

RESOLUTION NO. 2024-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH CERTIFYING THE FINAL REVISED ENVIRONMENTAL IMPACT REPORT (SCH#2022110040) FOR THE BOLSA CHICA SENIOR CARE COMMUNITY PROJECT

WHEREAS, Environmental Impact Report No. 21-004, State Clearinghouse #2022110040 (“EIR”) was prepared by the City of Huntington Beach (“City”) to address the environmental implications of the proposed Bolsa Chica Senior Care Community Project (the “Project”); located at approximately 2.81-acre parcel at the southwest corner of Warner Avenue and Bolsa Chica Street, requesting approval of various legislative and related approvals to allow for the future development of a senior care facility comprising up to 215,00 square feet and up to 159 senior dwelling units, including 124 assisted living units and 25 memory care units; and

- On November 2, 2022, a Notice of Preparation for the Project was distributed to the State Clearinghouse, other responsible agencies, trustee agencies and interested parties; and
- After obtaining comments received in response to the Notice of Preparation, the City completed preparation of the Draft EIR and filed a Notice of Completion with the State Clearinghouse on May 1, 2023; and
- The Draft EIR was circulated for public review and comment from May 1, 2023 to June 15, 2023 and was available for review at several locations including Community Development Department, City Clerk’s Office, Central Library, and the City’s website; and
- On August 22, 2023, the Planning Commission held a study session for the Project in the City Hall Council Chambers, located at 2000 Main Street, Huntington Beach, CA, on the Draft EIR and Project; and
- On September 26, 2023 the Planning Commission held a public meeting on the Final Environmental Impact Report (“Final EIR”) for the original project and recommended certification of the Final EIR and approval of the original project to City Council by a vote of 601. A notice of the time, place and purpose of the public hearing was provided in accordance with the California Environmental Quality Act (CEQA). The environmental documents for the Project comprising of the DEIR, Final Environmental Impact Report (FEIR) which consists of Responses to Comments, Corrects and Additions to DEIR (collectively, the EIR), and Mitigation Monitoring and Reporting Program (MMRP), the draft Findings and Facts in Support of Findings (Findings), staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at this hearing; and
- On November 7, 2023, the City Council received public testimony during the public comment portion of the meeting on the original project and Final EIR, and continued the meeting on the original project and the Final EIR to December 19, 2023; and

- The City Council subsequently continued the December 19, 2023 meeting to a future date uncertain; and
- The City conducted additional meetings with the public to provide opportunities for additional public comment on the original project and the Final Environmental Impact Report (“Final EIR”). A notice of the time, place and purpose of the additional public meetings was provided in accordance with the California Environmental Quality Act (CEQA); and
- In response to public comments on the original project and Draft EIR and the original project, the applicant submitted a modified project proposal to the City; and
- The City prepared a Revised Draft EIR evaluating the applicant’s proposed modifications to the original project (the “modified project”), and filed a Notice of Completion regarding the Revised Draft EIR with the State Clearinghouse on June 20, 2024; and
- The City provided public notice of the availability of the Revised Draft EIR for public review and comment from June 20, 2024 to August 19, 2024, and provided notice that the Revised Draft EIR was available for review at several locations including the Community Development Department, City Clerk’s Office, Central Library, and the City’s website; and
- The City prepared responses to written public comments on the Revised Draft EIR, and prepared a Revised Final EIR, including responses to written comments on the Revised Draft EIR; and
- On September 10, 2024 the Planning Commission held a noticed public meeting on the modified project, and the Revised Final EIR, including responses to public comments on the Revised Draft EIR, received presentations and information by City staff and the City’s CEQA consultant including additional responses to public comments on the Revised Draft EIR, and received comments by the public and the applicant. The Planning Commission continued the Planning Commission meeting to September 24, 2024; and
- On September 24, 2024, the Planning Commission held an additional noticed public meeting on the modified project and Revised Final EIR, and received presentations by City staff and received additional comments by the public and the applicant; and
- On September 24, 2024, the Planning Commission recommended that the City Council certify the Final EIR and approve the modified project by a vote of 4-3.

WHEREAS, public comments have been received on the Draft EIR, and responses to those comments have been prepared and provided to the City Council; and

WHEREAS, Public Resources Code 21092.5(a) requires that the City of Huntington Beach provide a written response to any public agency that commented on the Revised Environmental Impact Report, and the Response to Comments included in the Final Revised Environmental Impact Report satisfies this provision; and

WHEREAS, the City Council held a public meeting on the EIR on _____, 2024 and received and considered public testimony.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. Consistent with CEQA Guidelines Section 15132, the Final Revised EIR for the Project is comprised of the Draft EIR and Appendices, the comments received on the Draft Revised EIR, the Responses to Comments (including a list of persons, organizations, and public agencies commenting on the Draft Revised EIR), the Text Changes to the Draft Revised EIR (bound together with the Responses to Comments) and all Community Development Department Staff Reports to the City Council, including all minutes, transcripts, attachments and references. All of the above information has been and will be on file with the City of Huntington Beach Department of Community Development, 2000 Main Street, Huntington Beach, California 92648.

SECTION 2. The City Council finds and certifies that the Final Revised EIR is complete and adequate in that it has identified all significant environmental effects of the Project and that there are no known potential environmental impacts not addressed in the Final Revised EIR.

SECTION 3. The City Council finds that although the Final Revised EIR identifies certain significant environmental effects that will result if the Project is approved, all significant effects which can feasibly be mitigated or avoided have been mitigated or avoided by the incorporation of project design features, standard requirements, and by the imposition of mitigation measures on the approved Project. All mitigation measures are included in the "Mitigation Monitoring Reporting Program" attached as Exhibit A to this Resolution and incorporated herein by this reference.

SECTION 4. The City Council finds that the Final Revised EIR has described reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project, even when these alternatives might impede the attainment of Project objectives. Further, the City Council finds that a good faith effort was made to incorporate alternatives in the preparation of the Draft Revised EIR and that a reasonable range of alternatives was considered in the review process of the Final Revised EIR and ultimate decisions on the Project.

SECTION 5. The City Council finds that no "substantial evidence" (as that term is defined pursuant to CEQA Guidelines Section 15384) has been presented that would call into question the facts and conclusions in the EIR.

SECTION 6. The City Council finds that no "significant new information" (as that term is defined pursuant to CEQA Guidelines Section 15088.5) has been added to the Final Revised EIR after circulation of the Draft Revised EIR. The City Council finds that the minor refinements that have been made to the Project as a result of clarifications in the mitigation measures and EIR text do not amount to significant new information concerning the Project, nor has any significant new information concerning the Project become known to the City Council through the public hearings held on the Project, or through the comments on the Draft Revised EIR and Responses to Comments.

SECTION 7. The City Council finds that the Mitigation Monitoring Reporting Program establishes a mechanism and procedures for implementing and verifying the mitigations pursuant to Public Resources Code 2108.6 and hereby adopts the Mitigation Monitoring Reporting Program. The mitigation measures shall be incorporated into the Project prior to or concurrent with Project implementation as defined in each mitigation measure.

SECTION 8. The City Council finds that the Final EIR reflects the independent review and judgment of the City of Huntington Beach City Council, that the Final Revised EIR was presented to the City Council, and that the City Council reviewed and considered the information contained in the Final Revised EIR prior to approving General Plan Amendment No. 21-004, Zoning Map Amendment No. 21-003, and Zoning Text Amendment No. 22-005 (Bolsa Chica Senior Care Community Project).

SECTION 9. The City Council finds that the Final Revised EIR serves as adequate and appropriate environmental documentation for the Project. The City Council certifies that the Final Revised EIR prepared for the Project is complete, and that it has been prepared in compliance with the requirements of the California Environmental Quality Act and CEQA Guidelines.

SECTION 10. If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences; clauses or phrases be declared invalid or unconstitutional.

SECTION 11. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on _____, 2024.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk




City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager



Director of Community Development

Exhibit A: Mitigation Monitoring Reporting Program

Table 7.A: Mitigation and Monitoring Reporting Program

Draft EIR Mitigation Measures, Standard Conditions, or Regulatory Compliance Measures		Responsible Party/ Approving Agency	Timing for Mitigation Measure
4.1: Aesthetics			
The proposed project would not result in any significant adverse impacts related to aesthetics. No mitigation is required.			
4.2: Air Quality			
RCM AQ-1	<p>SCAQMD Rule 403. During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventative measures by using the following procedures, in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 during construction. The applicable Rule 403 measures are as follows:</p> <ul style="list-style-type: none"> • Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more). • Water active sites at least twice daily (locations where grading is to occur shall be thoroughly watered prior to earthmoving). • Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet (0.6 meter) of freeboard (vertical space between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114. • Pave construction access roads at least 100 feet (30 meters) onto the site from the main road. • Reduce traffic speeds on all unpaved roads to 15 miles per hour or less. 	Construction Contractor / City of Huntington Beach	During clearing, grading, earth moving, or excavation operations.
RCM AQ-2	All trucks that are to haul excavated or graded material shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.	Construction Contractor / City of Huntington Beach	During clearing, grading, earth moving, or excavation operations.
RCM AQ-3	<p>Prior to approval of the project plans and specifications, the City of Huntington Beach shall confirm that the construction bid packages specify:</p> <ul style="list-style-type: none"> • Contractors shall use high-volume low-pressure paint applicators with a minimum transfer efficiency of at least 50 percent; • Coatings and solvents that will be utilized have a volatile organic compound content lower than required under SCAQMD Rule 1113; and • To the extent feasible, construction/building materials shall be composed of pre-painted materials. 	Construction Contractor / City of Huntington Beach	Prior to approval of the project plans and specifications.
RCM AQ-4	The project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.	Construction Contractor / City of Huntington Beach	During construction of the proposed project.

Table 7.A: Mitigation and Monitoring Reporting Program

Draft EIR Mitigation Measures, Standard Conditions, or Regulatory Compliance Measures		Responsible Party/ Approving Agency	Timing for Mitigation Measure
4.3 Cultural Resources			
MM CUL-1	<p>Archaeological Site Monitoring. Prior to the issuance of a grading permit, a City of Huntington Beach-approved archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology shall prepare an Archaeological Mitigation and Monitoring Plan (AMMP) for the proposed project. The AMMP shall include protocols for mitigation of any finds through a Research Design and Recovery Plan outlining significance testing of the inadvertent finds, laboratory analyses, curatorial requirements, and reporting requirements. The AMMP shall include language that all work must be stopped within 50 feet of an archaeological find while the find is assessed by the archaeologist and any Native American monitors.</p> <p>The City-approved archaeologist shall oversee archaeological monitoring of construction-related ground disturbance. Monitoring shall continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. In the event that archaeological cultural resources are identified during ground-disturbing project activities, the protocols outlined in the project's AMMP shall be implemented.</p>	Qualified Archaeologist	<p>Prior to the issuance of a grading permit.</p> <p>During construction-related ground disturbance until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources.</p>
4.4 Energy			
The proposed project would not result in any significant adverse impacts related to energy. No mitigation is required.			
4.5: Geology and Soils			
MM GEO-1	A City of Huntington Beach (City)-approved Paleontologist shall be retained to observe grading activities during grading or trenching activities that cut into the Pleistocene wave-cut marine terrace units. Prior to issuance of any permits the Paleontologist shall prepare a Paleontological Resource Impact Management Plan (PRIMP) to orient the protocols for monitoring and fossil recovery.	City-approved Paleontologist / City of Huntington Beach	<p>Prior to the issuance of any permits.</p> <p>During grading or trenching activities that cut into the Pleistocene wave-cut marine terrace units.</p>
MM GEO-2	The City-approved Paleontologist shall be present at the pre-grade conference and shall establish procedures for paleontological resource surveillance and procedures for temporarily halting and redirecting work to permit sampling and identification and evaluation of fossils. If the resources are deemed to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, which ensure proper exploration and/or salvage. Full-time monitoring and salvage efforts will be necessary whenever previously undisturbed sediments are being disturbed (8 hours per day during grading or trenching activities). Once	City-approved Paleontologist / City of Huntington Beach	<p>During pre-grade conference prior to grading operations.</p> <p>Prior to disturbance of previously undisturbed</p>

Table 7.A: Mitigation and Monitoring Reporting Program

Draft EIR Mitigation Measures, Standard Conditions, or Regulatory Compliance Measures		Responsible Party/ Approving Agency	Timing for Mitigation Measure
the earth moving is 50 percent completed, monitoring may be reduced if no fossils are being recovered. The paleontologist shall be empowered to temporarily divert or direct grading operations to facilitate assessment and salvaging of exposed fossils. Collection and processing of matrix samples through fine screens will be necessary to salvage any micro-vertebrate remains. If a deposit of micro-vertebrates is discovered, matrix material can be moved off to one side of the grading area to allow for further screening without delaying the developmental work. Collected fossils shall be prepared to the level of identification, and all fossils shall be identified to the most specific taxonomic level possible. All fossils and their contextual stratigraphic data shall go to an institution with a research interest in the materials. A final report that details methods, fossils recovered, and their significance shall be prepared and submitted to the City, the client, and the institution curating the fossils. This document shall also show compliance with any and all requirements.			sediments.
4.6: Greenhouse Gas Emissions			
The proposed project would not result in any significant adverse impacts related to greenhouse gas emissions. No mitigation is required.			
4.7: Land Use and Planning			
The proposed project would not result in any significant adverse impacts related to land use and planning. No mitigation is required.			
4.8: Noise			
SC NOI-1	<p>Prior to issuance of building permits, the City of Huntington Beach (City) Director of Community Development Department, or designee, shall verify that grading and construction plans include the following requirements:</p> <ul style="list-style-type: none"> • Ensure that the greatest distance between noise sources and sensitive receptors during construction activities has been achieved. • Construction equipment, fixed or mobile, shall be equipped with properly operating and maintained noise mufflers consistent with manufacturers' standards. • Construction staging areas shall be located away from off-site sensitive uses during the later phases of project development. • The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site whenever feasible. • The construction contractor shall use on-site electrical sources to power equipment rather than diesel generators where feasible. 	<p>City of Huntington Beach Director of Community Development Department, or designee.</p> <p>Noise disturbance coordinator.</p>	Prior to the issuance of building permits.

Table 7.A: Mitigation and Monitoring Reporting Program

Draft EIR Mitigation Measures, Standard Conditions, or Regulatory Compliance Measures		Responsible Party/ Approving Agency	Timing for Mitigation Measure
<ul style="list-style-type: none"> All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule. A sign, legible at a distance of 50 feet, shall also be posted at the construction site. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number for the “noise disturbance coordinator.” A “noise disturbance coordinator” shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures to reduce noise levels. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator. 			
4.9: Tribal Cultural Resources			
MM TCR-1	<p>Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.</p> <p>A. The Applicant shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation) and the Juaneño Band of Mission Indians – Acjachemen Nation (Acjachemen Nation). The monitors shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the City prior to the earlier commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitors shall complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Kizh Nation and the Acjachemen Nation. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCRs”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of</p>	Approved Native American Monitor	Prior to the commencement of any ground-disturbing activities.

Table 7.A: Mitigation and Monitoring Reporting Program

Draft EIR Mitigation Measures, Standard Conditions, or Regulatory Compliance Measures	Responsible Party/ Approving Agency	Timing for Mitigation Measure
<p>monitor logs shall be provided to the Applicant and City upon written request to the Kizh Nation and the Acjachemen Nation.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following: (1) written confirmation to the Kizh Nation and the Acjachemen Nation from a designated point of contact for the Applicant that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh Nation and the Acjachemen Nation to the Applicant and City that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh Nation and Acjachemen Nation TCRs.</p> <p>E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh Nation and Acjachemen Nation monitor and/or archaeologist. The Kizh Nation and Acjachemen Nation shall recover and retain all discovered TCRs in the form and/or manner the tribal groups deem appropriate and for any purpose the tribes deem appropriate, including for educational, cultural and/or historic purposes.</p>		
<p>MM TCR-2 Unanticipated Discovery of Human Remains and Associated Funerary Objects.</p> <p>A. Native American human remains are defined in Public Resources Code (PRC) 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the Coroner has determined the nature of the remains. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC), and PRC Section 5097.98 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California PRC Sections 5097.98(d)(1) and (2).</p> <p>D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh Nation</p>	<p>Construction Contractor and County Coroner</p>	<p>During construction activities.</p>

Table 7.A: Mitigation and Monitoring Reporting Program

Draft EIR Mitigation Measures, Standard Conditions, or Regulatory Compliance Measures	Responsible Party/ Approving Agency	Timing for Mitigation Measure
<p>and Acjachemen Nation monitors determine that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh Nation and Acjachemen Nation monitors and/or archaeologists deems necessary). (CEQA Guidelines Section 15064.5(f).)</p> <p>E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p> <p>F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>		
<p>MM TCR-3 Procedures for Burials and Funerary Remains.</p> <p>A. If the Native American Heritage Commission designates the Kizh as the Most Likely Descendant (“MLD”) for any human remains discovered or recognized on the project site, the Koo-nas-gna Burial Policy shall be implemented. To the Kizh Nation, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</p> <p>B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p>C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p>D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be</p>	Kizh Nation	During construction activities.

Table 7.A: Mitigation and Monitoring Reporting Program

Draft EIR Mitigation Measures, Standard Conditions, or Regulatory Compliance Measures	Responsible Party/ Approving Agency	Timing for Mitigation Measure
<p>posted outside of working hours. The Kizh Nation will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.</p> <p>E. In the event that preservation in place is not possible despite good faith efforts by the project applicant/ developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.</p> <p>F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within 6 months of recovery. The site of reburial/ repatriation shall be on the project site but at a location agreed upon between the Kizh Nation and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>G. The Kizh Nation will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Kizh Nation, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery-related forms of documentation shall be approved in advance by the Kizh Nation. If any data recovery is performed, once complete, a final report shall be submitted to the Kizh Nation and the NAHC. The Kizh Nation does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>		
4.10: Utilities and Service Systems		
The proposed project would not result in any significant adverse impacts related to utilities and service systems. No mitigation is required.		

Table 7.B: Standard Conditions as Specified in the Initial Study

Standard Condition		Responsible Party/ Approving Agency	Timing for Compliance Measure
Aesthetics			
SC AES-1	Photometric Plan. Prior to issuance of any building permits, the project Applicant shall prepare a photometric plan for review and approval by the City of Huntington Beach (City) Director of Community Development, or designee. The photometric plan shall be prepared by a qualified engineer and shall demonstrate, to the extent feasible, that the intensity and direction of all onsite outdoor lighting minimize spillage and glare onto adjacent properties.	Qualified Engineer / City of Huntington Beach Director of Community Development, or designee	Prior to the issuance of any building permits.
Agriculture and Forestry Resources			
The proposed project would not require any standard conditions related to agriculture and forestry.			
Biological Resources			
SC BIO-1	Compliance with Migratory Bird Treaty Act (MBTA). Tree and vegetation removal shall be restricted to outside the active nesting season (February 1 through August 31). If construction is proposed between February 1 and August 31, a qualified biologist familiar with local avian species and the requirements of the MBTA and the California Fish and Game Code shall conduct a pre-construction survey for nesting birds no more than 3 days prior to construction. The survey shall include the entire area that will be disturbed. For any active nest(s) identified, the qualified biologist shall establish an appropriate buffer zone around any active nest(s). The appropriate buffer shall be determined by the qualified biologist based on species, location, and the nature of the proposed activities. Project activities shall be avoided within the buffer zone until the nest is deemed no longer active, as determined by the qualified biologist.	Qualified Biologist / City of Huntington Beach Director of Community Development, or designee	Prior to tree and vegetation removal if such removal is proposed between February 1 and August 31.
Cultural Resources			
SC CUL-1	Human Remains. In the event that human remains are encountered on the project site, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the City of Huntington Beach (City), the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City shall consult with the MLD as identified by the NAHC to develop an agreement for	Construction Contractor and County Coroner / City of Huntington Beach Director of Community Development, or designee	Prior to issuance of grading permits. During construction activities.

Table 7.B: Standard Conditions as Specified in the Initial Study

Standard Condition		Responsible Party/ Approving Agency	Timing for Compliance Measure
treatment and disposition of the remains. Prior to the issuance of grading permits, the City Director of Community Development, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.			
Geology and Soils			
SC GEO-1	Compliance with the Recommendations in the Project Geotechnical Investigation Report. The Construction Contractor shall implement the recommendations of the <i>Geotechnical Investigation Report</i> prepared for the project and applicable sections of the most current California Building Standards Code, the Uniform Building Code (UBC), and the Huntington Beach Building and Construction Code. Prior to issuance of building permits for the project, the Project Soil Engineer shall review the building plans to verify that the structural design conforms to the requirements of the <i>Geotechnical Investigation Report</i> , the UBC, and the Huntington Beach Building and Construction Code.	Construction Contractor and Project Soil Engineer / City of Huntington Beach	Prior to issuance of building permits. During construction activities.
Hazards and Hazardous Materials			
SC HAZ-1	Soil Management Plan. The Construction Contractor shall implement the <i>Soil Management Plan</i> prepared for the project during excavation and soil-disturbing activities. The handling of any impacted material observed during site grading and excavation shall be handled in accordance with the guidelines provided in the <i>Soil Management Plan</i> and in accordance with all applicable transportation and disposal regulations.	Construction Contractor / City of Huntington Beach Director of Community Development, or designee	During excavation and soil disturbing activities.
SC HAZ-2	Asbestos and Lead-Based Paint Survey. Prior to initiation of construction activities on the project site a thorough asbestos and lead-based paint survey of the two existing buildings on site shall be conducted by a qualified professional. If asbestos and/or lead-based paint are detected during the survey, abatement and removal procedures in accordance with local and state regulations shall be followed during demolition of the buildings.	Qualified Asbestos and Lead-Based Paint Professional / City of Huntington Beach Director of Community Development, or designee	Prior to initiation of construction activities. During demolition of buildings.

Table 7.B: Standard Conditions as Specified in the Initial Study

Standard Condition		Responsible Party/ Approving Agency	Timing for Compliance Measure
Hydrology and Water Quality			
SC WQ-1	Construction General Permit. Prior to issuance of a grading permit, the project Applicant shall obtain coverage under the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System No. CAS000002, as amended by Orders No. 2010-0014-DWQ and 2012-0006-DWQ) (Construction General Permit). This shall include submission of Permit Registration Documents (PRDs), including a Notice of Intent for coverage under the permit to the State Water Resources Control Board (SWRCB) via the Stormwater Multiple Application and Report Tracking System (SMARTs). The project Applicant shall provide the Waste Discharge Identification Number (WDID) to the Director of the City of Huntington Beach (City) Public Works Department, or designee, to demonstrate proof of coverage under the Construction General Permit. Project construction shall not be initiated until a WDID is received from the SWRCB and is provided to the Director of the City's Public Works Department, or designee. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and implemented for the proposed project in compliance with the requirements of the Construction General Permit. The SWPPP shall identify construction best management practices (BMPs) to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in stormwater runoff as a result of construction activities. Upon completion of construction and stabilization of the site, a Notice of Termination shall be submitted via SMARTs.	Applicant / Director of the City of Huntington Beach Public Works Department, or designee	Prior to issuance of grading permit and initiation of construction activities.
SC WQ-2	Erosion and Sediment Control Plan. In compliance with the requirements of Title 17 Buildings and Construction, Chapter 17.05 Grading and Excavation Code, subsection 17.05.320 Erosion Control Plans of Huntington Beach Municipal Code, the project Applicant shall submit a grading plan and erosion control plan to the Director of the City Public Works Department, or designee, for review and approval prior to issuance of a grading permit. The project Applicant shall also submit erosion and sediment control plans annually to the Director of the City Public Works Department, or designee, for review and approval by September 15th of each year during construction.	Applicant / Director of the City of Huntington Beach Public Works Department, or designee	Prior to issuance of grading permit. September 15th of each year during construction.
SC WQ-3	Water Quality Management Plan. Prior to the issuance of grading or building permits, the project Applicant shall submit a Final Water Quality Management Plan (WQMP) to the City Engineer, or designee, for review and approval in compliance with the requirements of the Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and the Incorporated Cities of Orange County within the Santa Ana Region Areawide Urban Storm Water Runoff Orange County (Order No. R8- 2009-0030, NPDES No. CAS618030,	Applicant / City Engineer, or designee	Prior to the issuance of grading or building permits.

Table 7.B: Standard Conditions as Specified in the Initial Study

Standard Condition		Responsible Party/ Approving Agency	Timing for Compliance Measure
as amended by Order No. R8-2010-0062) (North Orange County MS4 Permit). The Final WQMP shall be prepared consistent with the requirements of the <i>Technical Guidance Document for Water Quality Management Plans</i> (December 2013) and the Water Quality Management Plan template, or subsequent guidance manuals. The Final WQMP shall specify the BMPs to be incorporated into the project design to target pollutants of concern in runoff from the project area. The City shall ensure that the BMPs specified in the Final WQMP are incorporated into the final project design.			
SC WQ-4	Final Hydrology Study. The project Applicant shall submit a Final Hydrology Study to the City Engineer, or his/her designee, for review and approval prior to issuance of a building permit. The Final Hydrology Study shall be prepared consistent with the requirements of the <i>Orange County Hydrology Manual</i> (Orange County Environment Agency 1986) and <i>Orange County Hydrology Manual Addendum No. 1</i> (Orange County Environment Agency 1996), or subsequent guidance manuals. The Final Hydrology Study shall demonstrate that the on-site drainage facilities are designed and adequately sized to accommodate stormwater runoff from the project. The City Engineer, or designee, shall ensure that the drainage facilities specified in the Final Hydrology Study are incorporated into the final project design.	Applicant / City Engineer, or designee	Prior to issuance of a building permit.
Mineral Resources			
The proposed project would not require any standard conditions related to mineral resources.			
Noise			
The proposed project would not require any standard conditions related to noise and vibration.			
Population and Housing			
The proposed project would not require any standard conditions related to population and housing.			
Public Services			
SC PS-1	Payment of Fire Facilities Development Impact Fee. Prior to issuance of building permits, the City of Huntington Beach (City) Director of Community Development, or designee, shall confirm that the project Applicant has paid all required Fire Facilities Development Impact Fees in accordance with Chapter 17.74.040, Fire Facilities Development Impact Fee, of the Huntington Beach Municipal Code.	Applicant / City of Huntington Beach Director of Community Development, or designee	Prior to issuance of building permits.
SC PS-2	Payment of Police Facilities Development Impact Fee. Prior to issuance of building permits, the City Director of Community Development, or designee, shall confirm that the project Applicant has paid all required Police Facilities Development Impact Fees in accordance with Chapter 17.75.040, Police Facilities Development Impact Fee, of the Huntington Beach Municipal Code.	Applicant / City of Huntington Beach Director of Community Development, or designee	Prior to issuance of building permits.

Table 7.B: Standard Conditions as Specified in the Initial Study

Standard Condition		Responsible Party/ Approving Agency	Timing for Compliance Measure
SC PS-3	Payment of School Development Fee. Prior to issuance of building permits, the project Applicant shall submit proof to the City Director of Community Development, or designee, that payment of applicable school facility development fees to the Ocean View School District and the Huntington Beach Union High School District has been made in compliance with Section 65995 of the California Government Code.	Applicant / City of Huntington Beach Director of Community Development, or designee	Prior to issuance of building permits.
SC PS-4	Payment of Park Impact Fee. Prior to the issuance of building permits, the City Director of Community Development, or designee, shall confirm that the project Applicant has paid all required park in-lieu/park impact fees as established in Chapter 17.76.040 of the Huntington Beach Municipal Code.	Applicant / City of Huntington Beach Director of Community Development, or designee	Prior to issuance of building permits.
SC PS-5	Payment of Library Impact Fee. Prior to the issuance of building permits, the City Director of Community Development, or designee, shall confirm that the project Applicant has paid all required Library Impact Fees as established in Section 17.67 of the Huntington Beach Municipal Code.	Applicant / City of Huntington Beach Director of Community Development, or designee	Prior to issuance of building permits.
Recreation			
The proposed project would not require any compliance measures related to recreation.			
Transportation			
The proposed project would not require any compliance measures related to transportation.			
Utilities and Service Systems			
SC UTL-1	Sewer Feasibility Study. Prior to issuance of a grading or building permit, the project Applicant shall submit a Sewer Feasibility Study prepared by a qualified civil engineer to the City of Huntington Beach City Engineer, or designee, for review and approval. The Sewer Feasibility Study shall include a review of the existing sewer system that would serve the project site to confirm that it has available capacity to accept the wastewater flow generated by the proposed project's uses. Any required improvements shall be identified in the Sewer Feasibility Study. The analysis, conclusions, and recommendations in the Sewer Feasibility Study shall be based on final design plans and shall be consistent with all applicable City requirements. In the event that the Sewer Feasibility Study identifies insufficient sewer capacity to serve the proposed project, the project Applicant would be required to pay a fair-share portion of the cost to improve or replace sewer lines to ensure sufficient capacity.	Qualified Civil Engineer / City of Huntington Beach City Engineer, or designee	Prior to issuance of grading or building permits.
Wildfire			
The proposed project would not require any standard conditions related to wildfire.			