010-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 09-002 TO AMEND THE LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCES TO AMEND ZONE 2 – LAND USE PLAN OF THE CITY'S COASTAL ELEMENT FOR THE REAL PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF BOLSA CHICA STREET AND LOS PATOS AVENUE AND TO REFLECT ZONING TEXT AMENDMENT NO. 09-008 AND ZONING MAP AMENDMENT NO. 08-007 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Section 30503 and 30510, the Planning Commission of the City of Huntington Beach held public hearings to consider the adoption of the Huntington Beach Local Coastal Program Amendment No. 09-002; and

Such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public hearing on the proposed Huntington Beach Local Coastal Program Amendment No. 09-002, and the City Council finds that the proposed amendment is consistent with the Huntington Beach General Plan, the Certified Huntington Beach Local Coastal Program (including the Land Use Plan), and Chapter 6 of the California Coastal Act; and

The City Council of the City of Huntington Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. That the real property that is the subject of this Resolution is generally located southeast of the intersection of Bolsa Chica Street and Los Patos Avenue and consists of approximately five acres within the City of Huntington Beach (Exhibit A).
2. That the Local Coastal Program (Coastal Element) for the Subject Property is hereby changed to reflect a change in the land use designation for the subject property from Open Space – Parks (OS-P) to Residential Low Density – 7 dwelling units per acre (RL-7) (Exhibit B).
3. That the Huntington Beach Local Coastal Program Amendment No. 09-002 also consists of Zoning Text Amendment No. 09-008 and Zoning Map Amendment

HNBLCPA 3-12

Exhibit 3

No. 08-007, a copy of which is attached hereto as Exhibits C and D, and incorporated by this reference as though fully set forth herein.

4. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 09-002.
5. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 09-002 will take effect automatically upon Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513 and 30519.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 6th day of July, 2010.

ATTEST:

Jean D. Flynn
City Clerk

Cathy Jones
Mayor

INITIATED AND APPROVED:

Suband for SH
Director of Planning and Building

REVIEWED AND APPROVED:

[Signature]
City Administrator

APPROVED AS TO FORM:

Temfor M. Gath
City Attorney
1-27-10
MV-1-27-10

Exhibits:

- A. Location Map
- B. Amended Land Use Plan (Extract of Figure C-6 of the Coastal Element)
- C. Zoning Text Amendment No. 09-008
- D. Zoning Map Amendment No. 08-007

EXHIBIT A

Exhibit A – Location Map

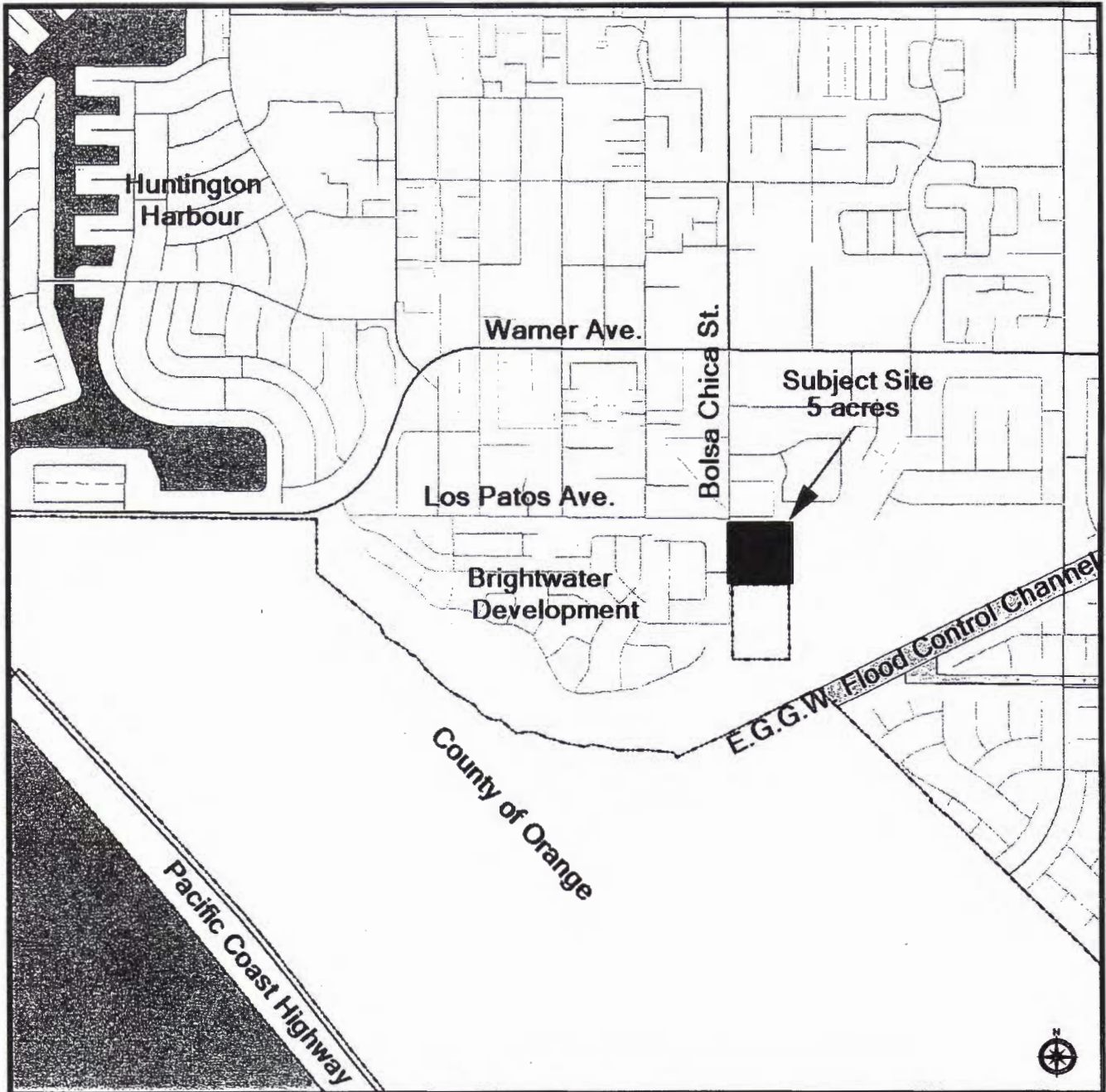
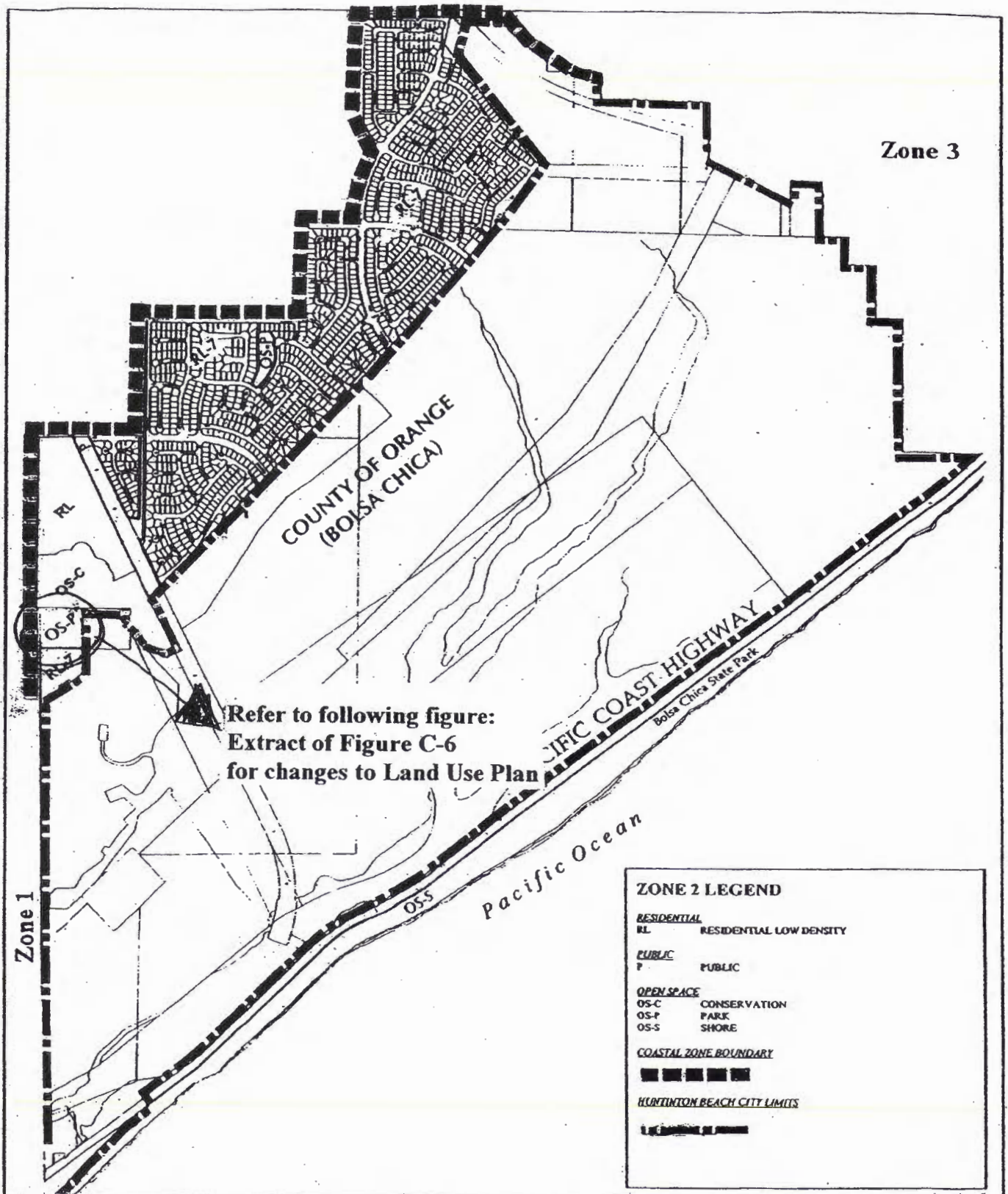


EXHIBIT B



**HUNTINGTON BEACH COASTAL ZONE
ZONE 2 LAND USE PLAN**

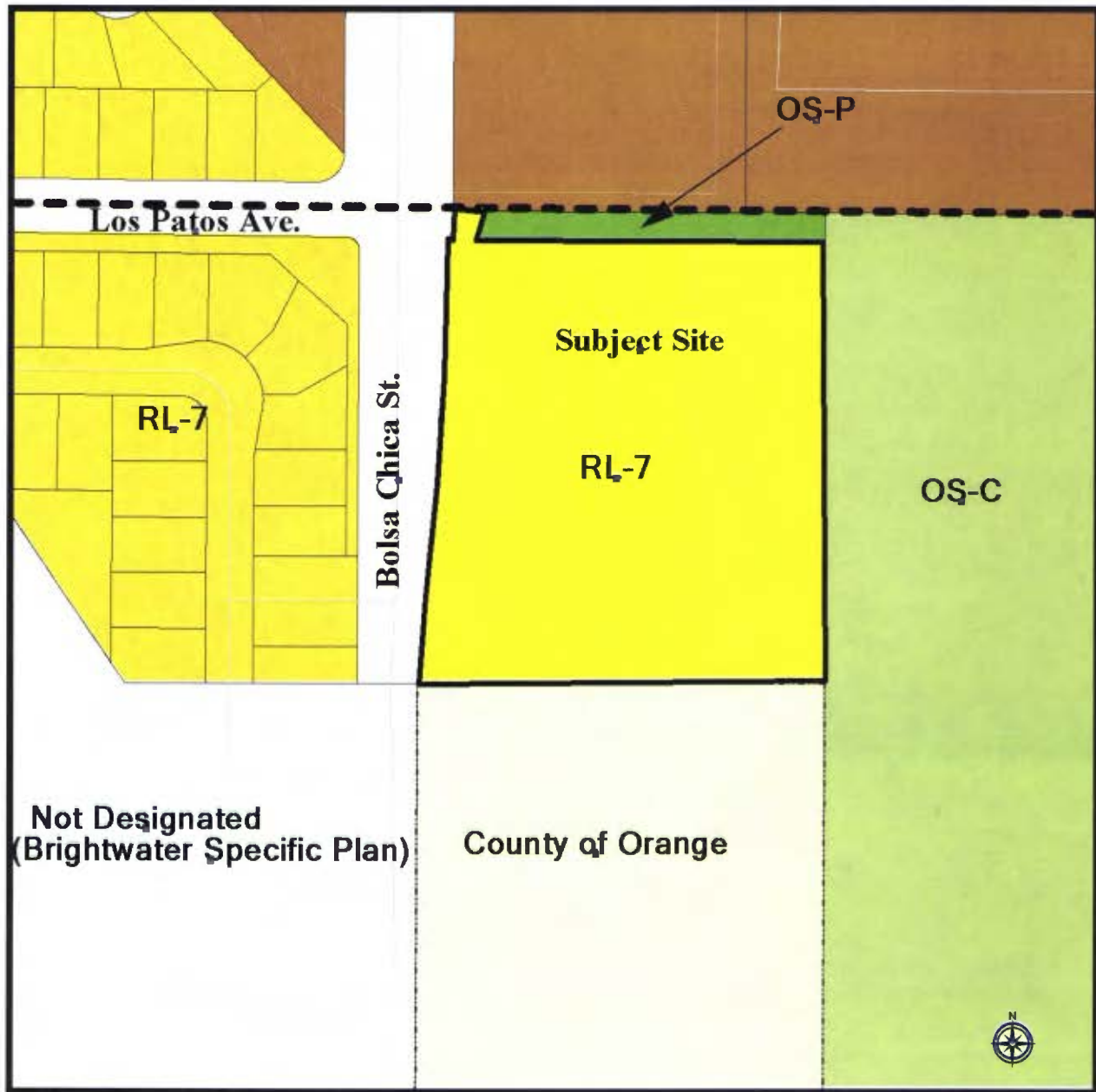
CITY OF HUNTINGTON BEACH COASTAL ELEMENT



AUG 17 2010

CALIFORNIA
COASTAL COMMISSION

Exhibit B –Land Use Plan (Extract of Figure C-6)



Legend

RL-7: Residential Low Density – 7 du/acre

OS-P: Open Space – Parks

OS-C: Open Space – Conservation

----- Coastal Zone Boundary

7

EXHIBIT C

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

210.10 Modifications for Affordable Housing

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed. (3334-6/97, 3410-3/99)

210.12 Planned Unit Development Supplemental Standards and Provisions

This section establishes supplemental development standards and provisions that shall apply to all planned unit developments. (3334-6/97)

A Planned Unit Development shall provide a mutual benefit for the residents of the project as well as the general public. Examples of public benefits that may be provided in a Planned Unit Development include, but are not limited to: the creation of permanent open space, usable and appropriately located recreation facilities, the conservation of natural elements, land features and energy, and other public improvements.

- A. **Maps.** A tentative and final or parcel map shall be approved pursuant to Title 25, Subdivisions. (3334-6/97)
- B. **Project Design.**
 - 1. Driveway parking for a minimum of fifty percent of the units shall be provided when units are attached side by side. (3334-6/97)
 - 2. A maximum of six units may be attached side by side and an offset on the front of the building a minimum of four (4) feet for every two units shall be provided. (3334-6/97)
 - 3. A minimum of one-third of the roof area within a multi-story, multi-unit building shall be one story less in height than the remaining portion of the structure's roof area. (3334-6/97)
 - 4. **The number of required parking spaces for each dwelling unit shall be provided in accordance with Chapter 231. In addition, one or more of the following alternative parking configurations may be permitted in a Planned Unit Development if it is determined that such configuration and location thereof will be accessible and useful in connection with the proposed dwelling units of the development:**
 - a. **Required enclosed spaces may be provided in a tandem configuration provided that the minimum parking space dimensions comply with Section 231.14.**
 - b. **Required open spaces may be provided with a combination of off-street and on-street spaces as long as the total number of required parking spaces is provided with the development site.**

LEGISLATIVE DRAFT

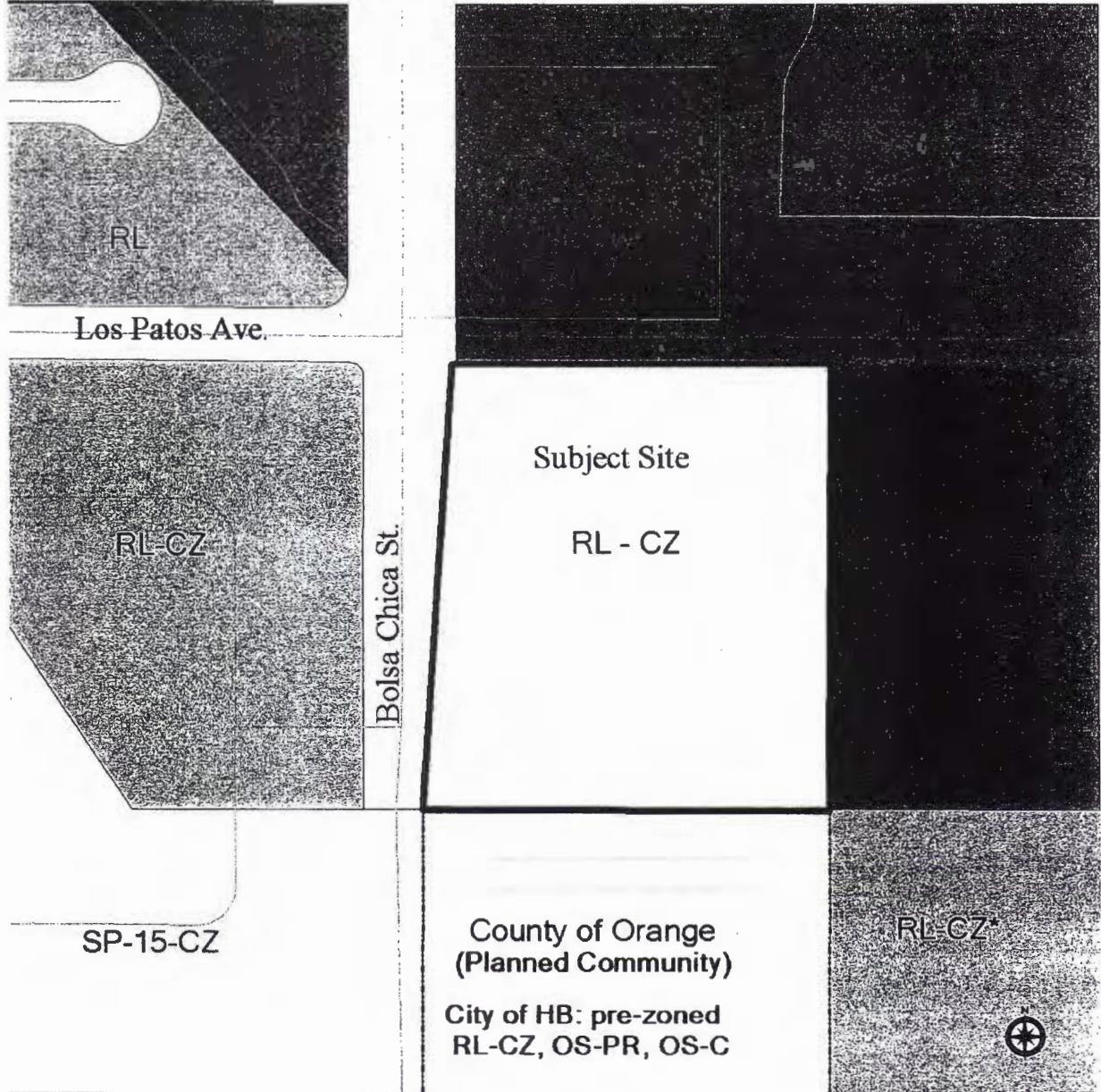
Property Development Standards for Residential Districts

	RL	RM	RMH-A Subdistrict	RMH	RH	RMP	Additional Provisions	
Minimum Building Site	6,000	6,000	2,500	6,000	6,000	10 ac.	(A)(B)(C)	(3410-3/99)
Width (ft.)	60	60	25	60	60	N/A		(3334-6/97, 3410-3/99)
Cul de sac frontage	45	45	-	45	45	N/A		(3334-6/97, 3410-3/99)
Minimum Setbacks							(D)(R)	(3334-6/97, 3410-3/99)
Front (ft.)	15	15	12	10	10	10	(E)(F)	(3334-6/97, 3410-3/99)
Side (ft.)	3;5	3;5	3;5	3;5	3;5	-	(G)(I)(J)	(3334-6/97, 3410-3/99)
Street Side (ft.)	6;10	6;10	5	6;10	6;10	10	(H)	(3334-6/97, 3410-3/99)
Rear (ft.)	10	10	7.5	10	10	-	(I)(J)	
Accessory Structure							(U)	(3334-6/97, 3410-3/99)
Garage							(K)	(3334-6/97, 3410-3/99)
Projections into Setbacks							(L)(R)	(3334-6/97, 3410-3/99)
Maximum Height (ft.)								
Dwellings	35	35	35	35	35	20	(M)	(3334-6/97, 3410-3/99)
Accessory Structures	15	15	15	15	15	15	(M)(R)	(3410-3/99)
Maximum Floor Area Ratio (FAR)	-	-	1.0	-	-	-		(3334-6/97, 3410-3/99)
Minimum Lot Area per Dwelling Unit (sq. ft.)	6,000	2,904	*	1,742	1,244	-		(3334-6/97, 3410-3/99)
Maximum Lot Coverage (%)	50	50	50	50	50	75	(V)	(3334-6/97, 3410-3/99)
Minimum Floor Area							(N)	(3334-6/97, 3410-3/99)
Minimum Usable Open Space							(O)	
Courts							(P)	(3334-6/97, 3410-3/99)
Accessibility within Dwellings							(Q)	(3410-3/99)
Waterfront Lots							(R)	(3334-6/97, 3410-3/99)
Landscaping							(S)	(3334-6/97, 3410-3/99)
Fences and Walls								
Lighting							(T)	(3334-6/97, 3410-3/99)
Underground Utilities								
Screening of Mechanical Equipment								
Refuse Storage Areas								(3410-3/99)
Antenna								(3410-3/99)
Performance Standards								
Off-Street Parking and Loading								
Signs								
Nonconforming Structures								
Accessory Structures								(3706-6/05)

* Lots 50 feet or less in width = 1 unit per 25 feet of frontage
 Lots greater than 50 feet in width = 1 unit per 1,900 square feet
 N/A = Not applicable

EXHIBIT D

Amended Zoning Map



*The City recently approved a zoning map amendment to change the current zoning designations to CC – Coastal Conservation to be consistent with the Land Use Plan. The City's approval has been submitted to the California Coastal Commission for approval as LCPA No. 1-09.

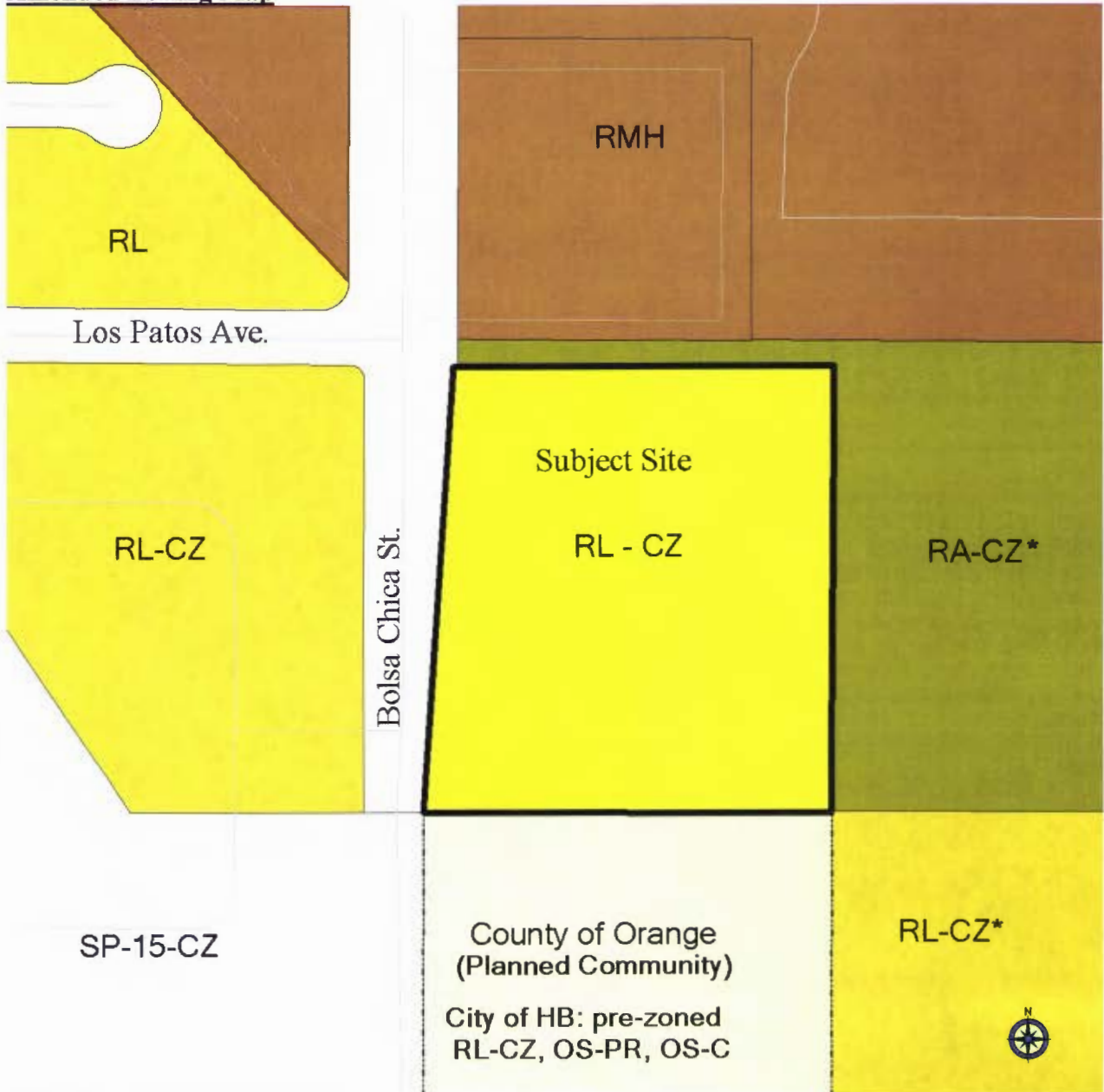
Legend

RL – Residential Low Density
RA – Residential Agricultural
RMH – Residential Medium High Density
SP15 – Specific Plan 15 (Brightwater)
OS-PR – Open Space –Parks & Recreation
OS-C – Open Space - Conservation
CC – Coastal Conservation
CZ – Coastal Zone Overlay

AUG 17 2010

CALIFORNIA
COASTAL COMMISSION

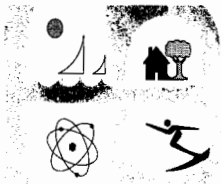
Amended Zoning Map



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Legend

RL – Residential Low Density
RA – Residential Agricultural
RMH – Residential Medium High Density
SP15 – Specific Plan 15 (Brightwater)
OS-PR – Open Space –Parks & Recreation
OS-C – Open Space - Conservation
CC – Coastal Conservation
CZ – Coastal Zone Overlay



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

RECEIVED

South Coast Region

November 23, 2010

NOV 30 2010

Meg Vaughn, Analyst
South Coast Area Office
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302

CALIFORNIA
COASTAL COMMISSION

SUBJECT: Huntington Beach Local Coastal Program Amendment No. 09-002 – “The Ridge” – (Coastal Commission Amendment No. HNB-MAJ-3-10)

Dear Ms. Vaughn:

Thank you for your review and comments to the City of Huntington Beach’s submittal of the above named LCPA. This letter is in response to comments received from you in a letter dated August 31, 2010. We have addressed all of your comments and the additional information that you requested is provided within the responses or as attachments to this letter. In addition, a more legible word version of the archeological abstract will be provided to Coastal staff by the project applicant. For ease of reference, your comments are included in bold-faced and italicized font with the City’s response directly below.

Alternatives Analysis

Consider retaining the existing land use designation and matching the zoning to that land use designation by zoning the site Open Space - Parks and Recreation (OSPR).

This alternative was analyzed by City staff and presented to the City Council for its consideration during its deliberations on the project. This alternative was not adopted by the City Council based on the analysis in the staff report which states in part - “Although the project site is designated Open Space – Park, the site is not currently used for a public park or public open space area. In addition, the property is not included in the City’s inventory of parks and the City’s Community Services Department does not intend to acquire the site in the future for a park or recreational use. Also, since the project site has been privately owned since it was incorporated into the city, passive use of the property by the public has never existed. Therefore, the proposed general plan amendment would not result in a loss of existing park space, passive public open space or a planned future park and recreational opportunity.”

“Currently, under the Open Space – Park land use designation, the project site would be permitted to develop as a public park or public recreational facility. No other uses would be permitted and the property owner would not be able to develop any of the uses allowed under its current Residential Agricultural zoning designation. Given that the City does not intend to acquire the site for development of a public park, the property owner is not afforded the opportunity to develop the property with any development in the interest of the owner. The proposed General Plan amendment would allow the property owner to develop the property and would eliminate a current inconsistency between the General Plan and zoning land use designations”.

Consider matching the land use designation to the certified zone designation Residential Agriculture (RA). The Residential Agriculture zone would allow up to five residences on the subject with continued agriculture use. The corresponding land use designation may be a form of the Mixed Use land use designation.

City staff considered this alternative, but there is no land use designation in the City’s General Plan that matches the Residential Agricultural (RA) zoning. In the City’s General Plan a Mixed Use designation permits the development of residential uses in conjunction with underlying commercial designation, but this land use designation would not further the RA zoning objectives. In addition, the Ridge parcel is one of the few remaining parcels in the City to carry the Residential Agriculture designation and that designation was eliminated from the zoning code in 1995 and the City did not want to perpetuate a zoning designation that was no longer part of its Zoning Code nor used elsewhere in the City. The intent of the RA zone was to provide a transition or holding zone for properties with current agricultural uses. Since the Ridge property is no longer used for agricultural purposes the City determined that the RA zoning was no longer the appropriate zoning.

Consider designating and zoning a portion of the site nearest the adjacent environmentally sensitive habitat area Open Space Conservation (OS-C) and Coastal Conservation (CC) and land use designating and zoning a smaller portion of the site as some type of developable designation and zoning (i.e. residential). Various densities should be considered for the developable area (i.e. reduce the amount of land area made available for development, but increase the allowable density of development so there is no loss of allowable residential units compared with the proposed land use designation). Note: the proposed amendment is project driven, and the related project includes a proposal to subdivide the site.

With respect to the issue of designating the eastern portion of the property nearest the ESHA on the adjacent property as Open Space Conservation, City staff was prepared to recommend this alternative had the biological assessment conducted as part of the City’s environmental analysis concluded that the proposed project design would result in a significant impact to the ESHA. However, this was not the case. The biological assessment concluded that the project would not significantly impact the ESHA, therefore staff did not recommend this alternative. Furthermore, no other impacts to biological resources were deemed to be significant thus requiring mitigation in the form of designating additional open space within the project area.

It is not the City's practice to arbitrarily designate a portion of a project site as open space in the absence of a valid land use or environmental purpose for such a designation. In cases where there is sufficient evidence that either: 1) open space is required within a project area to mitigate a significant impact to a biological resource; or 2) open space is required within a project area to address a legitimate public need, such as a park, the City has acted appropriately to address these required needs. For example, the City recently adopted pre-zoning for the neighboring Goodell property that reflected the fact that a portion of the property was in the lowland (pre-zoned Coastal Conservation), another portion of the property provided the opportunity for a view park overlooking the lowlands as well as a buffer from ESHA on adjacent property (pre-zoned Open Space – Park) and the remainder was suitable for residential uses (pre-zoned RL).

Consider retaining existing land use designation and zoning as is.

Since the existing General Plan designation is Open Space – Park and the zoning is Residential Agriculture – a designation that no longer exists in the City's zoning code – the General Plan and zoning for the property are inconsistent and therefore contrary to State law which requires consistency between the City's General Plan and zoning. The City did not believe that perpetuating this land use inconsistency or continuing the use of a zoning category that is no longer used in the City was a viable alternative as it was considered legally infeasible.

The Alternatives Analysis should include a history of use at the site. Each alternative considered must include an economic viability determination. Please see the enclosed information regarding preparation of economic viability determinations.

Aerial photo history indicates that the entire site was consistently used for agriculture for at least 52 years from 1928-1980. Most recently, the site was utilized for agriculture from 2001-2004. Agricultural use of the property ceased in 2004. Signal Companies, including Signal Landmark, has owned the property since the 1920s. The property was annexed into the City in 1970. At the time it was incorporated into the City, both the General Plan land use and Zoning Map designations designated the project site for low density residential uses. After the Coastal Act was enacted in 1976, the City submitted a proposed Land Use Plan to the Coastal Commission for certification. At that time, a large scale development that included approximately 3,000 residential units was being considered by the County for the adjacent Bolsa Chica property, including the mesa and lowland. In anticipation of the development on the County property, the City re-designated an area that included the project site to Open Space – Park on the City's Land Use Plan, which was certified by the Commission in 1982. In 1984, the City re-zoned the property to Residential Agricultural. The RA zoning designation was reflective of the existing agricultural use of the site and was determined, at that time, to be consistent with the Open Space – Park land use designation.

With respect to the economic viability determination, the landowner Signal Landmark has declined our request to provide the necessary information to conduct such a determination citing proprietary concerns. The City's environmental analysis consisted of a mitigated negative declaration (MND), for which an alternatives analysis is not required under the California Environmental Quality Act (CEQA). As a result of public comments received during the public review period for the City's MND, however, comments were received by the City concerning

alternatives, including retention of the existing land use designation, and addressed in the City's staff report. Pursuant to CEQA, when alternatives are required to be considered, the lead agency (such as the City) must consider the "feasibility" of the alternative. "Feasible" is defined to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors." Because an alternatives analysis was not required, the feasibility of each alternative was not examined. Even if an alternatives analysis were prepared, however, economic feasibility would not be the sole focus of the analysis. For these reasons, the City did not conduct nor is it legally required to prepare an economic viability determination. If the Coastal Commission believes that it must consider the economic viability of alternatives in order to avoid the payment of just compensation for taking private property pursuant to Coastal Act Section 30010, the City believes that it would be the responsibility of the Coastal Commission to conduct that analysis.

Loss of Public Park Opportunity

Information included in the submittal indicates that the City does not intend to develop the subject site as a park. However, no information is provided on whether other entities might consider developing the site as a public park. What other entities (governmental or nonprofit) have been contacted regarding interest in retaining the site for public park use? Possible considerations to contact include the State of California, the County of Orange, local non-profit organizations such as the Bolsa Chica Land Trust, Amigos de Bolsa Chica, and Orange County Coastkeeper. Please submit written evidence of measures taken to ascertain interest of appropriate entities in potentially developing and managing the subject site as a public park consistent with the certified land use designation.

The subject site does not appear on the long range plans of either the State or the County of Orange as a public park or open space area. The State and the County are in the business of providing large-scale park and recreation opportunities and given the small size of this site, it would not meet the State or County criteria for a regional facility. As to the interest of non-profit organizations in purchasing the property, no action that the City has taken would preclude a non-profit from purchasing the property. There is no guarantee however that any of these organizations, if they were to purchase the property, would convert it to public park use.

Topographical Survey

Please submit a topographical survey of the subject site prepared by a licensed surveyor.

A topographical map is included as Attachment 1.

Parking

Are there any examples where private residential development has been allowed to provide required parking on street? Are there any examples of this located in the coastal zone? Are there any examples of this located between the sea and the first public road paralleling the sea? If so, please provide details on these examples.

The allowance for open parking spaces to be satisfied through on-street parking for the proposed development associated with the LCPA request is similar to existing Zoning Code allowances for single-family dwellings. Currently, an existing single-family dwelling (1994 or earlier) that

proposes to increase the number of bedrooms to five or more would be required to provide a two-car garage and three open parking spaces. Pursuant to the City's zoning code, one of the required open parking spaces can be met through the available on-street parking adjacent to the dwelling. The proposed project is consistent with this existing allowance that occurs throughout the City in single-family residential neighborhoods.

The subject site is located between the sea and the first public road paralleling the sea. In addition, the site is located within the trail network leading to the public trails of Bolsa Chica including trails through and along the adjacent Brightwater development to the west, as well as the anticipated public trail system associated within the adjacent Parkside development to the east. Please provide an explanation of how reducing the number of parking spaces required on site by allowing spaces to be provided on the public street would be consistent with maximizing public access.

It should be noted that only 10 units within the Ridge project will satisfy the City's requirement for open parking spaces by counting on-street parking out of a total of 23 new on-street parking spaces provided within the project. The project complies with coastal zone parking standards prohibiting privacy gates and parking controls and requiring provision of general on-street public parking. Because the proposed streets would be accessible to the public, all 23 on-street spaces would be accessible to the public as well. However, the project is providing a net of 13 new on-street public parking spaces that are not required to meet the per unit parking requirement as well, therefore ensuring public access is provided.

Peer Review Committee

Page 220 of the Request for City Council Action (meeting date 7/6/2010), under the heading Cultural Resources, in the first paragraph states: "The members of the peer review committee are archeologists that are selected from a list compiled by the California Coastal Commission." Please identify the peer review list referenced.

The members of the Peer Review Team and their qualifications were submitted to the Coastal Commission pursuant to special conditions imposed on the coastal development permit approved for archaeological subsurface investigations on Bolsa Chica Mesa. The three original members included: Drs. William J. Wallace, Claude N. Warren and Prof. Franklin Fenenga. When members of the Team either passed away (Dr. Wallace and Prof. Fenenga) or became too ill to actively participate and monitor the ongoing archaeological work (Dr. Warren), the Team members in consultation with SRS selected replacement members and provided that information to the Coastal Commission. The current members of the Peer Review Team are: Dr. Hank Koerper, Dr. Roger Mason and Dr. Paul G. Chace.

Archaeological Resources

The archaeological resources at the subject site have been known variously as a separate archaeological site CA-ORA-86, as a part of ("lumped together with") CA-ORA-83, as Herring's Site E and as Standt Site A. As a result, it is difficult to ascertain the coastal development permit history for the archaeological research that has occurred on-site. As it is located within the City's certified LCP area, it may be that a coastal development permit(s) was issued by the City. Or it may be that it was included in past permits issued by the Coastal

Commission. Please submit the coastal development permit history for the subject site, including the archaeological work, but also for any other development that has occurred on the subject site. Also, if any coastal development permits were issued by the City, please affirm whether a Notice of Final Action was sent in conjunction with the City's approval.

Although archaeological excavations have taken place at CA-ORA-83 and CA-ORA-86 since the 1920s, a comprehensive and systematic series of archival research, surface surveys, test excavations and data recovery program, conducted pursuant to Coastal Development Permit 5-89-772, and amendments, was completed by SRS in 2002.

Pursuant to Coastal Development Permit 5-89-772, as amended (CDP) approved by the California Coastal Commission, the Commission required the permit applicant to establish a Peer Review Team to give guidance on the scope of archaeological work to be conducted pursuant to that permit. The Peer Review Team that was constituted reviewed the archaeological information regarding CA-ORA-83 and prepared a Memorandum of Agreement (MOA) which set forth the scope of work that should be followed by SRS for the Final Phase of investigations on this archaeological site. The MOA identified seven additional measures to mitigate potential impacts to cultural resources on CA-ORA-83. In accordance with the procedures set forth in the MOA, the work was undertaken between October 1999 and September 2002 at which point the required formal excavations at CA-ORA-83 were completed.

One of the required mitigation measures included a series of backhoe trenches and related hand-excavated units extending the full distance from the southern mesa edge where the major deposits associated with ORA-83 were located, north to Los Patos Avenue. The purpose of this work was to examine the underlying soils between the well-documented southeastern site, CA-ORA-83, the northernmost site, CA-ORA-86 and the "plowed field" that lay between the two sites and at various times had been included in the boundary of both sites. Over the history of investigations, three archaeological sites were often lumped together (ORA-83, ORA-86 and ORA-144) because prior investigations often delineated boundaries for these sites that overlapped among the three. An example of this overlap was the 1994 Draft EIR prepared by the County of Orange for the Bolsa Chica Local Coastal Program Project which described the situation as follows:

ORA 83/86/144

This site on Bolsa Chica Mesa was originally recorded as two separate sites along the edge of the bluff: ORA-83 to the south and ORA-86 to the north. Adding to the confusion, ORA-83 was later re-recorded and assigned the number ORA-144. ORA-83, -86, and -144 have separate histories of investigation and different levels of significance. However, Van Bueren et al. (1989) combined them based on the surface distribution of shell seen during surface survey. (County of Orange, Recirculated Draft EIR, Bolsa Chica Project Local Coastal Program at page 4.12-13 (1994).

The work was conducted simultaneously with archaeological mitigation for Hearthside Homes' development on the Sandover Project which was required as part of the conditions of approval

adopted by the City of Huntington Beach for that development. This work extended from 1999 to 2000 and included backhoe work, an auger program, surface shell and artifact collections, and hand excavation units on both sides of Bolsa Chica Road to examine this northernmost expression at CA-ORA-86. As a result of this work, cultural resources were identified on the area where The Ridge Project is proposed (on the east side of Bolsa Chica Road). Investigations were completed in the area of The Ridge Project in order to ascertain and delineate the boundaries of this site.

Please submit a copy of the topographical survey of the subject site showing the generally accepted boundary of CA-ORA-86 and the location of significant archaeological features (including, but not limited to, the prehistoric domestic pit feature) and the site boundaries/property lines. Please submit a copy of the topographical survey of the subject site showing the extent of all historic farming on the subject site.

A topographical survey of the subject site showing the generally accepted boundaries of CA-ORA-86 and the location of the single significant archaeological feature, the prehistoric pit feature, is included as Attachment 2. A historic aerial photographic series compiled by SRS indicates that from 1928 to 1980, the entire Ridge parcel was under agricultural production. Agricultural production was reinstituted on the site from 2001 to 2004.

Please forward any written comments received from effected Native Americans regarding the Archaeological Abstract.

Since all formal reviews of the report, "Archaeological Abstract, Archaeological Site CA-ORA-86, Herring's Site E", have been completed and appropriate changes made, this report has now been submitted for additional review by the Native American community including: the Gabrielino/Tongva Tribal Council [c/o Chief Anthony Morales] and the Juaneño Band of Mission Indians [c/o Chief David Belardes]; both currently designated Most Likely Descendants [MLDs] for Bolsa Chica archaeology by the Native American Heritage Commission [NAHC]. Comments from other Native American individuals and groups were included in the original LCPA submittal package as written comments to the Planning Commission and City Council staff reports or as verbal comments, which are summarized in the minutes of each respective meeting.

Many of the Figures included in the Archaeological Abstract are not legible. These include Figures 10, 11, 12, 19, 21, and 23. Please submit legible copies of these figures. Please submit a color copy of Figure 20: Results of 2001 SRS Archaeological Investigation.

A pdf-formatted report was submitted to the CCC for review; when a word document is converted to pdf format, the conversion process automatically increases the borders shrinking the text and accompanying graphics. A word document of the report to replace the pdf version will be forwarded from the project applicant for CCC and public review.

The Archaeological Abstract: Archaeological Site CA-ORA-86: Herring's Site E, dated May 2009 includes a statement in the first paragraph on page 4 under the Executive Summary that the subject site is "situated southwest of the intersection of Los Patos Avenue and Bolsa Chica Road." This occurs again on page 8, in the first sentence: "In 2001, the formal site location of

CA-ORA-86, Herring's Site E, west of Bolsa Chica Road along the bluff edge, was investigated." Most likely these references to the site being west of Bolsa Chica Road are typographical errors, but to be clear - please clarify the location of the site that was the subject of the referenced Archaeological Abstract.

The directional errors on pages 4 and 8 have been changed and now indicate that the subject parcel and associated site is situated "southeast of the intersection of Los Patos Avenue and Bolsa Chica Road" and "east of Bolsa Chica Road along the bluff edge". Please see these pages in the word document version, when forwarded.

Table 1 of the Archaeological Abstract (page 9) lists the Chronology of Investigations of CA-ORA-86: Herring's Site "E". Please confirm whether this list includes all known archaeological investigations carried out on the subject site.

Table 1 on page 9 was compiled from the in-house archives of Scientific Resource Surveys, Inc. All documents referenced in the Archaeological Abstract exist in those archives and were listed on Table 1. This is the most comprehensive listing of investigations for this site compiled to date. However, small projects, such as linear surveys for gas and water lines, occur all the time; or summaries for work on adjacent parcels, such as the Shea parcel or the Goodell parcel, may include casual references to CA-ORA-86. These may not be included because they are not formal evaluations of the subject site and subject parcel. All information pertinent for decision-making is certainly presented; all major reports and summaries of investigations are included in the list on Table 1.

Page 18, below the middle of the page, includes the statement: "Other disturbances to the site included residential building construction. The entire northern half(?) of the site was removed in 1973 (see Figure11) which prompted the investigators to state that by 1973 the site no longer existed (ARI 1973b:23)." It is my understanding that the condominiums immediately north of the subject site were constructed in the early 1980s. Please explain what 1973 residential construction this is referring to and how it affected archaeological resources on the subject site.

Construction occurred north of Los Patos on what may have been a northern extension of CA-ORA-83 in the 1970s as witnessed by SRS personnel and documented on historic aerial photographs. The site appears to have been essentially destroyed in this area prior to subsequent work, such as that required for the construction of the apartment complex that was developed on that parcel. Construction of the Cabo Del Mar condominiums north of Los Patos also occurred in the 1980s on the parcel situated immediately north and east of the apartment complex that was constructed in the 1970s.

On page 8 of the Abstract, the last paragraph discusses the fact that Herring's Site E has been the subject of 33 separate archaeological investigations. This section references "two site inspections after grading." Table 1 indicates that grading monitoring occurred in 1999. Please explain what was the purpose of the grading? Was it related to then proposed development? Was a coastal development permit approved for the grading?

The grading referenced on page 8 of the Archaeological Abstract was the final phase of archaeological work on the Sandover parcel. As discussed above, this work was conducted pursuant to CDP 5-89-772 as directed by the Peer Review Team MOA.

On page 12, under the heading "First Site Recordation (1964): Dixon and Eberhart," there is a reference to a World War II gun emplacement within the CA-ORA-86. Is this accurate? Although gun emplacements have been identified elsewhere on the mesa, there doesn't seem to be mention of a gun emplacement on CA-ORA-86 elsewhere in the Abstract.

Figure 7, on page 16 shows the intersection of Bolsa Chica Road and Slater Avenue. Although I realize that this is a map from a study done in the 1960's, but for clarity please explain whether Slater should have been Los Patos.

The last two comments from the CCC reference statements/labels in quotes/maps from historic documents. Previous authors have lumped and split CA-ORA-86 from the southern site, CA-ORA-83, and the site between the two labeled CA-ORA-144. The last two sites CA-ORA-83 and CA-ORA-144 contained World War II gun emplacements and related buildings; the subject parcel with site CA-ORA-86 did not contain any evidence of World War II activity. In addition, it appears that Los Patos is mistakenly labeled as "Slater" on the sketch map included on Figure 7, page 16, by that early investigator.

Biological Resources

A Eucalyptus environmentally sensitive habitat area (ESHA) as well as other sensitive habitat has been recognized immediately to the east of the subject site. A buffer distance from that ESHA ranging from a minimum of 297 feet to 650 feet from the edge of the buffer was applied on the eastern side of that ESHA area. Please submit comments from the biological consultant as to why a similar buffer distance would or would not be appropriate on the western side of the identified ESHA area.

The Biological Resources Assessment prepared by LSA dated March 2010 on page 10 under the heading Wildlife includes the following statement: "Common small mammal populations (Le., California ground squirrel and Botta's pocket gopher) occur within the study area, and therefore it is likely that there is at least occasional raptor foraging. However, within the study area, raptor activity is essentially limited to foraging from the air, as there are no structures or vegetation for perching or nesting within or adjacent to the ruderal study area." However, a prime factor in creating adequate buffer space on the east side of the ESHA area was to provide for continued raptor foraging (which often occurs from the sky) to support the raptor use of the ESHA. Thus, it appears the statement above would support applying a similar buffer area at the subject site as necessary to support the continuance of the adjacent ESHA area.

Furthermore, on page 12 of the Biological Assessment, under the sub-heading Direct Impacts to Special-Status Resources, the Assessment acknowledges that "some [special status species] have moderate to high potential or were observed within or adjacent to the study area." In addition, this section of the Biological Assessment states "Nearly all of the special-status species that occur or may occur in the study area primarily utilize urban development for

foraging and nesting (Le. Cooper's hawk, Allen's hummingbird), or the off-site eucalyptus ESHA or pickle weed salt marsh [emphasis added], both of which will be preserved and buffered from the proposed Parkside Estates residential development and attendant features." Again, because the subject site is recognized as being used for foraging, this appears support application of a similar buffer area on the west side (subject site side) of the ESHA as was applied to the east of the ESHA area in order to support and encourage continued and possibly expanded use of the ESHA area by these special status species.

Finally regarding appropriate buffer area, also on page 12 under the sub-heading Direct Impacts to Special-Status Resources, the Biological Assessment acknowledges the possibility, that while not identified during the LSA site surveys, there is the potential that direct impacts could occur to southern tarplant and/or burrowing owls that have the potential to establish prior to site development. Although a buffer area wouldn't be required for this reason (potential occurrence) alone, a buffer area applied to the subject site for the reasons described above could also result in the additional benefit of creating the potential for these special status species to develop a presence on site.

This comment requests additional analysis from the biologist who prepared the Biological Resources Assessment (BRA) regarding the need for additional Eucalyptus ESHA buffer area on the Ridge site. The comment further suggests that the buffer between the ESHA and the Ridge site should be similar to the effective buffer that is planned between the ESHA and the Parkside Estates project. The comment does not adequately recognize the derivation of the effective buffer on the Parkside Estates project, or the Coastal Commission's determination on the variable width buffer for the Brightwater project. In both cases, the ESHA buffer that was originally recommended by the Coastal Commission staff was 100 meters.

As noted in the staff letter regarding the Ridge LCP amendment, one of the primary purposes of such buffers is to provide foraging area. The effective buffer on the Parkside Estates side of the ESHA became much larger, on average, than the recommended 100 meters because the Coastal Commission deemed areas as wetland and former wetland that required re-creation and enhancement and their own buffers. In addition, other features of the Parkside Estates plan, such as the Natural Treatment System (for water quality), park land and preserved wetlands, were situated between the proposed Parkside Estates residential development and the ESHA. Thus the variable width buffer of 297 to 650 feet was not deemed necessary to protect ESHA resources, but instead, was considered adequate, with respect to the Parkside Estates project to address other project components and resources, not just to buffer the ESHA resources. No determination or consideration was made regarding the buffer on the west side of the northern Eucalyptus trees, except to require that this area be restored to native habitat.

The buffer that was approved by the Coastal Commission for the Brightwater project was a variable width buffer ranging from 150 to over 300 feet, which is comparable to the proposed variable width buffer for the Ridge of 150 to 260 feet.

The staff letter questions whether additional buffer area between the Ridge project and the Parkside Estates buffer should be required. As the Principal Biologist for the Ridge BRA, Art Homrighausen of LSA determined that no additional buffer was required for the following reasons:

- After more than 10 years of intensive scrutiny, there is still no evidence of nesting in the northern trees by raptor species that would merit a large buffer for the protection of such activity. The only raptor nesting in this area has been by the Coopers hawk, which has been removed from California's Bird Species of Special Concern list because of its propensity to adapt to the anthropogenic environment.
- Other raptor species that have utilized the northern portion of the ESHA have done so on an occasional basis, likely using the trees as temporary roosting and perching sites while foraging in the adjacent areas. The BRA acknowledges that some foraging on the Ridge property could occur, but this has never been documented by LSA observers or local residents with interest in the property.
- If a 100 meter buffer adjacent to all of the eucalyptus ESHA on the Parkside Estates property (not including the ends, which occur on property that is either already developed or preserved) had been designated per the staff recommendation, it would comprise approximately 26 acres. The amount of land already planned for open space preservation in this area is more than 27 acres, including over 23 acres on the Parkside Estates property, approximately 1 acre on the Brightwater property, and 3 acres on the Goodell property. Thus the available foraging area will exceed the original Staff recommendation. In addition, there are over 140 acres of additional preserved habitat associated with the Bolsa Chica Mesa and the rest of the ESHA to the west.
- The effective variable buffer distance between the eucalyptus ESHA and the Ridge project is comparable to that determined by the Commission for the Brightwater project.
- The ultimate composition of the currently planned buffer will be significantly superior to the existing conditions, with more varied and higher quality habitat, and planned trails and better controls on recreational activity.

The Biological Assessment states at the bottom of page 13 and top of page 14: "A total of 23 ac of habitat is proposed for restoration and preservation to the east of the study area between the Ridge Project and identified important habitat in the Parkside Estates Project, ... " and "In addition, implementation of the approved land use plan and implementing policies will provide protection of preserved resources that does not now exist." This appears to imply that there are 23 acres of preserved open space between the subject site and adjacent ESHA area, which doesn't seem accurate. Please submit a map, drawn to scale, identifying the area described above (23 acre of habitat proposed for restoration and preservation to the east of the study area between the Ridge Project and the Parkside Estates Project) and the subject site. This also appears to imply that all burden for continuance of the ESHA was imposed on the adjacent property, which is not accurate. The subject site must be evaluated for the appropriate buffer distance from the adjacent ESHA area.

This comment refers to a statement in the BRA that implies there is 23 acres of preserved habitat between the Ridge project site and important habitat on the Parkside Estates project site. This is indeed a misstatement in the BRA. The intent was to point out that there will be 23 acres of enhanced and preserved open space between or adjacent to the Ridge and Parkside Estates

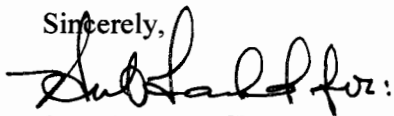
projects, which will enhance the value of the important habitat on the Parkside Estates site. Refer to the above responses for the additional requested analysis.

Appendix A Special Status Species Summary, attached to the Biological Assessment, on page A-3 states that burrowing owl "burrows are in the project area and vicinity". Does this mean there are burrowing owl burrows on the subject site?

This comment cites the reference to burrows on the project site, and asks whether this means there are burrowing owl burrows on the project site. The reference to observable burrows was to active ground squirrel burrows. These burrows were described in the BRA to provide full disclosure of the potential for burrowing owls to occur because burrowing owls often use former ground squirrel burrows to establish their own burrow locations. In this case, there is no evidence that this has occurred. In fact, there is substantial evidence that it has not occurred, given that burrowing owl surveys were conducted on the Ridge site in January 2010, when wintering burrowing owls were present elsewhere on the Bolsa Chica Mesa. It is possible, but not likely, that a burrowing owl could establish temporary use of an abandoned ground squirrel burrow on the Ridge site in the future, hence the recommendation for additional burrowing surveys prior to any site development.

If you would like to discuss any of the responses in more detail or require further information, please contact Jennifer Villaseñor, Associate Planner, at (714) 374-1661 or via email at jvillaseñor@surfcity-hb.org. We look forward to continue working with Coastal Commission staff in moving forward with the processing of the subject LCPA.

Sincerely,



Scott Hess, AICP
Director of Planning and Building

Enclosures

- Attachment No. 1: Topographical Map
- Attachment No. 2: Archeological Exhibit

xc: Theresa Henry, South Coast District Manager
Mary Beth Broeren, Planning Manager
Ed Mountford, Hearthside Homes
LCPA No. 09-002 file

CALIFORNIA COASTAL COMMISSION

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Long Beach, CA 90802-4302
(562) 590-5071



Jennifer Villaseñor
Senior Planner
2000 Main Street
Huntington Beach, CA 92648

August 30, 2010

Re: Huntington Beach Local Coastal Program Amendment No. 3-10
The Ridge

Dear Ms. Villaseñor:

This office received several items representing the above-described request on August 17, 2010. However, pursuant to Section 13553 of the California Code of Regulations, the Executive Director has reviewed the transmittal and determined it to be incomplete. The Local Coastal Program (LCP) amendment submittal cannot be deemed complete until the following materials and information are received in the Commission's South Coast District office.

The proposed Local Coastal Program Amendment request affects an approximately 5-acre parcel of land located at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue. The amendment request would change the land use designation at the site from Open Space – Parks (OSP) to Residential Low Density – 7 units per acre (RL-7). The proposed amendment would also change the zoning designation at the site from Residential Agriculture – Coastal Zone Overlay (RA – CZ) to Low Density - Coastal Zone Overlay (RL-CZ). In addition, the proposed LCPA amendment would make changes to the Implementation Plan (IP) portion of the certified IP's Zoning and Subdivision Ordinance Chapter 210.12 – PUD (Planned Unit Development) Standards and Provisions. The proposed amendment was submitted for Coastal Commission action via City Council Resolution No. 2010-48. The subject LCP amendment request is the third submittal this year and has been assigned the amendment number HNB-MAJ-3-10.

Additional information is necessary to complete the LCP amendment request submittal:

Alternatives Analysis

Please submit an Alternatives Analysis that identifies and analyzes alternatives to the amendment as proposed. The Alternative Analysis must include, but is not limited to, consideration of the following alternatives:

- Consider retaining the existing land use designation and matching the zoning to that land use designation by zoning the site Open Space – Parks and Recreation (OS-PR).
- Consider matching the land use designation to the certified zone designation Residential Agriculture (RA). The Residential Agriculture zone would allow up to five residences on the subject with continued agriculture use. The corresponding land use designation may be a form of the Mixed Use land use designation.

City of Huntington Beach
LCP Amendment Request No. 3-10
The Ridge
Page 2

- Consider designating and zoning a portion of the site nearest the adjacent environmentally sensitive habitat area Open Space Conservation (OS-C) and Coastal Conservation (CC) and land use designating and zoning a smaller portion of the site as some type of developable designation and zoning (i.e. residential). Various densities should be considered for the developable area (i.e. reduce the amount of land area made available for development, but increase the allowable density of development so there is no loss of allowable residential units compared with the proposed land use designation). Note: the proposed amendment is project driven, and the related project includes a proposal to subdivide the site.
- Consider retaining existing land use designation and zoning as is.

The Alternatives Analysis should include a history of use at the site. Each alternative considered must include an economic viability determination. Please see the enclosed information regarding preparation of economic viability determinations.

Loss of Public Park Opportunity

Information included in the submittal indicates that the City does not intend to develop the subject site as a park. However, no information is provided on whether other entities might consider developing the site as a public park. What other entities (governmental or non-profit) have been contacted regarding interest in retaining the site for public park use? Possible considerations to contact include the State of California, the County of Orange, local non-profit organizations such as the Bolsa Chica Land Trust, Amigos de Bolsa Chica, and Orange County Coastkeeper. Please submit written evidence of measures taken to ascertain interest of appropriate entities in potentially developing and managing the subject site as a public park consistent with the certified land use designation.

Topographical Survey

Please submit a topographical survey of the subject site prepared by a licensed surveyor.

Parking

Are there any examples where private residential development has been allowed to provide required parking on street? Are there any examples of this located in the coastal zone? Are there any examples of this located between the sea and the first public road paralleling the sea? If so, please provide details on these examples.

The subject site is located between the sea and the first public road paralleling the sea. In addition, the site is located within the trail network leading to the public trails of Bolsa Chica including trails through and along the adjacent Brightwater development to the west, as well as the anticipated public trail system associated within the adjacent Parkside

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The Ridge
Page 3

development to the east. Please provide an explanation of how reducing the number of parking spaces required on site by allowing spaces to be provided on the public street would be consistent with maximizing public access.

Peer Review Committee

Page 220 of the Request for City Council Action (meeting date 7/6/2010), under the heading Cultural Resources, in the first paragraph states: "The members of the peer review committee are archeologists that are selected from a list compiled by the California Coastal Commission." Please identify the peer review list referenced.

Archaeological Resources

The archaeological resources at the subject site have been known variously as a separate archaeological site CA-ORA-86, as a part of ("lumped together with") CA-ORA-83, as Herring's Site E and as Standt Site A. As a result, it is difficult to ascertain the coastal development permit history for the archaeological research that has occurred on-site. As it is located within the City's certified LCP area, it may be that a coastal development permit(s) was issued by the City. Or it may be that it was included in past permits issued by the Coastal Commission. Please submit the coastal development permit history for the subject site, including the archaeological work, but also for any other development that has occurred on the subject site. Also, if any coastal development permits were issued by the City, please affirm whether a Notice of Final Action was sent in conjunction with the City's approval.

Please submit a copy of the topographical survey of the subject site showing the generally accepted boundary of CA-ORA-86 and the location of significant archaeological features (including, but not limited to, the prehistoric domestic pit feature) and the site boundaries/property lines.

Please submit a copy of the topographical survey of the subject site showing the extent of all historic farming on the subject site.

Please forward any written comments received from effected Native Americans regarding the Archaeological Abstract.

Many of the Figures included in the Archaeological Abstract are not legible. These include Figures 10, 11, 12, 19, 21, and 23. Please submit legible copies of these figures. Please submit a color copy of Figure 20: Results of 2001 SRS Archaeological Investigation.

The Archaeological Abstract: Archaeological Site CA-ORA-86: Herring's Site E, dated May 2009 includes a statement in the first paragraph on page 4 under the Executive Summary that the subject site is "situated southwest of the intersection of Los Patos Avenue and Bolsa Chica Road." This occurs again on page 8, in the first sentence: "In 2001, the formal site location of CA-ORA-86, Herring's Site E, west of Bolsa Chica Road along the

City of Huntington Beach
LCP Amendment Request No. 3-10
The Ridge
Page 4

bluff edge, was investigated." Most likely these references to the site being west of Bolsa Chica Road are typographical errors, but to be clear – please clarify the location of the site that was the subject of the referenced Archaeological Abstract.

Table 1 of the Archaeological Abstract (page 9) lists the Chronology of Investigations of CA-ORA-86: Herring's Site "E". Please confirm whether this list includes all known archaeological investigations carried out on the subject site.

Page 18, below the middle of the page, includes the statement: "Other disturbances to the site included residential building construction. The entire northern half(?) of the site was removed in 1973 (see Figure 11) which prompted the investigators to state that by 1973 the site no longer existed (ARI 1973b:23)." It is my understanding that the condominiums immediately north of the subject site were constructed in the early 1980s. Please explain what 1973 residential construction this is referring to and how it affected archaeological resources on the subject site.

On page 8 of the Abstract, the last paragraph discusses the fact that Herring's Site E has been the subject of 33 separate archaeological investigations. This section references "two site inspections after grading." Table 1 indicates that grading monitoring occurred in 1999. Please explain what was the purpose of the grading? Was it related to then-proposed development? Was a coastal development permit approved for the grading?

On page 12, under the heading "First Site Recordation (1964): Dixon and Eberhart," there is a reference to a World War II gun emplacement within the CA-ORA-86. Is this accurate? Although gun emplacements have been identified elsewhere on the mesa, there doesn't seem to be mention of a gun emplacement on CA-ORA-86 elsewhere in the Abstract.

Figure 7, on page 16 shows the intersection of Bolsa Chica Road and Slater Avenue. Although I realize that this is a map from a study done in the 1960's, but for clarity please explain whether Slater should have been Los Patos.

Biological Resources

A Eucalyptus environmentally sensitive habitat area (ESHA) as well as other sensitive habitat has been recognized immediately to the east of the subject site. A buffer distance from that ESHA ranging from a minimum of 297 feet to 650 feet from the edge of the buffer was applied on the eastern side of that ESHA area. Please submit comments from the biological consultant as to why a similar buffer distance would or would not be appropriate on the western side of the identified ESHA area.

The Biological Resources Assessment prepared by LSA dated March 2010 on page 10 under the heading Wildlife includes the following statement: "Common small mammal populations (i.e., California ground squirrel and Botta's pocket gopher) occur within the study area, and therefore it is likely that there is at least occasional raptor foraging.

City of Huntington Beach
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The Ridge
Page 5

However, within the study area, raptor activity is essentially limited to foraging from the air, as there are no structures or vegetation for perching or nesting within or adjacent to the ruderal study area." However, a prime factor in creating adequate buffer space on the east side of the ESHA area was to provide for continued raptor foraging (which often occurs from the sky) to support the raptor use of the ESHA. Thus, it appears the statement above would support applying a similar buffer area at the subject site as necessary to support the continuance of the adjacent ESHA area.

Furthermore, on page 12 of the Biological Assessment, under the sub-heading Direct Impacts to Special-Status Resources, the Assessment acknowledges that "some [special status species] have moderate to high potential or were observed within or adjacent to the study area." In addition, this section of the Biological Assessment states "Nearly all of the special-status species that occur or may occur in the study area primarily utilize urban development for foraging and nesting (i.e. Cooper's hawk, Allen's hummingbird), **or the off-site eucalyptus ESHA or pickleweed salt marsh** [emphasis added], both of which will be preserved and buffered from the proposed Parkside Estates residential development and attendant features." Again, because the subject site is recognized as being used for foraging, this appears support application of a similar buffer area on the west side (subject site side) of the ESHA as was applied to the east of the ESHA area in order to support and encourage continued and possibly expanded use of the ESHA area by these special status species.

Finally regarding appropriate buffer area, also on page 12 under the sub-heading Direct Impacts to Special-Status Resources, the Biological Assessment acknowledges the possibility, that while not identified during the LSA site surveys, there is the potential that direct impacts could occur to southern tarplant and/or burrowing owls that have the potential to establish prior to site development. Although a buffer area wouldn't be required for this reason (potential occurrence) alone, a buffer area applied to the subject site for the reasons described above could also result in the additional benefit of creating the potential for these special status species to develop a presence on site.

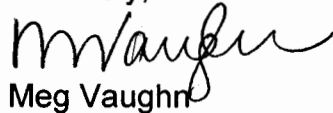
The Biological Assessment states at the bottom of page 13 and top of page 14: "A total of 23 ac of habitat is proposed for restoration and preservation to the east of the study area between the Ridge Project and identified important habitat in the Parkside Estates Project, ..." and "In addition, implementation of the approved land use plan and implementing policies will provide protection of preserved resources that does not now exist." This appears to imply that there are 23 acres of preserved open space between the subject site and adjacent ESHA area, which doesn't seem accurate. Please submit a map, drawn to scale, identifying the area described above (23 acre of habitat proposed for restoration and preservation to the east of the study area between the Ridge Project and the Parkside Estates Project) and the subject site. This also appears to imply that all burden for continuance of the ESHA was imposed on the adjacent property, which is not accurate. The subject site must be evaluated for the appropriate buffer distance from the adjacent ESHA area.

City of Huntington Beach
LCP Amendment Request No. 3-10
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Page 6

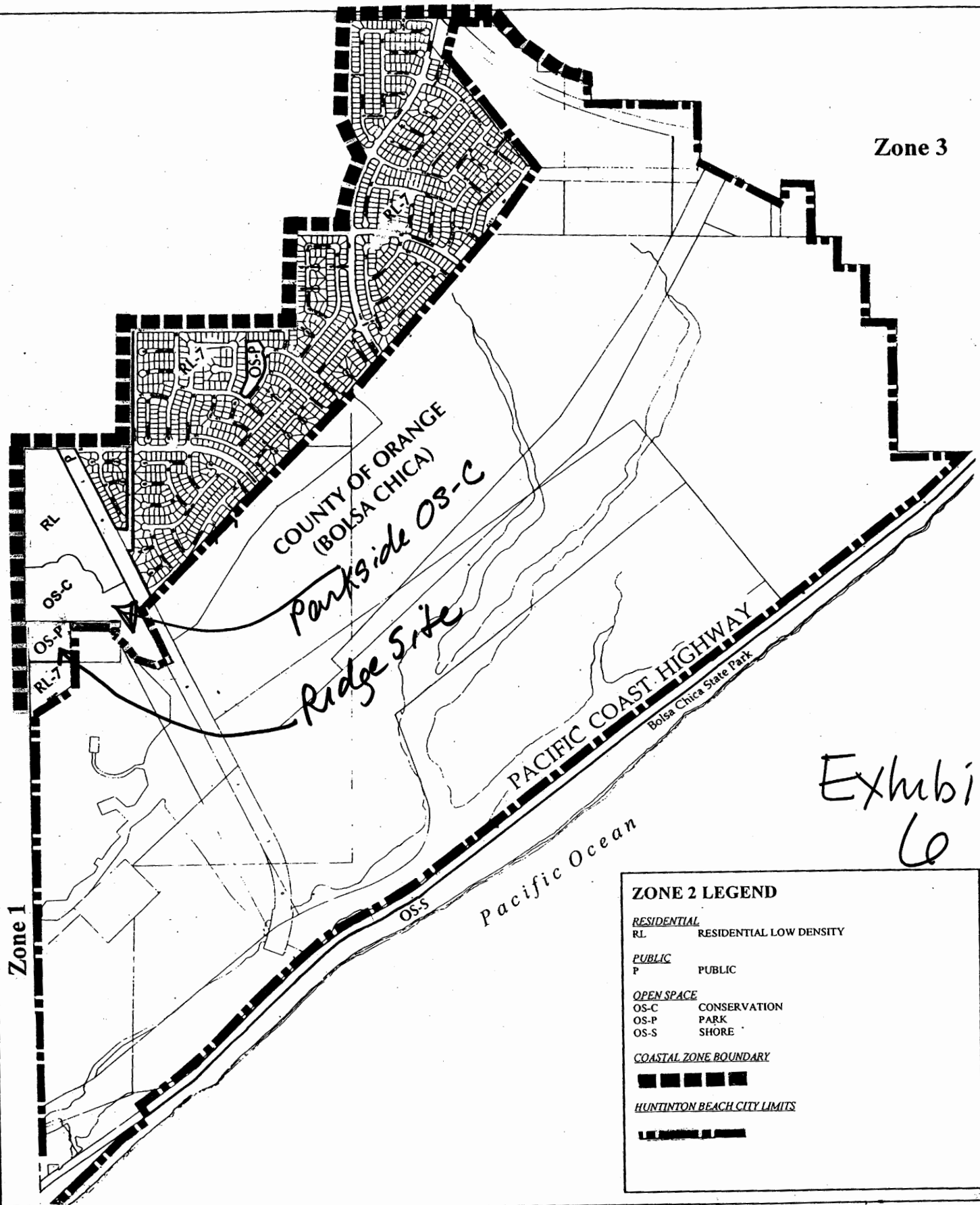
Appendix A Special Status Species Summary, attached to the Biological Assessment, on page A-3 states that burrowing owl "burrows are in the project area and vicinity". Does this mean there are burrowing owl burrows on the subject site?

When we have received and reviewed the requested materials, and have determined that the LCP amendment submittal is complete, we will schedule a public hearing before the Commission. The amendment request affects both the Land Use and the Implementation Plan portions of the Local Coastal Program. The amendment request is considered a major amendment. Pursuant to Section 13554 of the California Code of Regulations, the Commission must act on a combined LUP and IP amendment within ninety days of the date the submittal is determined complete. However, with good cause, the Commission may extend the ninety-day deadline for up to one year. Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,



Meg Vaughn
Staff Analyst



HUNTINGTON BEACH COASTAL ZONE
 ZONE 2 LAND USE PLAN

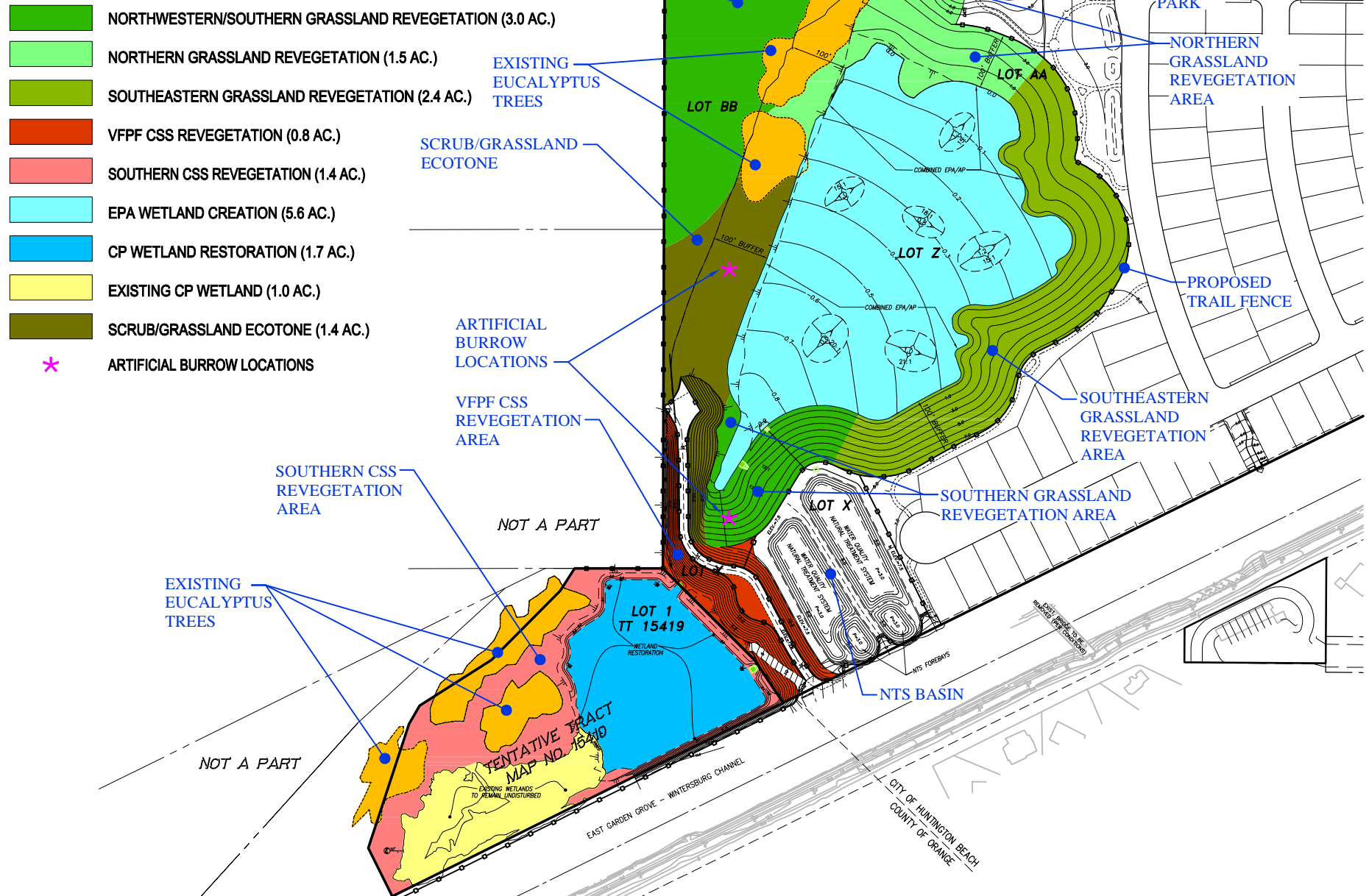
CITY OF HUNTINGTON BEACH COASTAL ELEMENT

HNBLCPA 1-12



City of Huntington Beach

LEGEND



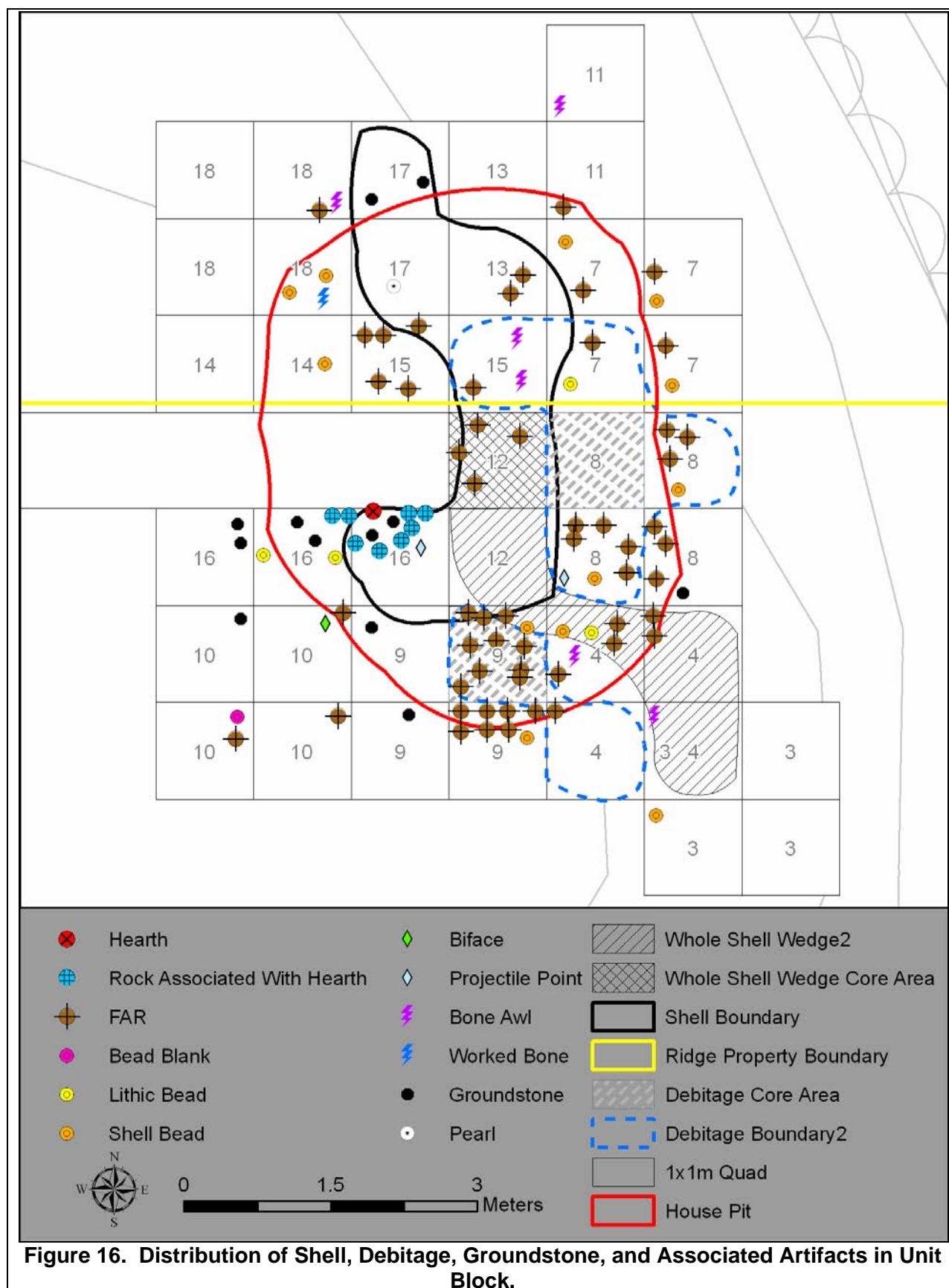
F:\0072\Planning\OA_Project\EXH_General\Habitat Plan\Fig_4-1_Restoration-Plan.dwg

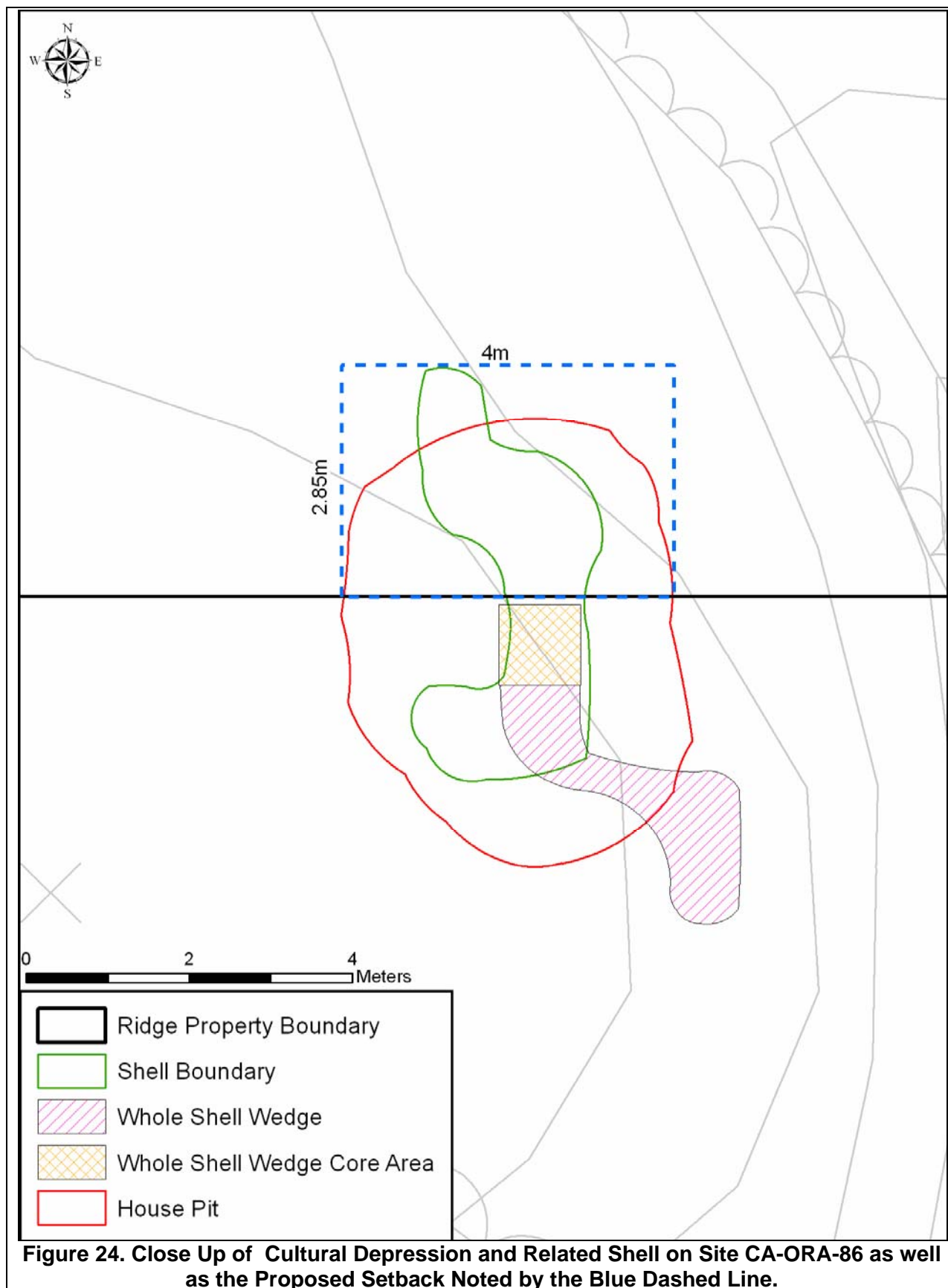
Scale: (approx.) 1"=250' 10/24/13

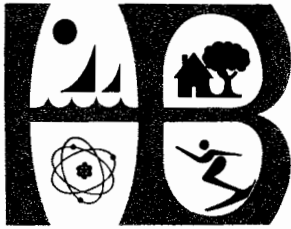
Source: Hunsaker & Associates Irvine, Inc.

Figure 4-1

Restoration Plan







City of Huntington Beach

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Joe Shaw
Mayor Pro Tempore

January 6, 2014

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South Coast Region

JAN 9 2014

Chairman Steve Kinsey
California Coastal Commission
County of Marin Board of Supervisors
3501 Civic Center Drive, #329
San Rafael, CA 94903-4193

CALIFORNIA
COASTAL COMMISSION

(Please Note: A copy of this letter has been sent to all Coastal Commissioners as well as Coastal Commission staff.)

Dear Chairman Kinsey:

I support the staff's recommendation of denial for the city of Huntington Beach's LCPA and Ridge development. Also, I support staff's recommendation of denial of the LUP amendment, and further urge the Commission to vote NO to the LUP amendment AND IP Amendment with modifications as suggested by staff.

I agree with staff that the Ridge and Goodell properties should be reviewed as one project and urge the Commission to reject all proposals of development for these properties as the impacts by any development to this property, to the Native American Archaeology, and the Native American community would be so severe that it cannot be mitigated and, therefore, is in violation of the Coastal Act Section 30244.

I have four areas of major concern:

- Destruction of a 9,000 year old Archaeology site
- Native American Cultural Loss
- Severe impacts to the adjoining ESHA and wildlife biology
- Violation of the city of Huntington Beach's General Plan Coastal Element Policy.

Further, I support preservation of the adjacent Goodell property as well as the Ridge project.

Archaeology and Native American Culture:

The Ridge site includes portions of the ORA-83 and ORA-86 sites and are merely recording conveniences. The entire area was one huge village complex with the main focus of occupation varying through time.

HNB LCPA-1-12

Manly, Australia

The Ridge

TELEPHONE (714) 536-5553
FAX (714) 536-5233

Exhibit 10

page 1 of 14 Aujo, Japan

ORA-83/86 is a world class site. It was established around 9,000 years ago by some of the first people to settle in California, continuously occupied for over 7,000 years, and represents one of the earliest ritual and trade centers in North America. It was the production and distribution center for the unique coggled stones that are believed to have functioned in an ancient religious congregation that extended from the coast to the Mojave Desert. Coggled stones are also found in 9,000 year-old coastal sites in Chile indicating interaction with Bolsa Chica. The site is recognized and revered as a sacred place by California Native Americans who were devastated by the desecration of the graves of their ancestors to make room for a residential development.

Impacts to Environmentally Sensitive Habitat and Violation of the City of Huntington Beach's General Plan's Coastal Element Policy:

Residential development on the site's five acres of open space parkland on the Bolsa Chica Mesa is inconsistent with the Land Use Element of the city's General Plan. Only inadequate buffers have been suggested to protect Coastal Commission-designated ESHA to the east and, the project will fail to ensure the maintenance of significant habitat.

The proposed LCP amendment would allow development on property that has remained zoned for open space specifically to protect existing and previously delineated wetlands, in direct conflict with the goals of the city of Huntington Beach's General Plan. The amendment also conflict with several policies and objectives pertaining to the protection of environmentally sensitive areas discussed in the Staff Report. (See Staff Report pp. 59-60.)

Further, the Bolsa Chica Mesa bluffs are identified as a visual resource in the Coastal Element, which calls for the preservation of public views to and from the slope. Public views from the thirty-foot wide city parcel would also be lost and replaced with views of suburban housing. Current views span all the way from Saddleback Mountain to the ocean and overlook much of Orange County. Public views will be replaced with solid masonry walls. Instead of increasing coastal access, the Ridge project would cut off views of coastal resources. View losses would be both direct and cumulative as other open space on the mesa is converted to residential development at Shea Parkside and possibly on the Goodell property.

Huntington Beach residents want you to stop this precious land from being developed!

Ex-10₂

Chairman Steve Kinsey
Page 3
January 6, 2014

Finally, as a City Council Member in Huntington Beach, I am positive that our previous City Council erred when they approved this project and changed the land use designation from open space to residential. More than 600 postcards were received by the City Council opposing the project and 300 people packed the City Council Chambers to oppose the project. Only one person appeared supporting the project; the developer's representative Ed Mountford.

The people of Huntington Beach overwhelmingly want this land to be preserved as open space or parkland for future generations. More than 400 homes were approved on the upper mesa at Bolsa Chica to disastrous results both for wildlife and for Native Americans.

Please vote to save these last jewels of Bolsa Chica.

Sincerely,

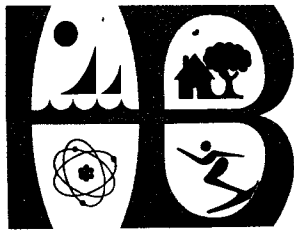
A handwritten signature in black ink, appearing to read "Joe Shaw", with a stylized flourish at the end.

Joe Shaw
Mayor Pro Tem
City of Huntington Beach

JS:cf

xc: Coastal Commission Members
Sherilyn Sarb, South Coast Deputy Director
Theresa Henry, District Manager, South Coast District
Meg Vaughn, Coastal Program Analyst

Ex. 10₃



City of Huntington Beach

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Connie Boardman
City Council Member

RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

December 30, 2013

Chairman Steve Kinsey
California Coastal Commission
County of Marin Board of Supervisors
3501 Civic Center Drive # 329
San Rafael, CA 94903-4193

(A copy of this letter has been sent to all Coastal Commissioners as well as Coastal Commission staff.)

Dear Chairman Kinsey:

Please vote to deny the LUP Amendment request No. 1-12, and the IP amendment for the Ridge Project at Bolsa Chica. (W24a). I completely agree with your staff that there needs to be a unified LCP amendment for both The Ridge Project and the immediately adjacent Goodell Property.

There are several important reasons I am making this recommendation and each is explained in detail in the letter:

First, the project violates the Coastal Element of the General Plan of the city of Huntington Beach by allowing the natural formation of the bluffs on the northwest side of the Bolsa Chica Mesa to be altered.

Second, I believe the applicant engaged in anticipatory demolition of biological resources on the site, specifically southern tarplant.

Third, neither the biological or archeological resources are adequately protected.

Fourth, the Ridge site and the Goodell Property are all one site and need to be treated as such.

Together The Ridge and the Goodell Property are the last remaining privately owned, undeveloped pieces of land on the Bolsa Chica Mesa. This area has revealed itself to be an important cultural landscape. A landscape that, unfortunately, the adjacent Brightwater Development largely destroyed, which makes it extremely important that these two parcels are treated with the upmost care.

In 2010, the Huntington Beach City Council changed the land use designation on The Ridge parcel from open space/parks to the lower priority residential so the developer could build 22 more houses on an area your staff refers to as "significant because it is located within the Bolsa Chica area, one of the most ecologically sensitive sites within the city's LCP jurisdiction or, indeed, Southern California." (Page 2 of staff report)

EX-104

The applicant touted its project to the Huntington Beach City Council as a "green project" since the houses were to be solar ready. However, I can see no way any development can be called "green" when it requires a land-use designation change from Open Space – Parks (OS-P) to residential.

I believe the City Council at the time erred in its action. The proposed project will alter the natural landform of the bluffs on the east side of the project. These bluffs are on the north and west side of the Bolsa Chica lowlands and the city's coastal element specifically calls out these bluffs for protection and prohibits any development that will alter them.

Here is the language from the city's Coastal Element that protects the bluffs from the impacts of this residential development:

Policy C.4.4.2 states, "Prohibit private development of the natural landform of the bluffs rising up to the Bolsa Chica mesa (the bluff face that rises above the north western edge of the Bolsa Chica low land) within the city's jurisdiction that would alter the natural landform or threaten the stability of the bluffs." Drainage systems and other such facilities necessary to insure public health or safety may be allowed provided that bluff alternation is restricted to the minimum necessary and is done in the least environmentally sensitive manner."

Also, 4.4.4 states, "City will develop an implementation program that will preserve and maintain the physical features of wetlands, bluffs, and beaches. (Emphasis mine)

The Ridge Project will impact the bluffs that rise from the northwest side of the Bolsa Chica lowlands. This project is on the Bolsa Chica Mesa, which rises from the west side of the lowlands.

Another issue that concerns me is the aggressive removal of vegetation on the site. I have attached photographs that show the parcel in 2009 and additional photos that show workers spraying herbicides on the plants on the site. At the City Council Meeting in July 2010, when this project was heard, Mr. Ed Mountford confirmed that herbicides were sprayed on the site.

In its letter to Douglas Goodell, dated July 10, 2009, the consulting firm LSA reports that on the immediately adjacent Goodell Property, "Local residents have reported observations of southern tarplant on the site in 2008 and 2009. The location and numbers observed by LSA are generally comparable to the reported observations by local citizens. **However, LSA found one location not previously noted, and in one location, in the southern-central portion of the property, there were numerous very small seedlings that brought the estimated number of plants in this area to 900-1,000."**

In August of 2009, The Ridge Property was sprayed with herbicides. The southern tarplant is a rare plant, considered endangered by the California Native Plant Society, and is found elsewhere on the Bolsa Chica Mesa. It is an annual plant that is highly transient and it is reasonable to expect that the plant would have moved onto The Ridge Property from the Goodell site except for the aggressive removal of plants by the property owner.

EX-105

Gravel has also been laid down on the site and blading has occurred to prevent the re-growth of vegetation. What the applicant may call "weed abatement" I call anticipatory demolition of sensitive species.

By not allowing any vegetative growth on the property and by not removing the gravel, the property owner has also reduced the use of the land by animals such as gophers and ground squirrels, which I know from personal experience, are found in high numbers on the immediately adjacent Goodell Property and the lower bench of the Bolsa Chica Mesa. By artificially suppressing the populations of these animals on the site, the use of the site by foraging raptors has also been artificially reduced.

The biological resources on the immediately adjacent Goodell Property will also be affected by the development on the Ridge Property, yet the plan offers no protection for these resources.

Your staff reports, "Additional special interest species detected on or adjacent to the Goodell site within the last several years include Cooper's hawk (*Accipiter cooperii*), northern harrier (*Circus cyaneus*), merlin (*Falco columbarius*), American peregrine falcon (*Falco peregrinus*), bald eagle (*Haliaeetus leucocephalus*), and Allen's hummingbird (*Selasphorus sasin*). In addition, California gnatcatcher (*Poliophtila californica*) surveys conducted in the vicinity by the applicant's biological consultant during the 2005 nesting season determined that the focal area and nesting area of a coastal California gnatcatcher breeding territory were adjacent to and southeast of the Goodell site." (Page 27-28).

Your staff also recognizes the extraordinary cultural importance of these last two remaining sites on the Bolsa Chica Mesa. While unpermitted archaeological investigations have been carried out on The Ridge Property, that does not guarantee that burials will not be found on The Ridge site.

Nancy Desautels-Wiley, the developer's archeologist, spoke about the cultural resources on the Bolsa Chica Mesa publicly at the April 8 and May 13, 2010, meetings of the Pacific Coast Archeological Society. Her talks were video-taped and she is recorded saying that there is a "100% chance of finding more clogged stones on the Goodell Property and a high likelihood of finding more burials." She has also stated that the Bolsa Chica Mesa is really all one site and these boundaries were "silly."

We only have to look at what was found on the Brightwater site (across the street from The Ridge) after grading started to show that archeological investigations do not uncover all the cultural resources on a site.

The Orange County Voice on April 1, 2008, reported, "*When applying to the Coastal Commission for a permit in October of 2004, Hearthsides reported that 97 percent of the ORA-83 site was excavated. Commission staff reviewed the site a month later in Oct. 2005 and concluded that it 'appears to be virtually 100 percent recovered.'*"

We now know of course that was not the case.

EX-106

Chairman Steve Kinsey
Page 4
December 30, 2013

On February 28, 2008 The LA Times reported: *Archaeologists have removed 174 sets of human remains from a controversial housing development under construction in Huntington Beach, bolstering claims that it was a significant prehistoric Native American settlement. Dave Singleton, program analyst for the California Native American Heritage Commission, said 87 sets of remains were removed before Hearthside Homes broke ground on its Brightwater development near the Bolsa Chica wetlands in June 2006 and 87 more since then.*

Your staff recognizes this as well by stating, "Even though the results of the archaeological work conducted on site conclude that no further significant resources are expected at the site, past archaeological investigations in the project vicinity indicate that this conclusion may not be definitive.

This same conclusion was drawn by the archaeological consultant after decades of investigation and excavations, but extensive significant resources were discovered after the residential development was approved and the applicant had obtained authorization to begin construction. (Emphasis mine)

Through the implementation of Commission required archaeological or shallow layer grading, designed to detect the presence of any remaining buried resources additional resources were discovered, including 74 human burials and other grave related artifacts, in areas where the archaeological consultant had concluded none were expected.

It is important that no action taken on either the Ridge or Goodell Properties, including action on this LCP amendment, **preclude preservation in place of any significant cultural resources that remain.** It is likely that the cultural significance of both sites does not stop at the modern property boundary. This is underscored by the fact that the resources that were discovered and removed as a result of the unpermitted archaeological work, the prehistoric dwelling unit and related artifacts, were found on both sides of the Ridge/Goodell property line." (Staff report page 25-26)

It is clear that the proposed LCP amendment offers inadequate protection of biological and cultural resources, found on the site, violates the Coastal Element of the General Plan of the City of Huntington Beach, and seeks to convert a high priority use under the Coastal Act to a lower priority use. For all these reasons the amendment must be denied.

Sincerely,



Connie Boardman
City Council Member
City of Huntington Beach

CB:cf

xc: Coastal Commission Members
Sherilyn Sarb, South Coast Deputy Director
Theresa Henry, District Manager, South Coast District
Meg Vaughn, Coastal Program Analyst

Ex. 10.7

Four Photos showing the use of herbicides on the Ridge Property follow below



Figure 1.0 August 2009, Ridge Property Bolsa Chica Mesa



Figure 2.0 August 2009, Herbicide Spraying, Ridge Property Bolsa Chica Mesa

EX-10₈

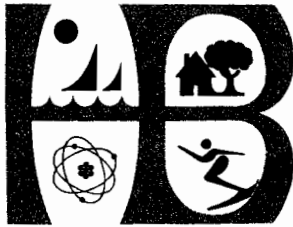


Figure 3.0 Herbicide Spraying Ridge Property Bolsa Chica Mesa, August 2009



Figure 4.0 Ridge Property Bolsa Chica Mesa, December 29, 2013
Looking east from Brightwater Road with the northern eucalyptus ESHA in background

Ex. 10₉



City of Huntington Beach

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• CALIFORNIA 92648

Jill Hardy
City Council Member

January 3, 2014

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JAN 6 2014

Chairman Steve Kinsey
California Coastal Commission
County of Marin Board of Supervisors
3501 Civic Center Drive, #329
San Rafael, CA 94903-4193

CALIFORNIA
COASTAL COMMISSION

(Please Note: A copy of this letter has been sent to all Coastal Commissioners as well as Coastal Commission staff.)

Dear Chairman Kinsey:

I am writing to request that the California Coastal Commission deny The Ridge Development Project (Huntington Beach LCP Amendment No. HNB-MAJ-1-12). While the Coastal Commission staff has recommended denial of the project without modifications, I ask that you do not support the modifications and deny the project outright.

First, the proposed Ridge development is on a coastal bluff and, therefore, goes against the city's coastal element language.

Policy C.4.4.2 states, "Prohibit private development of the natural landform of the bluffs rising up to the Bolsa Chica Mesa (the bluff face that rises above the north western edge of the Bolsa Chica lowland) within the city's jurisdiction that would alter the natural landform or threaten the stability of the bluffs." Drainage systems and other such facilities necessary to insure public health or safety may be allowed provided that bluff alternation is restricted to the minimum necessary and is done in the least environmentally sensitive manner."

Also 4.4.4 states, "City will develop an implementation program that will preserve and maintain the physical features of wetlands bluffs and beaches."

Second, there are archeological interests in the area. The proposed Ridge development is located at the ORA-83 and ORA-86 sites that are part of what was once a huge village complex of Native Americans. ORA-83/86 is a world-class site. It was established around 9,000 years ago by some of the first people to settle in California, continuously occupied for over 7,000 years, and represents one of the earliest ritual and trade centers in North America. It was the production and distribution center for the unique cogged stones that are believed to have functioned in an ancient religious congregation that extended from the coast to the Mojave Desert. Bolsa Chica is one of only two areas in the world where cogged stones have been found in large numbers. Also, cogged stones are found in 9,000 year-old coastal sites in Chile indicating interaction with Bolsa Chica probably by boat.

Chairman Steve Kinsey
Page 2
January 3, 2014

The site is recognized and revered as a sacred place by California Native Americans who were devastated by the desecration of the graves of their ancestors to make room for a residential development. The developers have taken more than 11 acres of ORA-83/86 for the Sandover Gated Development and the Brightwater (Hearthside) Residential Development. The remaining 11 acres (5 acres Ridge and 6 acres Goodell) should be preserved as open space in the public interest.

The last concern I will address is one of my main inspirations for seeking and serving a third term on the Huntington Beach City Council. When The Ridge Project was considered by the City Council in 2010, there was over three hours of public comment about the project. With the exception of the developer himself, not a single member of the public spoke in favor of the project. The project passed 6-1. I was the only member of the City Council who listened to the residents of Huntington Beach and voted against the project. Please do not be fooled by the elected officials who speak in favor of The Ridge Development. The people of Huntington Beach do not support more development on Bolsa Chica.

I urge you to deny The Ridge Development Project.

Respectfully,

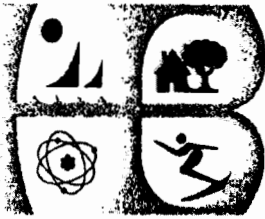


Jill Hardy
City Council Member
City of Huntington Beach

JH:cf

Xc: Coastal Commission Members
Sherilyn Sarb, South Coast Deputy Director
Theresa Henry, District Manager, South Coast District
Meg Vaughn, Coastal Program Analyst

EX-10₁₁



City of Huntington Beach

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South Coast Region

Jim Katapodis
City Council Member

JAN 6 2014

December 30, 2013

CALIFORNIA
COASTAL COMMISSION

*COPY OF THIS CORRESPONDENCE SIMULTANEOUSLY SENT BY MAIL
TO THE CALIFORNIA COASTAL COMMISSION STAFF*

Steve Kinsey, Chairman
California Coastal Commission
County of Marin Board of Supervisors
3501 Civic Center Drive # 329
San Rafael, CA 94903-4193

Commissioner Mary Shallenberger
California Coastal Commission
P.O. Box 354
Clements, CA 95227-0354

Commissioner Dayna Bochco
California Coastal Commission
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Dr. Robert Garcia, Commissioner
California Coastal Commission
c/o City of Long Beach City Hall
333 West Ocean Blvd., 14th Floor
Long Beach, CA 90802

Commissioner Jana Zimmer
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Commissioner Wendy Mitchell
California Coastal Commission
12949 Blairwood Dr
Studio City, CA 91604

Commissioner Mark Vargas
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Dear California Coastal Commissioners:

**Re: Request for a NO Vote on LUP Amendment Request No. 1-12 and IP
Amendment for the Ridge Project at Bolsa Chica (W24a)**

Please vote NO on LUP Amendment request No. 1-12, and the IP amendment for the Ridge Project at Bolsa Chica.(W24a), scheduled for hearing on January 8, 2014.

Ex. 10.12

Background:

In 2010, the Huntington Beach City Council changed the land use designation on the Ridge parcel from open space/parks to the lower priority residential so the developer could build 22 more houses on an area which the Coastal Commission staff refers to as "significant because it is located within the Bolsa Chica area, one of the most ecologically sensitive sites within the City's LCP jurisdiction, or indeed southern California." (Page 2 of Staff Report). I believe the then city council erred in its decision.

Issues for Concern:

Coastal Commission staff recommends that a unified LCP amendment is needed for both the Ridge project and the immediate adjacent Goodell Property, and I support their recommendation. Enumerated below are some issues raised on why a NO vote on the LUP Amendment Request is called for:

1. The proposed project violates the Coastal Element of the General Plan of the City of Huntington Beach by allowing the natural formation of the bluffs on the northwest side of the Bolsa Chica Mesa to be altered.

The biological resources on the adjacent Goodell Property will be affected by the development on the Ridge Property, yet no protection plan was provided for these biological resources. Your staff reports "additional special interest species detected on or adjacent to the Goodell site within the last several years include Cooper's hawk (*Accipiter cooperii*), northern harrier (*Circus cyaneus*), merlin (*Falco columbarius*), American peregrine falcon (*Falco peregrinus*), bald eagle (*Haliaeetus leucocephalus*), and Allen's hummingbird (*Selasphorus sasin*). In addition, California gnatcatcher (*Polioptila californica*) surveys conducted in the vicinity by a biological consultant during the 2005 nesting season determined that the focal area and nesting area of a coastal California gnatcatcher breeding territory were adjacent to and southeast of the Goodell site." (Page 27-28).

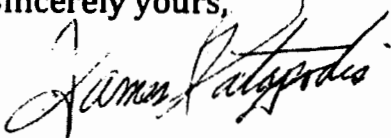
2. The Ridge site and the Goodell Property is all one site and thus, should be treated as such. Together, the Ridge and the Goodell Property are the last remaining privately-owned undeveloped pieces of land on the Bolsa Chica Mesa. These areas proved it to be an important cultural landscape and are therefore valuable parcels and should be afforded treatment as such.

3. The applicant touted its project to the Huntington Beach City Council as a "green" project since the buildings were to be "solar ready." However, no development should be labeled "green" when it requires a land use designation change from "Open Space - Parks (OS-P)" to "residential." Furthermore, the Ridge Project will impact the bluffs that rise from the northwest side of the Bolsa Chica lowlands. This project is located on the Bolsa Chica Mesa, which rises from the west side of the lowlands.

It is evident that the proposed LCP amendment lacks the required protection of the site's biological and cultural resources, violates the Coastal Element of the General Plan of the City of Huntington Beach, and under the Coastal Act, seeks conversion from a high priority use to a lower priority use.

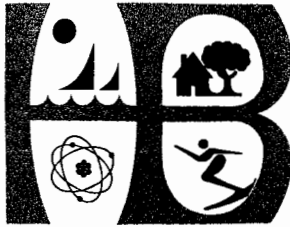
Given these reasons, I trust the Coastal Commission will prudently vote NO on the proposed amendment.

Sincerely yours,



Jim Katapodis
Councilman, City of Huntington Beach

cc: Sherilyn Sarb, Deputy Director
Teresa Henry, District Manager
California Coastal Commission - Orange County
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416



City of Huntington Beach

P. O. BOX 190

2000 MAIN STREET

CALIFORNIA 92648

Joe Shaw
Mayor Pro Tempore

February 20, 2014

RECEIVED
South Coast Region

FEB 24 2014

Ms. Meg Vaughn
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn:

RE: RIDGE/GOODELL PROPERTIES

On January 31, 2014, at its biannual Strategic Planning Session, the City Council asked staff "to study adding two Bolsa Chica sites to its Parks Master Plan that would include recommendations for outside funding for acquiring those sites for a new park." This is now part of our Strategic Plan for 2014.

In my opinion, any decision made by the Coastal Commission on these properties should take these new facts into consideration:

1. The City Council has an interest in saving these properties and preserving them as a park.
2. City staff will be looking at means of funding for the acquisition of these properties.

Also, any decision to be made on the deeding of the Goodell Property to a third party should include the city of Huntington Beach as a possible holder of the deed in perpetuity.

In 2010, when the City Council Members at the time approved changing the zoning to residential without an EIR, they did so despite the overwhelming opposition of the citizens of Huntington Beach who — then and now — support saving these two sites.

Sincerely,

Joe Shaw
Mayor Pro Tem
City of Huntington Beach

Exhibit 11

HNPB LCRA 1-12 The Ridge

page 1 of 1

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

**RECEIVED**
South Coast Region

JAN 7 2014

CALIFORNIA
COASTAL COMMISSION

January 6, 2014

Teresa Henry
District Manager
South Coast District Office
California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802-4416

Dear Ms. Henry:

RE: City of Huntington Beach LCP Amendment No. HNB-MAJ-1-12 (Ridge):

I am writing to provide comments in regards to the impact of the proposed change of land use designation from Open Space-Parks to Residential Low Density and the zoning from Residential Agriculture to residential Low Density at a parcel located in the City of Huntington Beach known as the Ridge property. As the State Historic Preservation Officer my responsibility is to promote the protection of California's irreplaceable heritage resources. Specifically, I am commenting pursuant to Section 30244 of the Public Resources Code: "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Office, reasonable mitigation measures shall be required," as well as Section 30116 which includes archeological sites designated by the State Historic Preservation Officer as sensitive coastal resource areas.

The impact of these land use changes would be significant. The property in question, known as the Ridge, is part of a very large village complex that occupied the upper banks of the Bolsa Chica mesa from 9000 to 2000 years before the present. Over the years a number of specific archeological sites within this complex have been recorded, including ORA-83 (site of production and distribution of coggled stones), ORA-84, ORA-85, ORA-86, and ORA-288; only portions of ORA-83 and ORA 86 remain, the balance lost to development. ORA-83, known as the coggled stone site, is listed in the National Register of Historic Places by the National Park Service at the recommendation of the State Historic Resources Commission and the State Historic Preservation Officer. Although these various sites have been given discrete identifiers, it is important to remember that they are all part of a larger property. Site numbers are merely recording conveniences and each only represents a part of the whole. Impacts to the Ridge property would in fact impact the whole of the remaining part of this once large village.

HNB LCPA 1-12
The Ridge

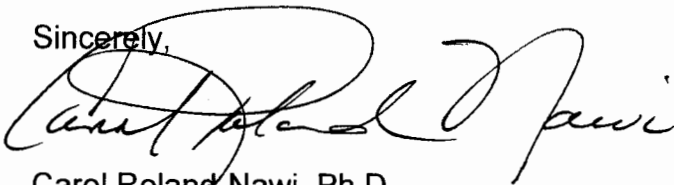
Exhibit 12
page 1 of 2

The property on Bolsa Chica mesa holds great cultural and religion importance to California Native Americans, including the Gabrieleno/Tongva Band of Mission Indians-San Gabriel. Large scale properties comprised of multiple, linked features that form a cohesive landscape are known as Traditional Cultural Properties. Current cultural resource management practice has moved beyond solely recognizing and promoting the protection of specific sites within a larger complex to recognizing and promoting the protecting of larger Native American cultural landscapes. The federal Advisory Council on Historic Preservation has formally adopted a *Native American Traditional Cultural Landscapes Action Plan*. The National Park Service has published and is currently updating its *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. This bulletin identifies one example of a culturally significant property as "a location with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world."

Since the significance of Traditional Cultural Properties is based on cultural and often religious significance, and not on their ability to yield, or likely to yield, information important in history or prehistory, impacts cannot be mitigated to less than a significant level by usual archeological practices such as excavation. Even the process of identifying such properties through testing, such as auguring or trenching will have significant impacts. Based on the cultural material, including human remains, encountered during prior development on parts of ORA-83 and ORA-86, there is a high likelihood of encountering similar cultural material at the Ridge property.

The proposed change of land use designation from Open Space-Parks to Residential Low Density and the zoning from Residential Agriculture to residential Low Density would significantly impact the remains of ORA-86 as well as other remains of this village complex that represents 7000 years of human occupation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Roland-Nawi".

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

Ex. 12₂

To the file

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
De_nahc@pacbell.net



December 27, 2013

RECEIVED
South Coast Region

JAN 2 2014

CALIFORNIA
COASTAL COMMISSION

Ms. Meg Vaughn

California Coastal Commission

200 Oceangate, Suite 1000
Long Beach, CA 90802

Sent by U.S. Mail

No. of Pages: 2

**RE: California Coastal Commission Hearing on the City of
Huntington Beach LCPA (HNB-MAJ-1-12) January 8-10, 2014.
Project also identified as SCH#2009091043 (State Clearinghouse
#); CEQA NOD; Project Title, The Ridge; Lead Agency: City of
Huntington Beach; Applicant Signal Landmark, Owner; Orange County,
California.**

Dear Ms. Vaughn:

The California Native American Heritage Commission (NAHC) has reviewed the proposed action proposed by the City of Huntington Beach and the developer and has concerns regarding the possible impact of the project on Native American cultural resources. The proposed land was previously zoned 'open space,' the Native American Heritage Commission (NAHC) deemed that appropriate as it bordered the internationally known "The Cogged Stone Site," that had been nominated in 1980 for placement on the *National Register of Historic Places*. In that nomination by Pat Hammon, the property description included The Ridge parcel, what is now called CA-ORA-86 but then was termed part of CA-ORA-83, The Cogged Stone Site. Dr. Brian Fagan, Professor Emeritus of the University of California, Santa Barbara also terms this parcel as part of The Cogged Stone Site. Clearly, this parcel is situated in a very sensitive archaeological and native American historic location.

Archaeological field work at the proposed site have yielded some archaeological items. While no Native American human remains have been excavated from this site, the adjacent areas comprising CA-ORA-83 and CA-ORA-85 have been locations where 178 sets of remains were reported to the NAHC. The NAHC is of the opinion that the proposed construction of 22 housing units on the five-acre Ridge site would cause further damage to Native American cultural resources and should be avoided if at all possible pursuant to CEQA Guidelines Section 15370 (a).

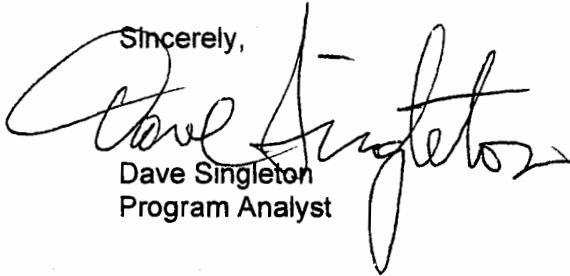
HNB LCPA 1-12
The Ridge

Exhibit 13
page 1 of 2

In the 1985 Appellate Court decision (170 Cal App 3rd 604), the Court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

If you have any questions or need additional information, please contact me at (916) 373-3715.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dave Singleton". The signature is written in dark ink and is positioned to the right of the typed name and title.

Dave Singleton
Program Analyst

Ex. 13₂



January 6, 2014

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, California 90802-4302
Attention: Meg Vaughn/Teresa Henry

[via email]

RE: Item Number W24a, Application #:HNB-MAJ-1-12

Dear members of the California Coastal Commission:

I am a local southern California zoologist who has been involved in Bolsa Chica environmental matters since 1982, when I worked under contract for the United States Fish & Wildlife Service examining the diversity, abundance and status of birds of prey at Bolsa Chica (Bloom 1982). Over the decades, I have also provided comments and testimony on the importance of the various habitats and parcels of land in both the uplands and wetlands at Bolsa Chica to birds of prey. As I have stated previously, the Bolsa Chica Mesa is a regionally significant wintering raptor area in southern California. It was made so as a result of surrounding habitat loss. That raptors still commonly utilize the location is evident as reported from the 2013 Christmas Bird Count that included 2 Peregrine Falcons, 1 Merlin, a Burrowing Owl and Red-tailed Hawks (Sea & Sage Audubon).

With this letter I wish to reaffirm what I have endorsed previously in print (Bloom 1982, 2005, 2006): the preservation of the maximum amount uplands possible to afford both habitat and buffer from potential housing developments on the Bolsa Chica Mesa.

Presently, the 4.97 acre Ridge property is being proposed for development, a location bordering the Bolsa Chica eucalyptus ESHA (Environmentally Sensitive Habitat Area), a local area within the Bolsa Chica Reserve where 17 species of raptors have been documented (Bloom 1982). Maintaining local ecosystem integrity by retaining the diversity and high number of individual raptors at Bolsa Chica can be best achieved by limiting further habitat loss. Wintering and nesting raptors (common and sensitive) of the area cannot afford the loss of more habitat and the close proximity of the proposed project to the ESHA where numerous individual birds of prey hunt in, hunt from, roost, and nest (Bloom 1982, 2006). The majority of raptor species have been observed hunting from the ESHA or flying over the site and while the Ridge property has been degraded in terms of habitat quality, it could be significantly upgraded by removal of gravel and revegetating with local native plants, or allowing the parcel to naturally revert to non-native grassland. Indeed, on the one day I visited the site in December 2013, two Red-tailed Hawks circled the Ridge property and one California Ground Squirrel was actively foraging.

Perhaps the most important environmental factor contributing to raptor population declines in Orange County is loss of habitat, whether we are talking about the last pairs of Burrowing Owls nesting at Naval Weapons Station, Seal Beach, or the tiny number of Short-eared Owls, Golden Eagles and others wintering along the Orange County coast. This is relatively common knowledge, hence my puzzlement by the Coastal Commission's endorsement and logic of a 300 foot buffer around the project to protect the ESHA while later amending it to a 150 foot buffer with a 6 foot wall (presumably not transparent and lethal to birds). While a 6 foot wall might provide very minor benefits to wildlife by diminishing the contact with people, it

HNB LCPA 1-12

Exhibit 14

Bloom Biological, Inc. Research | Consulting | Conservation

22672 Lambert Street, Suite 606 | Lake Forest, California 92630 | Phone: 949-272-0905 | Fax: 949-666-7630 | bloombiological.com

The Ridge

page 1 of 2

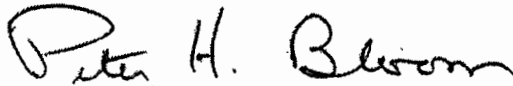
cannot possibly equal the loss of 150 feet of habitat proposed as a continuing habitat use area and buffer from human activities. Given the current proposed 4.97 acres of foraging habitat loss, the original 300 foot buffer or greater is needed. Most importantly if the habitat is removed, it makes no sense to compensate for that loss with a wall. Bolsa Chica Mesa wildlife need acres, not walls.

In my opinion the proposed loss of another 4.97 acres of Bolsa Chica Mesa raptor and other wildlife foraging habitat that would result from the proposed Ridge development is too destructive to wildlife and their habitats and should be denied.

Thank you for your consideration of my comments regarding the 4.97 acre proposed Ridge development on the Bolsa Chica Mesa.

Sincerely,

BLOOM BIOLOGICAL, INC.



Peter H. Bloom, Ph.D.
Zoologist/President

LITERATURE CITED

Bloom, P.H. 1982. Raptor inventory and habitat assessment for the Bolsa Chica area, Orange County, California. Santa Cruz Predatory Bird Research Group, UCSC.

Bloom, P.H. 2005. Letters to Marc Stirdivant summarizing Karly Moore's raptor observations at the Eucalyptus ESHA. Bloom Biological, Inc., Santa Ana.

Bloom, P.H. 2006. Letter report to Marc Stirdivant, Bolsa Chica Land Trust on the significance of the Eucalyptus ESHA to Orange County raptors.

Ex. 14₂



STIVERS & ASSOCIATES, INC.
Landscape Architecture, Urban Forestry, Environmental Planning
160 Centennial Way, Ste. 3, Tustin, CA 92780

January 4, 2014

Ms. Kim Kolpin, Executive Director
Bolsa Chica Land Trust
5200 Warner Ave.
Huntington Beach, CA 92649

Re: The Ridge development (Tentative Tract Map 17294) negative impacts on the adjacent Eucalyptus ESHA at Bolsa Chica, Huntington Beach

Summary

The Eucalyptus ESHA is a viable self sustaining forest. If The Ridge project is developed, it will reduce storm water runoff resource to the forest by approximately 50%. Most of the storm water resource from The Ridge project drains to the lower third of the ESHA. If this is removed it will have an immediate impact on the forest's largest trees and numerous saplings. Overtime the water resource reduction will compromise the viability of the entire forest. The decline in the forest will increase pest infestation, fire risk, tree failure risk, loss of habitat, and increase the potential for personal injury and property damage.

Assignment

Bolsa Chica Land Trust requested I do the following:

1. Collect data, information and inspect the subject site location. Record, photograph and examine the Eucalyptus ESHA, its watershed and The Ridge development site.
2. Study the data and provide an opinion as to the potential impacts The Ridge development would have on the Eucalyptus ESHA (Ecological Sensitive Habitat Area).
3. Provide Bolsa Chica Land Trust with a preliminary verbal and a formal written report of my observations, findings and opinion(s).

Observations: See Exhibit "A" Google Earth Map

The subject site is the watershed that drains and including the Eucalyptus ESHA. The watershed includes portions of The Ridge, the Down Slope between The Ridge and the Eucalyptus ESHA; the Trail on the north side of The Ridge, Down Slope and Eucalyptus ESHA; and the Eucalyptus ESHA itself. The subject site is approximately 8-acres.

HNB LCPA 1-12

The Ridge

Exhibit 15

1

STIVERS & ASSOCIATES, INC.
URBAN FORESTRY, LANDSCAPE ARCHITECTURE, ENVIRONMENTAL PLANNING
160 Centennial Way, Ste. 3, Tustin, CA 92780 (714) 838-9811, fax (714) 838-0727, e-mail: guystivers@att.net

page 1 of 19

The Ridge project is east of Bolsa Chica Street. It is approximately 5-acres and is enclosed with a steel mesh fence on the property line. During the time of my inspection (12/23/13), the soil was bare, with sparse weedy vegetation. The lot generally drains from west to east. Towards the center of the east property line fence the grade slopes down approximately 15' lower than the west property line fence. This is the lot's lowest location and where storm water drainage exits in a shallow swale that forms a drainage runnel (natural channel) that drains to the ESHA.

See Appendix "A" Photos 1 - 4

The land east of The Ridge slopes naturally down to the ESHA. The slope concentrates drainage into the runnel. As the drainage volume increase in the runnel it increases in depth and width. At mid-slope the runnel is approximately 3' wide by 3' deep. **Photo 5**

The sloped land is covered with non-native dead mustard stalks, new mustard growth and weedy fescue grasses. There are several well defined trails used by local inhabitants. The trails traverse the slopes and concentrate toward the center of the west side of the ESHA where there is a "camp" or "fort" used by indigents or juveniles.

The Eucalyptus ESHA forest is near the bottom of the Down Slope. It is visually well defined by the canopy of the eucalyptus trees. The trees form almost a continuous canopy from the north end of the ESHA to the south. However, near the southern third of the forest, it narrows where the drainage runnel crosses (perpendicular) it. The forest's largest trees and many saplings are near the drainage runnel. **Photo 6**

The tree canopies had minimal foliage dieback. The trees range in size from 1/2" diameter trunk saplings to 80' height mature trees with 48" diameter trunks (Kelly 11/20/96). There are numerous dead trees and limbs lying on the ground. The soil is covered with eucalyptus leaves, vegetative debris and erosion is minimal. Most of the trees are on a uniform slope that generally drains northwest to east. **Photos 7 & 8**

The eucalyptus trees are flowering and dozens of monarch butterflies were observed feeding on the flowers, mating and roosting in trees. The foliage had serrated edges indicating tortoise beetles (a pest) are feeding on eucalyptus foliage. **Photo 9**

Where the drainage runnel crosses the ESHA it becomes more shallow allowing drainage to fan out over the forest floor. At this general location, on both sides of the runnel and on the east side of the forest at the edge of the seasonal wetland, there are numerous saplings and juvenile eucalyptus trees. North and south of the runnel are several large mature eucalyptus trees.

Photos 10 - 14

On the north side of watershed, is a 30' wide by 750' long pedestrian trail. The trail provides access from Bolsa Chica Road to the wetlands and is used frequently by local inhabitants. The trail is compacted soil, sparse vegetation and drains east. **Photos 15 & 16**

Ex 15₂

Analysis

Site Soils: Per the U.S. Dept. of Agriculture Natural Resource Conservation Services Orange County Soils Reports, the soils are 174 Myford Sandy Loam for The Ridge and 177 Myford Sandy Loams for the Down Slope and Eucalyptus ESHA. The soils are generally sandy loam with more clay loams in the ESHA. For both areas the soils have slow to moderately rapid permeability (.25"-1" an hour). Erosion varies and ranges from slow to rapid resulting in erosion hazards on bare slopes of any grade.

Precipitation: Huntington Beach receives an annual average 13.33" of rain. The subject site is approximately 8-acres and receives a total average of 8.9 acre feet of rain a year.

The Ridge: See Exhibit "B" Site Plan of The Ridge

The Ridge site has the following three sub-watersheds:

- Watershed A (W-A) is approximately 145,100 sf and drains from west to east of the lot. It provides most of the drainage to the Eucalyptus ESHA. The grade averages 3.7% and the storm water runoff coefficient is 60% (coefficient depends on surface permeability, vegetative cover and grade). Storm water runoff is approximately 722,343 gallons (96,570 cu. ft.);
- Watershed B (W-B) is approximately 43,000 sf. It drains the upper northwest portion of the lot from south to north into the Trail where it eventually drains to the north end of the Eucalyptus ESHA. The grade averages 1% and the storm water runoff coefficient is 30%. Storm water runoff is approximately 107,100 gallons (14,318 cu. ft.);
- Watershed C (W-C) does not drain to the Eucalyptus ESHA.

The Down Slope:

The Down Slope is approximately 104,544 sf. It drains east into the Eucalyptus ESHA. The grade averages 12% and the runoff coefficient is 30%. Storm water runoff volume is approximately 260,400 gallons (34,812 cu. ft.)

The Eucalyptus ESHA: See Exhibit "C" Site Plan of Eucalyptus ESHA

The eucalyptus trees are *Eucalyptus globulus*, commonly known as Blue Gum. They were planted approximately 110 years ago by the owners of the Bolsa Chica gun club. Alden Kelly, project arborist for Shea, inventoried matured eucalyptus trees and depicted them on a site plan (Sept. 20, 1996); see Exhibit "C". Kelly recorded 36 mature trees. These trees are minimum 12" diameter (at 54" trunk height) and larger. Trees include: (2) 48", (7) 36", (7) 24", (1) 18" and (19) 12". Trees smaller than 12" dia. (saplings) are not shown. Noted on the Site Plan of ESHA, are the forest's largest trees north of the runnel.

Ex 15.

The Eucalyptus ESHA is approximately 42,000 sf (edge of the canopy measurement). The forest received approximately 348,717 gallons (46,620 cu. ft.) of annual rainfall.

The Trail: Is north of Watershed B and is approximately 13,068 sf. It drains west to east to the Down Slope where it then drains to the Eucalyptus ESHA. The grade is approximately .33%; the runoff coefficient is 30%; and the storm water runoff volume is 32,550 gallons (4,351 cu. ft.).

The Project Stormwater Runoff to Eucalyptus ESHA: According to the project proposal a landscape buffer will be developed along the east property line. The landscape concept plan describes the buffer as follows: "East-Facing Slope will include a Mixture of Drought-Tolerant and Low-Water Use Shrubs and will Utilize a Drip-Irrigation and 'Smart' Controller System." This landscape buffer is approximately 13,000 sf (2:1 slope factored) and drains west to east. The landscape is on a manufactured 2:1 slope (50% grade) with a runoff coefficient of 75%. The storm water runoff volume is approximately 81,000 gallons (10,822 cu. ft.).

Storm water Runoff Calculations:

Eucalyptus ESHA receives 1,471,110 gallons of storm water runoff and precipitation average per year.

The Ridge lot's watershed A and B provide 829,443 gallons of storm water runoff or 56% of the total.

A constructed Ridge project would yield 81,000 gallons of storm water runoff to the ESHA.

1,471,110 gal. (Total storm water and precipitation to ESHA)

- 829,443 gal. (If watershed A & B are removed)

+ 81,000 gal. (Added due to project development)

722,667 gal. (Approximately 50% reduction in storm water draining to ESHA)

Discussion

The eucalyptus forest (ESHA) was established in 1900 by the gun club. Currently it has varies sizes of trees indicating several generations of growth, reproduction and forest viability. The forest's largest trees and numerous saplings are near the drainage runnel that provides the highest concentration of storm water resources, most of it coming from The Ridge lot.

Tree roots grow beyond the canopy and in the direction of increasing moisture. The ESHA trees have grown and adapted to the available water resources for over a hundred years. Generally the more water - the larger the trees will grow. If half the water resource is suddenly and permanently removed, trees will shed foliage and limbs to compensate for the loss. Often this shedding leads to a permanent die back of the canopy. With die back comes pest more die back and decay - the start of the death cycle.

Ex 15

Conclusion

If The Ridge project is built it will reduce storm water flows to the Eucalyptus ESHA by 50%. Most of the storm water drainage will be removed from southern third of the forest. The forest's largest trees and numerous newly germinated saplings grow there.

The removal of this water source will have a significant impact on the health of these trees. Altering the drainage will reduce trees and forest survivability. The large trees will decline in health and most of the saplings will die reducing the forest's long term viability. In addition a decline of the largest trees in the forest will increase fire potential, tree failure, loss of habitat, and the potential for personal injury and property damage.

If you have any questions regarding this investigative report please give me a call. 714-838-9811

Prepared by,



Guy Stivers:
Certified Arborist, ISA WC 3915;
CaUFC Certified Urban Forester;
Landscape Architect, RLA #2708;
Landscape Contractor, CA 430-017; and
IA Certified Irrigation Auditor

Ex 15
5

APPENDIX "A" PHOTOGRAPHS



Photo 1: The Ridge lot looking northwest



Photo 2: The Ridge lot looking north to lowest point.



Photo 3: Drainage swale east side of The Ridge lot.



Photo 4: Plan at high point of drainage runnel on down slope

Ex 15₆



Photo 5: Plan sitting at low point in drainage runnel



Photo 6: Runnel drains to ESHA



Photo 7: Next generation saplings and juvenile trees



Photo 8: ESHA, east side looking south. Juvenile tree to left at edge of seasonal wetland

Ex 15₇



Photo 9: Monarch butterfly feeding & evidence of tortoise beetle infestation

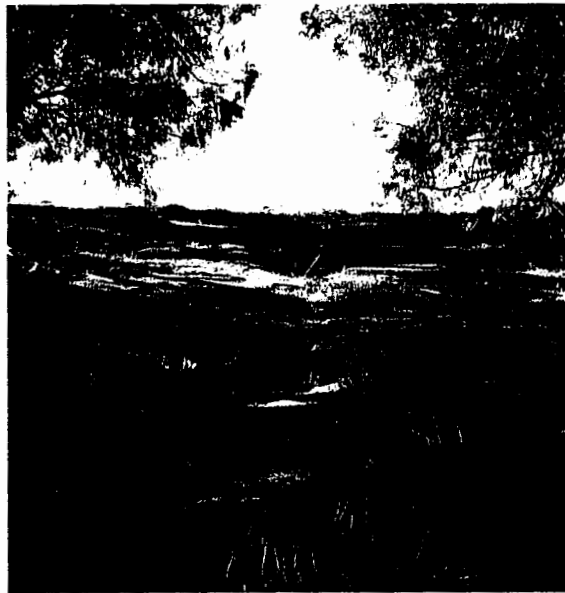


Photo 10: Drainage runnel in ESHA



Photo 11: Next generation eucalyptus trees



Photo 12: Saplings and downed trees

Ex 15



Photo 13: Mature eucalyptus trees



Photo 14: Juvenile tree at edge of seasonal wetland.
East side of ESHA looking north.



Photo 15: Trail looking east

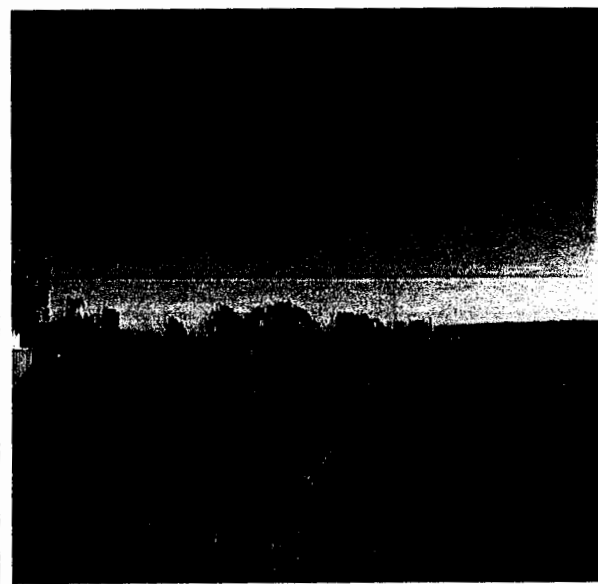
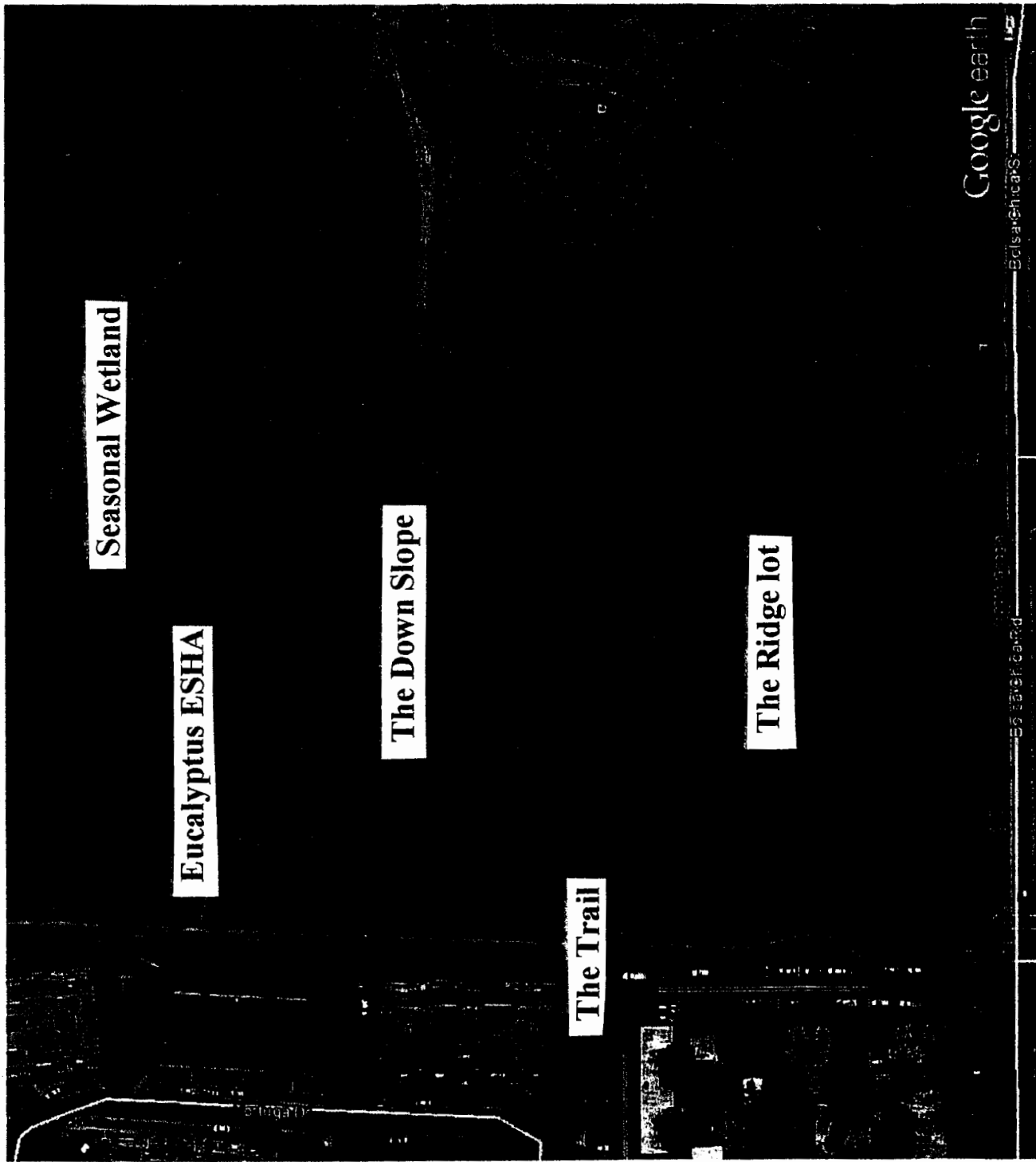


Photo 16: Trail looking east

Ex 15
9

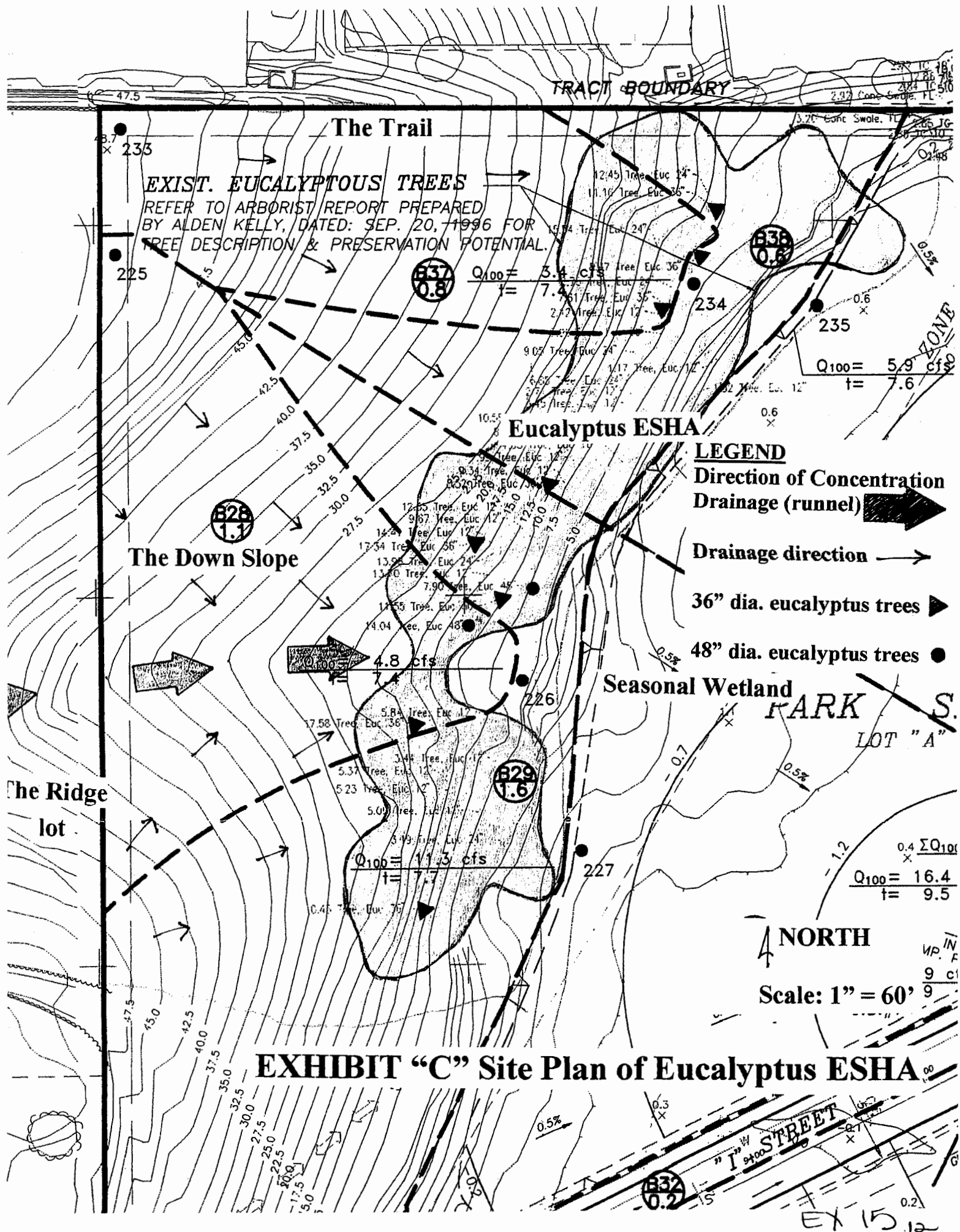


NORTH

feet 700
meters 200

Google earth
EXHIBIT "A"

Ex 15₁₀



CURRICULUM VITAE

10/22/13

GUY STIVERS

Landscape Architecture, Environmental Planning, Urban Forestry
160 Centennial Way, Ste. 3, Tustin, CA 92780, ph 714-838-9811, fax 838-0727,
Cell 714-357-6386 GuyStivers@att.net

PROFESSIONAL REGISTRATION

Registered Landscape Architect, California, RLA. #2708, 1987
CaUFC (California Urban Forest Council) Certified Urban Forester #104, 2004
ISA (International Society of Arboriculture) Certified Arborist, # WE-3915A, 1998
Licensed Landscape Contractor (inactive), California, C-27 #430017, 1981
IA (Irrigation Association) Certified Landscape Irrigation Auditor, 1998
Stivers and Associates Inc., is a Disadvantaged Business Enterprise, CUP#15984, (DBE), Current

EXPERIENCE

1980 (6 months intern): Harold Howard Associates, Landscape Architecture, Sydney, Australia.

Type of work: public works, resource-efficient management and landscape design

Job description- Intern

1981-1986: Frank Radmacher Associates, Landscape Architecture, Tustin, California

Type of work: housing, commercial, retail, institutional.

Job description- Project Manager; in charge of producing construction documents.

1986-1987: Florian Martinez & Associates, Landscape Architecture, Irvine, California

Type of work: housing, commercial and retail.

Job description- Production manager of construction documents.

1987- Current Date: Stivers & Associates, Inc., Landscape Architecture, Env. Planning & Urban Forestry. Type of work: Retrofit, habitat restoration, resource management, erosion control, housing, commercial, retail, public works, landscape construction, urban forestry and "green streets".

I have more than thirty-years experience in the practical application of landscape development and management. My extensive design, build, and management knowledge has been instrumental in formulating creative solutions for landscape design in residential, commercial, retail, industrial, and environmental mitigation.

I have worked as a team leader with a variety of engineering and environmental professionals to provide environmental mitigation services. These services include: investigations and analysis; reporting and programming for soils mitigation; erosion control; irrigation and water management; native planting; arboriculture evaluations; habitat restoration; tree preservation programs; litigation support; and insurance assessments.

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EDUCATION

- Bachelor of Science in Landscape Architecture,
California State Polytechnic University, Pomona, 1979
- Associate of Arts, Architecture, Mount San Antonio Junior College, 1975.

CONTINUING EDUCATION

University of California, Extension Riverside (course studies):

- *Restoration Ecology*, 1992;
- *Landscape & Tree Risk Management Lawsuit Prevention for Private and Public Entities*, 1997;
- *Arborists' and Tree Workers' Certification Preparation Course*, 1997;
- *Selecting, Planting, & Caring for Palm Trees*, 1998;
- *Selecting Planting and Maintaining Trees to Save Money, Time, and Effort*, 1998;
- *Tree Appraising and Writing Technical Reports*, 1998;
- *Plant Health Care: A New Direction in Care of Ornamental Landscapes*, 1999;
- *Tree Hazard Evaluation Workshop*, 1999;
- *Troubleshooting in the Landscape*, 2000;
- *Eucalyptus Pest Management*, by Cal Urban Forest Council, 2000;
- *Pruning Urban Trees (safety, health, aesthetics, reduce liability, cost, improve quality)*, 2000;
- *Less Water, More Landscape-What's Next Emerging Turf and Landscape Irrigation Challenges*, Dec04;
- *Tree Biomechanics and Risk Assessment*, Oct. 2005

Ted Stamen Arboriculture Continuation Education:

Palm Tree Short Courses: Selecting, Planting, and Maintaining 2004: "Effectively Managing Palms by Understanding Their Biology"; "How to Use Palms In The Landscape"; "Transplanting Palms In The Urban Landscape"; "Maintaining and Troubleshooting Palm Problems"; "How a Professional Soil and Plant Laboratory Can Help You"; "Pruning Palms for Safety, Health and Aesthetics"; "Palm Insects, Diseases and Man-made Problems"; and "Successfully Moving Palms"

Street Tree Seminar, Inc.:

- *Trees, And the Law*, January 22, 1999;
- *Soils And Trees*, March 25, 1999;
- *Pest Update 2000*, April 20, 2000;
- *The Roots of Our Urban Jungle*, January, 2001;
- *California Urban Forestry Council & Glen Flemik California's new State Forester*, Oct. 2005
- *The Ins And Outs Of Tree Care*, January 20, 2006; and
- *Can Our Wesern Trees "Weather" the New Climate & Pest Coming Our Way*, June 2013

Society of Ecological Restoration:

- *First State SER Conference, "Restoration: Roles and Contexts"*, 1992;
- *Riparian Reveg. Study Group, Conference on "Monitoring of Riparian & Wetlands Resources*, 1992;
- *Fifth Annual SER National Conference, "Integrated Restoration and Planning"*, 1993; and

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- *Southern California Academy of Science (Symposia), "Brush Fires in California Wildlands", 1993*

ISA Western Chapter Sponsored Workshops:

- *Tree Appraisal Workshop, 1997;*
- *Trees and Development, Construction Management, by Nelda Mathemy and Jim Clark, 1998;*
- *Are There Solutions to Southern California's Tree Insect Problems? With CUFC, June 2002;*
- *Current Pests and Diseases of Southern California Urban Trees, With CaUFC, July 2004;*
- *Integrated Pest Management for Arboriculture, With Street Tree Seminar, Inc. August 2004;*
- *California Tree Failure Report Program, February 2005; and*
- *Field Day at Oak Canyon Nature Center, Reading Oaks, September 2005*
- *The International Language of Trees, "Applied Arboriculture For The Field", March 2006*
- *Up by Roots, "Healthy Soils and Trees in the Built Environment", James Urban, April 17, 2009*
- *California Tree Failure Report Program, Descanso Gardens La Canada, April 18, 2013*

University of California, Extension Irvine (course studies):

- *Architectural and Engineering Project Management, 1986.*
- *AutoCad; Training in Computer Aided Drafting and Design (Technology), 1995.*

Cal Poly Pomona, Kellogg West Extension Education Center

- *Mycorrhizal Fungi-Past, Present and Future, by Dr. Donald Marx, 1998*

California State University of San Bernardino: Conference Connection, College of Extended Learning:

- *A Seminar: Selecting, Planting, Moving & Managing Ornamental Trees, Yorba Linda, 2001;*
- *A Seminar: The Southwest Palm Seminar, Yorba Linda, 2001;*
- *A Seminar: Tree Failure Risk Management Workshop & Outside Field Days, San Marino, 2001;*

American Society of Consulting Arborist:

- *"Arboricultural Consulting Academy", Newport Rhode Islands, 1999;*
- *"ASCA Convention", San Diego, 2001: Tree Risk Assessment; Report Writing, Doing More with Less; What's Wrong with This Plant; Sudden Oak Death; Mycorrhizal Inoculants for Urban Landscapes; Tree Health
Phytophthora; Advanced Tree Structure Assessment; Trimming Your Liability; and Ethics for Consulting Arborist*
- *"ASCA Convention", Lake Tahoe, 2003: Soil Compaction; Elements of a Hazard Tree; Applying Risk Assessment; Integrated Tree Hazard; Tree Removals; Lake Tahoe, Liminology; Ask The Experts;
Replacing Lost Leaders; Xenophobia (insect & diseases); Root Anatomy Health; Tree Species Composition; North American Tree Failure; Selection of Methodology (Appraisal).*
- *"ASCA Convention", Palm Springs, 2005: Avoiding Disputes Regarding Payment, Appraisals, and Attorneys; Searching for the Super Tree; The expert Witness: One Judge's Perspective; Advanced Dianostics: The perception of Risk; Does the Research Support the Marketing?; Mock Deposition: Top 10 secrets of Awesome Reports; It's More Than Words! Reading People from the Outside In!; Applying Dedrochronological Studies in the Consulting Arborist's*

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EX15₁₅

Practice; Identifying Tree Decline by Fluorescence Fingerprinting; Palm Diseases; Tree Preservation on Infill Projects; Case Studies in Appraisal; Benefit Based Tree Appraisal; and Consultant/Contractor/Client Communications.

Irrigation Association, Certified Landscape Irrigation Auditor, CEUs:

- *Landscape Irrigation Auditor Training and Testing, Fullerton College, 1998;*
- *Landscape Water Management, Budgeting, Fullerton College, 1999;*
- *CLCA Class: "How to Develop Landscape Water Budgets & Their Use to Improve Irrigation Efficiency" 01*
- *CLCA Class: "Irrigation Trouble Shooting Seminar", 2002;*
- *CLCA Class: "Irrigation" System Electrical Trouble Shooting", 2002;*
- *CLCA sponsor and presented by IA: "Electrical Troubleshooting Part I, Dec. 9, 2002;*
- *Irrigation Association: Drip Design in The Landscape, Feb. 20, 2003;*
- *Irrigation Association Convention: San Diego, California, November 19, 2003; and*
- *SMART Technologies For Irrigation Management, Cal Poly, March 20, 2006*
- *Irrigation Association: Understanding Pumps, Nov, 2008*
- *UC Extension (SCREC), Residential Landscaping & Irrigation BMP, March, 31, 2010*
- *TORO, AB 1881 Model Water Efficient Landscape Water Ordinance Overview, March 31, 2011*

Southern California Turf Grass Council (Dec. 15, 2004)

Arboriculture:

- *"Recognizing Abiotic Problems In Urban Trees" by Mike Henry;*
- *"Transplanting Large Specimen Trees In Urban Settings" by Mike Ritenour; and*
- *"Irrigation Management In Woody landscape Plants" by Dennis Pittenger*

Irrigation:

- *"Irrigation Design, Organization and People Make a Centralized Control System Effective", S.Holz;*
- *"Central Controls for Large Landscape " by John Torosian; and*
- *Trends in Landscape irrigation -Needs and Technology, by Cuellar /Dortch*

Environmental Systems Research Institute, Inc., (Geographic Information Systems)

- *Certificates in: ArcView & ArcCad Applications, GIS software, 1995.*
- *Certificate in: ArcGIS I, March 8 & 9, 2004*

California Urban Forest Council Conferences:

- *Visalia, 2002 "Planning California's Urban Forest";*
- *Long Beach, 2003 "Marketing Urban Forestry";*
- *Lompoc, 2005, "Planning - The Critical Element in Urban Forestry ";*
- *Pasadena, 2006, Presentation: "CUFC Certified Urban Forester Workshop";*
- *Riverside June 13, 2013: Trees Make Dollars and Sense an appraisal workshop*

Rancho Santiago College, Santa Ana:

- *Undergrad courses in Biology, Botany, Zoology, & Chemistry, 94-95.*
- *"Pesticide Application for Arborists", March, 2007*

Rancho Santa Ana Botanical Garden:

- "Sustainable Landscape Design Seminar", Feb. 2006
- "Sustainable Landscape Management Seminar", Sept. 2006

Urban Land Institute, Orange County/Inland Empire:

- "Green Streets: Building Sustainable Infrastructure in the Inland Empire and Orange County", Riverside June 15, 2010
- "Diagnosing Place: The Hidden Epidemic", Santa Ana, Nov. 17, 2010

Los Angeles & San Gabriel Rivers Watershed Council:

- *Harvesting the Rain: Decentralized Storm water Management*, Los Angeles, June 30, 2010
- *Climate Change and The Experimental City*, PhD James Evans, 11/10/10

Natural Paths Urban Forestry Consultants: *I Tree Eco Workshop, (Urban Forest Effects Model, USDA) Assessing Urban Forest Effects & Values. 11/19/10*

Sims Tree Health Specialist: *TLC Wildlife Aware Workshop, Jurupa Valley, 2013*

John Deere Landscape: *A Seminar: John Deere Landscape : Arborjest Turf and Tree Training , Laguna Hills, 2013*

UC Riverside: *Your Sustainable Backyard: Citrus and Avocados a workshop*

GUEST SPEAKER

- *The Committee for Sustainable Agriculture: "Sustainability in Practice": Developing Environmentally Sound Landscapes and Making a Business of It, 1997;*
- *Irvine Ranch Water District: "Spring Home Garden Workshop", 1998;*
- *Old Town Tustin's Promenade: Historical Trees of Tustin, Tour and Lecture, 1999-2013;*
- *Architectural Design Committee Chair for Tustin Old Town Association, 1999-2001;*
- *California Urban Forest Conference, "Site Specific Landscape Design", September 2002;*
- *Palm Tree Short Course (Ted Stamen): "How to Use Palms in the Landscape", 9/04;*
- *KRLA (870AM) "HOME WIZARDS" guest, "The Use of Native Plants Around Homes", 10/05*
- *Anaheim 57th Home and Garden Show, "California Friendly Landscape" demonstration garden, 8/06*
- *18th Annual California Fire Prevention Institute, Workshop Instructor: Firewise Landscaping, 3/08*
- *Master Gardeners of Orange County, lecture on Water Harvesting, California Friendly Landscape and Shipley Nature Center, Oct, 08*
- *Metropolitan Water District's Spring Green Fair, "Green Landscaping on a Budget", 5/7/ 09*
- *Orange Coast College, "Going Green" Program, Resource Efficient Landscape, Workshop, 8/1/09*
- *Turf and Landscape Institute, "Resource-Efficient Landscapes", presentation, 12/16/09*
- *The Los Angeles and San Gabriel Rivers Watershed Council, Watershed Symposium Harvesting the Rain: Decentralized Storm water Management, Project Landscape Architects Perspective, 6/30/10*
- *LA Co. Arboretum & Botanic Garden: Landscaping As If the Watershed Matters, 4/21/11*
- *UCLA Extension, Landscape Architecture Alumni: Tour of Elmer Ave. Storm water System, 4/23/11*

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- Infrastructure Academy, High Performance Landscapes & The Future Work Force, 1/7/10
- Infrastructure Academy, Landscape tour and workshop for Vista Hermosa Park, 4/12/11 & 6/14/11
- Headwaters to Ocean (H2O) Conference, Promoting Responsible Garden Design & Reducing Runoff from Urban Landscapes, San Diego, 5/26/11
- KOCI (101.5FM) "The GREEN ORANGE" guest "Water Conservation in the Landscape", 8/9/11
- Watersmart Innovations Conference: The Elmer Avenue Neighborhood Demonstration Project A Plant Palette for a Southern California Green Street, Las Vegas 2011;
- At Home with Natives 2013, Sustaining California with Native Gardens, O.C. Chapter CNPS 2013

TECHNICAL ADVISOR

- "Lead Technical Advisor" for Coastal Sage Scrub Restoration at Bolsa Chica Mesa. Currently working with the Bolsa Chica Land Trust and the California Department of Fish and Game to restore 120-acres of uplands in the Bolsa Chica Ecological Reserve, Huntington Beach CA., 1995 to present;
- "Lead Technical Advisor" for U.S. Navy Refuge & Enhancement Preserve, Seal Beach, California. Currently working with the Friends of Seal Beach Wildlife Refuge Center, U.S. Navy, and the US Department of Fish and Wildlife, to establish a six acre native exhibition garden around the information center, 1996 to present;
- "Lead Technical Advisor" for the restoration of Shipley Nature Center, Huntington Beach CA. 2002 to present;
- "Subject Matter Expert", regarding the 1998 California Landscape Architect's Licensing Examination-California Section. Retain by the Board of Architectural Examiners Landscape Architects Program, in the Department of Consumer Affairs, Sacramento, California;
- "Subject Matter Expert", regarding the 2003 California Urban Forests Council Certification Examination for "Certified Urban Foresters"-Landscape Architecture Section;
- Technical Advisor, Kristar Innovative Stormwater Management Products, Santa Rosa California, 2009;
- "Extended Committee / Reviewer" for Western Chapter Species Classification and Group Assignment (01/01/2004), the supplement to International Society of Arboriculture's and Council Of Tree & Landscape Appraisers', Guide for Plant Appraisal, 9th Edition;
- Member of Golden West College, Huntington Beach, Environmental Studies/Solar Technology/Engineering Technology Program Advisory Committee, 2009

Metropolitan Water District (MWD) Technical Advisor:

- Jury member to critique grant submittals for MWD's "City Makeover Program". MWD's effort to foster the appreciation of California native and drought-tolerant plants and efficient irrigation techniques in public, commercial, and residential landscapes. 9/05;
- Provide lecture to "Green Point" certifiers on MWD's "California Friendly Landscape Program", 6/08
- Workshop to "brainstorm" MWD's "California Friendly Program" to promote drought-tolerant vegetation considered "friendly" to the public an environment. 3/06;
- Technical Advisor for the development of MWD's "California Friendly" Landscape Program for home builders into a "self-certification" program. Revise program elements and landscape specifications to accomplish task, June-August 2008.

EX15₁₈

- *Identifying Growth Opportunities in the Water/Waste Water Sector, Landscape Industry Representative, 1/12/11*

AWARDS and ACOLADES

- *"Kennedy Kolpin" Bolsa Chica Conservation Award, 1998.*
- *Co-received "ASLA Centennial Medallion" for making Bolsa Chica a "National Landmark for Outstanding Landscape Architecture"; "Earth Day", April 22, 2000.*
- *Co-received "The City of Huntington Beach and The Environmental Board's" environmental award for community beautification, environment conservation and awareness, 2001.*
- *California Landscape Contractors Association – Los Angeles / San Gabriel Valley Chapter. The 46th Annual Beautification Awards – 2004: 1st. Place – Unlimited Commercial Maintenance / Exceeding \$3,001 month Vantage Pointe Community*
- *Los Angeles, Councilmember Tony Cardenas recognition of Stivers' contribution to the success of Elmer Ave.*
- *Roger's Gardens "California Friendly Garden Competition", Grand Prize & Irrigation Efficiency Awards, 2010*
- *Cal. Storm water Quality Association, Elmer Ave. "Outstanding Stormwater BMP Implementation Project" 2010*

NOTABLE "HIGH-PERFORMANCE" LANDSCAPE PROJECTS

- *Metropolitan Transportation Agency "Orange Line" (13-miles), North Hollywood to Reseda;*
- *Shipley Nature Center (18-acre), Huntington Beach;*
- *Acorn Naturalist, Science and Environmental Supplies, Tustin;*
- *Edinger Ave, Sea Gate Community, Bike & Pedestrian Trail landscape project, Huntington Beach;*
- *Bolsa Chica "CPR for the Mesa", Community Promoted Restoration Project, Huntington Beach;*
- *Santiago College, Orange County Coastkeeper's "Smartsapes" Demonstration Garden, Orange;*
- *Los Angeles and San Gabriel River Watershed Council, Elmer Ave. "Green Street", Sunland Valley;*
- *Southern California Edison, Villa Park Sub-Station "SmartScapes" project, Orange;*
- *San Fernando Road, Street Tree Project ("Structural Soils"), Glendale;*
- *Yunker Residence, "California Friendly" landscape, Huntington Beach;*
- *Mesa Water Reliability Facility, Resource Center, Costa Mesa*

PROFESSIONAL AFFILIATIONS

ISA- International Society of Arboriculture
 STS- Street Tree Seminar, Inc.
 CNPS - California Native Plant Society
 CUFC- California Urban Forest Council

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT
1385 8th Street, Suite 130
ARCATA, CA 95521
(707) 826-8950

**MEMORANDUM**

FROM: John D. Dixon, Ph.D.
Ecologist

TO: Meg Vaughn

SUBJECT: Ridge LCPA

DATE: May 23, 2014

Documents reviewed:

Bloom, P.H. January 6, 2014. Letter to California Coastal Commission regarding "Item Number W24a, Application #:HNB-MAJ-1-12" and the loss of raptor habitat that would result from the CCC staff recommendation.

Stivers, G. January 4, 2014. Letter to K. Kolpin (Bolsa Chica Land Trust) regarding "The Ridge development (Tentative Tract Map 17294) negative impacts on the adjacent Eucalyptus ESHA at Bolsa Chica, Huntington Beach"

In emails regarding the Ridge property, I originally recommended that new development be set back 300 feet from the Eucalyptus ESHA on the Shea property, which would also provide a setback of at least 50 feet from the grassland and coastal sage scrub restoration that is planned in the area adjacent to the property line that separates the Ridge and Shea properties. However, I suggested that the width of the setback could be reduced if "...there was a high masonry wall that had the protective effects of a buffer, such as damping sound, blocking activity from view, reducing night-lighting, and constraining domestic animals." In later email exchanges, I found that a 7-foot high, solid masonry wall would provide such protection from disturbance and that such a structure would obviate the need for a spatial setback from the restored grassland (based on the restoration plan, the coastal sage scrub would be at least 20 feet from the property line). I also indicated that all development should be sited in such a way that no fuel modification on the adjacent Shea property would be required for fire safety and that maintenance of the masonry wall would not require incursion into the restored area.

In recent correspondence, Bloom (2014) and Stivers (2014) have each presented a convincing case that these standards, which were based solely on reducing anthropogenic disturbance to sensitive habitats, are insufficiently protective of raptor habitat and the important vegetation on the Shea property. Peter Bloom correctly points out in his letter that with a reduced buffer the consequent loss of raptor foraging habitat would be a serious impact in an area where such habitat has already been severely

HNB LCPA 1-12
The Ridge

Exhibit 1b
page 1 of 2

reduced by residential development. Mr. Stivers notes that the Eucalyptus trees that make up the ESHA currently form a "viable self sustaining forest" and calculates that the forest could lose about half its water supply from runoff if the Ridge parcel is developed as contemplated in the January 2014 staff report. Such a reduction in water reaching the forest would place the trees in jeopardy and create an impact that would significantly degrade the ESHA, which would violate the provisions of Section 30240(b) of the Coastal Act. I agree that these are serious impacts and I did not consider them in my earlier recommendations. A reduction in runoff would also affect the viability of the restored habitats on the Shea property.

With regard to protecting raptor foraging habitat, the California Department of Fish and Wildlife recommends that one half acre of foraging habitat be preserved for every acre impacted by development¹. On the 4.97-acre Ridge property, this ratio would result in about 1.66 acres of open space preserved for raptor foraging. If the development footprint were set back 150 feet from the eastern property line, it would result in about 1.66 acres of preservation and would provide a 300-foot setback from nearly the entire Eucalyptus ESHA. This would also maintain a significant watershed and provide the opportunity for buffer restoration that would complement the restoration efforts on the Shea property.

¹ The Coastal Commission followed this recommendation of the CDFW in its approval of the Hellman application (5-97-367-A1) and of the Brightwater development (5-05-020), which is adjacent to the Ridge property.

Ex. 16₂

CHATTEN-BROWN & CARSTENS LLP

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HERMOSA BEACH, CALIFORNIA 90254

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MNB@CBCEARTHLAW.COM

May 20, 2014

Ms. Teresa Henry
Ms. Meg Vaughn
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Via U.S. Mail and email: Teresa.Henry@coastal.ca.gov
Meg.Vaughn@coastal.ca.gov

Re: Draft Suggested Modifications, Major Amendment Request No. HNB-
MAJ-1-12 (The Ridge) to the City of Huntington Beach Certified Local
Coastal Program (LCP)

Dear Ms. Henry and Ms. Vaughn:

We have reviewed the Draft Suggested Modifications to the LUP for The Ridge, dated April 30, 2014, submitted to the Commission by the City of Huntington Beach and submit these comments on behalf of the Bolsa Chica Land Trust (BCLT). The mission of BCLT is to acquire, restore and preserve the entire 1,700 acres of the mesa, lowlands and wetlands of the Bolsa Chica ecosystem, and to educate the public about this natural treasure and its unique biological and Native American cultural resources. BCLT has supported staff's past recommendations to deny the Local Coastal Program amendment submitted by the City of Huntington Beach due to the amendment's inconsistencies with Coastal Act policies concerning land use priorities, significant cultural resources, and sensitive habitat areas.

A. Use of the Goodell Site for Purposes Other than Open Space

As recognized by the staff report prepared for January 2014 Commission hearing on this amendment, the Goodell site has superior biological value and documented cultural resources. BCLT thus objects to the inclusion of "interpretive facilities, public parking, and interpretive displays" as "Permitted Uses" on the Goodell site. Suggested Modification No. 10 would also inappropriately permit "[a]ncillary...building" on Open Space Conservation areas. The local Native American community prefers that the

Goodell site remain open space as part of the cultural landscape. The Consent Cease and Desist and Consent Restoration Orders do not specify where the required Native American cultural site will be located; it is therefore appropriate that it be constructed on the Ridge site, where most of the unpermitted excavations that prompted the Consent Orders occurred. Further, permitting the placement of the cultural site on the Goodell parcel would effectively reward Signal Landmark for its illegal activities by increasing the developable space available at the Ridge site. Placement of the cultural site at the Goodell site would also reduce the open space available for habitat preservation on that parcel and conflict with Coastal Act policies.

B. Pre-Approved Parties

BCLT supports permanent preservation of the entirety of the Goodell site. However, BCLT strongly objects to the idea that any party may be considered "pre-approved" such that its selection to hold the fee interest in the Goodell site would not require the approval of the Executive Director of the Coastal Commission and the City of Huntington Beach Planning Director (if the property has been annexed). Specifically, BCLT is concerned by the inclusion of several organizations that may lack the capacity to manage the Goodell site on the list of "pre-approved parties." As the only land trust advocating protection of the Mesa, BCLT requests that it be added to the list of parties qualified to receive the Goodell site fee interest, and that the Executive Director and City Planning Director retain discretion in the selection process. The Trust for Public Land is another qualified nonprofit organization that should be considered for this purpose.

C. Glossary Modification

BCLT further objects to the modification of the definition of "significant cultural resource" to eliminate artifacts, objects, or sites that "merely add[] to the current body of knowledge." In the January 2014 staff report, Staff proposed to define "significant cultural resource" as:

An object(s) or site(s) that is more than fifty years old that is associated with events that have made a significant contribution(s) in the broad pattern of human history, and/or have yielded, or may be likely to yield, information important in prehistory or history. Significant Cultural Resource includes, but is not limited to, skeletal remains and/or grave goods, features, traditional cultural sites and/or artifacts, religious and/or spiritual sites and/or artifacts, and/or intact midden soil.

BCLT supports staff's definition as more inclusive and protective of the important cultural resources present on the Bolsa Chica Mesa.

Conclusion

BCLT also reiterates its previous concerns about the Amendment, such as those concerning the use of a six-foot masonry wall to reduce the 300-foot buffer otherwise required to protect the eucalyptus ESHA from encroaching residential development.

Thank you for your consideration of these comments. BCLT respectfully urges staff to recommend denial of Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach's certified LCP. The proposed amendment fails to protect the highest-priority open space uses, sensitive biological resources, and irreplaceable archeological and cultural resources. BCLT continues to support total preservation of the cultural and biological resources of the Goodell and Ridge parcels.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle N. Black", with a stylized flourish at the end.

Michelle N. Black, on behalf of the
Bolsa Chica Land Trust

Item Number W24a

Ridge LCPA (HNB-MAH-1-12)

Stephanie Hernandez, Opponent of Development at the Ridge

January 7, 2014

California Coastal Commission

200 Oceangate, 10th Floor

Long Beach, CA 90802-4416

Dear Commission Members,

My name is Stephanie Hernandez. I'm writing to today because I have serious concerns about the proposed development of part of the Bolsa Chica Mesa. From January 2006 to April 2008 I was a staff archaeologist for Scientific Resource Surveys, Inc. My duties at SRS included curation of previous field seasons, participation in data recovery of artifact and burial units, collection of artifacts, grade monitoring, monitoring supervisor, project research, osteology and sorting lab technician, and photography archivist. My employment at SRS was my first job as an archaeologist as I was still attending college for my undergraduate degree. It is because of my experience at SRS that I am writing you today.

I began at SRS before the final major data recovery phase of the project. I was told to expect some artifacts and burials, but that the project should not be expected to go past the summer. The overwhelming majority of SRS employees for this phase were young, inexperienced college students and lay people. I was taught and learned everything while in the field. At the beginning of the project the supervision was very close for those who were responsible for excavation, but as the months wore on and the field phase of the project grew longer than expected, the attitude became more urgent with a "get it out now, we need to be done because the developer's giving us pressure" atmosphere. The Native

American monitors expressed concern with the speed of excavation, but we were told to disregard their concerns because they didn't know what they were talking about. The employees were told not to trust any of the Native American monitors on site, as they were not archaeologists and were trying to stop the project.

As the project wore on, the field director, Jeff Couch, began to take shortcuts with methodology and personnel safety. Grade monitoring was conducted less than five feet alongside excavating personnel and, when grade monitoring the extension of Bolsa Chica Street, I was told that they couldn't exactly pinpoint where the old gas lines were and to "run like hell" if I heard or smelled gas. The management has a cavalier attitude to their employees safety and well being and has little oversight or input from owner Nancy Anastasia Wiley. There was little effort for transparency or accountability in terms of employee or company conduct and any individual that was not an SRS employee was to be met with suspicion and distrust. When SRS employees raised questions or concerns about the project, we were told and repeatedly reminded that the developer didn't even need to do anything in terms of data recovery and we should just be grateful they didn't bulldoze the site. SRS sees Hearthside homes as their benefactor.

After the end of the data recovery phase, SRS employees began to process the data from the field. The concerns or oversight from Native American monitors was seen even more unwelcomed than it had been in the field, and I was instructed by Jeff Couch and Tracey Stropes to give as little information to the monitors as possible. When it became apparent that there was a large volume of archaeological matrix to sort, the management made the decision to hire the employees of an asphalt and pavement crew owned by the son of Ted Wiley, Nancy Wiley's husband, to do the sorting. These men had no archaeological training whatsoever and spoke no English, which made teaching them proper methodology impossible. SRS asked the lab manager at the time, Stephanie Granite, to generate a sorting manual, which was later translated into Spanish. There was no effort to find and hire qualified archaeologists to complete the sorting.

From the first day I began grade monitoring of CA-ORA-85 (and subsequently CA-ORA-83), in May of 2006, cultural constituents were being observed very close to the surface. The sheer number of

artifacts observed, collected, or excavated a day is evidence of the extensive cultural history of the Mesa. Given the location of the proposed property development, I know full well that the Ridge is not absent of cultural constituents. I believe this is the area where SRS and Hearthside Homes had their mobile offices and I recall excavating a unit directly outside of the gates that was unearthed during construction in the summer of 2007.

The Bolsa Chica Mesa is an area of over 9000 years of California Native American prehistory, complete with numerous burials and artifacts that cannot be found anywhere else. It is completely unreasonable to believe that there is little chance of subsurface cultural deposits in the proposed area when the presence of indigenous culture was evident everywhere. The only way to do the environment, archaeology, and Native Americans justice is to deny amendment to the Local Coastal Program to allow private development of the Ridge. Given the track record and reputation of SRS, I am pleading with you not to amend the Program nor entrust SRS with such an important piece of California and Native history. Thank you for your time and allowing me to voice my concerns.

Regards,

Stephanie Hernandez

COAST COMMUNITY COLLEGE DISTRICT STUDENT COUNCIL

RESOLUTION 14-01

In Opposition to Proposed Development of the Ridge Property at the Bolsa Chica Wetlands

WHEREAS, the Bolsa Chica Wetlands provide vital nesting and breeding grounds for birds, breeding and spawning habitats for fish, and a safe haven for many endangered and rare species; and

WHEREAS, the Bolsa Chica Wetlands protect inland areas from flooding and help to clean and filter water; and

WHEREAS, the Ridge and Goodell properties of the Bolsa Chica Wetlands house the last remnants of a nine-thousand-year-old American Indian village and cemetery; and

WHEREAS, the Ridge property of the Bolsa Chica Wetlands has had an Open Space - Park designation prohibiting development of the property for over 30 years, and development of this site would negatively impact the directly adjacent sensitive wildlife habitat of the wetlands.

NOW, THEREFORE, BE IT RESOLVED, that the Coast Community College District Student Council supports the Bolsa Chica Land Trust and opposes the development of the Ridge property at the Bolsa Chica Wetlands.

FURTHER BE IT RESOLVED, that the Coast Community College District Student Council on this day, the sixteenth day of May in the year two thousand and fourteen, urges the Huntington Beach City Council to do everything in its power to acquire the Ridge and Goodell properties at the Bolsa Chica Wetlands, including identifying funding.



Tanner Kelly
Chair

Mitchell Jimenez
Vice Chair

Rachel Gajardo
Public Relations Officer

Kevin Pham
Secretary

Ridge LCPA Time Line

HNB MAJ-3-10 (Ridge)

Time Line:

Submitted: 8/17/10

Incompleted: 8/31/10; 12/13/10; 3/9/11; 9/18/11

The LCPA was deemed complete on 9/23/11. A time extension for up to one year was granted at the December 7-9, 2012 Commission hearing, extending the time limit to act to 12/22/12.

Withdrawn by the city: 10/30/12

The incomplete letters requested information regarding alternatives to the amendment as proposed (i.e. options other than converting the entire site from Open Space-Parks to Low Density Residential such as retaining some portion as residential, etc.); additional information regarding the archeology of the site, including the status of whether the work that had been performed was performed pursuant to an approved coastal development permit; information regarding biological resources on-site and nearby that may be effected by future residential development on-site; and, information regarding whether other entities might consider developing the site as a public park. Although the amendment request was ultimately deemed complete, the information provided did not adequately address the questions raised by the amendment as proposed. This led to deciding that the staff recommendation would be one of denial.

Major Issues:

- Proposal to convert land use designation of Open Space Parks to Low Density Residential – loss of higher priority use for lower priority residential use without provision of alternate higher priority use or basis for loss of OSP other than it is a privately owned parcel and the developer does not intend to provide a park use on the site. (also proposal to convert zoning from Residential Agriculture to Low Density Residential)
- Questions regarding status of archaeo work at site.
- Inclusion of Goodell at request of City/property owner even though the Goodell site is not part of LCPA request and not within HNB city boundary. No evidence submitted for the record that Ridge property owner had ownership option on Goodell; Goodell owner not party to LCPA.
- Also, questions regarding whether setbacks from ESHA, Archaeo were needed on Ridge site.

Commission staff was prepared to take the amendment to hearing in November 2012 with a recommendation of denial based on:

- Conversion from the higher priority designation of Open Space Parks to the lower priority Residential land use and corresponding loss of potential open space recreational area within the Bolsa Chica vicinity;

- The piecemeal nature of the amendment in not processing both of the two remaining Bolsa Chica parcels, which are adjacent to each other, together in a single LCP amendment;
- Potential biological and archaeological impacts that could result from future development of the property, which is further impacted by not processing the two remaining parcels as a single LCPA.

Commission staff was prepared to take the amendment to hearing at the Commission's November 2012 hearing. At the time of the staff report preparation for the Commission's November 2012 hearing, the City had indicated that the Goodell parcel annexation into the City was expected to be complete within approximately 90 days. Based upon discussions with City staff regarding the annexation timeline and with the Ridge property owner regarding an "option to purchase" on the Goodell site, the City decided to withdraw the amendment rather than to go forward at the November hearing with a recommendation of denial. At that time all parties (City staff, property owner, Commission staff) agreed that not going forward with denial was preferred. At the time the LCPA was withdrawn, the understanding was that the LCP amendment would be resubmitted ***once the Goodell parcel annexation into the City was complete, thus bringing both properties before the Commission together as a single LCPA action.***

It is important to note that processing the two adjacent parcels together (the Ridge and Goodell properties) was put forth by the property owner with the support of the City. This LCPA direction was first raised by the property owner at a meeting with Commission staff in September 2012, more than two years after it was originally submitted and apparently in response to concerns raised through the incomplete process. The property owner, however, did not submit for the record any documentation that confirmed its property interest in the Goodell property until May 19, 2014. Commission staff agreed at the time and continues to agree now, however, that processing the two sites together in terms of land use planning is preferred to processing them separately.

Based on Commission staff conversations with City staff and the property owner at the time leading up to the withdrawal of the original Ridge LCPA 3-10, it was Commission staff's understanding that the City withdrew the original LCP amendment submittal (HNB-MAJ-3-10) due to unresolved issues, particularly regarding the archaeological work on the Ridge and the opportunity to comprehensively plan the last two remaining undeveloped parcels at Bolsa Chica together. In an email from Commission staff to City staff dated 10/25/12 (prior to resubmittal of the LCPA as LCPA 1-12), Commission's staff's understanding of the next step in the process was relayed to City staff:

*"However, we want to make it clear that our recommendation will relate directly to what the City and the property owner can accomplish in that time period [prior to resubmittal of the LCPA] **in annexing the Goodell site and an LCPA that includes both parcels,** and/or some means to accomplish a binding commitment regarding provision of open space parks over the Goodell parcel and appropriate open space on The Ridge site."*[emphasis added].

However, the City's resubmitted amendment request did not include any new information or changes to the amendment proposal, even regarding the Goodell annexation or any means of effecting a binding commitment regarding the Goodell site. After resubmittal, City staff indicated that they believed revising the amendment at the local level would be too time consuming. Subsequent to re-submittal of the LCPA, City staff informally suggested modification language they would find acceptable. But CCC staff did not feel it was adequate to achieve the goal of tying potential future development of the Goodell site with the Ridge site.

In addition, in the time between the initial submittal of LCPA 3-10 and the re-submittal as LCPA 1-12, it was determined (and conceded to by the property owner) that all archeological work that had occurred on the Ridge site had been performed without benefit of a valid coastal development permit, and moreover, that a significant cultural resource (prehistoric house pit) had been removed entirely. The results of an enforcement action at the Ridge site could affect ultimate land use and zoning designations. Thus, the resubmittal was deemed incomplete pending resolution of the enforcement action. In September 2013, the Commission issued "Consent Orders" Nos. CCC-13-CD-08/09 and CCC-13-RO-08/09 to resolve violations of the Coastal Act on the Ridge property, and adjacent Goodell property and the re-submitted LCP amendment was deemed complete.

Those steps that Signal Landmark agreed to take pursuant to the Consent Orders include, but are not limited to, in consultation with representatives of the affected tribes, 1), arrange for final appropriate treatment of cultural materials excavated from the site as a result of the unpermitted development ("Cultural Materials"), and 2) mitigate for impacts to cultural resources by constructing a cultural site and trails on property owned by Signal Landmark, which must cost a minimum of \$200,000 to construct, that provides an area that can be used by Native Americans for ceremonial and reflection purposes, as well as the general public ("Cultural Site").

Pursuant to the Consent Orders, Signal Landmark has submitted for staff's review and approval a proposed Cultural Materials Plan and a proposed Mitigation Plan in order to meet the two requirements of the Consent Orders. However, as submitted, and as staff has informed Signal Landmark, the proposed Cultural Materials and Mitigation Plans do not satisfy the terms of the Consent Orders for the reasons discussed in the staff report. Thus, even now in June 2014, there remain unresolved issues regarding resolution of the enforcement actions on the Ridge Property.

HNB MAJ-1-12 (Ridge Resubmittal)

Time Line:

Submitted: 11/2/12

Incompleted: 11/9/12; 2/7/13; 5/9/13; 6/4/13; 6/26/13

The LCPA was deemed complete on 9/11/13 upon Commission action on the enforcement matter.

A time extension of the 90-day time limit for Commission action was approved at the Commission's November 2013 hearing. The deadline to act is December 12, 2014.

The incomplete letters were necessary because the amendment was re-submitted with no change to the previous submittal and with no new and/or additional information to support the amendment as requested. Information requested in the incomplete letters included questions relating to the archeological work that had been performed at the site without benefit of an approved coastal development permit; questions regarding biological resources; questions regarding the status of the Goodell Property annexation; and questions regarding the 30 foot strip of land north of the Ridge Property.

As stated above, the LCPA was resubmitted with no changes and without resolution or change to the primary issues raised by the amendment. Rather, the City and property owner requested that Commission staff prepare suggested modifications to the amendment as necessary to bring it into conformity with the Coastal Act and City's certified LUP. As recognized by both City staff and the property owner, the requested modifications are necessarily complex due, in large part to the fact that the City and property owner requested that the modifications bind a parcel not within the City's corporate boundary or within the City's LCP jurisdiction.

Commission Staff has did prepare suggested modifications in conjunction with the staff recommendation prepared for the Commission's January 2014 hearing. However, the modifications were found to be unacceptable by both the City and the property owner.

The LCPA was scheduled for action at the Commission's January 2014 hearing in San Diego. However, the City requested that the Commission postpone the matter. The Commission did postpone the matter as requested by the City.

For the reasons described in the staff report prepared for the Commission's June 2014 hearing, Commission staff is no longer recommending approval of the amendment with modifications. The June staff report recommends denial of the LCPA as proposed.

RECEIVED
South Coast Region

NOV 6 7 2013

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION

CALIFORNIA
COASTAL COMMISSION

Date and time of communication: November 5, 2013, 9:30
Location of communication: Long Beach, CA, conference call
Person(s) initiating communication: David Neish
Person(s) receiving communication: Brian Brennan
Name or description of project: Huntington Beach LCP Amend. HNB -MAJ-1-
12 (Ridge) Time Extension
Detailed substantive description of content of communication:

Mr. Neish explained that the Ridge application was originally submitted by the City in Aug. 2010. That application was deemed complete by CCC Staff in Sept. 2011. In Dec. 2011 the Commission approved a One-year extension. In Sept. 2012 CCC Staff indicated that the Commission would like it if both the Ridge property and the Goodell property could be considered at the same time. In late Sept. the applicants met with Staff to tell them Signal Landmark, the owner of the Ridge had an option on Goodell and would extinguish development rights on the property if development rights were granted on the Ridge property. CCC Staff failed to get the Ridge LCPA on the agenda before the end of 2012 and indicated to the applicants that the Staff would recommend denial unless the application was withdrawn and was resubmitted. As a result the City withdrew the application and agreed to resubmit with the inclusion of Goodell. CCC Staff then indicated that they were pursuing a violation on the Goodell property because of a 2001 archaeological investigation. At the beginning of 2013, the applicants met with Staff to bring the violation and the Ridge LCPA on the June 2013 agenda, but Staff indicated that the violation needed to be resolved before the LCPA could proceed. In November of 2013 the applicant is in the same position as Dec. 2011. Therefore Mr Neish indicated that the applicants would like the matter to be scheduled as soon as possible and not wait for the entire year.

Date

11/5/13

Signature of Commissioner



RECEIVED
South Coast

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION

NOV 12 2013

CALIFORNIA
COASTAL COMMISSION

Date and time of communication: November 6, 2013, 12:00 noon
Location of communication: San Diego, CA. Personal Meeting

Person(s) initiating communication: David Neish, David Neish Jr.

Person(s) receiving communication: Greg Cox

Name or description of project: Huntington Beach LCP Amend. HNB -MAJ-1-
12 (Ridge) Time Extension

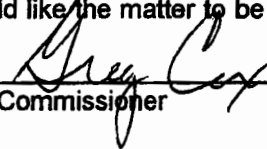
Detailed substantive description of content of communication:

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Date

11/8/13

Signature of Commissioner



DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Public hearing and action on request by the City of Huntington Beach to amend the certified Local Coastal Program by: changing the land use designation from Open Space – Parks to Residential Low Density and the zoning from Residential Agriculture to Residential Low Density at an approximately 5-acre parcel of land located at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue commonly known as "The Ridge"; and by modifying Chapter 210 Residential Districts regarding Planned Unit Development standards and provisions.

Date and time of receipt of communication:

January 6, 2014 at 3:45pm

Location of communication:

San Diego

Type of communication:

Phone call

Person(s) in attendance at time of communication:

Flossie Horgan and Kim Kolpin

Person(s) receiving communication:

Greg Cox and Greg Murphy

Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

Ms. Flossie Horgan and Ms. Kim Kolpin and I had a 15-minute phone conversation regarding their opposition to the proposed LCP amendment that would allow for development on "the Ridge" property. Their main concerns were with the loss of open space and parks, and the potential degradation of biological and cultural resources. They forwarded a number of documents to Greg Murphy on my staff, all of which were previously provided to the Coastal Commission. Ms. Horgan indicated their support of staff's recommendation to deny the LCP Amendment, but said they would support a consolidated permit involving the Ridge and Goodell properties.

Date:

1/7/14

Signature of Commissioner: _____

Greg Cox

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South Coast Region

JAN 28 2014

CALIFORNIA
COASTAL COMMISSION

Received at Commission
Meeting
JAN 08 2014
From: _____

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication: November 5, 2013

Location of communication: Long Beach, CA, conference call

Person(s) initiating communication: David Neish

Person(s) receiving communication: Robert Garcia

Name or description of project: Huntington Beach LCP Amend. HNB -MAJ-1-12 (Ridge) Time Extension

Detailed substantive description of content of communication:

Mr. Neish explained that the Ridge application was originally submitted by the City in Aug. 2010. That application was deemed complete by CCC Staff in Sept. 2011. In Dec. 2011 the Commission approved a One-year extension. In Sept. 2012 CCC Staff indicated that the Commission would like it if both the Ridge property and the Goodell property could be considered at the same time. In late Sept. the applicants met with Staff to tell them Signal Landmark, the owner of the Ridge had an option on Goodell and would extinguish development rights on the property if development rights were granted on the Ridge property. CCC Staff failed to get the Ridge LCPA on the agenda before the end of 2012 and indicated to the applicants that the Staff would recommend denial unless the application was withdrawn and was resubmitted. As a result the City withdrew the application and agreed to resubmit with the inclusion of Goodell. CCC Staff then indicated that they were pursuing a violation on the Goodell property because of a 2001 archaeological investigation. At the beginning of 2013, the applicants met with Staff to bring the violation and the Ridge LCPA on the June 2013 agenda, but Staff indicated that the violation needed to be resolved before the LCPA could proceed. In November of 2013 the applicant is in the same position as Dec. 2011. Therefore Mr Neish indicated that the applicants would like the matter to be scheduled as soon as possible and not wait for the entire year.

Date

11. 5. 2013



Signature of Commissioner

Exparte

5/21/2014

With Joe Shaw and Flossie Horgan Bolsa Chica Land Trust

45 minutes 5/21/14
11:30-12:15pm

How to resolve this for all

Concerns

1. Archeological issues

National recognized archeologists weigh in
SHPO letter of January 2014
Construction grading
SRS

2. The LCP Amendment Would Adversely Affect Biological Resources and Designated ESHA.

Haz mat

Buffers

Six foot masonry wall to reduce the 100 meter buffer otherwise required to protect ESHA from encroaching on the residential development

Bluffs
water

The Project will also reduce water flow to the Shea Parkside parcel

Foraging habitat

Removal of foraging resources would cause direct harm to raptors.

3. The LCP Amendment is Inconsistent with the Coastal Act, the City's Certified LCP, and the City's General Plan.

The Ridge site is currently designated "Open Space - Parks." The Amendment would change the designation to "Residential Low Density."

City's certified LCP forbids private development of the Bolsa Chica Mesa bluffs. The policy reads, "Prohibit private development along the bluffs rising up to the Bolsa Chica mesa

4. The Ridge and Goodell Properties should be Considered Together.

Together, the Ridge and Goodell Properties 11.2 acres which are the last remaining undeveloped portions of the Bolsa Chica Mesa.

BCLT urges the Commission to adopt staff's well-researched recommendation to deny the amendment.

SH Kinsey

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication: November 5, 2013, 4:30 pm
Location of communication: Long Beach, CA, conference call
Person(s) initiating communication: David Neish
Person(s) receiving communication: Steve Kinsey
Name or description of project: Huntington Beach LCP Amend. HNB -MAJ-1-12 (Ridge) Time Extension
Detailed substantive description of content of communication:

Mr. Neish explained that the Ridge application was originally submitted by the City in Aug. 2010. That application was deemed complete by CCC Staff in Sept. 2011. In Dec. 2011 the Commission approved a One-year extension. In Sept. 2012 CCC Staff indicated that the Commission would like it if both the Ridge property and the Goodell property could be considered at the same time. In late Sept. the applicants met with Staff to tell them Signal Landmark, the owner of the Ridge had an option on Goodell and would extinguish development rights on the property if development rights were granted on the Ridge property. CCC Staff failed to get the Ridge LCPA on the agenda before the end of 2012 and indicated to the applicants that the Staff would recommend denial unless the application was withdrawn and was resubmitted. As a result the City withdrew the application and agreed to resubmit with the inclusion of Goodell. CCC Staff then indicated that they were pursuing a violation on the Goodell property because of a 2001 archaeological investigation. At the beginning of 2013, the applicants met with Staff to bring the violation and the Ridge LCPA on the June 2013 agenda, but Staff indicated that the violation needed to be resolved before the LCPA could proceed. In November of 2013 the applicant is in the same position as Dec. 2011. Therefore Mr Neish indicated that the applicants would like the matter to be scheduled as soon as possible and not wait for the entire year.

11/5/13
Date


Signature of Commissioner

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:

January 6, 2014 at 4:45 pm

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Flossie Horgan, Kim Kolpin

Person(s) receiving communication:

Carole Groom

Description of project:

W24a -- Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach Certified LCP

Description of communication:

Representatives of the Bolsa Chica Land Trust are in agreement with staff's recommendation of denial of the proposed amendment. They are in support because the zoning is incompatible with LCP and LUP because low density residential is lower priority use than open space. They also attest there is insufficient mitigation for park land, cultural and biological resources.

Representatives indicate that there is no guarantee for purchase of the Goodell property and therefore mitigation needs to be considered on Ridge site only. They indicate that there is substantial sensitive habitat surrounding the Ridge site (including a Eucalyptus Grove) and development on that site would impact this sensitive habitat. They disagree with staff that a brick wall, as suggested, is not sufficient mitigation.

Furthermore, they indicate that the construction on the Brightwater property revealed over 10,000 archaeological artifacts that were not identified prior to construction through subsurface grading, and they suggest this may be the case on the Ridge site. Representatives attest that the Ridge has significant cultural benefit to Native Americans.

Date: Jan 7 2013

Signature of Commissioner: Carole Groom

RECEIVED
South Coast Region

JAN 28 2014

CALIFORNIA
COASTAL COMMISSION

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:

November 4, 2013 at 11:00 am

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Dave Neish

Person(s) receiving communication:

Carole Groom

Name or description of project:

Item F21a - Huntington Beach LCP Amendment Request No. 1-12

Detailed substantive description of the content of communication:

He is in agreement with staff's recommendation for extension, but requested that the item be brought back as soon as possible because the project was originally submitted in August 2010 and it has been over three years since the approval process began.

Date: Nov 7 2013

Signature of Commissioner: _____

Carole Groom

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:

May 8, 2014 at 12:00 p.m.

RECEIVED
South Coast Region

Location of communication:

Redwood City

MAY 13 2014

Type of communication:

In person and by teleconference

CALIFORNIA
COASTAL COMMISSION

Person(s) in attendance at time of communication:

Dave Neish, Ed Mountford, Joyce Perry (by phone)

Person(s) receiving communication:

Carole Groom

Name or description of project:

Huntington Beach LCP Amendment Request No. HNB-MAJ-1-12 (The Ridge)

Detailed substantive description of the content of communication:

The representatives indicated that staff requested the owners of The Ridge to present a proposal that considers the purchase, deed-restriction and donation of the Goodell property prior to bringing The Ridge proposal to the Coastal Commission. Representatives expressed concern and indicated they have worked with staff to present an alternative proposal, which will come to the Coastal Commission in June.

The representatives indicated their most recent proposal involves maintaining the Open Space/Park land use designation with a residential overlay on The Ridge site with the condition that a CDP on The Ridge could only be issued once the Goodell is deed-restricted and conveyed to a nonprofit organization. Furthermore, Mr. Mountford indicated he is working with Joyce Perry of nonprofit organization, Payomkawichum Kaamalam, to develop a Native American Heritage Village on the Goodell site in order to preserve the cultural significance of the site and encourage visitor access.

Furthermore, the representatives indicated that staff will be recommending denial of the proposal and that the main opposition is the Bolsa Chica Land Trust. The representatives mentioned that they have discussed the proposal with Trust for Public Land, who did not express any interest in purchasing the land, and that the house pit will be preserved along with a 50 foot setback.

A briefing book was provided at this meeting and has been provided to staff.

Date: MAY 12 2014

Signature of Commissioner: Carole Groom

Henry, Teresa@Coastal

From: mona sespe <monasespe@gmail.com>
Sent: Wednesday, January 08, 2014 12:02 AM
To: Henry, Teresa@Coastal
Cc: Vaughn, Meg@Coastal
Subject: Re: Bolsa Chica, w24a application number HNB-MAJ 1-12.

On Jan 7, 2014 11:56 PM, "mona sespe" <monasespe@gmail.com> wrote:

>

>

> On Jan 7, 2014 11:49 PM, "mona sespe" <monasespe@gmail.com> wrote:

>>

>> My name is Mona Sespe I am a member of the Pala Band of Indians and have been appointed by my Tribe as liason for our Tribe. I am sending this e-mail to express my opposition to any further disturbance of the site long known as Bolsa Chica Ca. ORA-83. The obvious importance of this site and the religious significance of this area speaks for its self, numerous burrials and I would like to add how our ancestors remains were reentered was horrific a mass burial and not all remains entered and the lack of respect shown to the ancestors who were laid to rest. 176 burrials! All the artifacts that have been removed were they also reinterred and artifacts and associated grave goods? We live in the year 2014 what else can be learned about our people? The lack of respect and compassion that has been shown to the ancestors and to the people of the land. We are here to see to the ones before us they are the reason we are here today because they were strong enough to survive all the adversity that came before them, the religious and sacredness of this site deserves the respect and any further destruction of this area would be sacriligious. I ask that the remaining open space to be spared enough damage and the ancestors have been disturbed? What makes our cemeteries be looked at as insignificant? Please reconsider the plan find it in your heart to make the right and decent decision help keep our ancestors at rest , the cogg stones where they are, cappin the site and leaving open space with messing and native plants. Alot of press has published this area and grave robbers would come in and dig up artifacts because of all the media attention past and present. Please say no to any further development. In Spirit Mona Sespe, p.o. box 303 Pala, Ca 92059. Ph 760-708-8011. Unfortunately I am unable to attend this meeting in San Diego I have a Dr appt today.

**Communications
Received**

Regarding

**The January 2014
Staff Report**

January 3, 2014

Client-Matter: 24970-031

Sherilyn Sarb
Teresa Henry
California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802

**Re: City of Huntington Beach Major Amendment Request No. HNB-MAJ-1-12
(The Ridge) to the City's Certified Local Coastal Program
Hearing: January 8, 2014, Item W24a**

Dear Ms. Sarb and Ms. Henry:

This letter presents the comments of Signal Landmark ("Signal") on the City of Huntington Beach ("City") Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City's Certified Local Coastal Program ("LCPA"). Staff has presented the Commission with a number of suggested modifications that it would require be adopted in order to approve the Ridge LCPA. As staff notes, there are two issues of concern:

- The timing of the rezoning of the Ridge
- Consistency with Coastal Act Section 30244 to mitigate potential impacts to significant cultural resources

Our proposed Alternative Suggested Modifications to address each of these issues is enclosed, and request that the Commission staff review and recommend the adoption of these Alternative Suggested Modifications, and in the alternative that the Commission adopt these Alternative Suggested Modifications in approving the Ridge LCPA.

1. Background: City's LCPA Submitted in 2010.

Signal Landmark is the owner and developer of a proposed residential project known as "The Ridge" on approximately 5 acres in the City. In 2009, Signal Landmark requested a change in the property's land use designation from Open Space Park to Residential along with a change in the zoning from Residential Agriculture to Low Density Residential. In approving the General Plan amendment, the City determined that it did not need and was not planning to build another park in the area of the City where the Ridge property is located, and therefore, the Open Space Parks land use designation was no longer needed for park and recreational purposes. With respect to the zone change, the City determined that this was the only property (other than

Sherilyn Sarb
Teresa Henry
January 3, 2014
Page 2

existing Southern California Edison right-of-way) in the City zoned Residential Agriculture and this remnant zone should be changed. In July 2010, the City approved the Ridge project and the City submitted the Ridge LCPA to the Coastal Commission in August 2010.

In September 2012, Commission staff informed Signal that staff was prepared to recommend denial of the Ridge LCPA as submitted and recommended that the City and Signal withdraw the LCPA until such time as the adjacent 6.2 acre property in unincorporated Orange County that was owned by the Goodell Family Trust ("Goodell Property") could "catch up" to the Ridge in terms of land use entitlements. Once that occurred, both properties could then be considered at the same time by the Commission. Staff's rationale was that since the Ridge and Goodell Property were the last two properties at Bolsa Chica that did not have Coastal Commission-approved land uses, they should be considered together to facilitate comprehensive land planning.

Wanting to satisfy Coastal staff's desire for comprehensive planning on the last two parcels at Bolsa Chica, but unwilling to wait for the Goodell Property to go through years of local entitlement processing in order to be in a position for consideration by the Coastal Commission, Signal approached the Goodell Family Trust with an offer to buy their property. The Goodells and Signal were able to come to terms on a Purchase and Sale Agreement and Signal now holds an option on the Goodell property. (See Memorandum of Option enclosed.)

In October 2012, after discussions with Commission staff, the City and Signal agreed to withdraw and resubmit the Ridge LCPA for the purpose of allowing more time for the three parties to discuss how best to incorporate the Goodell Property into the Commission's consideration of the Ridge LCPA.

In discussions with the City and Coastal staff, Signal offered to deed restrict the Goodell Property once it was acquired by Signal in exchange for the Commission approving residential uses on the Ridge property. As a result of those discussions, Signal, the City and Coastal staff worked together to develop LCPA policies, land use, and zoning that would provide for residential development to occur on the Ridge only after a deed restriction was recorded over the Goodell Property permanently restricting the uses of the Goodell Property to open space uses. The City's Ridge LCPA was revised to respond to Commission staff's concern that the Ridge site should not be changed from Open Space to Residential unless and until the Goodell Property was permanently protected as Open Space.

Coastal staff agrees with Signal's and City's position that residential development should be allowed on the Ridge site in exchange for preserving the 6.2-acre Goodell Property as permanent open space. Staff also agrees that the Goodell Property has greater biological,

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cultural and open space value than the Ridge. How the open space protection is provided and the timing of the land use and zoning amendment vis-à-vis the effectiveness of the open space protection is at the crux of our difference with Staff's recommendation.

Important to understanding our position is the fact that Signal does not own the Goodell Site. As stated earlier, Signal entered into a Purchase and Sale Agreement ("Agreement") with the Goodell Family Trust in 2012 to buy the Goodell Site and currently holds an option on the property. The Agreement provides that Signal will close escrow and acquire the Goodell Property only after residential zoning and development – in the form of an approved Coastal Development Permit ("CDP") and subdivision tract map – is approved by the City (and the Coastal Commission, if appealed) for a development plan satisfactory to Signal. Once Signal acquires the Goodell Property it will record a deed restriction limiting the uses to open space and subsequently convey the property to a public agency or suitable non-profit that has an interest in owning and maintaining the property in perpetuity.

2. Rezoning the Ridge and Protecting the Goodell Site.

All of the parties agree that the Ridge site cannot be developed for residential uses until the Goodell site is permanently protected as open space. All parties also agree that the City's Land Use Plan should identify both Open Space/Parks (OS-P) and Residential (RM) uses as allowed, subject to certain performance criteria, to ensure through the land use and zoning that residential uses cannot be implemented until after the Goodell site is protected.

a. Staff's Suggested Modifications Are Infeasible

Staff's Suggested Modifications require that the Residential designation can only be activated *after* an Irrevocable Offer to Dedicate the Goodell Property is *offered and accepted* by a public agency or non-profit organization acceptable to the Commission. Based upon the City's and Signal's understanding, Staff's concern is to ensure that the Goodell Property be permanently protected as open space before residential zoning on the Ridge goes into effect and residential development occurs on the Ridge. Because the City cannot approve a residential subdivision tract map until the Ridge is zoned Residential, the Staff's Suggested Modifications require Signal to purchase the Goodell property, relinquish fee title to the Goodell property with no guarantee of residential development on the Ridge. This simply will not work.

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b. The Alternative Suggested Modifications Assure Protection of the Goodell Site Before Residential Development on the Ridge Occurs

Following the model and format of many CDPs issued by the Coastal Commission, the City and Signal propose that preservation in the form of a Deed Restriction and Irrevocable Offer to Dedicate the Goodell Property be made a *"Prior to Issuance"* special condition of the CDP issued for residential development of the Ridge. The LCPA policies would require that any CDP issued by the City for residential development on the Ridge include a special condition requiring Signal to record a deed restriction over the Goodell Property acceptable to the Commission and the City limiting the use of the Goodell Property to passive open space uses *Prior to Issuance of building permits* that would allow residential development on the Ridge.

This Alternative Suggested Modification will assure that the Goodell Property be permanently protected as open space, while giving Signal the assurance that it will be able to develop the Ridge. Although the Ridge's zoning will be changed in advance of the recordation of the Deed Restriction, no residential development can occur until the LCP policies requiring imposition of a deed restriction on the Goodell Property are satisfied.

We would like to respond to assertions made in the Staff report regarding the Alternative Suggested Modification. On page 6, staff states that the method to preserve the Goodell Property suggested by the City and Signal does not require that the "offer to dedicate ever be accepted". The Staff Report fails to acknowledge its prior actions in approving both the neighboring Brightwater and Parkside projects where the Commission never required (and staff never recommended) that the Irrevocable Offers of Dedication for open space/conservation areas associated with those projects be accepted prior to issuance of the CDPs. Both projects were required to record the conveyance documents, but there was no requirement that a public agency or non-profit accept the offers. A different standard should not be imposed on the Goodell Property.

The Staff Report on page 46 expresses concern that if permanent restrictions on the Goodell Property are not secured prior to the change in land use designation, there cannot be certainty that the restrictions will indeed occur. In support, staff expresses its concern that the Goodells may choose not to sell the property – a concern that should be addressed by the Memorandum of Option discussed above whereby the Goodells are under contract to sell the property. Staff also expresses concern whether residential development on the Ridge could be denied – however, Signal has expressed its support and willingness to acquire the Goodell Property and record a deed restriction, and fully understands that residential development can only occur upon satisfaction of the policies in the Alternative Suggested Modifications.

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We also are troubled by the various references in the Staff Report that state that the Ridge property owner has "verbally" indicated that it has or "can obtain" an equitable interest in the Goodell Property. On page 31, for example, the Staff Report states that "although the Ridge property owner has verbally indicated that he has a conditional option to purchase the Goodell property, nothing in writing or binding upon each owner reflecting such an option has been included in the LCP amendment record." This statement is very misleading and inaccurate. In a meeting with Coastal staff in October 2012, Ed Mountford of Signal Landmark, shared with staff a recorded copy of the Memorandum of Option between the Goodell Family Trust and Signal Landmark indicating that Signal Landmark does in fact have an option agreement in place on the Goodell property. In addition, Mr. Doug Goodell was also present at a subsequent meeting with Signal, the City and Coastal staff and acknowledged that Signal held a valid option on their property. A copy of the recorded Memorandum of Option is enclosed, and references to Staff's questions regarding the validity of the option to purchase should be removed from the Staff Report.

Staff expresses concern that if the offer of dedication is not accepted, it could be up to 20 years before passive uses such as trails and a Native American contemplative area could be realized. This statement again fails to recognize the terms and conditions of Consent Cease and Desist Order Nos. CCC-13-08 and -09 and Consent Restoration Order Nos. CCC-13-RO-08 and -09 ("2013 Consent Orders") that require Signal to prepare a Mitigation Plan that provides for trails and a contemplative area on property that includes the Goodell Property.

Finally, we note that on page 11 of the Staff Report the permitted uses for the Goodell property specifically reference Consent Cease and Desist Order No. CCC-012-CD-01 and Consent Restoration Order No. CCC-12-RO-01 approved by the Commission in January 2012, but not 2013 Consent Orders approved by the Commission in September 2013. Section 5.5 of the 2013 Consent Orders permit the restoration to be carried out "on an area of the Properties owned by the Respondent" which pursuant to Section 4.2 includes the Goodell Property. In previous draft versions of the suggested modifications the City and Signal inserted language that would include the uses described in the 2013 Consent Orders under permitted uses. The reference to the 2013 Consent Orders should be re-inserted so that there is no prohibition on implementing the 2013 Consent Orders on the Goodell Property.

3. Cultural Resources

Coastal Act Section 30244 provides: "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required." Policy C.5.1.2 of the City's Land Use Plan requires: "Where new development would adversely impact archeological or

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paleontological resources within the Coastal Zone, reasonable mitigation measures to minimize impacts shall be required." Because Staff's Suggested Modification far exceeds the notion of "reasonable mitigation", we urge the Coastal Commission to accept the Alternative Suggested Modifications.

a. Staff's Suggested Modifications Could Require Avoidance of Every Archaeological Artifact and Make Development Infeasible

The Bolsa Chica Mesa area on which the Ridge site sits is the location of a number of archaeological sites as staff has noted in its report. Four different archaeological sites have been identified on the Bolsa Chica Mesa. ORA 85 and ORA 83 are located in the area of the Brightwater community. ORA 86 is located primarily on the Ridge site while the Goodell property contains portions of ORA 144, ORA 83 and ORA 86.

The Coastal Commission has in prior permits -- and consistent with Section 30244 of the Coastal Act -- allowed the archaeologist to excavate these archaeological resources, curate them and permanently protect them. (See CDP No. 5-89-772.) The Suggested Modifications include a new definition of "Significant Cultural Resource that is so broad and open to interpretation that virtually any cultural item -- including those which the Commission has allowed to be excavated and preserved -- could be deemed significant requiring that it be left in place and a 50 foot setback provided. This definition could essentially prohibit any development on the Ridge site.

b. The Alternative Suggested Modifications Provide Protection and Avoidance of "Significant Cultural Resources" As Defined by the City and Reasonable Mitigation Consistent with Coastal Act Section 30244

Staff has recommended a definition of "Significant Cultural Resource" that would encompass virtually any artifact that is more than 50 years old. We believe that rather than create a new definition, the Commission should use the definition of "unique archaeological resources" that is found in the California Environmental Quality Act Section 21083.2 which is used by local and State agencies to analyze impact of development on cultural resources. The revisions to staff's definition is set forth below:

~~Significant Cultural Resource -- An object(s) or site(s) that is more than fifty years old that is associated with events that have made a significant contributions(s) in the broad pattern of human history, and/or have yielded, or may be likely to yield, information important in prehistory or history. An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of~~

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knowledge, there is a high probability that it meets any of the following criteria: (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type; (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person. Significant Cultural Resource includes but is not limited to, skeletal remains and/or grave goods, features, traditional cultural sites, and/or artifacts, religious and or spiritual sites, and or artifacts and/or intact midden soil that meet the criteria set forth above.

In support of its definition, Staff notes that the Commission has required that significant cultural resources be protected in place and that development be designed or redesigned to avoid impacts to significant cultural resources. The two examples identified at page 50 of the Staff Report pertain to human remains (Hellman Properties) and the potential to find human remains and intact midden soil (Shea Homes). Should human remains or intact midden soil be encountered, we would agree that they should not be disturbed, and should be avoided. However, if artifacts that do not meet the definition of Significant Cultural Resources are located, such as shell and bone fragments, beads and tools, mitigation pursuant to an approved plan that allows for excavation, preservation and relocation should be permitted.

Signal requests that Staff's recommended 50 ft setback from the excavated house pit be reduced to 10 feet as recommended by the archaeological report. As noted in the Staff Report, the "house pit" – which consisted of a subsurface, compressed area of soil indicating human occupation – was subject to an archaeological investigation in 2001. That archaeological investigation included the entirety of the Ridge Site. The investigation included trenches, soil borings and hand units to identify areas of intact midden- and the only area on the entire Ridge Site that appeared to not be affected by over 70 years of agricultural production was the "house pit" area. The features and artifacts found outside of the house pit area (1) were not in intact soil midden; (2) indicated prior disturbance from historical activities, i.e., agriculture and WWII construction and therefore not *in situ*; and (3) were not considered significant cultural resources. The "house pit" area will be located in a designated open space area. Given that the area will be in protected open space and has been fully excavated, the City and Signal believe that a 10 foot setback is sufficient to protect the location of this mitigated cultural resource.

Staff asserts that it is recommending the 50-foot setback to provide for the protection in place of any scattered artifacts – whether they be significant or not - that are likely to remain given the fact that the excavation of the area surrounding the "house pit" did not extend to the same depth as the "house pit" and to provide a setback of respectable distance from the location of the "house pit". Given that the Ridge property was subject to a full archaeological mitigation

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program, with Native American monitoring and Commission-appointed Peer Review Committee oversight, for which reports have been provided to staff, and the expert opinion of the archaeologist that the "house pit" area was the only area where intact deposits were found, there is no evidence to support staff's statement that "scattered artifacts" within 50 feet of the house pit may be present. Given the archaeological work that has been conducted to date, the expert opinion of the archaeologist that there are no areas of intact deposits outside of the "house pit" area, and the protection provided by the open space designation for the "house pit" area, Signal requests the Commission to adopt Alternative Suggested Modification that allows for a 10-foot setback.

4. Other Issues Raised by the Staff Report

a. Habitat Buffer Clarification

The Staff Report at page 13 states that the Biological Assessment must incorporate a 300-foot buffer from the Northern Eucalyptus ESHA and a 100-foot buffer from all coastal sage scrub habitat (including the scrub/grassland ecotone) located on the Parkside property, but notes that the ESHA buffer may be reduced to 150 feet and the 100-foot sage scrub buffer may be reduced to 50 feet if a 6-foot masonry wall is constructed at the edge of development. The Staff Report at page 51, however, states that the required setback from coastal sage scrub/grassland habitat is 20 feet with the minimum 6-foot high masonry wall. The application of a 20-foot buffer (not a 50-foot buffer) must be included in the Suggested Modifications on page 13 of the Staff Report.

We also note that the Staff Report on pages 28 and 29 includes a discussion of the Habitat Management Plan on the Parkside property and that setbacks will need to be established for the Ridge property in recognition that there will someday be native habitat on the adjacent property once the HMP is implemented. Typically, development setbacks or buffers from existing native habitat are required because the vegetation provides habitat value that could be *adversely impacted if development occurs in close proximity. This is not the case in this situation.* We disagree with the requirement to impose a buffer from habitat that does not yet exist and request that this be removed.

b. Consolidated Processing of a CDP

The Staff Report on page 6 and again on pages 30-33 includes a discussion about other options under Coastal Commission regulations available to the Ridge and Goodell property owners to have both properties considered by the Commission in a single action – a single LCP amendment, or alternatively, a single consolidated Coastal Development Permit. It goes on to

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state that both of these options were offered to the City and Ridge property owner but were declined based on concerns with the length of time it would take to process either option. While it certainly is true that the City and Signal expressed concerns about the time it would take to process additional entitlement applications after having already spent over four years in the City/Coastal process, it was not the only reason. In meetings with Coastal staff on this subject, Signal informed staff that Mr. Goodell would not consent to any entitlement process that would result in the elimination of the residential designation from his property. Mr. Goodell later confirmed this fact in a meeting with Coastal staff. Mr. Goodell indicated that he, as the trustee of the Goodell Family Trust, would not consent to rezoning the property to open space while it was still owned by the Trust. He stated that he had a fiduciary responsibility to protect the value of the asset and would not impair the value of the property by having it rezoned to open space.

5. Conclusion

In conclusion, we request Commission adoption of the Alternative Suggested Modifications. The concerns expressed by Commission staff are all addressed by the Alternative Suggested Modifications which are consistent with the Section 3 policies of the Coastal Act and provide reasonable and feasible means to achieve reasonable development on the Ridge and open space protection of the Goodell Property.

Very truly yours,

Manatt, Phelps & Phillips, LLP



Susan K. Hori
Partner

Enclosures:
Memorandum of Option
Alternative Suggested Modifications
cc: Meg Vaughn
Coastal Commissioners
Ed Mountford
Tim Paone

RECORDING REQUESTED BY:
WHEN RECORDED, MAIL TO:

Signal Landmark
27285 Las Ramblas, Suite 210
Mission Viejo, CA 92691
Attn: Ed Mountford

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MEMORANDUM OF OPTION

This Memorandum of Option (the "**Memorandum**") is executed, to be effective upon its recordation, between Douglas Goodell, Stuart Goodell and Patricia Price, Successor Trustees of Trust A of the Donald E. Goodell and Shirley L. Goodell Family Trust, dated July 1, 1992, Douglas Goodell and Stuart Goodell, Successor Co-Trustees of Trust B of the Donald E. Goodell and Shirley L. Goodell Family Trust, dated July 1, 1992, and Douglas Goodell and Stuart Goodell, Successor Co-Trustees of Trust C of the Donald E. Goodell and Shirley L. Goodell Family Trust, dated July 1, 1992 ("**Optionors**"), and Signal Landmark, a California corporation ("**Optionee**"). Optionors and Optionee are sometimes hereinafter individually or collectively called a "**Party**" or the "**Parties**."

RECITALS

A. Optionors are the owners of that certain real property located in the unincorporated portion of the County of Orange, State of California, bordering a portion of the City of Huntington Beach, California, as more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "**Property**").

B. Optionors and Optionee entered into that certain Option Agreement and Escrow Instructions, dated July 18, 2012 ("**Option Agreement**"), in which Optionors granted an option to Optionee to acquire the Property (the "**Option**").

C. Pursuant to the terms of the Option Agreement, the Parties wish to memorialize the granting of the Option to Optionee by Optionors by recording this Memorandum of Option.

Therefore, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Optionors and Optionee agree as follows:

1. Grant of Option. Optionors hereby grant to Optionee the Option to acquire the Property in accordance with the terms and conditions of that certain unrecorded Option Agreement.

2. Exercise. The Option shall be exercisable by Optionee at any time during the Option Periods (as defined in the Option Agreement), in the manner and on the terms and conditions set forth in the Option Agreement.

3. Termination of Option. As more fully set forth in the Option Agreement, the Option shall commence on the date this Memorandum is recorded in the Official Records of Orange County, California, and shall extend until the sooner to occur of (i) the date Optionee records a release of this Memorandum in the Official Records of Orange County, California, following Optionee's election not to exercise the Option, or (ii) the date on which the close of escrow occurs on the Property in the event Optionee does elect to exercise the Option, all in accordance with the provisions of the Option Agreement.

4. Interpretation. The purpose of this Memorandum is to give notice of the existence of Optionee's rights under the Option Agreement. If there is an inconsistency between the provisions of this Memorandum and the Option Agreement, the provisions of the Option Agreement shall control. Except as otherwise expressly provided herein, all of the words, phrases and capitalized terms used in this Memorandum shall have the same meanings as set forth in the Option Agreement.

[CONTINUED ON NEXT PAGE]

5. Counterparts. This Memorandum may be executed in any number of counterparts, each of which shall be an original, and all of which, together, shall constitute one and the same instrument.

OPTIONORS:

TRUST A OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: Douglas Goodell
Douglas Goodell, Successor Trustee

By: _____
Stuart Goodell, Successor Trustee

By: _____
Patricia Price, Successor Trustee

TRUST B OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: Douglas Goodell
Douglas Goodell, Successor Co-Trustee

By: _____
Stuart Goodell, Successor Co-Trustee

TRUST C OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: Douglas Goodell
Douglas Goodell, Successor Co-Trustee

By: _____
Stuart Goodell, Successor Co-Trustee

OPTIONEE:

SIGNAL LANDMARK,
a California corporation

By: Edward G. Mountford
Name: EDWARD G. MOUNTFORD
Its: SR VICE PRESIDENT

By: Sandra G. Siu
Name: Sandra G. Siu
Its: Sr. Vice President

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TRUST A OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: _____
Douglas Goodell, Successor Trustee

By: [Signature]
Stuart Goodell, Successor Trustee

By: _____
Patricia Price, Successor Trustee

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AND SHIRLEY L. GOODELL FAMILY
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By: _____
Douglas Goodell, Successor Co-Trustee

By: [Signature]
Stuart Goodell, Successor Co-Trustee

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AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: _____
Douglas Goodell, Successor Co-Trustee

By: [Signature]
Stuart Goodell, Successor Co-Trustee

OPTIONEE:

SIGNAL LANDMARK,
a California corporation

By: [Signature]
Name: EDUARDO C. MONTANA
Its: S.B. VICE PRESIDENT

By: [Signature]
Name: SANDRA G. SINGH
Its: sr. Vice President

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By: _____
Stuart Goodell, Successor Trustee

By: Patricia Price
Patricia Price, Successor Trustee

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AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: _____
Douglas Goodell, Successor Co-Trustee

By: _____
Stuart Goodell, Successor Co-Trustee

OPTIONEE:

SIGNAL LANDMARK,
a California corporation

By: Edward G. Mountford
Name: EDWARD G. MOUNTFORD
Its: S.R. VICE PRESIDENT

By: Sandra G. Smith
Name: Sandra G. Smith
Its: Sr. Vice President

EXHIBIT "A"

DESCRIPTION OF THE PROPERTY

ALL THAT CERTAIN LAND SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 13 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINES OF BOLSA CHICA STREET AND LOS PATOS AVENUE, BOTH 60.00 FEET WIDE, AS SAID STREETS ARE SHOWN ON THE MAP OF TRACT NO. 86, BLOCK 20, COAST BOULEVARD FARMS, RECORDED IN BOOK 10, PAGES 35 AND 36 OF SAID MISCELLANEOUS MAPS; THENCE SOUTH 0° 42' 01" EAST 523.80 FEET; THENCE NORTH 89° 06' 00" EAST 23.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 89° 06' 00" EAST 450.00 FEET; THENCE SOUTH 0° 42' 01" EAST 600.00 FEET; THENCE SOUTH 89° 06' 00" WEST 450.00 FEET; THENCE NORTH 0° 42' 01" WEST 600.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS, SUCH AS OIL, GAS, ASPHALTUM AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, AND THE EXCLUSIVE RIGHT TO PRODUCE SUCH OIL, GAS, ASPHALTUM AND OTHER HYDROCARBON SUBSTANCES BY DRILLING UNDER THE SURFACE OF SAID LAND FROM PROPERTY ADJOINING SAID LAND, AND THE FURTHER EXCLUSIVE RIGHT TO DRILL UNDER AND THROUGH SAID LAND FOR THE PURPOSE OF PRODUCING OIL FROM UNDER THE PACIFIC OCEAN, OR FROM ANY OTHER PROPERTY, SUCH RIGHTS TO BE WITHOUT RIGHT TO ENTER UPON OR USE THE SURFACE OF SAID LAND FOR ANY PURPOSE OR PURPOSES WHATSOEVER, AS EXCEPTED IN DECREE OF DECLARATION OF TAKING NO. 3, A CERTIFIED COPY OF WHICH WAS RECORDED MARCH 26, 1943 IN BOOK 1161, PAGE 594 OF OFFICIAL RECORDS, AS AMENDED BY DECREE, A CERTIFIED COPY OF WHICH WAS RECORDED MARCH 23, 1944 IN BOOK 1244, PAGE 186 OF OFFICIAL RECORDS.

PARCEL 2:

PERMANENT EASEMENTS I-F AND I-G AS DESCRIBED IN PARAGRAPH VIII OF THAT CERTAIN JUDGMENT AND DECREE FILED FEBRUARY 11, 1949 IN CASE NO. 2251-B CIVIL OF THE UNITED STATES DISTRICT COURT, IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION, A CERTIFIED COPY OF WHICH JUDGEMENT AND DECREE WAS RECORDED MAY 9, 1949 IN BOOK 1840, PAGE 424 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, AND WHICH PERMANENT EASEMENTS I-F AND I-G AS SHOWN ON THE COPY OF CORPS OF ENGINEERS, DISTRICT DRAWING NO. 224-M6, DATED JUNE 4, 1948, RECORDED AUGUST 14, 1959 IN BOOK 4841, PAGE 391 OF SAID OFFICIAL RECORDS, WITH PARTICULAR DESCRIPTIONS OF THE AREAS DESIGNATED I-F AND I-G THERETO ATTACHED.

PARCEL 3:

AN APPURTENANT NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITY PURPOSES, AS SAID EASEMENT IS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT RECORDED NOVEMBER 3, 1980 IN BOOK 13818, PAGE 966 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, OVER THAT PORTION OF SECTIONS 28 AND 29, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON A MAP FILED IN BOOK 92, PAGES 19 TO 28 OF RECORD OF SURVEYS, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEING A STRIP OF LAND 60.00 FEET IN WIDTH, THE EASTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THE 6.20 ACRE PARCEL DESCRIBED IN DEED TO DONALD E. GOODELL RECORDED NOVEMBER 5, 1959 IN BOOK 4960, PAGE 87 OF SAID OFFICIAL RECORDS; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID PARCEL AND THE NORTHERLY PROLONGATION THEREOF TO THE EASTERLY PROLONGATION OF THE CENTERLINE OF LOS PATOS AVENUE (VACATED) AS SHOWN ON SAID MAP OF RECORD OF SURVEY.

PARCEL 4:

AN APPURTENANT NON-EXCLUSIVE EASEMENT FOR POWER AND TELEPHONE POLES, AS SAID EASEMENT IS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT RECORDED NOVEMBER 3, 1980 IN BOOK 13818, PAGE 966 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, OVER THAT PORTION OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON A MAP FILED IN BOOK 92, PAGES 19 TO 28 OF RECORD OF SURVEYS, RECORDS OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE PARALLEL WITH AND 60.00 FEET WESTERLY OF THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF THE 6.20 ACRE PARCEL DESCRIBED IN DEED TO DONALD E. GOODELL RECORDED NOVEMBER 5, 1959 IN BOOK 4960, PAGE 87 OF SAID OFFICIAL RECORDS WITH THE CENTERLINE OF LOS PATOS AVENUE (VACATED) AS SHOWN ON SAID MAP OF RECORD OF SURVEY; THENCE SOUTHERLY ALONG SAID PARALLEL LINE 250.00 FEET; THENCE NORTHERLY IN A DIRECT LINE TO A POINT IN SAID CENTERLINE OF LOS PATOS AVENUE LYING WESTERLY 20.00 FEET FROM THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID CENTERLINE 20.00 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

AN APPURTENANT NON-EXCLUSIVE EASEMENT FOR POWER LINE AND PIPELINES, AS SAID EASEMENT IS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT RECORDED NOVEMBER 3, 1980 IN BOOK 13818, PAGE 966 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, OVER THAT PORTION OF SECTIONS 28 AND 29, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON A MAP FILED IN BOOK 92, PAGES 19 TO 28 OF RECORD OF SURVEYS, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEING A STRIP OF LAND 30.00 FEET IN WIDTH, THE SOUTHERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF THE 6.20 ACRE PARCEL DESCRIBED IN DEED TO DONALD E. GOODELL RECORDED NOVEMBER 5, 1959 IN BOOK 4960, PAGE 87 OF SAID OFFICIAL RECORDS; THENCE WESTERLY ALONG THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID PARCEL A DISTANCE OF 525.00 FEET TO THE POINT OF TERMINATION.

SIGNAL LANDMARK
27285 LAS RAMBLAS, SUITE 210
MISSION VIEJO, CALIFORNIA 92691
(949) 250-7700 • FAX (949) 261-6550

January 3, 2014

Steve Kinsey, Chair
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105

Sherilyn Sarb
California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802

**Re: City of Huntington Beach Major Amendment Request No. HNB-
MAJ-1-12 (The Ridge) to the City's Certified Local Coastal Program
Hearing: January 8, 2014, Item W24a**

Dear Chair Kinsey and Ms. Sarb:

Signal Landmark ("Signal") is the owner of the land (the "Ridge Site") which is the subject of the application of the City of Huntington Beach (the "City") for an amendment to its Certified Local Coastal Program ("LCPA"). As submitted to the Coastal Commission by the City, the proposed LCPA addressee only land use changes on the Ridge Site, as approved by the Huntington Beach City Council.

Recognizing your staff's objections to the LCPA as proposed and its desire to consider land uses on the adjacent 6.2 acre property owned by the Goodell Family Trust ("Goodell Property") which is not within the City's jurisdiction, in conjunction with the Ridge Site, Signal, City staff, and Commission staff have been engaged in discussions since 2012 to find a "win-win" resolution to an unusual regulatory challenge. Considerable progress toward that goal has been made and what you have before you at your upcoming meeting are essentially two variations on suggested modifications to the City's proposed LCPA. Your staff has provided one approach in its report to you. From Signal's perspective, that approach simply cannot work and, as a result, will leave all parties short of their goal of eliminating residential development on the Goodell Property in return for permitting residential uses on the Ridge Site. Therefore, we have enclosed Alternative Suggested Modifications in our letter to Commission staff (a copy of which is enclosed) reflecting the discussions among the City, your staff, and Signal and which the City and Signal recommend be adopted in place of Coastal staff's suggested modifications.

Because the land uses for the Goodell Property are not subject to regulation by the City's LCP, there is mutual agreement that restriction of the Goodell Property (now

Steve Kinsey
Sherilyn Sarb
January 3, 2014
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designated for residential uses) would occur through the recordation of (1) a deed restriction limiting its uses to those now proposed by staff, and (2) an offer to dedicate fee title to the Goodell Property to a public or private entity satisfactory to the Executive Director. Those restrictions would be required before development of the Ridge Site could occur. Therefore, the amendment to the City's LCPA to allow residential uses on the Ridge Site would contain language conditioning development upon the recordation of those documents. There presently is a recorded option to purchase the Goodell Property granted to Signal by the current owner of the Goodell Property (the "Recorded Option"). The Recorded Option would allow Signal to acquire the Goodell Property and record the deed restriction and offer of dedication before development on the Ridge Site could begin.

As your Staff Report notes, the negotiations have reduced the key issues to two contexts:

- **Timing of the Deed Restriction and the Offer of Dedication.**

While the parties agree that the deed restriction and offer of dedication must be recorded before development begins, Staff wants the deed restriction recorded and the offer of dedication accepted by a public agency or non-profit before the change in land use designation is made. Signal and the City want the change to a residential land use designation to be made without recording a deed restriction or having an offer of dedication recorded and accepted, but with a mandate in the LCP that permits for residential uses cannot be issued until the deed restriction and offer of dedication on Goodell have been recorded.

It would be foolish for Signal to purchase the Goodell Property and then give it away without any certainty that the Ridge Site will be redesignated for residential uses and a CDP will be issued once the deed restriction and offer are recorded.

Only the proposed Alternative Suggested Modifications give both Signal and the Commission the certainty they each need to accomplish the common objective. The Commission needs to know that there will be no residential development of the Ridge Site without the deed restriction and offer being recorded on Goodell. Signal needs to know that its investment in the Goodell Property and its use restrictions and conveyance for open space purposes will result in an economically viable residential development project on the Ridge Site. Both of these objectives are accomplished with the proposed Alternative Suggested Modifications.

- **Mitigation for Impacts on Cultural Resources.**

On Page 21 of the Staff Report, Staff proposes a new definition of "Significant Cultural Resource" which unnecessarily expands the generally-used definition found in CEQA. Also proposed is a 50 foot setback from any "Significant Cultural

Steve Kinsey
Sherilyn Sarb
January 3, 2014
3

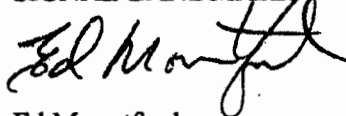
Resource.” The problem is that this unprecedented approach would arguably make virtually every archaeological artifact a “Significant Cultural Resource” that must be left in place and protected with a 50 foot setback. The Coastal Commission has in prior permits found mitigation reasonable and consistent with Section 30244 of the Coastal Act where the mitigation allowed archaeologists to excavate resources, curate them, and permanently protect them. (See CDP 5-89-772.) Staff’s proposal would require that common insignificant artifacts be left in place and a 50-foot setback be provided. This approach goes well beyond what either the Coastal Act or the City’s LCP require, and could effectively prohibit any development on the Ridge site. (Staff has noted that other permits have required avoidance, however, the resources at issue in those permits were human remains.)

Signal is also concerned with Staff’s recommended 50-foot setback from the excavated house pit. As noted in the Staff Report, the “house pit” – which consisted of a compressed area of soil indicating human occupation – was subject to an archaeological investigation in 2001. That investigation included the entirety of the Ridge Site and concluded that the only area on the entire Ridge Site that appeared to not have been affected by decades of agricultural production was the “house pit” area. It also concluded that the features and artifacts found outside of the house pit area were not significant. Because the “house pit” area will be located in a protected open space area, Signal believes that a 10 foot setback is sufficient to protect the location of this mitigated cultural resource.

Our recommended edits to staff’s proposed suggested modifications (Alternative Suggested Modifications) and a more detailed response to the Staff Report are attached to this letter. Signal looks forward to addressing these issues further with the Commission at your upcoming meeting.

Very truly yours,

SIGNAL LANDMARK



Ed Mountford
Senior Vice President

Enclosure:

Letter to Sherilyn Sarb and Teresa Henry from Susan Hori (January 3, 2014)

Steve Kinsey
Sherilyn Sarb
January 3, 2014
4

Cc: California Coastal Commissioners
Teresa Henry
Meg Vaughn
Tim Paone
Susan K. Hori
David Neish

311241098.1

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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January 6, 2014

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South Coast Region

JAN 06 2014

**CALIFORNIA
COASTAL COMMISSION**

Teresa Henry
District Manager
South Coast District Office
California Coastal Commission
200 OceanGate, 10th floor
Long Beach, CA 90802-4416

Dear Ms. Henry:

RE: City of Huntington Beach LCP Amendment No. HNB-MAJ-1-12 (Ridge):

I am writing to provide comments in regards to the impact of the proposed change of land use designation from Open Space-Parks to Residential Low Density and the zoning from Residential Agriculture to residential Low Density at a parcel located in the City of Huntington Beach known as the Ridge property. As the State Historic Preservation Officer my responsibility is to promote the protection of California's irreplaceable heritage resources. Specifically, I am commenting pursuant to Section 30244 of the Public Resources Code: "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Office, reasonable mitigation measures shall be required," as well as Section 30116 which includes archeological sites designated by the State Historic Preservation Officer as sensitive coastal resource areas.

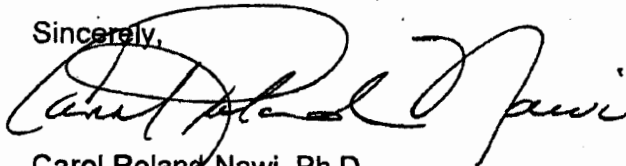
The impact of these land use changes would be significant. The property in question, known as the Ridge, is part of a very large village complex that occupied the upper banks of the Bolsa Chica mesa from 9000 to 2000 years before the present. Over the years a number of specific archeological sites within this complex have been recorded, including ORA-83 (site of production and distribution of cogged stones), ORA-84, ORA-85, ORA-86, and ORA-288; only portions of ORA-83 and ORA 86 remain, the balance lost to development. ORA-83, known as the cogged stone site, is listed in the National Register of Historic Places by the National Park Service at the recommendation of the State Historic Resources Commission and the State Historic Preservation Officer. Although these various sites have been given discrete identifiers, it is important to remember that they are all part of a larger property. Site numbers are merely recording conveniences and each only represents a part of the whole. Impacts to the Ridge property would in fact impact the whole of the remaining part of this once large village.

The property on Bolsa Chica mesa holds great cultural and religion importance to California Native Americans, including the Gabrieleno/Tongva Band of Mission Indians-San Gabriel. Large scale properties comprised of multiple, linked features that form a cohesive landscape are known as Traditional Cultural Properties. Current cultural resource management practice has moved beyond solely recognizing and promoting the protection of specific sites within a larger complex to recognizing and promoting the protecting of larger Native American cultural landscapes. The federal Advisory Council on Historic Preservation has formally adopted a *Native American Traditional Cultural Landscapes Action Plan*. The National Park Service has published and is currently updating its *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. This bulletin identifies one example of a culturally significant property as "a location with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world."

Since the significance of Traditional Cultural Properties is based on cultural and often religious significance, and not on their ability to yield, or likely to yield, information important in history or prehistory, impacts cannot be mitigated to less than a significant level by usual archeological practices such as excavation. Even the process of identifying such properties through testing, such as auguring or trenching will have significant impacts. Based on the cultural material, including human remains, encountered during prior development on parts of ORA-83 and ORA-86, there is a high likelihood of encountering similar cultural material at the Ridge property.

The proposed change of land use designation from Open Space-Parks to Residential Low Density and the zoning from Residential Agriculture to residential Low Density would significantly impact the remains of ORA-86 as well as other remains of this village complex that represents 7000 years of human occupation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carol Roland-Nawi", written in a cursive style.

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
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De_nahc@pacbell.net



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South Coast Region

December 27, 2013

JAN 2 2014

Ms. Meg Vaughn

California Coastal Commission

200 Oceangate, Suite 1000
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Sent by U.S. Mail

No. of Pages: 2

**RE: California Coastal Commission Hearing on the City of
Huntington Beach LCPA (HNB-MAJ-1-12) January 8-10, 2014.
Project also identified as SCH#2009091043 (State Clearinghouse
#); CEQA NOD; Project Title, The Ridge; Lead Agency: City of
Huntington Beach; Applicant Signal Landmark, Owner; Orange County,
California.**

Dear Ms. Vaughn:

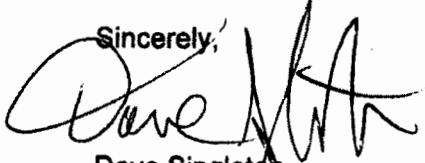
The California Native American Heritage Commission (NAHC) has reviewed the proposed action proposed by the City of Huntington Beach and the developer and has concerns regarding the possible impact of the project on Native American cultural resources. The proposed land was previously zoned 'open space;' the Native American Heritage Commission (NAHC) deemed that appropriate as it bordered the internationally known "The Cogged Stone Site," that had been nominated in 1980 for placement on the *National Register of Historic Places*. In that nomination by Pat Hammon, the property description included The Ridge parcel, what is now called CA-ORA-86 but then was termed part of CA-ORA-83, The Cogged Stone Site. Dr. Brian Fagan, Professor Emeritus of the University of California, Santa Barbara also terms this parcel as part of The Cogged Stone Site. Clearly, this parcel is situated in a very sensitive archaeological and native American historic location.

Archaeological field work at the proposed site have yielded some archaeological items. While no Native American human remains have been excavated from this site, the adjacent areas comprising CA-ORA-83 and CA-ORA-85 have been locations where 178 sets of remains were reported to the NAHC. The NAHC is of the opinion that the proposed construction of 22 housing units on the five-acre Ridge site would cause further damage to Native American cultural resources and should be avoided if at all possible pursuant to CEQA Guidelines Section 15370 (a).

In the 1985 Appellate Court decision (170 Cal App 3rd 604), the Court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

If you have any questions or need additional information, please contact me at (916) 373-3715.

Sincerely,



Dave Singleton
Program Analyst

Fowler

MUSEUM AT UCLA

phone 310/825.4361 fax 310/206.7000

Item: W24a
Application #: HNB-MAJ-1-12
Wendy Teeter
Opposition to the Project

RECEIVED

South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission, South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attention: Teresa Henry, District Manager

January 2, 2014

Dear Teresa Henry and Commissioners,

I am writing to express my concern at the request by the City of Huntington Beach to amend the certified Local coastal Program for the 5-acre Ridge property to change the land use designation from Open Space Parks to residential low density (22 houses). The Ridge property contains one of the last remaining portions of CA-ORA-83/86, the cogged stone site. The developers have already destroyed 16 acres of the 9,000 year old village and cemetery site. This natural environment has been slowly developed for decades regardless of its demonstrated impact on this village and cemetery. Each time developers argued that this will be it and there are still portions left intact and each time they push a little farther in development. This is the last vestige. When do the migratory birds and natural environment become the greater good?

As the Curator of Archaeology, Fowler Museum at UCLA and a California archaeologist, I am invested in preserving the total history of California for current and future generations. There are fewer and fewer places that people can actually visit to represent the first people of this land. This is not just a village site, but a production and distribution center for the unique cogged stones that are believed to connect cultural traditions from the coast to the Mojave Desert. These cogged stones are also found in Chile and may be part of an early prehistoric trading route up and down the coast of the Pacific. New dates and research are only starting to delve into these possibilities. If the remaining portion of the site is destroyed by a for-profit salvage Cultural Resource Management company, the entire world loses out.

Of great importance, is that the site is a sacred place by the Gabrielino/Tongva and Acjachemem people who were devastated by the desecration of their ancestors' graves to make room for a residential development. The developers have taken more than 11 acres of ORA-83/86 for the Sandover gated housing and the Brightwater (Hearthside) housing. The remaining 11 acres (5 acres Ridge and 6 acres Goodell) should be preserved as open space in the public interest. Please deny this amendment.

Thank you for your efforts on this matter. I can be reached at wteeter@arts.ucla.edu.

Sincerely,



Wendy G. Teeter, Ph.D, RPA

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December 30, 2013

RECEIVED
South Coast Region

DEC 31 2013

**CALIFORNIA
COASTAL COMMISSION**

Honorable Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Ms. Teresa Henry
Mr. Andrew Willis
Ms. Meg Vaughn
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Via U.S. Mail and email: Andrew.Willis@coastal.ca.gov
Teresa.Henry@coastal.ca.gov
Meg.Vaughn@coastal.ca.gov

Re: **Agenda Item W 24a**, January 2014 Meeting
Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of
Huntington Beach Certified Local Coastal Program (LCP)
Request for **Denial** of Amendment

Dear Honorable Commissioners:

We submit these comments on behalf of the Bolsa Chica Land Trust (BCLT) in support of staff's recommendation to deny the Local Coastal Program amendment submitted by the City of Huntington Beach. The mission of BCLT is to acquire, restore and preserve the entire 1,700 acres of the mesa, lowlands and wetlands of the Bolsa Chica ecosystem, and to educate the public about this natural treasure and its unique biological and Native American cultural resources. BCLT agrees with Commission staff that amendment is inconsistent with the Chapter 3 policies of the Coastal Act regarding land use priorities, significant cultural resources, and "one of the most ecologically sensitive sites within ... southern California." (Staff Report p. 2.) In addition to converting the existing open space habitat to residential use, the Project would diminish the value of a designated ESHA off-site, with likely adverse impacts on raptors and other wildlife. The

site is also a known Native American cultural site, with significant artifacts and possibly human remains that would be disturbed or destroyed by project grading and construction. Finally, the City's proposed amendment and development it permits violate the Coastal Element of the City of Huntington Beach's General Plan. For these reasons, BCLT urges the Commission to adopt staff's well-researched recommendation to deny the amendment.

If approved, the LCP amendment would permit the applicant to construct a 22-unit housing development known as the Ridge on a five-acre parcel located at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue. The site is one of the last undeveloped properties on the Bolsa Chica mesa.

I. The Ridge and Adjacent Properties Contain Irreplaceable Cultural Resources.

BCLT agrees that the LCP amendment contains insufficient mitigation measures and protections for cultural resources that may persist on the Ridge site, including the house pit, which warrants denial of the LCP amendment at this time.

BCLT further agrees with Commission staff's conclusion that past investigations of the site have not removed the likelihood that the Ridge site contains significant archeological and cultural resources. (Staff Report p. 26.) The applicant's conclusion that additional cultural resources and human remains will not be found on the Ridge site is based on the extensive unpermitted excavations that have occurred at the Ridge and Goodell sites. However, the adjacent Brightwater development was similarly investigated prior to the beginning of grading and construction. The applicant had reported that since 97 percent of the site had already been excavated, additional recoveries were unlikely. Even so, hundreds of human remains were recovered from the Brightwater site. Archeologists agree that humans have lived on the Bolsa Chica mesa for at least 9,000 years, without regard to the current property lines. One prehistoric dwelling unit, uncovered through the unpermitted excavations, straddles the Ridge/Goodell property line. (Staff Report pp. 24-26.) Since human remains and artifacts have been found on adjacent properties, even after investigations, they will also be found at the Ridge and Goodell sites. This entire area comprises a cultural landscape. The applicant's archaeologist has been videotaped stating that there is a "100 percent chance of finding more coggled stones on the Goodell property and a high likelihood of finding more burials." It is just as likely that additional resources persist on the Ridge site that could be damaged or destroyed by the site development permitted by the proposed LCP

amendment. Without sufficient setbacks or stringent mitigation measures, the LCP amendment violates section 3044 of the Coastal Act. Additionally, the LCP amendment contains no mitigation for impacts that would be experienced by Native Americans who still visit the Ridge site for worship and ceremonial purposes. (Staff Report p. 41.) Accordingly, the LCP amendment must be denied, and existing archaeological and cultural resources must be permitted to remain in place.

II. The LCP Amendment Would Adversely Affect Biological Resources and Designated ESHA.

As documented in the Staff Report, the Ridge site is surrounded by “an extensive amount of significant habitat” that could be diminished by approval of the LCP amendment. (p. 42.) BCLT agrees that the lack of suitable buffer warrants denial of the amendment. (Staff Report p. 43.)

Most importantly, the LCP amendment would affect habitat located on the adjacent Shea Parkside property, which the Commission has designated environmentally sensitive habitat area (ESHA), pursuant to Public Resources Code section 30107.5, for its importance as a raptor foraging habitat. At least ten species of raptors have been observed in this ESHA, including California Species of Special Concern. (Staff Report p. 43.) The Coastal Act prohibits actions on land adjacent to ESHA which “significantly degrade” ESHA. (Pub. Resources Code § 30240(b).) The Commission typically requires at least a 300-foot buffer between residential development and ESHA. However, the Ridge project would place homes within 160-250 feet (50-80 meters) of the Eucalyptus grove. Adequate buffers were rejected. (Staff Report p. 43.) Imposition of residential uses so near to the ESHA would significantly degrade the ESHA by reducing its use by raptors. During the CEQA process, the applicant asserted that raptors acclimate readily to residential development and urbanization and would not be affected. However, these claims are easily refuted by scientific evidence contained in the record, most notably Coastal Commission staff ecologist Dr. Dixon’s staff report, a scientific paper authored by Dr. Findlay, and guidance by CDFG and USFWS that recommends buffers of at least 100 meters to protect ESHA from degradation.

Dr. Dixon defended larger, 100 meter buffers in a memorandum describing the eastern side of the same eucalyptus grove ESHA:

[D]evelopment closer than 100 meters will reduce the utility for nesting raptors of these portions of ESHA that are closest to the development

footprint and therefore that a reduced buffer would violate Section 30240(b) of the Coastal Act because the portions of ESHA nearest the development would be significantly degraded and no longer suitable for nesting by some of the raptor species at Bolsa Chica.

(Coastal Commission Staff Memorandum, Exh. LLL, p.14 attached to letters of M. Bixby.)

The Project may also reduce water flow to the Shea Parkside parcel, with potential impacts to existing wetlands and ESHA on that site. Yet the Ridge's documentation fails entirely to address the reduction of natural water flow of adjacent parcels.

The Project would also affect the ESHA through the introduction of nighttime lighting. Although the applicant proposed use of "dark sky" lighting, it was never enforceable as a mitigation measure or project design feature. The applicant's Brightwater project demonstrates a development that was supposed to incorporate "dark sky" lighting, but has not done so in practice. In some common areas, landscaping lights point skyward, which actually increases the existing skyglow problem and impacts to sensitive habitat and wildlife. The Ridge project would also have lighting impacts because ESHA treetops will be at building pad height after grading is complete. Even if the development's lights were pointed downward, they would affect the ESHA. In addition to spotlighting their position for potential prey, nighttime lights can interfere with raptor vision.

Harm to the eucalyptus grove ESHA would adversely affect the raptors for which the ESHA was designated. Harm to raptor populations could come from increased noise in the area, nighttime lighting, infringing cat populations, as well as from harm to the habitat quality of the ESHA itself due to inadequate buffers. Project grading and other activities would occur at elevations at or exceeding the eucalyptus grove treetops. Disturbances that lower the height of the treetops relative to surrounding areas would reduce the utility of these treetops for foraging raptors. Dr. Dixon found that the agricultural field adjacent to the Hearthside property "is a significant foraging resource for several raptor species, including the white-tailed kite, which is a California 'fully-protected species.'" (Exh. LLL, p. 11.) The raptors use the project site in the same way. The importance of this site to foraging raptors was recognized by the Fourth District Court of Appeal in *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 506:

The ESHA identification was based on the fact the grove provided the only

significant locally available roosting and nesting habitat for birds of prey (raptors) in the Bolsa Chica area. At least 11 species of raptors have been identified as utilizing the site, including the white-tailed kite, marsh hawk, sharp skinned hawk, Cooper's hawk and osprey. According to Commission, a number of the raptors are dependent upon the adjacent lowland wetlands for food and the eucalyptus grove provides an ideal nearby lookout location as well as a refuge and nesting site.

Removal of foraging resources would cause direct harm to raptors. This harm is even greater when the loss of this field is considered along with the losses of the Shea Parkside, Brightwater, and other area open spaces that have been or are in the process of development.

The Ridge development would also permanently displace southern tarplant, a rare plant species found adjacent to the site. Tarplant is an annual that is transient. BCLT has documented the applicant's removal of vegetation from the site in anticipation of future permitting processes required for development. (See, letter submitted to Commission by Connie Boardman and attached photographs.) Considering that tarplant extent has increased on adjacent properties in recent years, it is likely that colonization of the Ridge property would have occurred already if it had not been prevented by the applicant's blading and application of herbicide and gravel. In 2009, LSA documented over 1,000 tarplants on the adjacent Goodell property. Also, by redirecting runoff away from the Shea parcel to the east and dewatering lands around The Ridge, the project may impair the survival of southern tarplant on other parcels by reducing the water it receives.

III. The LCP Amendment is Inconsistent with the Coastal Act, the City's Certified LCP, and the City's General Plan.

Coastal Act

The Ridge site is currently designated "Open Space – Parks." The Amendment would change the designation to "Residential Low Density." BCLT agrees with Commission staff that both the Coastal Act and the City's certified Land Use Plan place a greater priority on public recreational uses than on private residential uses. (Pub. Resources Code §§ 30222, 30223; Staff Report p. 4.) When it has been publicly accessible, the Ridge site has been used frequently for walking, hiking, birding, and for Native American ceremonial uses. Removal of these ceremonial uses cannot be mitigated. Institutionalizing the privatization of this land, without identifying replacement parkland,

would contravene both the Coastal Act and the City's own existing LCP. The Staff Report agrees, finding, "The proposed LUP amendment, rather than protecting and encouraging recreational opportunities, would reduce such opportunities." (Staff Report p. 40, see also pp. 33-40.) While BCLT supports preservation of the adjacent Goodell property, it agrees with Commission staff that any preservation of the Goodell parcel must be fully enforceable before entitlements are granted for the Ridge. (Staff Report, pp. 5-6.)

Certified LCP

Policy C 4.4.2 of the City's certified LCP forbids private development of the Bolsa Chica Mesa bluffs. The policy reads, "Prohibit private development along the bluffs rising up to the Bolsa Chica mesa (the bluff face that rises above the northwestern edge of the Bolsa Chica low land) within the City's jurisdiction that would alter the natural landform or threaten the stability of the bluffs. Drainage systems and other such facilities necessary to ensure public health or safety may be allowed provided that bluff alteration is restricted to the minimum necessary and is done in the least environmentally damaging feasible manner." According to the topographic maps submitted to the City in connection with the Ridge development, the protected bluff extends into The Ridge site. The topographical alterations proposed as part of the project violate this policy.

General Plan, Coastal Element/LUP

The LCP amendment proposed for the Ridge is incompatible with the City's General Plan because it will remove five acres of land designated as "Open Space-Park" without identifying replacement parklands. This land use impact is both direct and cumulative because the City has already failed to meet its parkland standard of 5 acres per 1,000 residents. (RCS Policy 2.1.1; Staff Report p. 36.) The loss of 5 additional acres of parkland will bring the City even further out of compliance with Policy 2.1.1. Additional cumulative impacts on parklands use will occur with the increases in population and loss of potential parklands at the Brightwater and Shea Parkside sites surrounding The Ridge. As recognized by Commission staff, the Ridge parcel contains an informal trail network that has been used by hikers, birdwatchers, and other recreational users for many years. Commission staff also rightly recognized the appropriateness of leaving the Ridge designated for a park, given the proximity of the Bolsa Chica Ecological Reserve, a statewide draw to the area. (Staff Report p. 36; see also pp. 58-59.)

Residential development on the site's five acres of open space parkland on the Bolsa Chica Mesa is also inconsistent with the Land Use Element of the City's General

Plan. Goal LU 5 is to "[E]nsure that significant environmental habitats and resources are maintained." Pursuant to Policy LU 5.1.1, this protection should occur by "consideration of the policies and standards contained in the ...Federal (NEPA) and State (CEQA) regulations." As only inadequate buffers have been suggested to protect Coastal Commission-designated ESHA, the project will fail to ensure the maintenance of significant habitat. Policy LU 5.1.1 speaks directly to the ESHA buffer issue, mandating that the City "ensure that appropriate setbacks and buffers are maintained between development and environmentally sensitive areas to protect habitat quality." This has not occurred, as recognized by Commission staff.

The Coastal Element of the City's General Plan describes the importance of maintaining the open space designation of The Ridge to protect the ESHA located to the east:

There are existing and previously delineated wetlands areas that have been filled without authorization and are capable of being restored. Those areas as well as their buffer areas are designated Open Space-Conservation and uses allowed within these areas are limited. (pp. C.IV-77 and 78.)

The proposed LCP amendment would allow development on property that has remained zoned for open space specifically to protect existing and previously delineated wetlands, in direct conflict with the goals of the General Plan. The amendment also conflict with several policies and objectives pertaining to the protection of environmentally sensitive areas, discussed in the Staff Report. (See, Staff Report pp. 59-60.)

Further, the Bolsa Chica Mesa bluffs are identified as a visual resource in the Coastal Element, which calls for the preservation of public views to and from the slope. The Ridge site is described as follows:

The northwestern side of the Bolsa Chica Ecological Reserve includes bluffs that rise to an upland area known as the Bolsa Chica Mesa. These bluffs are primarily under the County's jurisdiction (only a small part of the bluff lies in the City) but are within the City's Sphere of Influence for potential future annexation. *The mesas constitute a significant scenic resource* within the City's Coastal Zone.

(Coastal Element p. IV-C-65, emphasis added.) Grading to level the project site "would permanently alter the existing visual environment of the project site" (MND p. 42) in contravention of City policy.

Public views from the thirty foot wide city parcel would also be lost and replaced with views of suburban housing. Current views span from the eastern bluffs at Ellis south to the federal restoration inlet. Other public views from city-owned land would will be replaced with solid masonry walls. Instead of increasing coastal access, The Ridge project would cut off views of coastal resources. View losses would be both direct and cumulative as other open space on the mesa is converted to residential development at Shea Parkside and possibly on the Goodell property.

IV. The Ridge and Goodell Properties should be Considered Together.

Together, the Ridge and Goodell Properties are the last remaining undeveloped portions of the Bolsa Chica Mesa held by private interests. They provide the last opportunities for the Commission and the City to mitigate the habitat losses and the destruction of cultural resources and Native American sacred sites caused by past development in the area. Additionally, the Ridge and Goodell sites function as one 11.2-acre site, both ecologically, and archaeologically. For years, BCLT has advocated a unified approach to all development and preservation on the Mesa. A unified LCP amendment for the two properties, as proposed by Commission staff (Staff Report pp. 5-6, pp. 30-33) could provide the holistic analysis that has been missing in past Bolsa Chica development.

However, if a unified LCP amendment is later evaluated by the Commission, BCLT requests that the Native American cultural site the applicant must construct be located on the Ridge property and not the Goodell property. (See Consent Cease and Desist Order Nos. CCC-13-CD-08, CCC-13-CD-09; Consent Restoration Order Nos. CCC-13-RO-08, CCC-13-RO-09.) Staff has found the Goodell site to provide greater opportunities for habitat preservation (Staff Report p. 5), so future disturbance of the site should be limited. Additionally, the Ridge parcel is the site of most of the unpermitted excavations (for which the Consent Orders were issued).

V. Future Considerations.

All staff recommendations and the reasons for denying the LCP amendment set forth in the Staff Report remain relevant to any future consideration of development at the Ridge. BCLT will ensure that these considerations do not disappear during future entitlement processes.

Although BCLT agrees with the staff recommendation to deny the LCP amendment, it is concerned about some of the alternative recommendations that staff has made to the developer. For example, the Staff Report recommends use of a six-foot block and a 150-foot buffer zone instead of the 300-foot buffer otherwise required to protect ESHA from encroaching residential development. (Staff Report p. 13.) Not only would such a wall provide insufficient protection from pets and invasive species, but it would set a terrible precedent for acceptable development buffers, both at Bolsa Chica and along the rest of the California coast.

If future development at the Ridge is to be considered, the language contained by Commission-imposed conditions for impacts to archaeological and cultural resources must be strengthened. BCLT knows from the Commission's experience with Application R5-05-020 in 2008 that the cultural resource conditions placed on these projects by the Commission is insufficient to provide true mitigation. In that case, which addressed the handling of artifacts and human remains at the Brightwater development, the Commission deemed itself unable to revoke a Coastal Development Permit despite violations of important cultural resource protections by the applicant and Scientific Resources Surveys, Inc. ("SRS"). If the Commission will be considering development at the Ridge in the future, BCLT respectfully requests that any conditions placed on that development give the Commission discretion to permanently halt development when necessary to protect archaeological and cultural resources. Native American communities have already suffered through the applicant and SRS' mismanagement of the human remains found at the Brightwater site.

Additionally, the eleven volume final report on archaeological work conducted at the Brightwater development was not submitted to the Commission until December 20, 2013. Future development that may impact archeological and cultural resources should be considered in light of this report.

Finally, pursuant to section 5.1(B) of the Consent Orders, BCLT urges the Executive Director to find SRS (Scientific Resource Surveys, Inc.) and its archaeologists "an incompatible choice to conduct such restoration work" as a result of SRS's repeated *failures to obtain permits before conducting archaeological work at Bolsa Chica and adjoining properties*. (Consent Orders, Appendix A, p. 4.) BCLT objects to any use of SRS for future archaeological or restoration work on the mesa. Along these lines, it has come to the attention of BCLT that at least two of the peer reviewers for the 11-volume Brightwater Archeology Report now work for SRS.

California Coastal Commission
Agenda Item W 24a
December 30, 2013
Page 10

Conclusion

Thank you for your consideration of these comments. BCLT urges the Commission to accept staff's recommendations and deny Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach's certified LCP because it violates policies of Chapter 3 of the California Coastal Act in insufficiently protecting coastal public access, sensitive biological resources, and irreplaceable archeological and cultural resources. BCLT supports consolidation of the planning processes for the Ridge and Goodell parcels in order to permanently protect all cultural, archaeological, and biological resources on the 11.2 acre site.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle N. Black", with a stylized flourish at the end.

Michelle N. Black, on behalf of the
Bolsa Chica Land Trust



California Cultural Resource Preservation Alliance, Inc.

P.O. Box 54132
Irvine, CA 92619-4132

An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.

December 29, 2013

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Meg Vaughn/Teresa Henry

Item number W24a
Application number HNB-MAJ-1-12
Patricia Martz, Ph.D., President
Opposition to the project.

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South Coast Region

JAN 2 2014

Re: Land use Designation Change for the ridge Property, Bolsa Chica

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commissioners:

Please deny the proposed Land use Designation change from open space park to residential. As you know, this property contains some of the last remnants of CA-ORA-83/86 the internationally known village, cemetery and ritual center that is a unique and valuable part of California's patrimony. The village complex was established around 9,000 years ago by some of the first people to settle California. It was continuously occupied for over 7,000 years and represents one of the earliest ritual and trade centers in North America. It was the production and distribution center for the unique geometric stones (cogged stones) that are believed to have functioned in an ancient religious congregation that extended from the coast to the Mohave Desert. The only other place in the world where cogged stones are found is in 9,000 year-old sites in coastal Chile indicating interaction with the people of Bolsa Chica by boat.

There are many outstanding questions regarding the cogged stones, the Chilean connection, and the fact that the civilization represented by this village complex was sustainable throughout thousands of years of environmental change. This site is significant for its scientific information and should be preserved for a future archaeology using technology that will be able to retrieve the information without destroying the site in the process. Most important, the site is recognized and revered as a sacred place by California Native American descendants who were devastated by the desecration of the graves of their ancestors to make room for a residential development. Clearly this ancient site has deep meaning to living Native peoples and stands as a testimony to the peaceful, sustainable culture that occupied coastal California for thousands of years.

More than 50 percent of the archaeological complex has been destroyed to make way for residential development. A site of this extraordinary antiquity and one that holds religious values for the descendants of a people, who suffered the loss of their lands and cultural traditions in the name of progress, deserves to be recognized and respected. We believe that it is in the highest public interest to keep the remaining area in Open Space designation and ask that you deny the application.

Sincerely,



Amigos de Bolsa Chica

P.O. Box 1563 Huntington Beach, CA 92647

Phone / Fax 714 840 1575 info@amigosdebolsachica.org www.amigosdebolsachica.org

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Agenda Item W 24a
Wednesday January 8, 2014

January 6, 2014

JAN 06 2014

Chair Steve Kinsey and Commissioners
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

CALIFORNIA
COASTAL COMMISSION

Re: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach Certified Local Coastal Program (LCP)

Dear Chair Kinsey and Commissioners:

The Amigos de Bolsa Chica agree with the Coastal Commission staff that the City of Huntington Beach LCP Amendment No. HNB-Maj-1-12 (Ridge) should be denied at this time as it does not meet the requirements of the Coastal Act. However, we encourage the City of Huntington Beach, the property owner and the Goodell property owners to continue working together to craft a solution that is equitable and consistent with the goals of the Coastal Act. The Goodell property is very valuable and preserving it as open space would enhance the protection of the wetlands. It is our understanding that this issue has been discussed by the City, the owners of both properties, and the Coastal Commission staff. We hope those discussions will continue.

Of course the acquisition and preservation of both the Ridge and Goodell properties would be the very best outcome, and we would support efforts to achieve public acquisition of both these properties. The owners, of course, must be compensated in a fair and equitable way.

As you know the Amigos de Bolsa Chica is the organization that worked for over 40 years to acquire the Bolsa Chica Wetlands. We were successful in our efforts and continue to monitor the restoration of the wetlands. We support efforts to ensure that the surrounding areas protect and serve as a buffer to this invaluable resource.

Thank you for your consideration of our position.

Sincerely,

Tom Livengood
President, Amigos de Bolsa Chica



BRIAN M. FAGAN

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JAN 1 2014

CALIFORNIA
COASTAL COMMISSION

Item number: W24a
Application number: HND-MAJ-1-1
Professor Brian Fagan – Opposition to project

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JAN 2 2014

CALIFORNIA
COASTAL COMMISSION

The California Coastal Commission
South Coast Area Office,
200 Oceangate, Suite 100
Long Beach, CA 90802-4302

December 26 2013

Attn: Meg Vaughn/Teresa Henry

Dear Commissioners:

I much regret that I am unable to attend your meeting that will discuss the future of the Bolsa Chica property occupied by archaeological site ORA-83. Unfortunately, I have a long-standing commitment to deliver a lecture in Chicago during the period of your discussions. This letter summarizes what I would have said at the session.

I am an Emeritus Professor of Anthropology at the University of California, the author of many general books on archaeology from a global perspective, also the author of *Before California*, a description of the state's history before Juan Cabrillo. My decades-long experience gives me both a local and international perspective on Southern California's archaeological sites and pre-Columbian history.

In the interests of brevity, let me summarize the main points from an archaeological perspective, archaeology being something that many people are unfamiliar with:

- a. *The ORA-83, the subject of your deliberations, is not an isolated archaeological site.* It is part of an extensive complex of settlements, burial areas, and sacred sites that are now largely built over. The preservation of ORA-83 offers the last chance to preserve what remains of a unique, vital part of California's Native American past in a focal area for human settlement for thousands of years. The damage wrought to the finite archives of this past at Bolsa Chica by development and urban expansion has already been devastating.
- b. *The evidence for human settlement in the ORA-83 area extends back some 9,000 years, with one of the earliest bead-making sites on-site, a*

still little understood ancient activity. It's worth summarizing what happened here later:

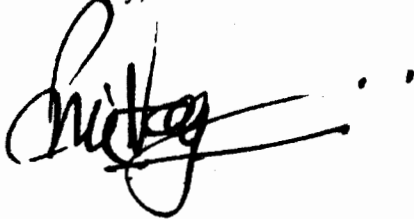
- *By 7,000 years ago, people were buried here in carefully laid out arcs at this location, at a time when irrigation agriculture first began along Egypt's Nile River.*
- *The Ridge and ORA-83 are famous for their mysterious, unique cogged stones, which were part of intensified ceremonial activity. They have been found in different layouts at this location. Undisturbed deposits on the sites may one day yield vital information on ancient Native American rituals and beliefs.*
- *By 6,000 to 5,000 years ago, ceremonial activities had intensified at a place where important ritual activities probably attracted people from a considerable distance. Bolsa Chica was a magnet for hunting, fishing, and plant foraging as well as an important ritual center at the time when the first cities rose in Mesopotamia and the Egyptians built the Pyramids. Ritual activities continued here long after the focus of settlement moved elsewhere in the area after 4,000 years before present.*
- *By about 3,500 years ago, the ancestors of the modern-day Native American groups in the area arrived from inland. They still regard the mesa as an intensely sacred place.*

- c. *This long sequence of human activity is unspectacular by the standards of, say, the American Southwest, the Nile Valley, or Mexico. But the record preserved at ORA-83 and the Ridge is just as important as the archaeological sites found in these well-known areas with their flamboyant, elaborate cultures. What is preserved here is a unique record of brilliant, low-key adaptations to a challenging, ever-changing coastal world over more than 9,000 years. This record is just as much part of the common cultural heritage of humankind as the Parthenon, or the first Chinese emperor's terracotta regiment. Archaeological sites are finite archives, fragile and easily destroyed. ORA-83 is a record of many centuries of coastal folk going about their daily business, which is just as significant historically as a spectacular pyramid or a royal grave—and, in a world where sustainability and respect for the environment are on everyone's minds, the educational potential from a well preserved record of the past of this kind is enormous, even if it seems unspectacular. And, given the major advances in archaeological methods in recent years using high technology science, the amount that will be gleaned from sites like this, however disturbed, is potentially enormous.*

d. *Finally, and most important of all, the Ridge and ORA-83 have profound spiritual importance to the present day Native Americans of the area. It is in these sites that many of their revered ancestors are buried. Respect and reverence for ancestors is a fundamental part of Native American culture. It is only right that the spiritual significance of this location be respected and treasured for future generations. The equivalent would be to build houses on the site of a Christian cathedral or 19th century urban cemetery. We owe every religious belief profound respect, even if it is different from our own. Building over ORA-83 would be an act of disrespect for local cultures, which thrived in this area for nine millennia. We owe their modern descendants greater respect than that.*

The destruction of this site would wipe out one of the major archives of California history. I most forcibly urge that this important site be preserved for the benefit of future generations, as an important educational resource for the multicultural society that is the California of tomorrow. And respect for other cultures, other beliefs, is something that should transcend any financial considerations. It is, quite simply, an ethical matter, and this is, ultimately, an ethical decision that you face.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Fagan', with a stylized flourish extending to the right.

BRIAN M. FAGAN

Emeritus Professor of Anthropology

University of California, Santa Barbara

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South Coast Region

JAN 2 2014

December 29, 2013

**CALIFORNIA
COASTAL COMMISSION**

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Meg Vaughn/Teresa Henry

Item number W24a
Application number HNB-MAJ-1-12
Patricia Martz, Ph.D., Professor Emerita
California State University, Los Angeles
Opposition to the project.

Re: Land use Designation Change for the ridge Property, Bolsa Chica

Dear Coastal Commissioners:

Please deny the proposed Land use Designation change from open space park to residential. As you are aware, the Ridge property contains some of the last remnants of CA-ORA-83/86 the cogged stone site. This internationally known village, cemetery and ritual center is a unique and valuable part of California's cultural heritage. The village complex was settled sometime around 9,000 years ago by some of the first people to occupy California. It was continuously occupied for over 7,000 years and through time covered the entire Bolsa Chica Mesa. The site represents one of the earliest ritual and trade centers in North America. In addition to an extensive shell bead industry, it was the production and distribution center for the unique geometric stones (cogged stones) that are believed to have functioned in an ancient religious congregation that extended from the coast to the Mohave Desert. Cogged stones are also found at sites dating to 9,000 years in coastal Chile, but no other place in the world. That the Chilean cogged stone are nearly identical to those at Bolsa Chica, strongly suggests that interaction was by boat.

There are many outstanding questions that can't be answered by today's state of the art. These include the use and meaning of the cogged stones, the Chilean connection, and the fact that the civilization represented by this village complex was sustainable throughout thousands of years of environmental change. Clearly the remaining portions of this ancient village complex should be preserved for a future archaeology using technology that will be able to retrieve the information without destroying the site in the process. Most important, the site is recognized and revered as a sacred place by California Native American descendants who were devastated by the desecration of the graves of their ancestors to make room for a residential development. It is evident that this ancient site has deep meaning to living Native peoples and stands as a testimony to the peaceful, sustainable culture that occupied coastal California for thousands of years.

Over 50 percent of the archaeological complex has been destroyed to make way for residential development. A site of this extraordinary antiquity and one that holds religious values for the descendants of a people, who suffered the loss of their lands and cultural traditions in the name of progress, deserves to be recognized and respected. I believe that it is in the highest public interest to keep the remaining area in Open Space designation and ask that you deny the application.

Sincerely,


Patricia Martz, Ph.D.

Mikel Hogan, Ph.D., CSU Fullerton
mhogan@fullerton.edu

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA90802-4302
Attention: Meg Vaughn/Teresa Henry

Item Number W24a
Application #: HNB-MAJ-1-12
Position: Opposition to the Project

Dear Meg Vaughn and Teresa Henry,

As a forty year resident of Huntington Beach and an anthropologist with over 30 years of teaching and experience with applying anthropology to improve the quality of community life, I am writing today about the importance of preserving the Ridge Parcel at Bolsa Chica. Bolsa Chica is one of the most important archaeological sites in the United States and it needs to be preserved as an open space park in the public interest.

It was settled about 9000 years ago by some of the first people to migrate to California and it was continuously occupied for over 7000 years. It is the site of one of the earliest sacred ritual and trading centers in North America. The whole area of Bolsa Chica (ORA 85 and 83, and other site numbers of the area) is a sacred landscape comprising a large village complex with the main area of occupation varying over the centuries. The unique, mysterious, and sacred cogged stones were produced and distributed there to a vast network of tribes extending from the coast to the Mohave Desert. It needs to be preserved because it is an open-air Cathedral that was integral to the complex metaphysical lives of the California Native Americans who lived in a loving sacred bond with nature and the cosmos for millennium. The cogged stones as well as the archaeoastronomical alignments of Bolsa Chica's geography with the winter solstice and the equinoxes testify to that fact.

Currently Bolsa Chica is recognized and honored as a sacred site by California Native Americans who revere it in their yearly Ancestor Walk but, who need to be able to pay homage at the Ridge Parcel as well. They were devastated by the desecration of the graves of their ancestors when developers took more than 11 acres of ORA 83/86 for the Sandover gated housing and the Brightwater (Hearthside) housing development. The remaining 11 acres (5 acres Ridge and 6 acres Goodell) should be preserved as an open space in the public interest. If it is destroyed it will be gone forever and we will lose the opportunity to learn about the remarkable complex cultures that dwelled there for thousands of years.

Thank you for taking the time to read my request to preserve the Ridge parcel at Bolsa Chica as an open space park. Sincerely, Mikel Hogan

Mikel Hogan, Ph.D., Professor
Applied Anthropologist
Chair of the Human Services Department,
Cal State University, California, Fullerton, CA 92834

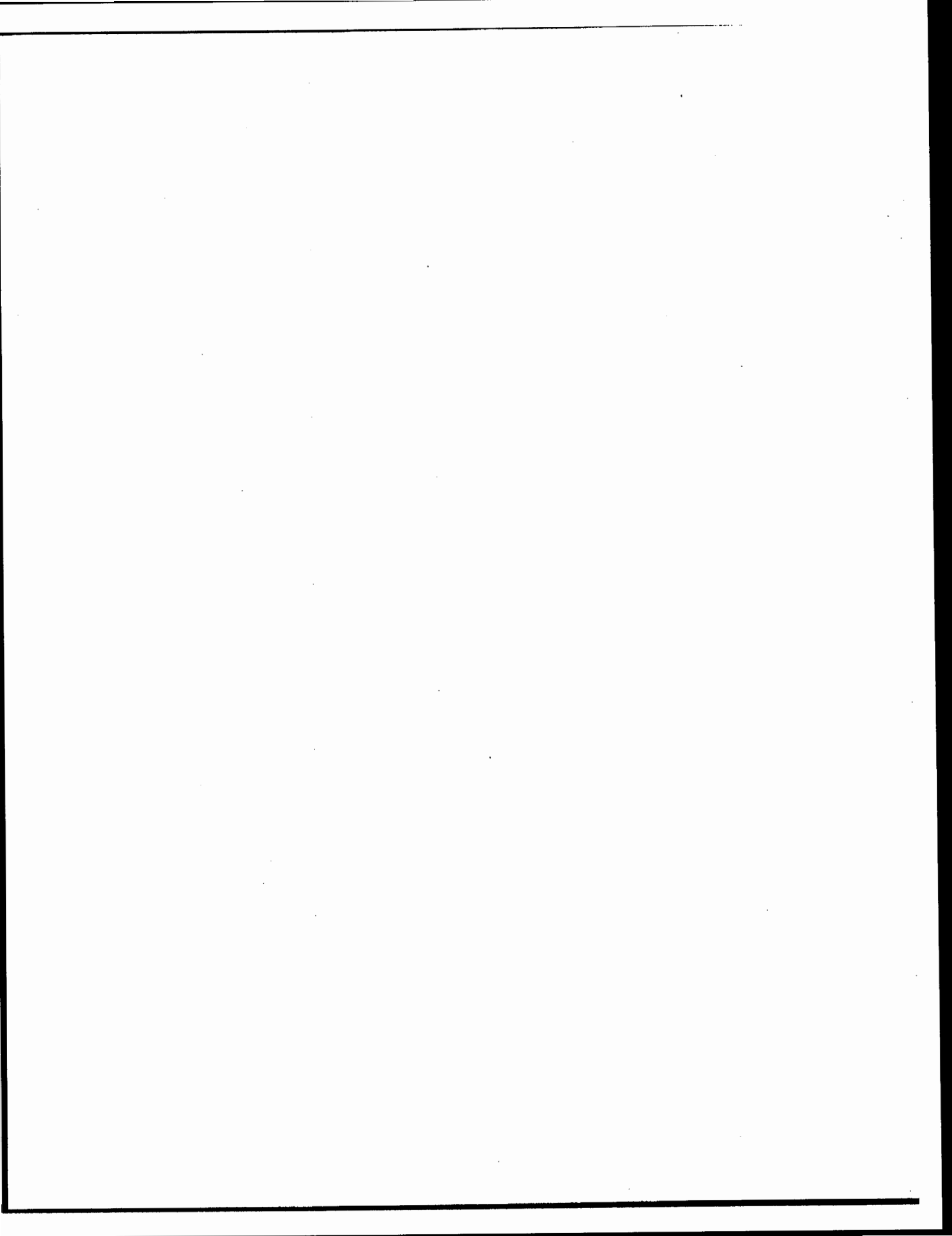
Mikel Hogan 12-31-13

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COASTAL COMMISSION



AGENDA ITEM NO. W24a
HNB-MAJ-1-12 (RIDGE LPCA)
SLR BAND OF MISSION INDIANS
OPPOSITION

SAN LUIS REY BAND OF MISSION INDIANS

*1889 Sunset Drive • Vista, California 92081
760-724-8505 • FAX 760-724-2172
www.slrmissionindians.org*

January 2, 2013

Teresa Henry, District Manager, South Coast District
Meg Vaughn, Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

VIA EMAIL

Teresa.Henry@coastal.ca.gov
Meg.Vaughn@coastal.ca.gov

**RE: CALIFORNIA COASTAL COMMISSION AGENDA ITEM NO. W24A -
THE RIDGE (HNB-MAJ-1-12) — SAN LUIS REY BAND OF MISSION
INDIANS OPPOSITION TO THE RIDGE LPCA**

Dear Coastal Commissioners,

We, the San Luis Rey Band of Mission Indians ("Tribe" or "SLR Band"), have reviewed the Major Amendment Request No. HNB-MAJ-1-12 (The Ridge LPCA) of the City of Huntington Beach Certified Local Coastal Program (LCP) as prepared for the California Coastal Commission ("Commission") for public hearing and Commission action at the Commission's January 8-10, 2014 meeting in San Diego. We are a San Diego County Tribe whose traditional territory includes Camp Pendleton, the current cities of Oceanside, Carlsbad, Vista, San Marcos and Escondido, as well as unincorporated areas in northern San Diego County, such as the communities of Fallbrook and Bonsall. The Tribe is resolute in the preservation and protection of cultural, archaeological and historical sites within all these jurisdictions and throughout the state.

After our review, the Tribe is unquestionably **OPPOSED** to this Major Amendment Request being approved by the Commission. The land being proposed for additional residential development, 5 acres of what is known as The Ridge, and part of what is commonly known to the Native American community as "Bolsa Chica," is sacred to the Native American community because it is part of the Sacred Cogged Stone site and holds a significant place in our culture, history, and religion. Bolsa Chica was a huge village complex that represented one of the earliest ritual and trade centers for our ancestors. It was the production and distribution center for the unique cogged stones that have been part of Native American religious gatherings from the

California coast to the Mojave Desert. Moreover, this land has been nominated to the National Register of Historic Places and is internationally known as the sacred Cogged Stone Site.

Furthermore, in the previous residential development of the lands immediately adjacent to it, over 178 sets of Native American ancestral remains were desecrated. The actions taken against the ancestors to these lands and their most likely descendants have been exceptionally dishonorable and the significance of this land belittled and disrespected. This land is vitally important to our Native American religious and cultural beliefs and must be protected. This land must be preserved and protected for our future generations and future generations of California and the United States. The Commission should DENY the Ridge LCPA and KEEP this land in protective OPEN SPACE. The cost to the Native American people in this part of the state has already been too great. Much of our history and ancestral resting places have been annihilated for the sake of development. This is an area that needs to be protected from any further development. Protecting this land protects and preserves this state's irreplaceable cultural and natural resources. Allowing for this land to be further desecrated for the sake of 22 homes and some parking lots would be an unconscionable act by this Commission, therefore we demand that this Commission DENY the Ridge LCPA.

In conclusion, we, along with all of the California Native American tribes, implore you to deny the City of Huntington Beach's LCPA and to protect our sacred site in its entirety. We thank you for your continuing assistance in protecting our invaluable Native American cultural resources.

Sincerely,



Merri Lopez-Keifer
Tribal Legal Counsel

cc: Melvin Vernon, SLR Tribal Captain
Carmen Mojado, SLR Secretary of Government Relations
Kim Kolpin, Bolsa Chica Land Trust

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JAN 6 2014

Item # W 24a
Application # HNB-MAJ-1-12
Kathy Willets
Opposition to the project

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commissioners:

As an Indigenous person of this land, I strongly urge you to deny the City of Huntington-Beach's LCPA which will come before you this January. This land, known as the ridge, is part of our Sacred Caged Stone Site, and holds a significant place in our culture, history and religion. For many years we have watched the destruction of our Sacred Sites to build houses, schools, malls, freeways, farms and factories. We come together at this site so it is a Sacred place for our people, in its entirety. This place is significant to our people and cannot be mitigated. We need our Sacred places to continue. Too much of our culture has been destroyed at Bolsa Chica. We need these places to renew ourselves, in order to continue to survive. Our ancestors' graves have been desecrated, our ancient villages graded away. The Spirit of the Coastal Act is to protect our

Coastal Resources, and these
ancient places, Bolsa Chica is a
precious resource which must be
protected for the present people and
for future generations.

I implore you to deny the
City of Huntington Beach LCPA
and to protect our sacred site in
its entirety,

Sincerely,

Kathy A. Wallant

Kathy A. Wallant

3441 Grove St.

Lenox Grove, CA

91945

(619) 317-57876

kath1212.kw@gmail.com.

December 30th, 2013

Coastal Commission Teresa Henry, District Manager
200 Oceangate, Suite 1000
Long Beach, CA 90802
RE: The Ridge (HNB-MAJ-1-12)

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**CALIFORNIA
COASTAL COMMISSION**

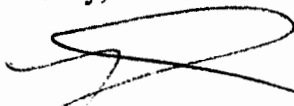
Dear Coastal Commissioners,

As an Indigenous person and supporter of the Indigenous people of this land, I strongly urge you to deny the City of Huntington Beach's LCPA which will come before you this January. This land, known as the Ridge, is part of the Tongva/Acjachemen Sacred Cogged Stone site, and holds a significant place in Tongva/Acjachemen cultures, histories, and religions. For many years, the Tongva/Acjachemen have stood looking out onto the site, blocked by fences, as they have celebrated their ceremonies. The Tongva/Acjachemen have watched the destruction of their sacred sites to build houses, schools, malls, freeways, farms and factories. The Tongva/Acjachemen come together at this site as it is a sacred place for their people, in its entirety. This place is significant to the Tongva/Acjachemen people and cannot be mitigated. The Tongva/Acjachemen need their sacred places to continue.

Too much of the Tongva/Acjachemen cultures have been destroyed at Bolsa Chica. The Tongva/Acjachemen must have these places to renew themselves, in order to continue to survive. Their ancestors' graves have been desecrated, their ancient villages graded away. The spirit of the Coastal Act is to protect Tongva/Acjachemen Coastal Resources, and these ancient places, Bolsa Chica is a precious resource which must be protected for the present people and for future generations. Respect all Tongva/Acjachemen human rights as accorded under the United Nations Declaration on the Rights of Indigenous Peoples by protecting this sacred site.

I implore you to deny the City of Huntington Beach's LCPA and to protect the Tongva/Acjachemen sacred site in its entirety.

Sincerely,



Larry Smith (Lumbee Nation)
2187 E21st. Street Apt. H
Signal Hill, CA 90755

California Coastal Commission
South Coast District
200 Ocean Gate, Suite 1000
Long Beach, Calif. 90802-4302

Dec 31 2013
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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Dear Ms Teresa Henry, District Mgr.

I am writing you in regards to the
Bolsa Chica Logged Stone Site.

Please do not destroy the ancient
1000-9000 yr old Coastal Village of Native
Culture which occupied our California
coast, for new development.

Since the invasion-coming of the
European to our lands, since 1492,
our continent has changed tremendously
and many ancient villages and structures
have been destroyed.

Many Natives of this continent and
those in California, would respect you
highly if you said no to destruction
and development of these native ancient
village areas.

Please honor and respect our native
and sacred ancient structures and
villages.

Your No to this new development will be
highly appreciated. Thank You

Purpicha - Roberto Ramirez
510 Auger Ave. San Jose, Ca 95126

Item # W24a
Application # HNB-MAJ-1-12

Dear Coastal Commissioners,

As an Indigenous person of this land, I strongly urge you to deny the City of Huntington Beach's LCPA which will come before you this January. This land, known as the Ridge, is part of our Sacred Cogged Stone site, and holds a significant place in our culture and history. For many years we have stood looking out onto the site, blocked by fences, as we celebrate our ceremonies. We have watched the destruction of our sacred sites to build houses, schools, malls, freeways, farms and factories. We come together at this site, it is a sacred place for our people, in its entirety. This place is significant to our people-it holds our ancient memories and cannot be mitigated. We need our sacred places.

Too much of our culture has been destroyed at Bolsa Chica. We need these places to renew ourselves, in order to continue to survive. Our ancestors' graves have been desecrated, our ancient villages graded away. The spirit of the Coastal Act is to protect our Coastal Resources, and these precious places. Bolsa Chica is a resource which must be protected for the present people and for future generations.

I implore you to deny the City of Huntington Beach's LCPA and to protect our sacred site in its entirety.

Member of Acjachemen Nation

Sincerely,

Robert Bracamontes "Opposition to the Project"

Name & address

Bob Black Crow
805 Hughes Ave
Montebello, California
90640

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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

E mail
Robert Bracamontes@gmail.com

Phone
323-236-6952

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South Coast Region

Item No# W242
Application NO#
HNB-MAJ-1-12
Connie Kuszewski-Fong
in opposition to the Project

Dear Coastal Commissioners,

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

As an Indigenous person of this land, I strongly urge you to deny the City of Huntington Beach's LCPA which will come before you this January. This land, known as the Ridge, is part of our Sacred Cogged Stone site, and holds a significant place in our culture, history, and religion. For many years we have stood looking out onto the site, blocked by fences, as we celebrate our ceremonies. We have watched the destruction of our sacred sites to build houses, schools, malls, freeways, farms and factories. We come together at this site as it is a sacred place for our people, in its entirety. This place in its entirety is significant to our people and cannot be mitigated. We need our sacred places to continue.

Too much of our culture has been destroyed at Bolsa Chica. We need these places to renew ourselves, in order to continue to survive. Our ancestors' graves have been desecrated, our ancient villages graded away. The spirit of the Coastal Act is to protect our Coastal Resources, and the 9,000 year old archaeology, religious significance and culture of our people at Bolsa Chica is a precious resource which must be protected for the present people and for future generations.

I implore you to deny the City of Huntington Beach's LCPA and to protect our sacred site in its entirety.

Sincerely,

Connie Kuszewski-Fong

Connie Kuszewski-Fong
2506 N Old Grand St
Santa Ana, Ca. 92705

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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Item W24a
App HNB_MAJ_1-12
Rebecca Robles
119 Avenida San Fernando
San Clemente, CA 92672
Opposition

December 30, 2013

Ms Meg Vaughn
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

Dear Ms. Vaughn:

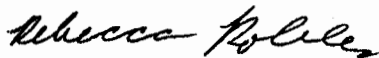
I am writing to express my concern regarding the proposal by the City of Huntington Beach and the developer and the possible impact on Native American cultural resources. The proposed land was previously zoned "open space" and should remain that designation.

The entire area is know to be an ancient village complex-these sites are recorded as ORA 83- and ORA86. The first people have lived there continuously for thousands of years. It is one of the earliest ceremonial and trade centers in North America. This place is where the cogged stones were produced and distributed. It was a ancient congregation site that extended from the coast to the Mojave Desert. It is a designated sacred site of the Acjachemen people. Our Mothers, Fathers, Aunts, Uncles, Grandparents and elders have fought for over thirty years to protect the site and graves of our Ancestors. Nothing in our previous history has prepared us for this travesty in prehistoric times burial grounds were respected and avoided.

Much has changed since our first interface with the new people in 1769, there is barely a trace that we lived here and walked this land. We are still here, against all odds- we are still here. We are a part of the cultural landscape and cannot be separated. The land is a repository for our culture, our religion, our songs, our memories, our histories, our stories and our future. We need our sacred site.

The proposed construction of 22 houses on the 5 acre Ridge site would cause further damage to remaining Native American culture resources and should be avoided. The developers have taken more than 11 acres of ORA83/86 for the Sandover gated development and the Brightwater (Hearthside) housing developments. The remaining 5 acres Ridge and 6 acres Goodell should be preserved as open space for future generations. It is in the public interest that not all the sacred lands be destroyed.

Respectfully,



Rebecca Robles
Acjachemen

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South Coast Region

JAN 3 2013

Item number W24a
Application number: HNB-MAJ-1-12
Rhonda Robles: "Opposition to the project"

CALIFORNIA
COASTAL COMMISSION

Jan .3, 2014.

Coastal Commission Teresa Henry, District Manager

200 Oceangate, Suite 1000

Long Beach, CA 90802

FAX 562 590-5084

RE: The Ridge (HNB-MAJ-1-12)

Dear Coastal Commissioners,

As an Indigenous person of this land, I strongly urge you to deny the City of Huntington Beach's LCPA . This land, known as the Ridge, is part of our Sacred Cogged Stone site, and holds a very significant place in our culture, history, and religion. For many years we have stood looking out onto the site, blocked by fences, as we celebrate our ceremonies. We have watched the destruction of our sacred sites to build houses, schools, malls, freeways, farms and factories. We come together at this site as it is a sacred place for our people, in its entirety. The history and significance cannot be mitigated. We need our sacred places to continue our culture and our traditions.

Too much has been destroyed at Bolsa Chica. Our ancestors' graves have been desecrated, our ancient villages graded away. The spirit of the Coastal Act is to protect our Coastal Resources, and the 9,000 year old archaeology, religious significance and culture of our people at Bolsa

Chica is a precious resource which must be protected for the present people and for future generations.

Please enforce the spirit of the law and deny the City of Huntington Beach's LCPA. Protect this sacred site in its entirety.

Sincerely,

Louis & Rhonda

Louis Robles, Sr.

Rhonda Robles

2830 E. 56th Way

Long Beach, CA 90805-5112

Rhonda Robles

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South Coast Region

JAN 6 2014

**CALIFORNIA
COASTAL COMMISSION**

Ms. Teresa Henry, District Manager
California Coastal Commission
South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Land Use Designation Change for the Ridge Property, Bolsa Chica

Dear California Coastal Commissioners,

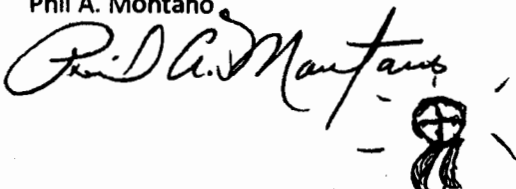
Please, In the name of everything that is good I write to urge you to deny the proposed Land Use Designation change referenced above. As you are aware, this property contains some of the last remnants of a 9,000 year old village, cemetery and population center that makes it a valuable touchstone for California's history. Think about where your ancestors and relatives are buried, would you want someone to exhume their remains and build a Wal-Mart there!? Thousands of years of history wiped away just for residential homes?! If you can't protect this site, then what is your purpose? The ancient Native American peoples who occupied this terrace above a lagoon on what is now known as the Santa Ana River established one of the oldest settlements on the Pacific coast. They developed a characteristic cogged-stone industry – unique in North America. We have yet to discover their exact use, but these ancient artifacts were concentrated at the site designated CA-ORA-83/86 and traded across the southern California landscape. The cogged-stones probably mark the spread of language, ritual and cultural enterprise by peaceful villagers across a tremendous area. PLEASE STOP THE DESECRATION OF SACRED SITES!!! ALL OF US ARE WATCHING THE CCC!!! Use the power you have to assist revitalization of Native American culture in California!

This site is highly significant for its scientific information as well as important heritage value to living native people in southern California. It represents some of the earliest human settlement on the Pacific coast. Deepest archaeological components were laid down at least 2,000 years before Stonehenge was erected (5,000-3,000 BP); and 2,500 years prior to the laying of the first stones of the pyramids on the Giza plateau (4,500 BP). The first sections of China's Great Wall were constructed some 2,700 years after the Bolsa Chica settlement was established. These archaeological deposits are known to represent some of the earliest settled villages in the world. Certainly this kind of extraordinary antiquity deserves to be recognized and respected. It has deep meaning and spiritual significance to living Native peoples and stands as testimony to the peaceful, sustainable California culture that once occupied our coast. Please do not contribute to the further desecration and destruction of California Native peoples ceremonial centers.

More than 50% of the archaeological complex has been sacrificed for residential development. I ask you to keep the remaining area (5 acres Ridge and 6 acres Goodell) in Open Space designation. That is the appropriate and higher use of this ancient site in the public interest.

Most sincerely,

Phil A. Montano



A handwritten signature in black ink, reading "Phil A. Montano". Below the signature is a small, stylized drawing of a person's head and shoulders, facing forward, with a cross-like symbol on the forehead.

2 additional
identical letters
were received
1/6/14

Jody Inchausti
5161 Skylark Drive
Huntington, CA 92649

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South Coast Region

DEC 26 2013

CALIFORNIA
COASTAL COMMISSION

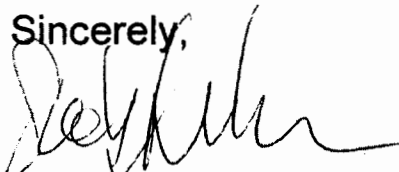
December 19, 2013

California Coastal Commission
Attn: Meg Vaughn
200 Ocean Gate #1000
Long Beach, CA 90802-4316

Dear Ms. Vaughn,

I am writing because I fear that more of our precious Bolsa Chica wetlands and upper mesa area will be lost to construction we do not take action. As you know, many wetlands species also spend time on dry land, and the Ridge parcel is certainly included. There is also the risk of undesirable effects caused by residential runoff, pets, etc. Finally, the site just happens to be a very special and sacred place (one of few remaining) for Native American people. Please help us ensure that this beautiful and important land is preserved, not graded and paved!

Sincerely,



Jody L. Inchausti

December 22, 2013

RECEIVED
South Coast Region

DEC 26 2013

CALIFORNIA
COASTAL COMMISSION

**California Coastal Commission
Attn: Meg Vaughn
200 Oceangate #1000
Long Beach, CA 90802-4316**

**RE: Hearing of the City of HB's LCPA (HNB-MAJ-1-12)
determining the fate of the Ridge parcel at Bolsa Chica.**

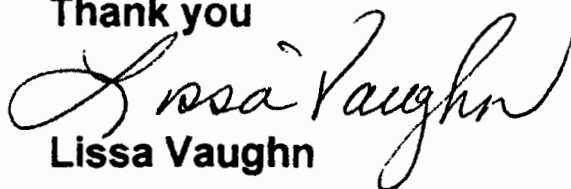
**Please accept this letter as my request to urge the
California Coastal Commission NOT to allow Signal
Landmark to build 22 homes on a 9,000 year old
archaeological site on the Ridge parcel at Bolsa Chica.**

**Please don't allow them to forever destroy this rare and
precious site as well as destroying more of our open
space and critical wildlife habitat.**

**This is one of the last remaining Sacred Sites for the
Native American people.**

Once it is gone it can never be reverted back!

Thank you


Lissa Vaughn

California Coastal Commission ,

Att. Meg Vaughn

200 Oceangate #1000

Long Beach, CA. 90802-4216

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DEC 20 2013

CALIFORNIA
COASTAL COMMISSION
12-23-2013

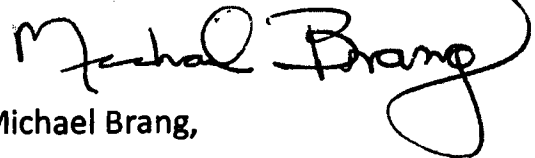
I urge the Coastal Commission to deny Signal Landmark permission to build homes on the Ridge Parcel at Bosa Chica. Bosa Chica's ecological and historical value / integrity is a combination of both wetlands and open mesas with each part dependent upon the other.

There can be no doubt that the California Coastal Committee can take much of the credit for what little of the Southern California Coast remains preserved. And now that the population of CA has just been announced to have passed 38 million and projected to be 50 million by 2040, places that the commission has set aside for all of those millions are , and will be , vastly more treasured.

A fully-preserved Bosa Chica – with the Ridge Parcel intact – to future students, wildlife, Native Americans, and even the coastal- economy , will be immensely more valuable and beneficial then to the occupants of 22 expensive homes.

Please take the heat, and standup – save what is left for us living in California now, and for the millions of citizens and wildlife to come.

Thank you,



Michael Brang,
31815 Via Belardes,
San Juan Capistrano, CA.

2442 Andover Place

Costa Mesa, CA 92626-6302

Dec 19, 2013

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South Coast Region

DEC 26 2013

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission

Attn: Meg Vaughn

200 Oceangate #1000

Long Beach, CA 90802-4316

The California Coastal Commission will be hearing the City of HB's LCPA (HNB-MAJ-1-12) on January 8th – 10th, 2014. This will determine the fate of the Ridge parcel at Bolsa Chica.

- The developer, Signal Landmark, wants to build twenty-two homes on a 9,000-year-old archaeological site
- This development will forever destroy this rare and precious site
- This development will destroy more of our open space and critical wildlife habitat
- This development will destroy one of the last remaining sacred sites for the Native American people

As Coastal Commissioners, you all have been entrusted by the people of California to safeguard our precious and fragile coastline. As residents of California, we urge you to deny the above-described project.

Thank you for your consideration,



Flo Nedeff Martin



Joe St. Clair

Mr. Ian M. Campbell
19361 Brookhurst St. #116
Huntington Beach, CA 92646

RECEIVED
South Coast Region

DEC 26 2013

December 22, 2013

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
200 OceanGate #1000
Long Beach, CA 90802

Dear Ladies and Gentlemen:

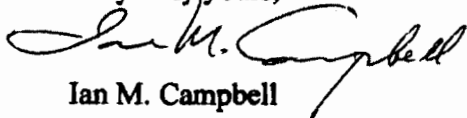
I am a resident of Huntington Beach and a frequent visitor to the Bolsa Chica Wetlands. I will always be eternally grateful to the people and organizations that protected and improved that wonderful local resource.

The purpose for my writing is to urge in the strongest terms that you disapprove the effort by Huntington Beach and Signal Landmark to add 22 new houses to the priceless archeological site overlooking the wetlands.

Please vote "NO" on HNB-MAJ-1-12.

Thanks for your consideration.

Very truly yours,


Ian M. Campbell

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South Coast Region

DEC 31 2013

CALIFORNIA
COASTAL COMMISSION

BCLT—letter to CCC regarding Ridge Property

TO: Chairman, California Coastal Commission (CCC)
Copies: all members, CCC
CCC Staff members

FROM: Roberta R. Armstrong, Ph.D.
Board Member, Bolsa Chica Land Trust

DATE: December 30, 2013

Please vote to deny the City of Huntington Beach's LCPA (HNB—MAJ 1-12) and the IP amendment for the Ridge project at Bolsa Chica (W24a). My formal request is in direct support of the CCC's staff recommendation: in essence, there must be a conjoined amendment for both the Ridge project and the adjacent Goodell Property.

There are several major points that validate this argument. The Ridge and Goodell properties are the last remaining pieces of privately owned land on the Bolsa Chica Mesa. This property is immensely important for cultural, biological, and archeological reasons. To summarize accordingly:

Archeology of Ridge property:

- CCC's staff has recognized the archeological significance of this site and its adjacent areas. The ORA-83 and ORA-86 site numbers are merely recording conveniences. The entire area was one huge village complex, with the main focus of occupation varying through time.
- ORA-86 and portions of ORA-83 represent the Intermediate Horizon occupation of 1700-2300 (SRS Bolsa Chica Technical Series No. 11, page 122).
- ORA-83/86 is a prominent site for international archeologists. It was established around 9,000 years ago by some of the first people to settle California, continuously occupied for over 7,000 years, and represents one of the earliest ritual and trade centers in North America.
- This site was the production and distribution center for the unique cogged stones that are believed to have functioned in an ancient religious congregation that extended from the Pacific coast to the Mojave desert.
- Cogged stones are also found in 9,000 year-old coastal sites in Chile indicating interaction with Bolsa Chica, probably by boat.
- We know that recent housing developments adjacent to this proposed development, Hearthside/Brightwater (beginning 2004) and Sandover, were disastrous in archeological terms.

Cultural aspects of the Ridge property:

- The site is recognized and revered as a sacred place by California Native Americans who were devastated by the desecration of the graves of their ancestors to make room for residential development.
- The California Native Heritage Commission continues to oppose further development. This position has been reaffirmed by a number of archeologists and anthropologists, and noted in the CCC staff's report.
- The developers have taken more than 11 acres of ORA-83/86 for the gated Sandover housing and the Brightwater (Hearthside) housing. The remaining 11 acres (5 acres Ridge parcel and 6 acres Goodell property) should be preserved.
- Any further activity regarding disposition of these two properties must include consultation with appropriate tribal members, the California Native Heritage Commission itself, and archeologists considered pre-eminent in this specialized area of study.

Biological aspects of Ridge property:

- There has been a general degradation of the property because of the proximity to and activities stemming from the Brightwater development. The ecological sensitivity of the Bolsa Chica Mesa continues to be severely challenged on a daily basis.
- Herbicides have been used on this property, killing native flora, including the southern tarplant, deemed endangered by the California Native Plant Society.
- Gravel has been dumped and spread/compacted; it has stopped the growth of native vegetation, some of which is rare as well as deemed specifically endangered.
- Blading has occurred, destroying opportunity for vegetative regrowth and causing erosion. Further alteration of the bluffs—or any other portion of this property in its natural state—violates the "General Plan of the City of Huntington Beach, Coastal Element."
- The assault on the flora of this property has a profound negative effect on the fauna. The CCC staff has recognized the "special interest species detected on or adjacent to the Goodell site within the last several years."
- Any further consideration regarding disposition of this property needs to include consultation with and analyses by biologists and botanists regarded as experts in this specific southern California natural environment.

The proposed amendment does not protect the cultural, archeological, or biological resources on this site. It should be defeated, and the Ridge property should retain the open space/park designation. In the future, the Ridge and adjacent Goodell property (11 acres, in total) must be considered as a single site. Any future discussions brought to the California Coastal Commission regarding the disposition of this conjoined property should include assessments by scientists and appropriate cultural spokespeople, as noted.

January 3, 2014

California Coastal Commission
Teresa Henry
200 OceanGate #1000
Long Beach, Ca 90802

Agenda W24a
HNB-MAJ-1-12
Denial

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South Coast Region

JAN 03 2014

RE: Agenda item W 24a

**CALIFORNIA
COASTAL COMMISSION**

I. The Ridge and Adjacent Properties Contain Irreplaceable Cultural Resources.

The LCP amendment contains insufficient mitigation measures and protections for cultural resources that may persist on the Ridge site, including the house pit, which warrants denial of the LCP amendment at this time.

A. The applicant's archaeological consultant (SRS) Scientific Resource Surveys concludes that additional cultural resources and human remains will not be found on the Ridge site. However, we must remember that the adjacent Brightwater development was similarly investigated by SRS prior to the beginning of grading and construction. The applicant told Staff at that time 97 % of the site had already been excavated, additional recoveries were unlikely. The permit to build was granted. Staff report pp24-27.

After the permit to build was granted a memo surfaced. In a November 2007 memo from the developer's archeologist to Ed Mountford et al in which it was disclosed that the following had been recovered at the Brightwater site. The following is stated:

- There are 87 human remains that need to be reburied
- There are 83 prehistoric features that were uncovered with the burials
- There are 4,217 artifacts that were found during grading monitoring on ORA 83
- There are 1,622 artifacts that were found during the grading monitoring ORA 85
- There are approximately 2,000 boxes of materials
- There are over 100,000 artifacts that have been collected.

January 19, 2007 memo to Ed Mountford from Nancy DeSautels "On Friday Ted and I will wrap each burial with its grave goods. Each individual will then be wrapped again in colored burlap coded to male (blue) , female (red) , and unknown (beige). Children will additionally have a color separation or other designator."

The Land Trust requested a revocation hearing in 2008 and at that time the Commission voted against revocation. Commission stated at the time that if they had known at the time of the permitting the significance of the archeological resources changes could have been made to the permit.

B. One of the conditions of approval for Brightwater development required an archeological report from SRS. All of the archeological work was done by SRS and completed in 2006 (page 24 staff report) the report was to be sent to Coastal Commission for peer review by 2007. Only recently was the 11 volume report submitted to ED on December 20, 2013. page 27 staff report
ELEVEN VOLUMES

In order for the Commission to consider this LCPA amendment it needs to be briefed by the Staff as to the contents of the 11 volumes. The Staff needs time to review and report to the Commission on the 11 volumes of this archeological report of the Brightwater development on ORA 83, 85 and 86. The Commission needs this invaluable information prior to making any decisions regarding further development on the remaining 11.2 acres of this area.

C. Three maps have been included with this submission. Attached #1,#2,#3)

First: map shows the cultural resources that have been impacted by development at Bolsa Chica.

Second: map generated by the SRS in the May 2009 Archaeological Abstract shows the boundaries of ORA 83/144/86

Third: map from same Abstract also shows boundaries of ORA 83/86/144

D. Also, the Peer Review committee composed of SRS employees. SRS staffing website with names <http://www.srscorp.net/staffing.html> Henry Koerper, Paul Chase. Roger Mason has been employed and may still be employed by SRS. The conflict of interest here is puzzling. Attached #4 and #5

E. This LCP amendment contains no mitigation for impacts that would be experienced by Native Americans who visit the Ridge site for worship and ceremonial purposes. (Staff Report p. 41.) The value of this land, as a cultural landscape, and its importance in the culture and religion of the Native Americans cannot be mitigated.

F. In 2012, four prominent archaeologists (Brian Fagan, Ph.D, John Foster, California State Archaeologist, retired; Patricia Martz, Ph.D. and Shannon Tushingham, Ph D.) sent a letter to their colleagues asking them to sign on to a letter asking Coastal Commission to preserve the remaining 11.2 acres of Cogged Stone Site. Over 41 signatories from around the country signed on to the letter.

See attached letter #6 and List of archeologists#7

These experts in the field of archeology recognize that these 11.2 acres represent the last opportunity for the Commission to mitigate the destruction of cultural resources and Native American sacred sites caused by past development in the area.

I urge the Commission to adopt the staff's recommendation to deny the amendment. However, I do not support the approval with conditions. There are too many uncertainties and unanswered questions. For instance:

On page 31 of Staff report, it states " The City has indicated that annexation of the Goodell property into the City was near completion until the process was suspended at the request of the Ridge property owner. What is the significance of such action? Why would the owners of the Ridge stop the annexation of another property owner's property?

Further on page 50 of Staff report, there is a sentence that raises questions about the level of cultural resources protection. It is unclear if only "controlled shallow layer grading prior to construction grading" would require a redesign to avoid impacts to cultural resources. At Brightwater development the discovery of major archeological artifacts were uncovered during construction grading.

For these and many other reasons, I urge denial of Major Amendment Request No. HNB-MAJ-1-12 I The Ridge) to the City of Huntington Beach certified LCP.

Sincerely,

Flossie Horgan
Co- founder and Boardmember
Bolsa Chica Land Trust

Attachments

1. map showing cultural resources lost
2. map from SRS May 2009 Archaeological Abstract boundaries of ORA 83/86/144
3. map from SRS May 2009 Abstract boundaries of ORA 83/86/144
4. Peer Review report 2009 members Paul Chase, Henry Koerper and Roger Mason
5. SRS website employees Paul Chase and Henry Koerper
6. Letter from Brian Fagan, Ph.D, John Foster, State Archeologist, retired; Patricia Martz, Ph.D, and Shannon Tushingham, Ph.D.
7. Signatures from experts in field

ARCHAEOLOGICAL SITE RECORD
(Supplement)

Permanent Trinomial: CA-ORA-83/86/144
Other Designations: Strand #7;
Herring's "A" and "E" loci;
"The Cogged Stone Site"

38. Archaeological Site Map:

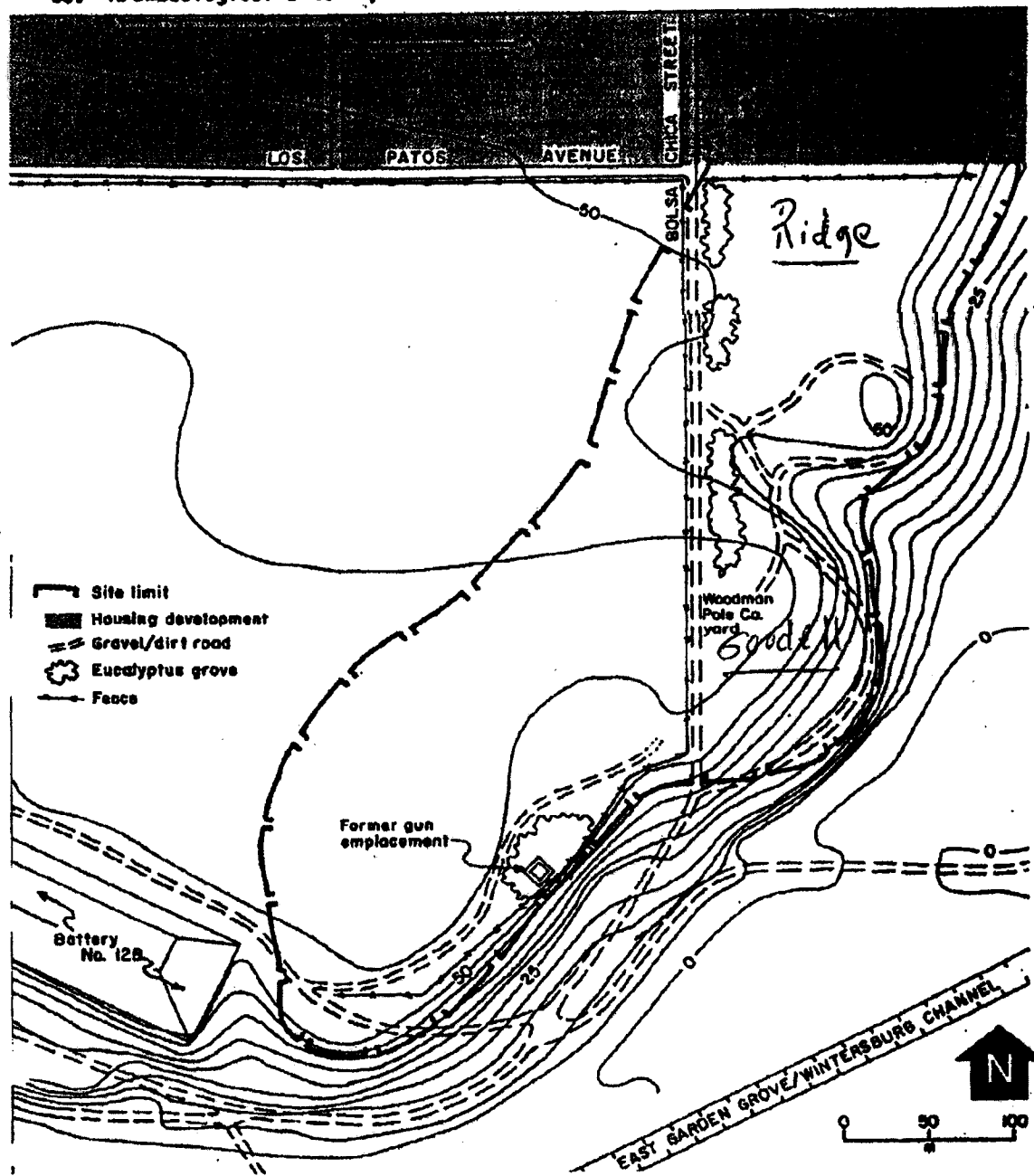


Figure 14: 1988 Site Form for ORA 83/144/86: INFOTEC. Source: South Central Coastal Information Center, California State College, Fullerton.

December 10, 2009

Dr. Nancy Anastasia Wiley
Scientific Resource Surveys, Inc.
2324 N. Batavia Street, Suite 109
Orange, CA 92865

Re: Status and Recommendations for CA-ORA-86, Bolsa Chica Area, Orange County

Dear Dr. Desautels,

I have reviewed "Archaeological Abstract: Archaeological Site CA-ORA-86: Herring's Site E" prepared by Scientific Resource Surveys, Inc. (SRS) and dated May, 2009. The report demonstrates that CA-ORA-86 has been the subject of 33 archaeological investigations beginning in the 1920s. These investigations indicate that the site has been greatly disturbed and most of the remaining midden has been redeposited as a result of twentieth century agricultural activities (chisel plowing, ripping, terracing, and deposition of peat from the marsh). In addition, the northern part of the site has been destroyed by residential development. The most recent investigation by SRS in 2001 was especially comprehensive and consisted of surface survey, surface artifact and shell collection, a systematic auger program, a backhoe trenching program, and hand excavation. The results of this investigation showed that the only intact archaeological deposit in the site was located in the southeastern part of the site on the bluff edge. This area yielded a subsurface feature (an oval depression), a large quantity of unbroken shell, and artifacts. Data recovery was carried out to document the feature and recover the associated artifacts and ecofacts.

Now that data recovery has been completed in the only intact portion of the site and, given that the rest of the site is no longer intact, CA-ORA-86 has no more potential to yield data important in prehistory and, therefore, is not eligible for the California Register of Historical Resources under Criterion 4. Therefore, other than grading monitoring, mitigation measures that would require preservation or data recovery are not necessary.

I recommend that grading and other ground disturbing activities at CA-ORA-86 be monitored by archaeological and Native American monitors so that, although unlikely, any remaining intact deposits will be identified.

Sincerely,



Roger D. Mason, Ph.D., RPA
Archaeologist
Member, Bolsa Chica Peer Review Committee

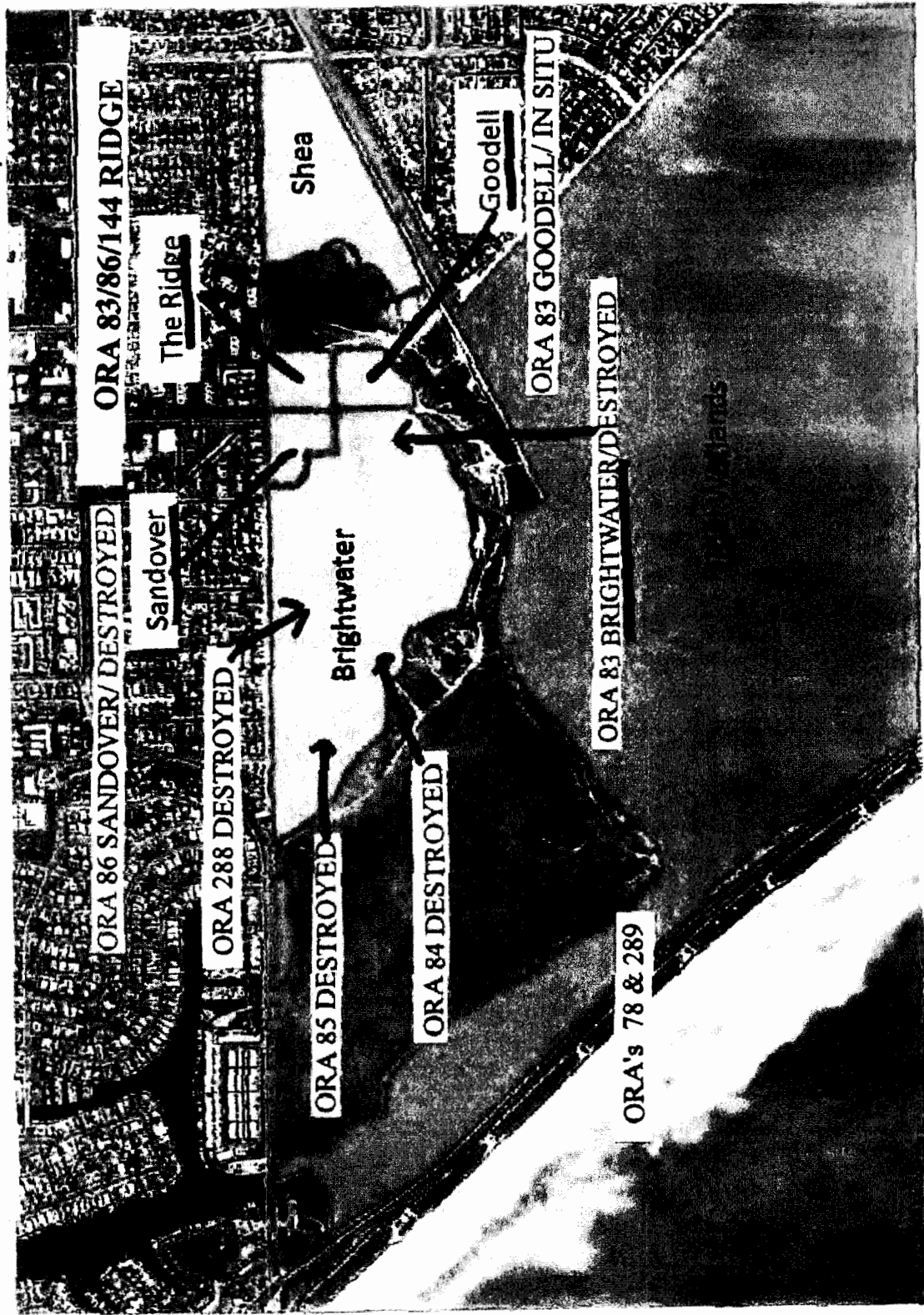


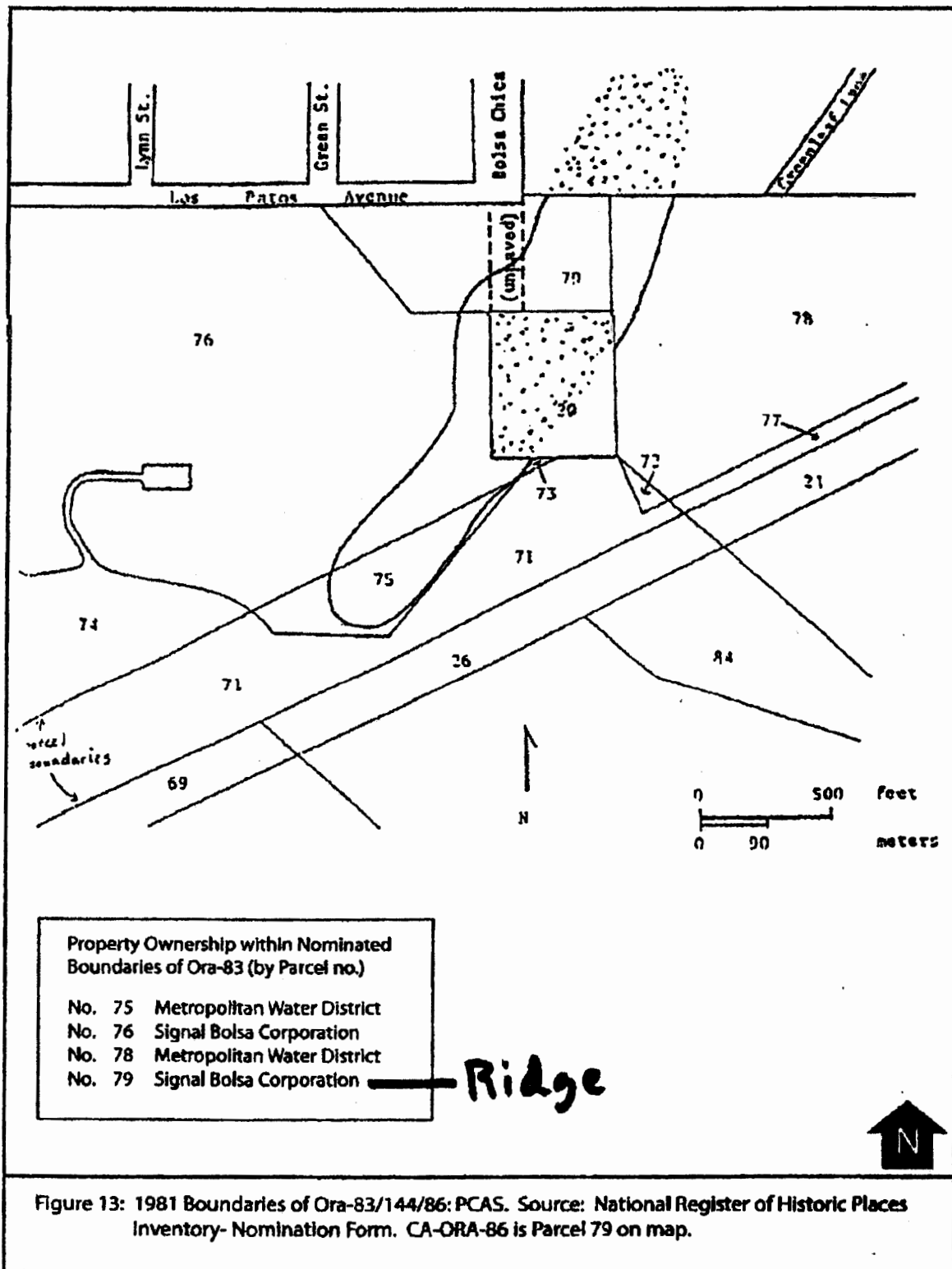
Henry C. Koerper, Ph.D.
Archaeologist
Member, Bolsa Chica
Peer Review Committee



Paul G. Chaco, Ph.D.
Archaeologist
Member, Bolsa Chica
Peer Review Committee

LOSS OF CULTURAL RESOURCES







"Still Leading Cultural Resources Management into the Future" EST. 1973

Scientific Resource Surveys, Inc.

DBE and SBE Certified
Member ACRA,
RPA Certified for
Archaeological and
Historic Studies

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714-685-0204

STAFFING

SRS Personnel meet or exceed the Secretary of the Interior's Professional Qualifications Standards to work as Principal Investigator for Prehistoric and/or Historic Archaeological Investigations, History, Architectural History, Historic Architecture, Historic Preservation, Ethnographic Work and Paleontological Investigations (Code of Regulations 36 CFR Part 61). Several individuals on SRS, Inc. staff have been certified as Principal Investigator by agencies including the counties of Orange, Los Angeles, and Riverside, the City/Harbor of San Diego, the California Coastal Commission and the California Energy Commission. In addition to management concerns and insuring that research objectives are met, the principal investigators have had between 10 and more than 35 years dealing with the political objectives of the client, the academic objectives of archaeological and paleontological interest groups, historical societies; the traditional and spiritual interest of numerous Native American tribal groups; the guidelines of federal and state agencies, particularly the Native American Heritage Commission, the California Coastal Commission, the California State Historic Preservation Office; and the requirements of many county and city governmental entities.

DR. NANCY ANASTASIA WILEY, Ph.D.

President/Owner SRS

Principal Investigator and Research Director

DR. HANK KOERPER, Ph.D.

Private Consultant

Second co-Principal Investigator and Pre-historian

DR. PAUL G. CHACE, Ph.D.

Paul G Chace and Associates - Consultants

Third co-Principal Investigator and Project Manager

GERLADINE ARON, M.S.

Paleo Solutions - Consultants

Paleontological Investigations

SCOTT R. ARMSTRONG, A.A.

Paleo Solutions - Consultants

Paleontological Field and Laboratory Manager

ROY PETTUS, M.A.

Private Consultant

Field Director, Marine Archaeologist

RYAN TAFT, B.A., M.A. (student)

Field Director, Archaeological Investigations,
GIS, ERSI Specialty

MAUREEN LYNCH, M.A.

Archaeological Investigations, Geophysics,
GIS Specialty

ANDREW GARRISON, M.A.

Lab Director, Historic Preservation
Prehistoric Lithics Specialty

LAURA BATSTONE, B.A.

Historical Research and Documentation

REZENET MOGES, M.A.

Digital Graphic Design, 3-D replication

MARGARET ZACHOW WETHERBEE, M.A.

Historical Research, Museum Curation

CONNIE "DESTINY" COLOCHO, B.S.

Archaeological Investigations, Lithics Specialty

AMY TUPA, M.A.

Archaeological Investigations, Artifact Analyst,
Archival Researcher

SRS, Inc 2324 N. Balavia Street, Suite 108 Orange CA 92665
Phone: (714) 685-0204 Fax: (714) 685-0082

Subject:

FW: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge)

RECEIVED
South Coast Region

JAN 03 2014

January 2, 2014

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn,

I support staff's recommendation to DENY the City of Huntington Beach major amendment request regarding the Signal Landmark property at the intersection of Bolsa Chica & Los Patos. The amendment should be rejected for two substantial reasons:

1. the proposed conversion from the higher priority designation of Open Space Parks to the lower priority Residential land use designation and corresponding loss of land designated open space recreational area within the Bolsa Chica vicinity.
2. the City's certified LCP specifically protects the mesa bluff at Bolsa Chica.

The city will probably argue that it has plenty of Open Space within its borders to meet the needs of its residents, thanks to the annexation of Sunset Beach and all the beachfront that was included in that transaction. But the beach is a different type of recreation from a grassy park. Tourists go to the beach, they don't go to a neighborhood park. The beach is primarily a summer use, whereas a neighborhood park is for year-round use. You don't need to pay to park the car at a neighborhood park.

Additionally, this west side of Huntington Beach is sorely lacking in grassy parkland, if you look at a map of the entire Bolsa Chica area.

Moreover, the city's LCP specifically protects this bluff. There has been some debate as to whether or not the Bolsa Chica bluff is a COASTAL bluff, but that argument is a moot point in this case, since the existing LCP language does NOT describe the Bolsa Chica mesa bluff as a Coastal Bluff. THE EXISTING CERTIFIED LCP LANGUAGE SIMPLY SAYS BLUFF, WITHOUT ANY QUALIFIER. Ergo, the bluff is protected by the existing LCP.

Thank you for continuing to uphold the Coastal Act.

Julie Bixby
Huntington Beach, CA

Engage Romulan .sig cloaking device...

John W. Foster
8654 Amber Oaks Court
Fair Oaks, CA 95628

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JAN 2 2014

CALIFORNIA
COASTAL COMMISSION

Dec. 26, 2013

Ms. Teresa Henry, District Manager
California Coastal Commission
South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Land Use Designation Change for the Ridge Property, Bolsa Chica

Dear California Coastal Commissioners,

I write to urge you to deny the proposed Land Use Designation change referenced above. As you are aware, this property contains some of the last remnants of a 9,000 year old village, cemetery and population center that makes it a valuable touchstone for California's history. The ancient peoples who occupied this terrace above a lagoon on what is now known as the Santa Ana River established one of the oldest settlements on the Pacific coast. They developed a characteristic cogged-stone industry – unique in North America. We have yet to discover their exact use, but these ancient artifacts were concentrated at the site designated CA-ORA-83/86 and traded across the southern California landscape. The cogged-stones probably mark the spread of language, ritual and cultural enterprise by peaceful villagers across a tremendous area.

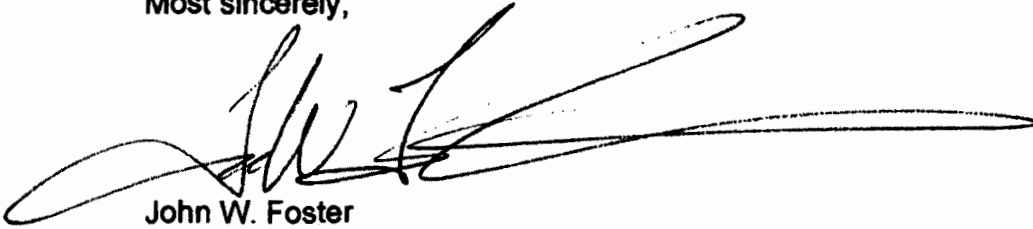
This site is highly significant for its scientific information as well as important heritage value to living native people in southern California. It represents some of the earliest human settlement on the Pacific coast. Deepest archaeological components were laid down at least 2,000 years before Stonehenge was erected (5,000-3,000 BP); and 2,500 years prior to the laying of the first stones of the pyramids on the Giza plateau (4,500 BP). The first sections of China's Great Wall were constructed some 2,700 years after the Bolsa Chica settlement was established. These archaeological deposits are known to represent some of the earliest settled villages in the world.

Certainly this kind of extraordinary antiquity deserves to be recognized and respected. It has deep meaning to living Native peoples and stands as testimony to the peaceful, sustainable California culture that once occupied our coast.

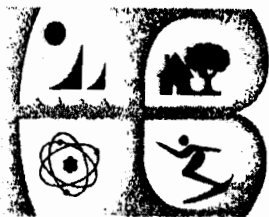
Ms. Teresa Henry
p.2

More than 50% of the archaeological complex has been sacrificed for residential development. I ask you to keep the remaining area (5 acres Ridge and 6 acres Goodell) in Open Space designation. That is the appropriate and higher use of this ancient site in the public interest.

Most sincerely,

A handwritten signature in black ink, appearing to read 'John W. Foster', with a long, sweeping horizontal line extending to the right.

John W. Foster
Manager of Archaeology and History
California State Parks (ret.)



City of Huntington Beach

P. O. BOX 190

2000 MAIN STREET

CALIFORNIA

RECEIVED
South Coast Region

Jim Katapodis
City Council Member

JAN 6 2014

December 30, 2013

CALIFORNIA
COASTAL COMMISSION

*COPY OF THIS CORRESPONDENCE SIMULTANEOUSLY SENT BY MAIL
TO THE CALIFORNIA COASTAL COMMISSION STAFF*

Steve Kinsey, Chairman
California Coastal Commission
County of Marin Board of Supervisors
3501 Civic Center Drive # 329
San Rafael, CA 94903-4193

Commissioner Mary Shallenberger
California Coastal Commission
P.O. Box 354
Clements, CA 95227-0354

Commissioner Dayna Bochco
California Coastal Commission
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Dr. Robert Garcia, Commissioner
California Coastal Commission
c/o City of Long Beach City Hall
333 West Ocean Blvd., 14th Floor
Long Beach, CA 90802

Commissioner Jana Zimmer
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Commissioner Wendy Mitchell
California Coastal Commission
12949 Blairwood Dr
Studio City, CA 91604

Commissioner Mark Vargas
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Dear California Coastal Commissioners:

**Re: Request for a NO Vote on LUP Amendment Request No. 1-12 and IP
Amendment for the Ridge Project at Bolsa Chica (W24a)**

Please vote NO on LUP Amendment request No. 1-12, and the IP amendment for the Ridge Project at Bolsa Chica.(W24a), scheduled for hearing on January 8, 2014.

Background:

In 2010, the Huntington Beach City Council changed the land use designation on the Ridge parcel from open space/parks to the lower priority residential so the developer could build 22 more houses on an area which the Coastal Commission staff refers to as "significant because it is located within the Bolsa Chica area, one of the most ecologically sensitive sites within the City's LCP jurisdiction, or indeed southern California." (Page 2 of Staff Report). I believe the then city council erred in its decision.

Issues for Concern:

Coastal Commission staff recommends that a unified LCP amendment is needed for both the Ridge project and the immediate adjacent Goodell Property, and I support their recommendation. Enumerated below are some issues raised on why a NO vote on the LUP Amendment Request is called for:

1. The proposed project violates the Coastal Element of the General Plan of the City of Huntington Beach by allowing the natural formation of the bluffs on the northwest side of the Bolsa Chica Mesa to be altered.

The biological resources on the adjacent Goodell Property will be affected by the development on the Ridge Property, yet no protection plan was provided for these biological resources. Your staff reports "additional special interest species detected on or adjacent to the Goodell site within the last several years include Cooper's hawk (*Accipiter cooperii*), northern harrier (*Circus cyaneus*), merlin (*Falco columbarius*), American peregrine falcon (*Falco peregrinus*), bald eagle (*Haliaeetus leucocephalus*), and Allen's hummingbird (*Selasphorus sasin*). In addition, California gnatcatcher (*Polioptila californica*) surveys conducted in the vicinity by a biological consultant during the 2005 nesting season determined that the focal area and nesting area of a coastal California gnatcatcher breeding territory were adjacent to and southeast of the Goodell site." (Page 27-28).

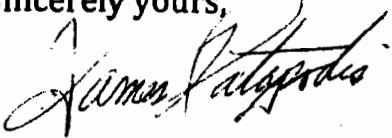
2. The Ridge site and the Goodell Property is all one site and thus, should be treated as such. Together, the Ridge and the Goodell Property are the last remaining privately-owned undeveloped pieces of land on the Bolsa Chica Mesa. These areas proved it to be an important cultural landscape and are therefore valuable parcels and should be afforded treatment as such.

3. The applicant touted its project to the Huntington Beach City Council as a "green" project since the buildings were to be "solar ready." However, no development should be labeled "green" when it requires a land use designation change from "Open Space - Parks (OS-P)" to "residential." Furthermore, the Ridge Project will impact the bluffs that rise from the northwest side of the Bolsa Chica lowlands. This project is located on the Bolsa Chica Mesa, which rises from the west side of the lowlands.

It is evident that the proposed LCP amendment lacks the required protection of the site's biological and cultural resources, violates the Coastal Element of the General Plan of the City of Huntington Beach, and under the Coastal Act, seeks conversion from a high priority use to a lower priority use.

Given these reasons, I trust the Coastal Commission will prudently vote NO on the proposed amendment.

Sincerely yours,



Jim Katapodis
Councilman, City of Huntington Beach

cc: Sherilyn Sarb, Deputy Director
Teresa Henry, District Manager
California Coastal Commission - Orange County
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416



City of Huntington Beach

P. O. BOX 190 • 2000 MAIN STREET • CALIFORNIA 92648

Connie Boardman
City Council Member

December 30, 2013

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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Chairman Steve Kinsey
California Coastal Commission
County of Marin Board of Supervisors
3501 Civic Center Drive # 329
San Rafael, CA 94903-4193

(A copy of this letter has been sent to all Coastal Commissioners as well as Coastal Commission staff.)

Dear Chairman Kinsey:

Please vote to deny the LUP Amendment request No. 1-12, and the IP amendment for the Ridge Project at Bolsa Chica. (W24a). I completely agree with your staff that there needs to be a unified LCP amendment for both The Ridge Project and the immediately adjacent Goodell Property.

There are several important reasons I am making this recommendation and each is explained in detail in the letter:

First, the project violates the Coastal Element of the General Plan of the city of Huntington Beach by allowing the natural formation of the bluffs on the northwest side of the Bolsa Chica Mesa to be altered.

Second, I believe the applicant engaged in anticipatory demolition of biological resources on the site, specifically southern tarplant.

Third, neither the biological or archeological resources are adequately protected.

Fourth, the Ridge site and the Goodell Property are all one site and need to be treated as such.

Together The Ridge and the Goodell Property are the last remaining privately owned, undeveloped pieces of land on the Bolsa Chica Mesa. This area has revealed itself to be an important cultural landscape. A landscape that, unfortunately, the adjacent Brightwater Development largely destroyed, which makes it extremely important that these two parcels are treated with the upmost care.

In 2010, the Huntington Beach City Council changed the land use designation on The Ridge parcel from open space/parks to the lower priority residential so the developer could build 22 more houses on an area your staff refers to as "significant because it is located within the Bolsa Chica area, one of the most ecologically sensitive sites within the city's LCP jurisdiction or, indeed, Southern California." (Page 2 of staff report)

Chairman Steve Kinsey
Page 2
December 30, 2013

The applicant touted its project to the Huntington Beach City Council as a "green project" since the houses were to be solar ready. However, I can see no way any development can be called "green" when it requires a land-use designation change from Open Space – Parks (OS-P) to residential.

I believe the City Council at the time erred in its action. The proposed project will alter the natural landform of the bluffs on the east side of the project. These bluffs are on the north and west side of the Bolsa Chica lowlands and the city's coastal element specifically calls out these bluffs for protection and prohibits any development that will alter them.

Here is the language from the city's Coastal Element that protects the bluffs from the impacts of this residential development:

Policy C.4.4.2 states, "Prohibit private development of the natural landform of the bluffs rising up to the Bolsa Chica mesa (the bluff face that rises above the north western edge of the Bolsa Chica low land) within the city's jurisdiction that would alter the natural landform or threaten the stability of the bluffs." Drainage systems and other such facilities necessary to insure public health or safety may be allowed provided that bluff alternation is restricted to the minimum necessary and is done in the least environmentally sensitive manner."

Also, 4.4.4 states, "City will develop an implementation program that will preserve and maintain the physical features of wetlands, bluffs, and beaches. (Emphasis mine)"

The Ridge Project will impact the bluffs that rise from the northwest side of the Bolsa Chica lowlands. This project is on the Bolsa Chica Mesa, which rises from the west side of the lowlands.

Another issue that concerns me is the aggressive removal of vegetation on the site. I have attached photographs that show the parcel in 2009 and additional photos that show workers spraying herbicides on the plants on the site. At the City Council Meeting in July 2010, when this project was heard, Mr. Ed Mountford confirmed that herbicides were sprayed on the site.

In its letter to Douglas Goodell, dated July 10, 2009, the consulting firm LSA reports that on the immediately adjacent Goodell Property, "Local residents have reported observations of southern tarplant on the site in 2008 and 2009. The location and numbers observed by LSA are generally comparable to the reported observations by local citizens. However, LSA found one location not previously noted, and in one location, in the southern-central portion of the property, there were numerous very small seedlings that brought the estimated number of plants in this area to 900-1,000."

In August of 2009, The Ridge Property was sprayed with herbicides. The southern tarplant is a rare plant, considered endangered by the California Native Plant Society, and is found elsewhere on the Bolsa Chica Mesa. It is an annual plant that is highly transient and it is reasonable to expect that the plant would have moved onto The Ridge Property from the Goodell site except for the aggressive removal of plants by the property owner.

Chairman Steve Kinsey
Page 3
December 30, 2013

Gravel has also been laid down on the site and blading has occurred to prevent the re-growth of vegetation. What the applicant may call "weed abatement" I call anticipatory demolition of sensitive species.

By not allowing any vegetative growth on the property and by not removing the gravel, the property owner has also reduced the use of the land by animals such as gophers and ground squirrels, which I know from personal experience, are found in high numbers on the immediately adjacent Goodell Property and the lower bench of the Bolsa Chica Mesa. By artificially suppressing the populations of these animals on the site, the use of the site by foraging raptors has also been artificially reduced.

The biological resources on the immediately adjacent Goodell Property will also be affected by the development on the Ridge Property, yet the plan offers no protection for these resources.

Your staff reports, "Additional special interest species detected on or adjacent to the Goodell site within the last several years include Cooper's hawk (*Accipiter cooperii*), northern harrier (*Circus cyaneus*), merlin (*Falco columbarius*), American peregrine falcon (*Falco peregrinus*), bald eagle (*Haliaeetus leucocephalus*), and Allen's hummingbird (*Selasphorus sasin*). In addition, California gnatcatcher (*Poliophtila californica*) surveys conducted in the vicinity by the applicant's biological consultant during the 2005 nesting season determined that the focal area and nesting area of a coastal California gnatcatcher breeding territory were adjacent to and southeast of the Goodell site." (Page 27-28).

Your staff also recognizes the extraordinary cultural importance of these last two remaining sites on the Bolsa Chica Mesa. While unpermitted archaeological investigations have been carried out on The Ridge Property, that does not guarantee that burials will not be found on The Ridge site.

Nancy Desautels-Wiley, the developer's archeologist, spoke about the cultural resources on the Bolsa Chica Mesa publically at the April 8 and May 13, 2010, meetings of the Pacific Coast Archeological Society. Her talks were video-taped and she is recorded saying that there is a "100% chance of finding more coggled stones on the Goodell Property and a high likelihood of finding more burials." She has also stated that the Bolsa Chica Mesa is really all one site and these boundaries were "silly."

We only have to look at what was found on the Brightwater site (across the street from The Ridge) after grading started to show that archeological investigations do not uncover all the cultural resources on a site.

The Orange County Voice on April 1, 2008, reported, "*When applying to the Coastal Commission for a permit in October of 2004, Hearthside reported that 97 percent of the ORA-83 site was excavated. Commission staff reviewed the site a month later in Oct. 2005 and concluded that it 'appears to be virtually 100 percent recovered.'*"

We now know of course that was not the case.

Chairman Steve Kinsey
Page 4
December 30, 2013

On February 28, 2008 The LA Times reported: *Archaeologists have removed 174 sets of human remains from a controversial housing development under construction in Huntington Beach, bolstering claims that it was a significant prehistoric Native American settlement. Dave Singleton, program analyst for the California Native American Heritage Commission, said 87 sets of remains were removed before Hearthside Homes broke ground on its Brightwater development near the Bolsa Chica wetlands in June 2006 and 87 more since then.*

Your staff recognizes this as well by stating, "Even though the results of the archaeological work conducted on site conclude that no further significant resources are expected at the site, past archaeological investigations in the project vicinity indicate that this conclusion may not be definitive.

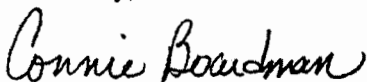
This same conclusion was drawn by the archaeological consultant after decades of investigation and excavations, but extensive significant resources were discovered after the residential development was approved and the applicant had obtained authorization to begin construction. (Emphasis mine)

Through the implementation of Commission required archaeological or shallow layer grading, designed to detect the presence of any remaining buried resources additional resources were discovered, including 74 human burials and other grave related artifacts, in areas where the archaeological consultant had concluded none were expected.

It is important that no action taken on either the Ridge or Goodell Properties, including action on this LCP amendment, **preclude preservation in place of any significant cultural resources that remain.** It is likely that the cultural significance of both sites does not stop at the modern property boundary. This is underscored by the fact that the resources that were discovered and removed as a result of the unpermitted archaeological work, the prehistoric dwelling unit and related artifacts, were found on both sides of the Ridge/Goodell property line." (Staff report page 25-26)

It is clear that the proposed LCP amendment offers inadequate protection of biological and cultural resources, found on the site, violates the Coastal Element of the General Plan of the City of Huntington Beach, and seeks to convert a high priority use under the Coastal Act to a lower priority use. For all these reasons the amendment must be denied.

Sincerely,



Connie Boardman
City Council Member
City of Huntington Beach

CB:cf

xc: Coastal Commission Members
Sherilyn Sarb, South Coast Deputy Director
Theresa Henry, District Manager, South Coast District
Meg Vaughn, Coastal Program Analyst

Four Photos showing the use of herbicides on the Ridge Property follow below



Figure 1.0 August 2009, Ridge Property Bolsa Chica Mesa

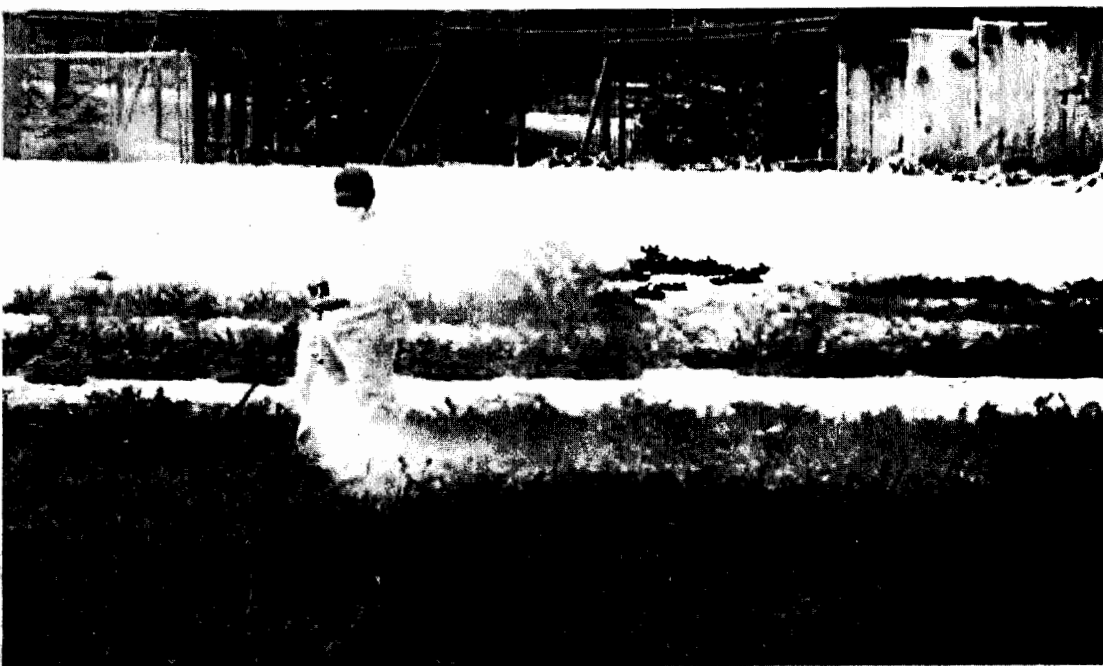


Figure 2.0 August 2009, Herbicide Spraying, Ridge Property Bolsa Chica Mesa



Figure 3.0 Herbicide Spraying Ridge Property Bolsa Chica Mesa, August 2009



Figure 4.0 Ridge Property Bolsa Chica Mesa, December 29, 2013
Looking east from Brightwater Road with the northern eucalyptus ESHA in background

Item number **W24a**

Application number: HNB-MAJ-1-12
Steve Anderson, "Opposition to the project"

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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Attn: Meg Vaughn/Teresa Henry

Commissioners:

Concerning the Ridge Parcel of Bolsa Chica wetlands, I do not think any further consideration of development is warranted. I am a long time resident of Fountain Valley, an environmentalist, and enjoyer of wild places.

The wetlands are one of the last coastal strips that remain relatively wild. It is a place for migrating birds to rest and feed as well as an undisturbed estuary for marine life.

Bolsa Chica offers a place for people to leave the city behind and take a walk along paths that teach the sensitivity of our coastal wetlands as well as significant historical values of the area.

Because these wetlands are so rare, we don't need any more development to occur. What we need is to leave the place as it is without more human interference or construction.

Respectfully,



Steve Anderson
Fountain Valley

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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

December 31, 2013

Dear California Coastal Commissioners,

Re: Land use designation change
for Ridge property, Bolsa Chica

Please deny the proposed Land use
Designation change.

Please leave the ancient lands alone.
Put a museum, so all will know and learn
about the ancient peoples who lived there
before so many years ago.

Thank you for acknowledging my
request on saving and preserving the
lands at Bolsa Chica.

Adrianna Rizo
1189 Shortridge Ave. #4
San Jose, Ca. 95116
(408) 561-0655

January 1, 2014

Dear Commissioners:

I urge you to deny Signal
Landmark permission to build
22 additional houses on the
11 acre Sacred Site for Native
American people in our Bolsa Chica.

Sincerely,

Michael D. Sloan (Michael D. Sloan)
17911 San Leandro Lane
Huntington Beach, CA 92647

(714) 928-3619
mikesloan76@hotmail.com

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South Coast Region

JAN 8 2014

CALIFORNIA
COASTAL COMMISSION

17201 Hague Ln.
Huntington Beach, CA
92647
Jan 2, 2014

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South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Calif. Coastal Comm.
200 Ocean Gate #1000
Long Beach, CA
90802-4316.

Dear Mr. Vaughn,

Please preserve the Bolsa
Chica by preventing the Ridge
Project from being approved.
22 new homes will destroy forever
this rare & precious site that
has been a Native American
Sacred Site for 9,000 years.

Please stop this needless,
greedy developer from continued
development of the Bolsa Chica.

Sincerely,
Mary Martin
714-843-9129.

Item number W24a

Application number: HNB-MAJ-1-12
Georgia Cunradi- "Opposition to the project"

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

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JAN 2 2014

CALIFORNIA
COASTAL COMMISSION

Attn: Meg Vaughn/Teresa Henry

Dear Commissioners:

As a long-time local resident, Earth Science high school teacher, and environmentalist, I urge that there should be no further consideration of development on the Ridge site of Bolsa Chica wetlands. My position is as follows:

- a) This estuary is already environmentally impacted by limiting habitat for the migration of birds
- b) Bolsa Chica is an historical site for Tongva Native Americans as cog stones dating back 9000 years have been discovered here.
- c) Endangered and protected species have started to improve their population numbers due to the flushing out of the tidal wetlands. More real estate would imperil these species.

These types of coastal estuaries have been become rare in California, being forever lost to human construction. More real estate and population growth = more pollution, automobile traffic, less land for human recreation and spiritual peace, and habitat loss.

Some places are worth protecting. This is one such place.

Respectfully submitted,



Georgia Cunradi
2007 Delaware, HB, 92648

Ilse M. Byrnes
P.O. 1029
San Juan Capistrano, CA 92693

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South Coast Region

JAN 2 2014

CALIFORNIA
COASTAL COMMISSION

Cal. Coastal Commission
South Coast District
att: Teresa Henry
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

12/28/13

RE: CA-ORA 83

I urge you to deny the application of the City of Huntington Beach and the developer to rezone the 5 Acres from open space to residential.

This is a very historic significant site and one of the few remaining archaeological treasures. A large portion of this area has already been destroyed by development so it is most important to keep the last 5 Acres protected .

Sincerely,



Eileen Murphy
1550 Security Pl. #234
SAN MARCOS, CA 92708

12/30/13

Meg Vaughn

CCC
200 Ocean Gate, #1000
Long Beach, CA 90802-4302

RECEIVED
South Coast Region

JAN 8 2014

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commissioners,

Re: W 24a City of Huntington Beach LCPA (HNB-MAT-1-12)

I am writing to urge you to deny this project LCPA.
This site is a sacred site and is a cemetery for the
indigenous people for the last 10,000 years.

Please save this site from development.

Respectfully,

Eileen Murphy

From: Julie Bixby <julie@bixby.org>
Sent: Thursday, January 02, 2014 8:42 PM
To: Vaughn, Meg@Coastal
Cc: Schwing, Karl@Coastal
Subject: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge)

January 2, 2014

Dear Ms. Vaughn,

I support staff's recommendation to DENY the City of Huntington Beach major amendment request regarding the Signal Landmark property at the intersection of Bolsa Chica & Los Patos. The amendment should be rejected for two substantial reasons:

1. the proposed conversion from the higher priority designation of Open Space Parks to the lower priority Residential land use designation and corresponding loss of land designated open space recreational area within the Bolsa Chica vicinity.
2. the City's certified LCP specifically protects the mesa bluff at Bolsa Chica.

The city will probably argue that it has plenty of Open Space within its borders to meet the needs of its residents, thanks to the annexation of Sunset Beach and all the beachfront that was included in that transaction. But the beach is a different type of recreation from a grassy park. Tourists go to the beach, they don't go to a neighborhood park. The beach is primarily a summer use, whereas a neighborhood park is for year-round use. You don't need to pay to park the car at a neighborhood park.

Additionally, this west side of Huntington Beach is sorely lacking in grassy parkland, if you look at a map of the entire Bolsa Chica area.

Moreover, the city's LCP specifically protects this bluff. There has been some debate as to whether or not the Bolsa Chica bluff is a COASTAL bluff, but that argument is a moot point in this case, since the existing LCP language does NOT describe the Bolsa Chica mesa bluff as a Coastal Bluff. THE EXISTING CERTIFIED LCP LANGUAGE SIMPLY SAYS BLUFF, WITHOUT ANY QUALIFIER. Ergo, the bluff is protected by the existing LCP.

Thank you for continuing to uphold the Coastal Act.

Julie Bixby
Huntington Beach, CA

Engage Romulan .sig cloaking device...

HNB-MAJ-1-12 Ridge

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South Coast Region

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

DEC 31 2013

**CALIFORNIA
COASTAL COMMISSION**

Date and time of communication: December 30, 2013 11:30am
Location of communication: Ventura, CA

Person(s) Initiating communication: David Neish, Ed Mountford

Person(s) receiving communication: Brian Brennan

Name or description of project: Huntington Beach LCP Amend. HNB -MAJ-1-
12 (Ridge)

Detailed substantive description of content of communication:

Mr. Neish explained that the Ridge application was originally submitted by the City in Aug. 2010 was tentatively scheduled for the January 2013 agenda. The CCC staff report has not been completed at this time, but he wanted to mention that it was his understanding that Staff had indicated to the City of Huntington Beach that they were suggesting that no Coastal applications for the Ridge development would be accepted by Coastal Staff until all applications for the Goodell property were completed to include transfer of ownership and deeds recorded. He wanted me to know that this would be problematic to the property owner of the Ridge development and that we could have further discussions when the CCC Staff report is completed. In addition the CCC Staff was using a very broad definition of Significant regarding archaeological matters on the subject property that also was problematic to the applicant. It was suggested that the Commission should use the CEQA definition as was used by other agencies, and that would provide some consistency to all property owners

12/31/13
Date


Signature of Commissioner

RECEIVED
South Coast Region

JAN 2 - 2013

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

**CALIFORNIA
COASTAL COMMISSION**

Date and time of communication: December 13, 2013 2:30pm
Location of communication: San Rafael, CA
Person(s) initiating communication: David Neish
Person(s) receiving communication: Steve Kinsey
Name or description of project: Huntington Beach LCP Amend. HNB -MAJ-1-12 (Ridge)
Detailed substantive description of content of communication:

Mr. Neish explained that the Ridge application was originally submitted by the City in Aug. 2010 was tentatively scheduled for the January 2013 agenda. The CCC staff report has not been completed at this time, but he wanted to mention that it was his understanding that Staff had indicated to the City of Huntington Beach that they were suggesting that no Coastal applications for the Ridge development would be accepted by Coastal Staff until all applications for the Goodell property were completed to include transfer of ownership and deeds recorded. He wanted me to know that this would be problematic to the property owner of the Ridge development and that we could have further discussions when the CCC Staff report is completed.

Date 12/19/13

Signature of Commissioner

Received at Commission

DEC 30 2013

Per [Signature]

Exparte

5/21/2014

With Joe Shaw and Flossie Horgan Bolsa Chica Land Trust

45 minutes 5/21/14
11:30-12:15pm

How to resolve this for all

Concerns

1. Archeological issues

National recognized archeologists weigh in

SHPO letter of January 2014

Construction grading

SRS

2. The LCP Amendment Would Adversely Affect Biological Resources and Designated ESHA.

Haz mat

Buffers

Six foot masonry wall to reduce the 100 meter buffer otherwise required to protect ESHA from encroaching on the residential development

bluffs
water

The Project will also reduce water flow to the Shea Parkside parcel

Foraging habitat

Removal of foraging resources would cause direct harm to raptors.

3. The LCP Amendment is Inconsistent with the Coastal Act, the City's Certified LCP, and the City's General Plan.

The Ridge site is currently designated "Open Space - Parks." The Amendment would change the designation to "Residential Low Density."

City's certified LCP forbids private development of the Bolsa Chica Mesa bluffs. The policy reads, "Prohibit private development along the bluffs rising up to the Bolsa Chica mesa

4. The Ridge and Goodell Properties should be Considered Together.

Together, the Ridge and Goodell Properties 11.2 acres which are the last remaining undeveloped portions of the Bolsa Chica Mesa.

BCLT urges the Commission to adopt staff's well-researched recommendation to deny the amendment.

SKinsley