



# City of Huntington Beach

2000 Main Street • Huntington Beach, CA 92648

OFFICE OF THE CITY CLERK  
JOAN L. FLYNN  
CITY CLERK

## NOTICE OF ACTION

June 9, 2009

A. Richard Fitch, Jr.  
Hunsaker & Associates  
3 Hughes  
Irvine, CA 92618

**SUBJECT:** Revised Tentative Tract Map Nos. 15377(R) and 15419(R)/  
Entitlement Plan Amendment No. 08-08 (Revisions to Conditional  
Use Permit No. 96-90 and Coastal Development Permit No. 96-18)  
Parkside Residential Development

**REQUEST:** **TTM:** To revise previously approved plans for the Parkside residential development and subdivide approximately 45 acres into 111 numbered lots and 29 lettered lots (Revised Tentative Tract Map No. 15377) for single family dwelling purposes including newly created, restored and preserved wetlands and buffer area, a protected Eucalyptus grove, a Natural Treatment System Water Quality basin (NTS), a vegetated flood protection barrier, a trail system, and dedication and improvement of an approximately 1.0 acre public active park and 0.57 acre public passive park; and subdivide approximately 4.8 acres into one (1) lot (Revised Tentative Tract Map No. 15419) for open space and wetland restoration area. **EPA:** To amend Conditional Use Permit No. 96-90 and Coastal Development Permit No. 96-18 (in concept) and reduce the number of single family dwelling units to 111 units; reduce the public park to 1.57 acres; and increase the amount of open space by creating, restoring, and preserving wetlands and buffer area, a protected Eucalyptus grove, a Natural Treatment System Water Quality basin (NTS), a vegetated flood protection barrier, and a trail system.

**APPLICANT:** A. Richard Fitch, Jr.  
Hunsaker & Associates  
3 Hughes, Irvine, CA 92618

**LOCATION:** 17301 Graham Street, (west side of Graham Street, south of Warner Avenue, adjacent to the Wintersburg Flood Control Channel)

**DATE OF ACTION:** June 1, 2009

On Monday, June 1, 2009 the City Council of the City of Huntington Beach took action on your application and **approved** the Staff Recommendation for Tentative Tract Map Nos. 15377(R) and 15419(R), and Entitlement Plan Amendment No. 08-08 with Findings and Conditions of Approval (attached).

This is a final decision. You are hereby notified that pursuant to provisions of Section 1094.6 of the Code of Civil Procedure of the State of California you have ninety days from the date of mailing of this notice to apply to the court for judicial review. Amendment to Coastal Development Permit No. 96-18 is an approval in concept and future action by the California Coastal Commission.

South Coast Area Office  
California Coastal Commission  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach CA 90802-4304  
(562) 570-5071

If you have any questions, please contact Scott Hess, Director of Planning at (714) 536-5271.

Sincerely,



Jean L. Flynn, CMC  
City Clerk

Enclosure: Findings and Conditions of Approval: Revised Tentative Tract Map No. 15377 and 15419/ EPA 08-08, Action Agenda pages 2 through 5

c: Scott Hess, Director of Planning  
Mary Beth Broeren, Principal Planner  
Rami Talleh, Senior Planner

**FINDINGS AND CONDITIONS OF APPROVAL**

**REVISED TENTATIVE TRACT MAP NO. 15377 AND 15419/  
ENTITLEMENT PLAN AMENDMENT NO. 08-08  
(AMENDMENTS TO CONDITIONAL USE PERMIT NO. 96-90 AND  
COASTAL DEVELOPMENT PERMIT NO. 96-18)  
(June 1, 2009)**

**FINDINGS FOR APPROVAL - REVISED TENTATIVE MAP NOS. 15377 AND 15419:**

1. Revised Tentative Tract Map No. 15377 for subdivision of 45 acres into 111 single family residential lots and several lettered lots for open space and landscaped areas and Revised Tentative Tract Map No. 15419 for the subdivision of approximately 4.8 acres into one (1) lot for open space and wetland restoration areas are consistent with the General Plan Land Use Element designations on the subject property, Local Coastal Program Land Use Plan, and other applicable provisions including the provisions for Planned Unit Developments.
2. The site is physically suitable for the type and density of development. The project site is generally flat and able to accommodate the type of development proposed from a circulation and drainage perspective. The site is required to be elevated in compliance with City's requirements for new construction and the Conditional Letter of Map Revision from FEMA approved June 6, 2002 and therefore, requires approximately 225,000 cubic yards of compacted fill. The proposed fill and grade will permit the site to be developed consistent with adopted plans and will result in a gross density of 4.4 units per acre (net density of 5.7 units per acre), which is below the allowable density.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The majority of the site and the entirety of the area of the development footprint has been previously used for farming and does not contain habitat for wildlife or fish. Buffers between the residential uses and areas that will be preserved as open space are included in the design of the subdivision.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No existing easements for the public at large will be affected by the project. The project will provide public access through the site to the Public Park and public trails in the vicinity.

**FINDINGS FOR APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 08-08  
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 96-90):**

1. Entitlement Plan Amendment No. 08-08 for the development of 111 two-story, detached single family residential units as a Planned Unit Development (PUD), with a minimum lot size of 5,500 sq. ft., an average lot size of approximately 6,200 sq. ft., and typical 55' frontages; construction of a 1.0 acre active park, a 0.57 acre passive park and a 1.8 acre paseo park; retaining walls greater than two ft. in height; and

development on a site with a grade differential of greater than three (3) feet from the low to the high point will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will be graded to minimize drainage impacts while complying with the flood requirements of FEMA and the City. The proposed grade differential to adjacent residential properties will be mitigated through the use of substantial landscaped setbacks and tree requirements. The project will include preservation of ESHA and the preservation and restoration of wetlands, which will be in preserved open space. The project includes significant infrastructure improvements that will have regional benefits.

2. The entitlement plan amendment will be compatible with surrounding single family residential and open space land uses. The project includes two-story homes that are similar to the surrounding developments; it also incorporates buffer areas for aesthetics and intensified landscaping. Open space areas are located adjacent to existing open space areas to maximize use and buffers.
3. The proposed project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Variations to the wall heights are permitted by conditional use permit and lot size and width variations are allowed as part of a planned unit development.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Low Density Residential and Open Space – Conservation. In addition, it is consistent with the following goals and policies of the General Plan:

*Policy LU 9.2.1:* Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures, including the use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development.

*Policy LU 14.1.1:* Accommodate the development of public parks, coastal and water-related recreational uses, and the conservation of environmental resources in areas designated for Open Space on the Land Use Plan Map.

The proposed homes are compatible with existing homes in the area in terms of style, materials, and colors. The buildings are well articulated and will have enhanced building elevations along street frontages. The building pads are higher but there is a setback buffer along the north property line. The development will also include an approximately one acre public park and a network of trails. Furthermore, the development includes approximately 23.7 acres of land set aside for preservation of ESHA, wetlands and buffer areas.

**FINDINGS FOR APPROVAL IN CONCEPT – ENTITLEMENT PLAN AMENDMENT NO. 08-08 (AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 96-18):**

1. Entitlement Plan Amendment No. 08-08 for the development of a 111-unit single family residential project including park and infrastructure improvements and the preservation of ESHA, wetlands and buffer areas within an area of deferred certification in the coastal zone as modified by conditions of approval, conforms with

the General Plan and the Local Coastal Program. The project layout is consistent with the Low Density Residential and Open Space – Conservation land use designations on the property.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed development complies with all development standards except for the increased retaining wall heights, and the minimum lot width and size, which are allowable in the RL district through the CUP process. The development will be in compliance with City and FEMA requirements pertaining to flood protection.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will provide all required infrastructure consistent with the Local Coastal Program and City requirements in accordance with the project phasing plan.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not permanently impact public access or recreation opportunities in the coastal zone; the project will add opportunities for access to surrounding trails and a proposed public park and will improve a proposed bikeway adjacent to the channel and the developed portion of the site.

**CONDITIONS OF APPROVAL – REVISED TENTATIVE TRACT MAP NOS. 15377 AND 15419:**

1. Revised Tentative Tract Map No. 15377 and Revised Tentative Tract Map No. 15419 dated November 18, 2008, shall be the approved layout except as amended per the conditions stated herein and as follows:
  - a. Lot No. 1 of Revised TTM 15419 shall be designated open space conservation area and shall be a part of the adjoining open space conservation area within Revised Tentative Tract Map No. 15377.
2. The final map for Tentative Tract Map No. 15377 shall not be approved by the City Council until Zoning Map Amendment No. 96-5(R) and General Plan Amendment No. 98-1(R) are approved and in effect, and a Local Coastal Program Amendment has been approved by the California Coastal Commission for the Implementation Plan.
3. At least 90 days before City Council action on the final maps, CC&Rs shall be submitted to the Departments of Planning, Public Works and City Attorney's office for review and approval. The CC&Rs shall include the following:
  - a. Special provisions and guidelines for the HOA to implement, fund, and regulate the maintenance of the Public Park softscape and landscape improvements, which includes the irrigation system, lawn areas, ground cover areas, shrubs and all trees located within the Public Park ( Active park area, Lot A); all common area landscaping; private drainage facilities and inlet structures; private Water Quality Treatment Systems; wetlands (existing and renaturalized); Passive Park (Lot S); emergency access road; the six foot

concrete sidewalk adjacent to emergency access road linking Greenleaf Lane to Street "A"; Buffer Areas; Eucalyptus trees; bike trail links; slopes; decomposed granite walkways; open space areas along Graham Street; surface drainage for lots "B" thru "Z"; and Lots "AA", "BB", and "CC" by the Homeowner's Association (HOA). Maintenance includes all weeding, fertilizing, pest and disease control and plant replacements, the removal of non-native and/or invasive species, replacement of the original approved plant materials as required, tree trimming, irrigation adjustments, dust control/sweeping, as specified or designated structure or upkeep/replacement equipment, and trash clean-up. The standards for maintenance shall be per the City adopted Arboricultural and Landscape Standards and Specifications and other relevant standards related to the improvements and shall include the Arboricultural maintenance section for public property for tree trimming and care within the common areas. The emergency access road shall be maintained in conformance with the City's Fire Department special design criteria and approved structural section exhibits.

- b. An exception shall be made in the CC&Rs to provide that the City of Huntington Beach shall maintain and be responsible for all play equipment, hardscape (concrete or hard paving) adjacent to or part of play equipment, picnic tables, gazebo and related facilities, cushioned or rubberized surfacing, sub-surface drainage features or pipes six inches or larger, benches and any hardscape related improvements or structures within the Park boundaries.
- c. Special provisions and guidelines to implement, fund, and regulate the maintenance of slopes, fences and retaining walls that serve as or are contiguous to flood control protection or features, except within the County Flood Control right-of-way and the vegetated flood protection feature or FEMA certified levee in lot "Y". The CC&Rs will provide that the HOA will maintain the landscaping and irrigation on the vegetated flood protection feature in lot "Y".
- d. Special provision to prohibit the blocking or screening of fire hydrants located in public right-of-way.
- e. Language that will include and reference special provisions and guidelines for funding, implementation, maintenance, monitoring, and updating of the approved Water Quality Management Plan (WQMP) including treatment train. The WQMP shall be included in the CC&Rs as an attachment or addendum for conformance with NPDES requirements. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law and the City of Huntington Beach Local Implementation Plan (LIP).
- f. Notification to purchasers that there will be a City public park and protected open spaces within the tracts with HOA maintenance responsibilities, and that vehicular access to Greenleaf is for emergency purposes only.

- g. Notification to purchasers that landscaping for individual housing lots and recreation areas adjacent to an environmentally sensitive habitat area or buffer shall not include any exotic invasive plant species.
  - h. Reference the Special Utility Easement Agreement that is required for the on-site public water system.
  - i. The Pest Management Plan and Domestic Animal Control Plan and provide funding and implementation of a Pest Management Plan and a Domestic Animal Control Plan.
  - j. The Homeowners Association (HOA) shall enter into a Special Utility Easement Agreement with the City of Huntington Beach for maintenance and control of the area within the (public) water pipeline easement, which shall address repair to any enhanced pavement treatment, etc., if the public water pipelines and/or appurtenances require repair or maintenance. The HOA shall be responsible for repair and replacement of any enhanced paving due to work performed by the City in the maintenance and repair of any water pipeline. The Special Utility Easement Agreement shall be referenced in the CC&Rs. (Resolution 2003-29)
4. The following conditions shall be completed prior to recordation of the final map unless otherwise stated. Bonding may be substituted for construction in accordance with the provisions of the Subdivision Map Act. **(PW)**
- a. The Final Maps shall be consistent with the approved Revised Tentative Maps.
  - b. Vehicular access rights to all public streets, either proposed or existing, shall be released and relinquished to the City of Huntington Beach except at locations approved by the City Huntington Beach. **(PW)**
  - c. The grading plan and improvement plans shall be submitted to the Department of Public Works for review. The engineer shall submit cost estimates for determining bond amounts. **(PW)**
  - d. A final sewer design study of the project system shall be submitted to the Department of Public Works for review and approval. The developer shall design the sewer system including replacement of the existing lift station on Graham Street, as required to serve the development and upgrade the system in conformance with the approved preliminary study and City design criteria. The City may, at its own discretion, construct the sewer lift station and associated conveyance lines to maintain temporary service of the existing station, and relocate facilities as needed to lot "B" within the development. Separate conveyance instruments for the lot and easements may be used if the lift station construction precedes recordation of the map. The developer will enter into a reimbursement agreement with the City for their fair share of the lift station improvements. **(PW)**

- e. Prior to first plan check submittal, a hydraulic water capacity analysis is required to confirm appropriate on-site sizing and layout of the public on-site water system. The City will perform the analysis based on the City's hydraulic water model. The developer must coordinate this effort with the Public Works and Fire Departments to initiate this endeavor and shall be responsible to pay the City for all related fees required to perform the analysis. **(PW)**
- f. Final hydrology and hydraulic design analysis and calculations for both on and off site drainage facilities shall be submitted to the Department of Public Works for review and approval. The project improvements shall meet the intent of, and be consistent with or of equal effect to the facilities proposed in the Conditional Letter of Map Revision (CLOMR) issued by FEMA on June 6, 2002. On-site drainage shall not be diverted or concentrated to adjacent properties, but shall be handled by a Public Works approved method. The final design analysis of the system shall be consistent with the approved preliminary studies. All pad elevations must comply with FEMA design criteria in conformance with the CLOMR (BFE 2.2 feet National Geodetic Vertical Datum (NGVD)) and as directed by the City of Huntington Beach, Department of Public Works. Gradients or flowlines less than those permitted in the City's Grading Manual shall not be permitted in earthen swales without prior approval from Public Works. **(PW)**
- g. Conservation easements shall be recorded for Lot 1 of Tract 15419 and Lots AA, BB, CC, and Z of Tract 15377.
- h. The following shall be shown as dedications to the City of Huntington Beach on the Final Map No. 15377 and/or Final Map No. 15419 as applicable:
- 1) The 1.57 acre public park (Lots "A" and "S") shall be dedicated to the City of Huntington Beach in fee simple for parkland purposes pursuant to Section 254.08.H. of the HBZSO. The applicant shall submit to the Department of Public Works a Grant Deed, along with a preliminary title report, granting a fee ownership in the parkland unencumbered by any easements or covenants, both recorded and unrecorded, which restrict any and all uses by the City. It shall be the applicant's responsibility as part of the dedication to obtain, record, and submit all necessary quitclaims ensuring unencumbered. The designated land shall also be certified as clean in conformance with the City's Soil Clean-Up Standard, City Fire Specification 431-92, by an acceptable testing firm. Upon acceptance of the Grant Deed and the submittal of a title insurance policy in an amount equal to the appraised value of the land, the City Clerk, if granted authority as part of the acceptance of the tract map by City Council, shall record the Grant Deed for the parkland dedication. **(PW)**
  - 2) The domestic water system and appurtenances as shown on the improvement plans for these tracts. Easement widths shall conform with the City of Huntington Beach Standard Plan No. 600. **(PW)**

- 3) Lot "B" and the sanitary sewer system lift station, force mains and appurtenances as shown on the improvement plans for these tracts. (PW)
  - 4) The storm drain and water quality system and appurtenances as shown on the improvement plans for both tracts, except those facilities designated to be maintained by the HOA as designated on the Revised tentative maps and as shown on the improvement plans and as prescribed in the CC&Rs. Easement widths shall conform with the City of Huntington Beach Standard Plan No. 300. (PW)
  - 5) A 2.00-foot wide public utility easement along both sides of each street, per Standard Plan No. 104. (PW)
  - 6) Graham Street for street purposes. (PW)
  - 7) An emergency access road from Greenleaf Lane to "A" Street. The minimum width shall be 30 feet. (PW)
  - 8) "A" Street through "F" Street for street and utility purposes. (PW)
  - 9) An easement for public pedestrian access purposes for the two bike trails linking the flood control channel with "C" Street.
  - 10) An easement for public access purposes 10-feet in width adjacent to or in proximity to the northerly right-of-way of "A" Street within Lots, "B", "C", "D", "O", "P", "Q", "R", "S", "T", "U", "V", and "W", the paseo park, passive park and open space lots (with the exception of Lot "BB"), and Lot "N" the pedestrian access lot.
  - 11) Lot "Y" in fee simple for flood control and levee purposes. Lot "Y" may also be dedicated to the County of Orange if the Orange County Flood Control District agrees to accept it for these purposes.
  - 12) Lot "X" in fee simple for water quality purposes.
- i. All street lighting shall be conveyed to Southern California Edison Co. for maintenance and operation. (PW)
  - j. A reproducible mylar copy and print of the final tract map shall be submitted to the Department of Public Works at the time of recordation. (PW)
  - k. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following items: (PW)
    - 1) Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.
    - 2) Provide a digital-graphics file of said map to the County of Orange.
  - l. Provide a digital-graphics file of said map to the City per the following criteria:

**Design Specification:**

- 1) Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
- 2) Digital data shall have double precision accuracy (up to fifteen significant digits).
- 3) Digital data shall have units in US FEET.
- 4) A separate drawing file shall be submitted for each individual sheet.
- 5) Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
- 6) Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.

**File Format and Media Specification:**

- 7) Shall be in compliance with the following file format:
    - AutoCAD (version 13 or later) drawing file: \_\_\_\_\_.DWG
  - 8) Shall be in compliance with the following media type:
    - CD Recordable (CD-R) 650 Megabytes
- m. No construction traffic or vehicle access shall be taken from or to Greenleaf for any purpose other than emergency vehicle access. Any future connection of Greenleaf to the development for public street purposes or private access shall be prohibited until otherwise conveyed through a public hearing process before the City Council.
- n. A Certificate of Insurance shall be filed with the Department of Public Works and approved as to form by the City Attorney. **(PW)**
- o. All improvement securities (Faithful Performance, Labor & Material and Monumentation Bonds) and Subdivision Agreement shall be posted with the Department of Public Works and approved as to form by the City Attorney. **(PW)**
5. The following conditions are required to be completed prior to issuance of Precise Grading Permits:
- a. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. Final grades and elevations on the grading plan shall not vary by more than one (1) foot from the grades and elevations on the approved Tentative Map unless otherwise required by these conditions and shall conform to FEMA requirements for elevation above the flood water levels as directed by the Department of Public Works. The recommendations from Section 7.0 and 8.0 of the geotechnical study, Appendix E of the EIR, shall be incorporated into the earthwork activities. **(MM)** The recommendations of the report in Appendix E

shall be augmented or superseded where necessary by the updated Geotechnical Study, dated November 25, 2008. The following public improvements shall be shown on the plan:

- i. Class I bike trail and adjacent lot slopes along the channel. **(PW)**
  - ii. Two bike trails linking the flood control channel with "C" Street.
  - iii. All slopes, walls, and drainage control devices. **(PW)**
  - iv. The owner shall submit a "Notice of Intent" (NOI), along with the required fee, to the State Water Resources Control Board (SWRCB) in compliance with NPDES general construction permit requirements. Copies of the NOI and the written replies received from the SWRCB shall be submitted to the City. **(PW-MM)**
- b. A sewer lateral shall be provided for each habitable lot per city standards. **(PW)**
- c. All structures over twenty feet (20') in height from the point of connection at the public water source shall require a backflow protection device on the domestic water service unless otherwise approved by the Water Division. **(PW)**
- d. Separate irrigation services, meters and backflow devices shall be required for any Homeowner Association (HOA) landscaping. The softscape portion of the Public Park, (Lot "A" Active Park and Lot "S" Passive Park), shall be included and tied with the irrigation service to the HOA common area landscape. **(PW)**
- e. Each proposed dwelling unit shall require a separate domestic water meter and service. All domestic water meters shall be sized in accordance with the California Plumbing Code (CPC) and the requirements of the City of Huntington Beach Department of Public Works and the Fire Department. **(PW/FD)**
- f. Plans for EMERGENCY VEHICLE ACCESS at Greenleaf/LOT A shall be submitted and approved by the Fire and Planning Departments. The plans shall indicate gate location, method to secure, slope, and overall final elevation change along and adjacent to the alignment. **(FD)**
- g. Final finished grade for the park shall be subject to the approval of the Departments of Public Works and Community Services. The final finished grade shall, at a minimum:
- i. Protect existing trees, meet police department visibility requirements, provide proper drainage, meet conditions for maintaining a playable park and a passive park and if necessary provide a drainage interceptor at the toe of the existing slope that transports run off to the storm drain system prior to entering the playable park area except as required to maintain buffer or conservation areas and landscaping. **(PW)**
  - ii. The finish grade in the City park site shall be raised with a City approved topsoil. **(PW)**
  - iii. The slope of the Public Park pad, (Lot "A" Active Park), shall drain either toward the Naturalized Meadow Grass area or to B Street. The minimum accepted slope for drainage shall be as allowed by the

City's Grading Manual. There shall be a low berm (18" to 30" high as measured vertically from the sidewalk), or a slope up to B Street of the same height along the back of sidewalk of B Street with the side slopes graded to a maximum of 5:1. The drainage of the lot if toward B Street, shall drain through under sidewalk drainage structures. Said walkway locations shall be designed so that any concentrated water drain-ways shall not erode the decomposed granite walkway. If the drainage is toward the Naturalized Meadow Grass area there shall be no heavily concentrated flow areas, and the water shall be directed away from the Tot Lot, Gazebo and Swing Set area. **(PW)**

- iv. The gradient and configuration of the emergency access road shall be approved by Public Works and Fire. **(PW/FD)**
- h. The Developer shall design and construct a new wet well/dry well sewer lift station and force main as required by the City to replace the existing station in Graham. The new station shall be sized to accommodate existing and the proposed development flows. The existing station shall be abandoned in-place by the developer as directed by The Department of Public Works. The used pumps/controllers shall be returned to the City Yard. The design of the lift station shall comply with all design requirements and criteria of the City of Huntington Beach. The City may, at its own discretion, construct the sewer lift station and associated conveyance lines to maintain temporary service of the existing station and relocate facilities as needed to Lot "B" within the development. **(PW)**
- i. The Developer shall submit a Hazard Mitigation and Flood Protection Plan to the City of Huntington Beach for review and approval. **(4K)**
- j. The Developer shall design and construct the ultimate improvements to the north levee of the East Garden Grove - Wintersburg Channel (C05) per County of Orange Flood Control District's adopted design standards (sheet pile and cathodic protection, or an equivalent lining if approved by the County). Said channel improvements shall be constructed from the westerly right of way of Graham Street to the westerly edge of the vegetated flood protection feature. Requirements of the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers where appropriate, and the Orange County Flood Control District (OCFCD) shall be observed in the design and construction of all channel and abutting slope improvements in and adjacent to the channel. A cooperative agreement between OCFD and the Developer shall be completed for any cost sharing, special design criteria, or conditions of the work to be undertaken prior to the issuing of a grading permit. **(PW)**
- k. The Developer shall remove the existing oil-field access bridge over the C05 channel westerly of the Slater Pump Station, unless otherwise directed by the Orange County Flood Control District. **(PW)**
- l. The Developer shall install two (2) new pump systems (motor, pump, controls, heat exchanger, and necessary appurtenances) within the existing vacant pump bays, or shall replace existing pump systems to equal the proposed efficiency and pumping capacity of the existing plus two new pump systems in the Slater Pump Station as determined necessary by the City Engineer (equipment to match/equal City specification). Subject to the review and approval of the City Engineer, a request for fee credits may be considered for

improvements exceeding the developer's required project impact mitigation. For purposes of fee credit, the value of each existing pump bay to be utilized shall be considered to be \$300,000 unless it is proven to the satisfaction of the City Engineer to be a different amount. The developer will be required to make capacity improvements to the system as necessary to drain the subject development and tributary flows to the site as required by the Department of Public Works. The applicant shall also obtain necessary written approvals from the County of Orange and other pertinent agencies as required prior to issuance of grading permits. (PW)

- m. The Developer shall design and construct off-site drainage improvements as required by the Department of Public Works to mitigate impact of increased runoff, as well as conveyance of ultimate upstream flows or deficient, downstream drainage systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. The Developer shall provide the necessary hydrologic and hydraulic studies as required to justify final pad elevations on the site in conformance with the latest FEMA requirements, and provide any needed data to update that portion of the City's Master Plan of Drainage to reflect the changes and improvements of this project in the plan. The vegetated flood protection feature (lot "Y") shall conform to the FEMA and U.S. Army Corps of Engineers Design Guidelines (most specifically USACOE Manual EM 1110-2-1913.) Among the items of design criteria to be included are the following:  
(PW)

- i. The top of levee or vegetated flood protection feature shall be wide enough to accommodate a minimum 12-foot wide clear access for maintenance vehicles. Drainage swales and flow lines along the brow of the levee shall not be within the 12-foot travel area. If walls are incorporated into the design, drainage swale flow lines shall be a minimum of 18-inches from the wall and shall be concrete gutters or other compatible structure or device to minimize erosion behind the wall.
- ii. The waterside of the levee shall be 2:1 or steeper with riprap or similar slope protection, or flatter than 2:1 without hard slope protection. Walls in combination with slopes may be used as approved by the City.
- iii. The landside of the levee shall be 2:1 or steeper with riprap or similar slope protection, or flatter than 2:1 without hard slope protection to minimize seepage and permit easy maintenance.
- iv. The levee design shall include a seepage barrier. If sheet piles are employed, no seepage barrier is required. Transitions from exposed sheet piling to earthen berms shall be concrete lined or an approved alternative.
- v. A vehicle turnaround with a turning radius or hammerhead design consistent with the wheel base criteria of maintenance vehicles shall be provided at the end of the levee or vegetated flood protection feature maintenance road within lot "Y" in a manner approved by the Department of Public Works.

- vi. The road surface on the top of levee or vegetated flood protection feature shall maintain a minimum elevation of 13.6 feet as shown on the approved Tentative Map or a minimum 1-foot of freeboard above the committed water surface elevation in the channel, whichever is greater. The top of levee or vegetated flood protection feature shall tie into the existing topography to prohibit a breach or intrusion into the subdivision from seawater high tide events or storm flows. **(PW)**
- n. Storm Drain Improvement Plans, Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) conforming with the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. The WQMP shall also be submitted to Orange County Coastkeeper for review and comment. **(PW)**
  - i. To the greatest extent feasible, low flow urban runoff from Cabo del Mar shall be directed to a gross pollutant removal device.
  - ii. Gross pollutant removal devices (CDS or equivalent) for the removal of debris, sediment, oil and water separation, etc., shall be installed as part of the treatment train for the main line systems. Access to these devices for maintenance shall be provided and included within an easement to the City.
  - iii. The developer shall design and construct a low flow urban runoff treatment train for partial flows from the Slater Pump Station, which may be conveyed to the East Garden Grove-Wintersburg Channel (C05).
  - iv. A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMP's) and other City requirements to eliminate polluted runoff until all construction work for the project is completed.
  - v. A WQMP shall be prepared, maintained and updated as needed to satisfy the requirements of the adopted NPDES program and the City of Huntington Beach Local Coastal Program. The plan shall incorporate water quality measures for all improved or unimproved phases of the project. All structural BMP's shall be sized to infiltrate, filter, or treat the 85-percentile 24-hour storm event or the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inches per hour. The WQMP shall include an extensive Home Owner's Association education program, including information booklets and packages for each homeowner, and periodic informational programs to keep owners current with WQMP practices and requirements. **(PW/4K)**
- o. A Funding agreement or Memorandum of Understanding (MOU) for a pro-rata share of the maintenance and replacement of the public water quality treatment train shall be completed between the City of Huntington Beach and the developer prior to recordation of the final map and prior to the issuance of

precise grading permits. The agreement shall be incorporated by reference into the CC&Rs of the development.

- p. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect, shall be submitted to the Departments of Public Works and Planning for review and approval. The Landscape Construction Set shall identify the location, type, size and quantity of all existing plant materials to remain, existing plant materials to be removed and proposed plant materials; an irrigation plan; a grading plan; an approved site plan and a copy of the entitlement conditions of approval. The plan for non-Open Space-Conservation areas shall prohibit the planting, naturalization or persistence of invasive plants and shall encourage low-water use plants, and plants primarily native to coastal Orange County. The plan shall include irrigation demands to ensure proper irrigation service sizing. **(PW/4K)**
- q. The landscape plans shall be in conformance with the Zoning and Subdivision Ordinance, applicable Design Guidelines, and the Local Coastal Program. The plan shall include all common areas, the proposed active and passive City Park, Graham Street setback area, and the paseo park. The paseo park along the north property line shall include intensified landscaping to further screen possible headlight intrusion. **(PW/MM/Code Requirement)**
- r. A Habitat Management Plan shall be prepared for all areas designated Open Space- Conservation, which shall include restoration, enhancement and perpetual conservation and management of delineated wetlands, wetland and habitat mitigation, and establishment of appropriate buffers from development. The Plan shall be submitted to the Departments of Public Works and Planning for review and approval. **(4K)**
- s. An erosion control and silt control plan for all water runoff during construction and site preparation work shall be submitted to the Department of Public Works. **(PW/MM)**
- t. Street Improvement Plans for improvements to Graham Street shall be prepared per the City of Huntington Beach Standard Plan No. 103, (to 80'/64' standard), and submitted for review and approval. The developer shall include the following modifications to achieve the minimum number of travel lanes specified and include any additional striping modifications identified by the Transportation Manager to best accommodate specific traffic operations **(PW/MM)**:
  - i. Improve Graham Street along the project frontage, as needed, to correct the stopping sight distance and stacking problems between the crosswalk across Graham at Street "A" and the crest of the Wintersburg Channel Bridge as approved by the Department of Public Works.
  - ii. Restripe Graham Street from Street "A" to Glenstone Drive with a seven (7) foot bike lane in each direction, one twelve (12) foot through lane in each direction, and a fourteen (14) foot painted two-way left turn median. **(MM)**

- iii. Restripe Graham Street northerly from Street "A" as directed by the Department of Public Works, to transition with a seven (7) foot bike lane in each direction, one eighteen (18) foot through lane in each direction, and a fourteen (14) foot painted two-way left turn median. A protected left turn pocket on Graham Street, (northbound to westbound) shall be provided with appropriate tapers in accordance with the design speed, (50 mph). Signage shall be added to the intersection of Graham Street and Kenilworth Drive to keep intersection clear. **(MM)**
- iv. The developer shall design and install signing and striping plans in accordance with Public Works Standards
- u. Internal public streets shall be designed and constructed as follows **(PW)**:
  - i. All street grades shall have a minimum gradient of 0.50%.
  - ii. Street "A" ("Entry Street") shall be designed and constructed per the City of Huntington Beach Standard Plan No. 104 modified, (56'/36'). A dedicated left turn lane and dedicated right turn lane (within 26' from median island to outer curb face) exiting onto Graham Street shall be provided. A 15-foot wide median island shall be constructed at the entry. No parking or driveway openings will be permitted on Street "A" from Graham Street to the end of lot "C".
  - iii. Streets "B" thru "F," shall be designed and constructed per the City of Huntington Beach Standard Plan No. 104 Modified, (48'/36').
  - iv. Parking layout shall conform to City Standards and the City's Subdivision Ordinance and Municipal Code requirements, including Municipal Ordinance No. 10.40.050. Thirty (30) parking spaces shall be provided for park parking above the count required for residential lot guest parking. No on-street parking shall be permitted adjacent to emergency access areas in compliance with Fire Department Standard Specification 401 and 415.
  - v. Curb, gutter and sidewalk along all street frontages, per City Standard Plan Nos. 202 and 207.
  - vi. An ADA compliant access ramp at the corners of all street intersections, and where required by Federal and State code.
- v. Access for the handicapped in conformance with Title 24, shall be provided from the public sidewalk into the public park at the northerly and southerly ends.
- w. The applicant shall demonstrate to the satisfaction of the City Transportation Manager that standards (including ADA) regarding pedestrian/bicycle safety along the perimeter sidewalks will be met. **(MM)**
- x. The Developer shall design and install Southern California Edison owned street lighting. The plan shall include the height, location, and intensity of

streetlights on-site. Street light spacing shall be in conformance with City of Huntington Beach Standard Plan 411. (PW/MM)

- y. A traffic signal shall be designed and constructed for the intersection of Street "A" and Graham Street. (MM)
- z. The traffic signal shall be hard-wire interconnected with the existing traffic signal at Warner Avenue and Graham Street per Public Works Standards and Specifications. (PW)
- aa. Traffic Control Plans, prepared by a Licensed Civil or Traffic Engineer, shall be submitted to Public Works for review and approval, for work within the City's right-of-way. (PW)
- bb. A licensed engineer shall prepare a detailed soils and geological/seismic analysis. This analysis shall provide detailed recommendations for grading, over excavation, engineered fill, dewatering, settlement, monitoring, protection of adjacent existing structures, landscaping, chemical and fill properties, liquefaction requirements, retaining walls, streets, and utilities. Said report shall also provide recommendations to certify that post development ground water conditions shall not be affected or affect improvements. The report will provide recommendations for rough and precise grading. The developer shall provide a minimum of four (4) agricultural soil tests for fertility and suitability within the park area prior to developing a finish-grading plan. In addition, a geotechnical expert shall be on-site daily during dewatering to monitor soil conditions. A diminimus permit from the Regional Water Quality Control Board shall be required. (PW)
- cc. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site and no wastes or pollutants shall escape the site; and shall also identify wind barriers around remediation equipment. (PW)
- dd. Soil imported for the park area shall be approved by the City Landscape Architect. The developer shall employ a soil test lab approved by the City Landscape Architect to obtain and test soils that are to be utilized in raising the grade of the proposed park area. After a topsoil source is approved, the developer shall guarantee that said soil is delivered to the site and used on the park. (PW)
- ee. For import soils, the project shall comply with all provisions of the HBMC Section 17.04.085 and Fire Dept. City Specification 429, Methane District Building Permit Requirements. (FD)
- ff. Provide proof that all site soil meets the requirements found in the City of Huntington Beach Soil Cleanup Standard, City Specification No. 431-92. (FD)
- gg. The Fire Department must be notified of who will be the environmental site auditor supervising testing operations during soil import. The selected

environmental firm is responsible for obtaining Fire Department approval for their testing plan. **(FD)**

- hh. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Departments of Planning and Public Works. In addition, clearly visible signs shall be posted on Graham Street every 250 feet, and at Greenleaf Lane indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, dust control, water quality, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, City contact (Construction Manager (714) 536-5431) regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403. **(PW)**
- ii. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to any such grading. **(PW)**
- jj. The developer shall coordinate with the Department of Public Works, Transportation Division in developing a truck and construction vehicle routing plan. This plan shall specify the hours in which transport activities can occur, restrict heavy equipment and haul trucks from arriving and leaving the site to between 8:00 a.m. and 8:00 p.m. during the school year, and specify methods to mitigate construction related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. Staging of trucks shall occur on-site. **(PW/MM)**
- kk. A grading/erosion and dust control plan shall be completed and must abide by the provisions of AQMD's Rule 403 as related to fugitive dust control; and provide a plan to the Department of Public Works indicating such compliance. **(PW)**
- ll. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Department. The plans shall identify materials, seep holes and drainage. Double walls shall be prohibited. Protective fencing or barriers shall be installed along any interface with developed areas to deter human and pet entrance into all restored and preserved wetland and ESHA buffer areas. **(4K)**
- mm. If grading occurs during the normal breeding season for the red-tailed hawk and other raptors locally, (February 15 through August 31), a survey shall be conducted for active nests. Should active nests be located within the zone of potential disturbance due to grading or construction activities, work shall be limited to areas 500 feet away from the nest until the young have fledged and have begun foraging away from the nest site. The 500-foot protection zone shall be fenced with visible warning-color materials.

Nest trees shall be removed during the non-breeding season only.  
(MM/4K)

- nn. The property owner shall conduct a subsurface test investigation for CA-ORA-1308 and 1309 to determine the horizontal boundaries of the sites as well as to confirm the surface conclusions of non-significance as indicated in the March, 1997 Archeological Assessment. This may be accomplished through the mechanical excavation of a number of auger holes as well as two (2) 1x1 meter hand excavated units for stratigraphic control. The subsurface test investigation (including a discussion of significance (depth, nature, condition, and extent of resources), final mitigation recommendations and cost estimates shall be submitted to the Planning Director for review and approval. (MM/4K)
- oo. The applicant shall create, if deemed necessary through Condition No. 5(kk), a cultural resource management plan based on the subsurface test results. A full data recovery program shall be designed if site avoidance is not feasible through design. Possible recovery plans include, but are not limited to preservation, salvage, partial salvage, or no mitigation necessary. The plan shall include conservation with the appropriate Native American Organization and be reviewed and approved by the Planning Department. Additionally, the plan shall require peer review in conformance with the Coastal Commission's Archeological Guidelines. (MM)
- pp. The property owner shall provide written evidence that a certified archaeologist has been retained and shall be present at the pre-grading meeting/conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the sampling, identification and evaluation of the artifacts as appropriate. The archaeological resource surveillance procedures shall include a provision for Native American review of grading operations. If additional or unexpected archaeological features are discovered, the archeologist shall report such findings to the applicant and to the Planning Department and the appropriate Native American Organization. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the applicant, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Department. (MM/4K)
- qq. A bikeway plan shall be submitted to the City of Huntington Beach's Departments of Planning and Public Works, in consultation with the Manager of the County PFRD/HBP Program Management and Coordination, for approval of consistency with the Orange County Bikeway Plan. (MM)
- rr. A Public Access Plan shall be submitted to the City of Huntington Beach's Departments of Planning and Public Works and shall be coordinated with and include the bikeway plan. (4K)
- ss. The applicant shall submit and have approved a noise mitigation plan to the Department of Planning that will reduce or mitigate short-term noise impacts to nearby noise sensitive. The plan shall comply with the City of

Huntington Beach Noise Ordinance and shall include, but not be limited to **(MM)**:

- 1) Criteria of acceptable noise levels based on type and length of exposure to construction noise levels;
  - 2) Physical reduction measures such as temporary noise barriers that provide separation between the source and the receptor; temporary soundproof structures to house portable generators; and
  - 3) Temporary generators (if utilized) shall be located as far as practical from sensitive noise receptors.
  - 4) Mitigation measures such as restrictions on the time of construction for activities resulting in high noise levels.
- tt. The applicant shall be responsible for the incorporation of measures to reduce construction related traffic congestion into the project grading permit. Measures, subject to the approval and verification by the Department of Public Works, shall include, as appropriate **(MM)**:
- 1) Provision of rideshare incentives.
  - 2) Provision of transit incentives for construction personnel.
  - 3) Configuration of construction parking to minimize traffic interference.
  - 4) Measures to minimize obstruction of through traffic lanes.
  - 5) Use of a flagman to guide traffic when deemed necessary.
- uu. The applicant shall produce evidence acceptable to the City Engineer that: **(MM)**
- 1) All grading and construction vehicles and equipment, fixed or mobile, shall be equipped and maintained with effective muffler systems that use state of the art noise attenuation.
  - 2) Stockpiling and/or vehicle staging areas shall be located as far as practicable from sensitive noise receptors.
  - 3) Operations shall comply with the City of Huntington Beach Noise Ordinance.
- vv. The applicant shall produce evidence (specifications) acceptable to the City Engineer that the new wall along Graham Street (along the project's boundary adjacent to proposed homes on Graham Street) will be constructed to achieve maximum sound attenuation. **(MM)**
- ww. The recommendations contained in the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include all grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation. **(MM)**. The recommendations of the report in Appendix E shall

be augmented or superseded where necessary by the updated Geotechnical Study, dated November 25, 2008.

- xx. The applicant shall contract with a dewatering expert to prepare a detailed Dewatering Plan. This plan shall include the placement of monitoring wells near the northern property line to evaluate ground water levels during the proposed project dewatering activities. The dewatering activities shall be adjusted immediately if the monitoring wells show ground water level changes which may affect subsidence of adjacent properties. The Dewatering Plan shall be reviewed and approved by the Department of Public Works. **(MM)**
- yy. A Phase II environmental soil sampling shall be conducted to determine the residual levels of pesticides in the soil. If inappropriate/unsafe levels per County Health Department standards are identified by this analysis, "clean up" measures shall be recommended and implemented. The Phase II sampling and any necessary measures shall be approved by the Department of Public Works. **(MM)**
- zz. The applicant shall provide a Water Quality Management Plan showing conformance to the Orange County Drainage Area Management Plan and all NPDES requirements (enacted by the EPA) for review and approval by the City Engineer. The plan shall reduce the discharge of pollutants to the maximum extent practical using management practices, control techniques and systems, design and engineering methods, and such other provisions which are appropriate. **(MM)**
- aaa. The applicant shall be responsible for assuring that construction vehicles be equipped with proper emission control equipment to substantially reduce emissions. **(MM)**
- bbb. The developer shall submit a hydraulic computer water model analysis for the development proposed, which addresses the following:
  - 1) Water demand required by project (including fire flow demand as determined by the Fire Department)
  - 2) Master Plan/General Plan Amendment (GPA) review for consistency.
  - 3) The City of Huntington Beach Water (Master Plan) System Computer Model (i.e. H2ONET) must be run with the proposed land use demands (i.e. GPA), and contrasted with the model run using the existing land use demands, (i.e. the General Plan, in effect at the time the Water Master Plan was adopted).
  - 4) The City of Huntington Beach Water Division must be contracted to perform this analysis using the existing City of Huntington Beach Water System Model, for a fee to be paid by the developer a minimum of 30 days in advance. If the analysis shows that project demands cannot be met with the City's current water system, the developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project at no cost to the City. **(MM)**
- ccc. Irrigation systems within the Park and the open space areas, which minimize water waste, shall be used to the greatest extent possible. Such measures should involve, where appropriate, the following features:

- 1) Raised planters and berming in conjunction with closely spaced low volume, low angle (22 ½ degree) sprinkler heads.
  - 2) Drip irrigation
  - 3) Irrigation systems controlled automatically to ensure watering during early morning or evening hours to reduce evaporation losses.
  - 4) Temporary irrigation systems for wetland restoration are excluded from these provisions.
6. During demolition, grading, site development, and/or construction, the following shall be adhered to:
- a. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading and construction to keep the soil damp enough to prevent dust being raised by the operations and when leaving the site. Wet the area down, sufficient enough to form a crust on the surface with repeated soakings, as necessary, to maintain the crust and prevent dust pick up by the wind; spread soil binders; and implement street sweeping as necessary. **(MM)**
  - b. All haul trucks shall arrive at the site no earlier than 7:00 a.m. (8:00 a.m. during the school year) or leave the site no later than 8:00 p.m., and shall be limited to Monday through Friday only. **(PW)**
  - c. During construction, the area shall be wet down in the late morning and after work is completed for the day **(MM)**.
  - d. All trucks hauling dirt, sand, soil, or other loose substances and building materials shall be covered, or to maintain a minimum freeboard of two feet between the top of the load and the top of the truck bed sides. **(MM)**
  - e. Install vehicle wheel-washers before the roadway entrance at construction sites. Prior to leaving the site, wheels of all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. Install vehicle wheel-washers before the roadway entrance at construction sites. **(MM)**
  - f. Where feasible, pervious paving materials shall be used to reduce surface water runoff. **(MM)**
  - g. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. **(PW)**
  - h. Wind barriers shall be installed along the perimeter of the site. **(PW)**
  - i. The remediation operations shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas. **(PW)**

- j. Comply with the "Storm Water Pollution Prevention Plan" and "Water Quality Management Plan" requirements. **(PW)**
- k. Discovery of additional contamination/pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly. Discovery of contaminated soil and/or abandoned oil wells require immediate fire department notification. All project processes in the immediate discovery area shall cease until approved plans are in place. **(FD)**
- l. Construction equipment shall be maintained in peak operating condition to reduce emissions. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune. Truck idling shall be prohibited for periods longer than 10 minutes. **(MM)**
- m. Use low sulfur (0.05% by weight) fuel by weight for construction equipment. **(MM)**
- n. Phase and schedule construction activities to avoid high ozone days. Discontinue construction during second stage smog alerts. **(MM)**
- o. A phased schedule for construction activities to minimize daily emissions shall be complied with. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be unused for four or more consecutive days). Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods. **(MM)**
- p. The planting of vegetative ground cover as soon as possible on construction sites shall be required. Use vegetative stabilization, whenever possible, to control soil erosion from storm water especially on super pads. **(MM)**
- q. On-site parking shall be provided for all construction workers and equipment unless approved otherwise by the Department of Public Works. No Parking will be permitted in restricted area and on Graham Street. **(PW)**
- r. Enclosures or chemical stabilization of open storage piles of sand, dirt, or other aggregate materials shall be required. **(MM)**
- s. The construction disturbance area shall be kept as small as possible. Control off-road vehicle travel by posting driving speed limits on these roads, consistent with City standards. Use electricity from power poles rather than temporary diesel or gasoline power generators when practical. The applicant shall be responsible for assuring that vehicle movement on any unpaved surface other than water trucks shall be terminated if wind speeds exceed 15 mph. **(MM)**
- t. Compliance with all Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. All heavy equipment shall arrive or leave the site no earlier than 8:00 A.M. and

no later than 8:00 PM during the school year. Such activities are prohibited Sundays and Federal holidays. **(Code Requirement)**

- u. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
- v. The property owner is responsible for all required clean up of off-site dirt, pavement damage and/or restriping of the public rights-of-way as determined by the Department of Public Works. **(PW)**
- w. The property owner shall be responsible for paving all access aprons to the project site and for the maintenance of the paving. **(MM)**
- x. The property owner shall be responsible for incorporating measures to reduce construction related traffic congestion with the implementation of rideshare incentives, transit incentives, construction area parking, use of flagmen, and implementation of measures to minimize the obstruction of through traffic lanes, as deemed appropriate by Public Works. **(MM)**
- y. The project shall provide easy access into and within the project site for emergency vehicles and addresses shall be well marked to facilitate response by officers. Prior to the first final inspection, project site plans depicting these requirements shall be reviewed and approved by the Police Department.

**INFORMATION ON SPECIFIC CODE REQUIREMENTS – REVISED TENTATIVE TRACT MAP NOS. 15377 & 15419:**

1. Revised Tentative Map Nos. 15377 and 15419 shall be valid for two (2) years of the date of final approval which is from the time the Local Coastal Program Amendment and Coastal Development Permit for the area is deemed certified by the California Coastal Commission. An extension of time may be granted by the Planning Director pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.
2. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
3. All applicable fees shall be paid from the Building, Public Works, and Fire Departments fees prior to map recordation. **(PW)**
4. All new and existing overhead utilities shall be installed underground in accordance with the City's Underground Utility Ordinance. In addition, all electrical transformers shall be installed underground. Aboveground transformers may be allowed due to certain groundwater conditions locations and shall be approved by the City Engineer and City Landscape Architect.

**CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 08-08**  
**(AMENDMENTS TO CONDITIONAL USE PERMIT NO. 96-90/COASTAL**  
**DEVELOPMENT PERMIT NO. 96-18):**

1. The site plan, floor plans and elevations received and dated January 21, 2009 shall be the conceptually approved layout with the following modifications:
  - a. Depict all utility apparatus, such as but not limited to back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public rights-of-way. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view. **(Code Requirement)**
  - b. Individual building site plans shall be reviewed and approved by the City's Departments of Planning and Public Works. The final building layout shall be within the building envelope as depicted on the Building Envelope Plan. **(MM)**
  - c. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
  - d. If outdoor lighting is included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations. **(MM)** Street lighting, exterior residential lighting and park lighting, if any, adjacent to ESHA and buffer areas shall be limited in intensity and shielded in order to minimize impacts to these areas.
  - e. Non-reflective materials shall be utilized to the extent feasible. Individual building site plans shall be reviewed and approved by the Planning and Public Works Department. **(MM)**
2. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
  - b. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning Department for addressing purposes after street name approval by the Fire Department. **(FD)**
  - c. All Fire Department requirements shall be noted on the building plans. **(FD)**

- d. To maintain required emergency access and site safety during project construction phases, submit a Fire Protection Plan in compliance with City Specification #426-*Fire Safety Requirements for Construction Sites, or other City Specifications approved by the City Fire Department.* (FD)
- e. Fire access roads shall be provided in compliance with City Specification #401-*Minimum Access for Fire Department Access, or as approved by the City Fire Department.* **Fire Access Roads** shall be provided and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access.* Driving area shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). **Fire Access Road Turns and Corners** shall be designed with a minimum inner radius of seventeen feet (17') and a minimum outer radius of forty five feet (45') per City Specification # 401 *Minimum Standards for Fire Apparatus Access.* For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)
- f. Fire hydrants must be installed and be in service before combustible construction begins. Shop drawings shall be submitted to the Department of Public Works and approved by the Fire Department. Indicate hydrant locations and fire department connections. The number, spacing and location of all fire hydrants shall be as approved by the Fire Department and the Public Works Water Division. (FD)
- g. An automatic fire sprinkler system shall be installed throughout each unit. For Fire Department approval, plans shall be submitted to the Building Department as separate plans for permits (FD).
- h. A fire alarm system in compliance with Huntington Beach Fire Code is required. For Fire Department approval, shop drawings shall be submitted to Building as separate plans for permits. The system shall provide water flow, tamper, and trouble alarms, manual pull stations, interior and exterior horns and strobes, voice communication, and 24-hour central station monitoring. (FD)
- i. Street names must be approved by the Fire Department. Please refer to City Specification #409-*Street Naming Process, Public or Private.* (FD)
- j. A detailed soils analysis shall be prepared by a Licensed Soils Engineer and submitted with the building permit application. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations regarding: grading, foundations, retaining walls, streets, utilities, and chemical and fill properties of underground items including buried pipe and concrete and the protection thereof.(BD)
- k. An engineering geologist shall be engaged to submit a report indicating the ground surface acceleration from earth movement for the subject property. All structures within this development shall be constructed in compliance with the g-factors as indicated by the geologist's report. Calculations for footings and structural members to withstand anticipated g-factors shall be submitted to the City for review prior to the issuance of building permits. (Code Requirement)

- l. Floor plans shall depict natural gas stubbed in at the location of clothes dryers; natural gas shall be stubbed in at the locations of cooking facilities, water heaters and central heating units.
  - m. Contact the United States Postal Service for approval of mailbox location(s).
  - n. The recommendations contained in the geotechnical study, located in Appendix E of the EIR shall be incorporated into the structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures. **(MM)**  
The recommendations of the report in Appendix E shall be augmented or superseded where necessary by the updated Geotechnical Study, dated November 25, 2008.
  - o. It shall be proven to the City that all structures are designed in accordance with the seismic design provisions of the latest California Building Code in effect in Huntington Beach to promote safety in the event of an earthquake. **(MM)**
  - p. Building plans shall be submitted to and approved by the Fire Department. If during the Fire Department's plan check it becomes evident that fire ground operations will become impeded, the department will impose additional fire code requirements in addition to the automatic sprinkler systems, alarm systems, access roads, etc. **(MM)**
  - q. The applicant shall consult with the Police Department during preliminary stages of the project design to review the safety features, determine their adequacy, and suggest improvements. **(MM)**
  - r. The applicant shall consult with the Water Division and Park, Tree and Landscape Division of the Public Works Department during design and construction of the Park for further water conservation measures to review irrigation designs and drought tolerant plant use, as well as measures that may be incorporated into the project to reduce peak hour water demand. **(MM)**
3. The following conditions shall be completed prior to issuance of Building Permits:
- a. Submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department; and submit 8 inch by 10 inch colored photographs of all colored renderings, elevations, materials sample board, and massing model to the Planning Department for inclusion in the entitlement file.
  - b. A precise grading permit shall be issued. **(PW)**

- c. The final Tract Maps shall be recorded with the County of Orange and a copy filed with the Planning Department. **(PW/Code Requirement)**
- d. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. A Landscape Construction Set must be submitted to the Department of Public Works and approved by the Departments of Public Works and Planning. The Landscape Construction Set shall include a landscape plan prepared and signed by a State Licensed Landscape Architect which identifies the location, type, size and quantity of all existing plant materials to remain, existing plant materials to be removed and proposed plant materials; an irrigation plan; a grading plan; an approved site plan and a copy of the entitlement conditions of approval. The plan shall include all common areas, the proposed City Park, Graham Street setback area, and the paseo park. The paseo park along the north property line shall include intensified landscaping to further screen possible headlight intrusion. In addition, Revised TTM 15419 shall consist of non-invasive, native drought tolerant or wetland plant material without a permanent irrigation system. **(PW)**
- e. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Existing trees to remain shall also be addressed by said Arborist with recommendations/requirements for protection during construction. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. **(PW)**
- f. An interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Departments of Fire and Public Works. The applicant shall obtain any necessary encroachment permits from the Department of Public Works. **(PW)**
- g. The project applicant shall implement conditions of the Public Works Department regarding storm drainage improvements which shall include, but not be limited to **(MM)**:
- 1) Construct the necessary storm drainage improvements (identified on Exhibit 42 within the EIR) to handle increased flows and intercept off-site flows.
  - 2) Ensure that future building pads are placed at elevations suitable to withstand 100-year flood.
  - 3) Construct the necessary improvements to the East Garden Grove – Wintersburg Channel (C05) along the site perimeter from the westerly

Graham Street right of way to the westerly edge of the vegetated flood protection feature.

- h. The applicant shall show proof of compliance with the Mitigation Agreement established between the Huntington Beach Union High School District, subject to the approval of the City of Huntington Beach. **(MM)**
  - i. Pervious paving material shall be used whenever feasible to reduce surface water runoff and aid in groundwater recharge and slopes and grades shall be controlled to discourage water waste through runoff. **(MM)**
  - j. The property owner shall construct the new sewer lift station and force main in accordance with the City-approved Sewer Plan for the proposed project, and implement conditions of the Public Works Department regarding sewer infrastructure improvements to handle increased sewer flow demands. **(MM)**
  - k. The Southern California Gas Company or designated natural gas provider shall be consulted with during the building design phase for further energy conservation measures. **(MM)**
  - l. SCE shall be consulted with during the building design phase for further energy conservation measures. **(MM)**
  - m. The applicant shall provide proof of incorporation of City comments and/or conditions related to the overall proposed design and layout of buildings and landscaping. The Design and layout of buildings shall be approved by the Planning Department. **(MM)**
4. With the exception of model homes, structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
- a. Installation of required landscaping and irrigation systems shall be completed. **(PW)**
  - b. Landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of Record in written form to the City Landscape Architect prior to the final landscape inspection and approval. Installation of required landscaping and irrigation systems shall be completed. **(PW)**
  - c. A Pest Management Plan shall be submitted to and approved by the City of Huntington Beach that, at a minimum, prohibits the use of rodenticides, and restricts the use of pesticides, and herbicides in outdoor areas, except necessary Vector Control conducted by the City or County. **(4K)**
  - d. A Domestic animal control plan shall be submitted to and approved by the City of Huntington Beach that details methods to be used to prevent pets from entering the Open Space-Conservation areas. **(4K)**

- e. The Developer shall provide, in connection with the sale of each housing unit within the development, an information packet that explains the sensitivity of the natural habitats within or adjacent to the project site and the need to minimize impacts on the designated ESHA and buffer areas and the prohibition on landscaping that includes exotic invasive plant species on lots that are directly adjacent to an ESHA or buffer area. The information packet shall include a copy of the Domestic Animal Control Plan and Pest Management Plan.
- f. The applicant shall provide proof that energy saving features have been installed in project homes as required by the California Building Code. Features may include: solar or low-emission water heaters, energy efficient appliances, double-glass paned windows, low-sodium parking lights, etc. **(MM)**
- g. The public park shall be completed at the request of 50% occupancy (or by the 55<sup>th</sup> home Certificate of Occupancy). **(PW)**
- h. All public infrastructure must be completed per the approved improvement plans. **(PW)**
- i. All improvements must be completed per the approved grading improvement plans. **(PW)**
- j. The applicant shall be responsible for improving Graham Street in accordance with the approved signing and striping plan. **(PW/MM)**
- k. Applicant shall provide the City with Microfilm copies (in City format) and CD (AutoCAD only) copy of complete City approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record. **(PW)**
- l. Automatic sprinkler systems shall be installed throughout. Shop drawings shall be submitted and approved by the Fire Department prior to system installation. **(FD)**
- m. Fire hydrants must be installed before combustible construction begins. Prior to installation, shop drawings shall be submitted to the Public Works Department and approved by the Fire Department. (Fire Dept. City Specification 407) **(FD)**
- n. Backflow protection shall be constructed per the Huntington Beach Water Division Standards Plans for irrigation and fire suppression water services.
- o. Address numbers shall be installed on structures to comply with Fire Dept. City Specification 428. **(FD)**
- p. Secondary emergency access gates must be secured with KNOX and association (if any) hardware. Fire access roads shall be provided in compliance with Fire Dept. City Specification 401. Include the Circulation Plan and dimensions of all access roads. Fire lanes will be designated and posted to comply with Fire Dept. City Specification No. 415. **(FD)**

- q. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415-*Fire Lane Signs*. If prior to approved signage fire lane violations occur and the services of the Fire Department are required, the applicant may be liable for related expenses. **(FD)**
- r. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning Department.
- s. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning Department.
- t. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
- u. Submit a copy of completed FEMA Elevation Certificate(s) based on construction drawings, or Floodproofing Certificate in the case on a non-residential structure, for each building.
- v. A second Elevation Certificate certifying the "as built" lowest floor for each building shall be submitted to the Planning Department, or a Letter of Map Revision shall be issued by the Federal Emergency Management Agency (FEMA) and submitted to the Planning Department. **(Code Requirement)**
- w. All drainage, pump station and channel improvements consistent with the intent and function of the facilities identified in the FEMA CLOMR, dated June 6, 2002, shall be completed in place and operational. A Letter of Map Revision (LOMR) from FEMA shall be obtained by the developer following completion of the improvements. **(PW)**
- x. Fire access roads shall be provided in compliance with Fire Dept. City Specification 401. Include the Circulation Plan and dimensions of all access roads.
- y. The project shall comply with all provisions of the Huntington Beach Fire Code and Fire Dept. City Specification 422, Well Abandonment.
- z. The project shall comply with all provisions of the HBMC Section 17.04.085 and Fire Dept. City Specification 429, Methane District Building Permit Requirements.
- aa. Testing to verify the estimated radon gas levels shall be implemented as deemed necessary by the Department of Planning. **(MM)**
- bb. The following water conservation measures shall be implemented as required by state law:
  - 1) Ultra-low-flush toilets
  - 2) Ultra-low-flow showers and faucets
  - 3) Insulation of hot water lines in water recirculating systems
  - 4) Compliance with water conservation provisions of the appropriate plumbing code **(MM)**

- cc. Water pressure regulators to limit downstream pressure to a maximum of 60 psi shall be installed. **(MM)**
  - dd. The applicant shall provide information to prospective residents regarding benefits of low water use landscaping and sources of additional assistance in selecting irrigation and landscaping. **(MM)**
  - ee. The development shall comply with all applicable Mitigation Measures in Final Environmental Impact Report No. 97-2, and as modified in the Addendum EIR.
  - ff. The development shall comply with all standards and principles for Subarea 4K in the Local Coastal Program Coastal Element.
  - gg. The applicant shall pay the applicable Traffic Impact Fee (TIF). The actual allocation shall be approved by the City. Appropriate credits shall be granted toward the TIF. The TIF shall cover the project's fair share of year 2020 improvements to the arterial street system. **(MM)**
5. The Departments of Planning, Public Works and Fire are responsible for compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to tract map are proposed as a result of the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission's may be required pursuant to the HBZSO.
6. Prior to finalization of the Tract or exoneration of the Warranty Bonds, maintenance for City maintained components of the City Park (Lots "A" and "S") shall be for a period of 12 months after the 90-day plant establishment period. The Park may open at the beginning of maintenance period. **(PW)**
7. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained. If fire lane violations occur and the services of the Fire Department are required, the applicant will be liable for expenses incurred. **(FD)**
8. A public art element shall be integrated and be in a location that is visible to the public within the Parkside Estates residential project. Public art shall incorporate the following:
- a) Artistic excellence and innovation
  - b) Appropriate to the design of the project
  - c) Indicative of the community's cultural identity (ecology, history, society)

The public art element shall be reviewed and approved by the Design Review Board, the Planning Director, and the Cultural Services Division Manager prior to issuance of any building permit for the project. The public art shall be in place at the subject site prior to final building inspection.

9. The Revised TTMs and CUP and CDP in concept shall not become effective until GPA 98-1(R) and Zoning Map Amendment No. 96-5(R) have been approved by the City Council, and LCPA has been approved by the City Council, and California Coastal Commission, and is in effect.

**INFORMATION ON SPECIFIC CODE REQUIREMENTS:**

1. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Building, Mechanical, Plumbing, Electrical, and Fire Codes, Ordinances, and standards, except as noted herein.
2. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
3. All applicable fees from the Building, Public Works, and Fire Departments shall be paid prior to the issuance of Building Permits.
4. The applicant shall submit a check in the amount of \$50 for the posting of a Notice of Exemption or Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the City's action. If a Notice of Determination is required an additional check in the amount of \$1,993 for California Department of Fish and Game shall be made out to County of Orange and submitted within two (2) days of the Planning Commission's action.
5. The Mitigation Monitoring Program shall be adhered to. A Mitigation Monitoring Fee shall be paid to the Planning Department prior to the issuance of Building Permits.
6. Traffic Impact Fees shall be paid at the time of final inspection or issuance of a Certificate of Occupancy and at the rate applicable at that time. The current rate of \$163 per net new added daily trip is adjusted annually. This project is forecast to generate a total of 1332 new daily trips for a total traffic impact fee of \$217,116.00 or \$1956.00 per unit. **(PW)**
7. State-mandated school impact fees shall be paid prior to issuance of building permits.
8. An encroachment permit shall be required for all work within a public right-of-way. **(PW)**
9. The development shall meet all local and State regulations regarding installation and operation of all underground storage tanks. **(FD)**

**SPECIAL ANNOUNCEMENT - Mayor Bohr will announce the month of June as Gay and Lesbian Pride Month. The month of June was first proclaimed by President Clinton to recognize gays, lesbians, their families and friends in commemoration of the Stonewall Inn uprising in New York City 40 years ago. Recognition of the Federal cultural heritage months is a program of the City's Human Relations Task Force.**

**ANNOUNCEMENT OF CENTENNIAL MONTH - Mayor Bohr to invite Ralph Bauer from the Centennial Celebration Committee to announce June as Diversity Month. Mr. Bauer will give an overview of the events scheduled for the month to celebrate diversity in the community.**

**ANNOUNCEMENT - Mayor Bohr to call on Councilmember Gil Coerper to recognize the Huntington Beach Art Center for a recent exhibit and event that was held.**

**PRESENTATION - Mayor Bohr to recognize Eagle Scout Ian Ferguson for his accomplishments.**

**PRESENTATION - Mayor Bohr to invite Erika Reardon, Chair for the Taste of Huntington Beach Committee, Ron McLin, President of the Huntington Beach Restaurant Association, Stephanie Beverage, Director Library Services and Nanci Williams, Principle Librarian from the Children's Library to present a check to the Huntington Beach Children's Library following the fundraiser held April 26th.**

**PRESENTATION - Mayor Bohr to invite Children's Needs Task Force Chair Bob Dettloff to announce the honorees for the Youth Character Awards.**

**PUBLIC COMMENTS (3 Minute Time Limit)  
8 Speakers**

**COUNCIL COMMITTEE / APPOINTMENTS / LIAISON REPORTS AND ALL AB 1234  
DISCLOSURE REPORTING  
None**

**CITY ADMINISTRATOR'S REPORT  
None**

#### **PUBLIC HEARING**

**Public Hearing Item Nos. 1 and 2 are two segments of one public hearing and will be held concurrently.**

- 1. (City Council) Public hearing to adopt Resolution No. 2009-27 approving General Plan Amendment 98-1(R); approve Zoning Map Amendment No. 96-5(R) with findings and adopt Ordinance No. 3831 amending the Huntington Beach Zoning and Subdivision Ordinance (HBZSO); approve Zoning Text Amendment No. 09-05(R) with findings; adopt Ordinance No. 3832 amending Chapter 210 of the HBZSO relating to Residential Districts; adopt Ordinance No. 3833 amending Chapter 216 of the HBZSO relating to the Coastal**

**Conservation District; adopt Ordinance No. 3834 amending Chapter 221 of the HBZSO relating to the Coastal Zone Overlay District; adopt Ordinance No. 3835 amending Chapter 230 of the HBZSO relating to Site Standards; and, adopt Resolution No. 2009-28 adopting Local Coastal Program Amendment (LCPA) No. 09-01 to amend the Local Coastal Program Implementing Ordinances to reflect Zoning Map Amendment No. 96-5 (R) amending the zoning for the real property generally located on the west side of Graham Street, south of Kenilworth Drive, and Zoning Text Amendment No. 09-05 amending Chapters 210, 216, 221, and 230 of the HBZSO and requesting certification by the California Coastal Commission (Parkside Residential Project).**

**Recommended Action:**

- a) Approve General Plan Amendment No. 98-1(R) by adopting Resolution No. 2009-27, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 98-1(R);" and,
- b) Approve Zoning Map Amendment No. 96-5(R) with findings for approval and approve for introduction Ordinance No. 3831, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance (Zoning Map Amendment No. 96-5(R);" and,
- c) Approve Zoning Text Amendment No. 09-05 with findings for approval and approve for introduction Ordinance No. 3832, "An Ordinance of the City of Huntington Beach amending Chapter 210 of the Huntington Beach Zoning Code Relating to Residential Districts;" approve for introduction Ordinance No. 3833, "An Ordinance of the City of Huntington Beach Zoning Code Relating to the Coastal Conservation District;" approve for introduction Ordinance No. 3834, "An Ordinance of the City of Huntington Beach Zoning Code Amending Chapter 221 of the Huntington Beach Zoning Code Relating to the Coastal Zone Overlay District;" approve for introduction Ordinance No. 3835, "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning Code Relating to Site Standards;" and,
- d) Approve Local Coastal Program Amendment No. 09-01 with findings for approval, and adopt Resolution No. 2009-28, "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 09-01 to Amend the Local Coastal Program Implementing Ordinances to Reflect Zoning Map Amendment No. 96-5(R) Amending the Zoning for the Real Property Generally Located on the West Side of Graham Street, South of Kenilworth Drive and Zoning Text Amendment No. 09-05 Amending Chapters 210, 216, 221, and 230 of the Zoning Subdivision Ordinance and Requesting Certification by the California Coastal Commission."  
*One vote held for Items #1 and #2. Vote is reflected below Item #2.*

2. **(City Council) Approve revised Tract Map Nos. 15377(R) and 15419(R) and Entitlement Plan Amendment No. 08-08 amending Conditional Use Permit No. 96-90 and Coastal Development Permit No. 96-18 (Parkside Residential**

Development) with findings and suggested conditions of approval.

**Recommended Action:**

Approve revised Tentative Tract Map Nos. 15377(R) and 15419(R) and Entitlement Plan Amendment No. 08-08 with findings and suggested conditions of approval.

**58 Late Communications**

**28 Speakers**

**Approved as amended by Late Communication acknowledging revised Ordinances Nos. 3832, 3833, 3834, and 3835 striking language in Chapter 216, Section 216.04 (H) "including any area adjacent thereof" and adding language "staging of trucks shall occur onsite" to Condition of Approval No. 5.jj for Tentative Tract Map Nos. 15377 (R) and 15419 (R).  
Approved 5-1-1 (Hardy No, Green Absent)**

**CONSENT CALENDAR (Items #3 through #11)**

3. (City Council/Redevelopment Agency) - Approve and adopt minutes.

**Recommended Action:**

Approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of May 4, 2009, the City Council/Redevelopment Agency regular meeting of May 18, 2009, and the City Council/Redevelopment Agency special meeting of May 21, 2009 as written and on file in the office of the City Clerk.  
**May 4, 2009 and May 18, 2009 minutes Approved 6-0-1 (Green Absent)  
May 21, 2009 minutes, Approved 5-0-1-1 (Hardy Abstained, Green Absent)**

4. (City Council/Redevelopment Agency) Receive and file the City Clerk's quarterly report listing of Professional Service Contracts filed in the City Clerk's Office between January 1, 2009 and March 31, 2009.

**Recommended Action:**

Receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk during the period of January 1, 2009 through March 31, 2009."  
**Approved 6-0-1 (Green Absent)**

5. (City Council) Authorize the Director of Public Works to execute the California Department of Transportation (Caltrans) Disadvantaged Business Enterprise (DBE) Implementation Agreement to remain eligible for federal-aid funding from the Federal Highway Administration (FHWA) for local transportation projects.

**City Council Recommended Action:**

Authorize the Director of Public Works to execute the "California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies."  
**Approved 6-0-1 (Green Absent)**

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10TH FLOOR  
LONG BEACH, CALIFORNIA 90802-4416  
PH (562) 590-5071 FAX (562) 590-5084  
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October 30, 2015

Permit Application No. 5-11-068

**AMENDED COASTAL DEVELOPMENT PERMIT**

On October 11, 2012, the California Coastal Commission granted to **Shea Homes (John Vander Velde)** this permit subject to the attached Standard and Special conditions, for development consisting of **Subdivision resulting in the creation of 111 residential lots, additional lots for roads, conservation, public access and public park areas; construction of 111 single family homes and related infrastructure, and construction of public active park, public passive park, public paseo park, public access trails, natural treatment system, habitat restoration, new storm drain system, new pump facility at the Slater storm water pump station, improvements to the flood control channel levee, flood protection feature, replace sewer pump, and new sewer force-main, more specifically described in the application filed in the Commission offices.**

The development is within the coastal zone at **Vacant 50 acre area at 17301 Graham Street (West of Graham Street North of East Garden Grove Wintersburg Flood Control Channel), Huntington Beach, Orange County.** (APNs: 110-016-19 and 110-016-20, and 110-016-23)

On November 13, 2013, the Commission approved Coastal Development Permit Amendment 5-11-068- A1, which made the following changes:

1. Change the lot designation of the single lot in Tentative Tract 15419 from a numbered lot (Lot 1) to a lettered lot (Lot A). All special conditions and restrictions that apply to Tract 15419 Lot 1 will remain applicable to Tract 15419 Lot A, and references thereto will be changed accordingly. The change for the single lot in Tract 15419 from Lot 1 to Lot A will apply wherever it occurs in approved Coastal Development Permit 5-11-068.
2. Amend the maintenance responsibilities within Lot Y of Tentative Tract 15377 to require that trail and landscaping maintenance be the responsibility of the Homeowners Association (HOA) and not the County of Orange (as is currently specified), and change all references thereto accordingly. The change to maintenance responsibilities described above will apply wherever it occurs in approved Coastal Development Permit 5-11-068.

Issued on behalf of the California Coastal Commission by

Charles Lester  
Executive Director

A handwritten signature in black ink, appearing to read "Meg Vaughn".

Meg Vaughn  
Coastal Program Analyst

## AMENDED COASTAL DEVELOPMENT PERMIT

### ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: \_\_\_\_\_

Signature \_\_\_\_\_

### STANDARD CONDITIONS:

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

### SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

## AMENDED COASTAL DEVELOPMENT PERMIT

### 1. OPEN SPACE CONSERVATION AREA RESTRICTION

- A. No development, as defined in Section 30106 of the Coastal Act, shall occur within the land that is land use designated Open Space Conservation and zoned Coastal Conservation except:
1. Habitat creation and restoration (described in the document titled Habitat Management Plan, Parkside Estates, prepared by LSA Associates, Inc., for Shea Homes, dated September 2011 as revised by the conditions of this permit, within Lot A, TTM 15419, and Lots Z, AA, BB, and CC of TTM 15377, which lands are generally, but not fully depicted in Exhibit 4;
  2. Construction of the vegetated flood protection feature (VFPP) within Lot Y (only as approved by this permit and consistent with the geotechnical plans that incorporate the provisions of protection of the archaeological resources.
  3. Construction of the Water Quality Natural Treatment System within Lot X (only as approved by this permit and as depicted in the Water Quality Management Plan for Parkside Estates, prepared by Hunsaker & Associates, dated September 11, 2009, and on plans titled Rough Grading Plan for Tentative Tract 15377 & Tentative Tract 15419, prepared by Hunsaker & Associates, and dated 9/19/2011));
  4. Passive Park within Lot S (only as approved by this permit and as depicted on plans titled Rough Grading Plan for Tentative Tract 15377 & Tentative Tract 15419, prepared by Hunsaker & Associates, and dated 9/19/2011);
  5. Grading (only as approved by this permit);
  6. Public access trail and associated appurtenances and public access and interpretive signage (only as approved by this permit), and;
  7. Maintenance and repair activities pursuant to and in conjunction with the management and maintenance of the HMP described in A1 above.
  8. The HMP, as proposed and as conditioned, addresses the need for fuel modification by the types and locations of vegetation to be established. As approved by the City of Huntington Beach Fire Department, the HMP states that vegetation removal for fuel modification is not required. Vegetation removal for fuel modification within the HMP area is not a part of this coastal development permit and is prohibited.
- B. The following additional development may be allowed in the area land use designated Open Space Conservation and zoned Coastal Conservation subject to approval by the Coastal Commission of an amendment to this permit or a new coastal development permit (unless the Executive Director determines that none is legally required):
1. Habitat creation and restoration beyond that described in the approved final HMP;
  2. Maintenance, repair and upgrade of water quality management structures and drains;
  3. Minor maintenance and repair of the approved Vegetated Flood Protection Feature consistent with the approved VFPP plan;
  4. Public access and recreation improvements that do not interfere with the habitat or habitat buffer areas.
- C. The area land use designated Open Space Conservation and zoned Coastal Conservation shall be maintained in accordance with this coastal development permit and the approved final HMP.

October 30, 2015

Coastal Development Permit No. 5-11-068

## AMENDED COASTAL DEVELOPMENT PERMIT

### 2. HABITAT MANAGEMENT PLAN

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised Habitat Management Plan that incorporates the following changes:

- 1) Eliminates any fencing and/or gate(s) that interfere with public use of the Vista Point trail across the entire length of the top of the vegetated flood protection feature (VFPP). Any reference to such fencing and/or gate(s) shall be eliminated from the HMP. Figures 1-4, 4-1, 6-1, 6-2, 7-1 shall be replaced with figures that delete such fencing and/or gate(s) across the top of the VFPP Vista Point trail;
- 2) On page 4-17 and page 6-17 delete the sentence "Remedial measures will be developed in consultation with CCC staff and approved by the Executive Director prior to implementation."
- 3) Replace the deleted sentence on page 4-17 and page 6-17 with the following sentence: "Remedial measures shall require an amendment to this coastal development permit unless the Executive Director determines that none is legally required."
- 4) Requires all quantitative sampling to be based on spatially stratified, randomly placed sampling units;
- 5) In Appendix A (Maintenance and Monitoring Schedule), replace the term "long-term maintenance plan" with "long-term management plan."
- 6) Revise the HMP to incorporate the restoration activities described in Section 4.2A of Consent Cease and Desist Order No. CCC-12-CD-10 and Consent Restoration Order No. CCC-12-RO-10 issued by the Commission on September 13, 2012.

B. The applicant shall implement all wetland and habitat creation, restoration, conservation, maintenance and management, as proposed and described in the document titled Habitat Management Plan, Parkside Estates, prepared by LSA Associates, Inc., for Shea Homes, revised September 2011 and as revised by the conditions of this permit. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the approved plan shall occur without a Coastal Commission approved amendment to this coastal development permit or an approved coastal development permit unless the Executive Director determines that none is legally required.

C. Consistent with the proposed Habitat Management Plan, all areas on the subject site within the land use designation Open Space Conservation and zoned Coastal Conservation, shall be managed and maintained in perpetuity as follows:

Lot No.	Use	Area (acres)	Maintained By
Lot A TTM 15419	Open Space, Wetland, Southern Eucalyptus ESHA, wetland and habitat restoration	4.8	HOA
S TTM 15377	Passive Park	0.57	HOA and City
Z TTM 15377	Restoration/Creation AP/EPA Wetland	4	HOA
AA TTM 15377	Restoration/Creation AP/EPA Wetland, Buffer area surrounding AP/EPA Wetland (Lot Z)	5.4	HOA
BB* TTM 15377	Restoration/Creation AP/EPA Wetland, Northern Eucalyptus ESHA,	3.7	HOA

October 30, 2015

Coastal Development Permit No. 5-11-068

**AMENDED COASTAL DEVELOPMENT PERMIT**

	buffer area, and restored habitat		
CC* TTM 15377	Open Space – Northern portion of northern Eucalyptus Grove ESHA and Retention of existing informal trail along western end of northern property line	0.4	HOA
Y TTM 15377	VFPF (includes Vista Point trail)	1.5	HOA – trail and landscaping maintenance; County - all other VFPF maintenance
X TTM 15377	NTS	1.6	City

- D. All planting described in the approved Habitat Management Plan shall be complete prior to issuance of any certificate of occupancy for any residence. On-going management of the habitat, including maintenance and monitoring, shall continue in perpetuity as described in the approved final Habitat Management Plan (titled Habitat Management Plan, Parkside Estates, prepared by LSA Associates, Inc., for Shea Homes, dated September 2011 as revised by the conditions of this permit).
- E. The permittee shall undertake development in accordance with the approved final plans. As in all cases, the ongoing management of the area that is subject to the Habitat Management Plan (HMP) continues to apply to successors in interest, including purchasers of individual residential lots, consistent with the requirements of the Homeowners Association proposed in conjunction with the approval of the Parkside Estates development approved in this permit.

**3. PUBLIC AMENITIES & TRAIL MANAGEMENT PLAN**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a Public Amenities and Trail Management Plan that includes, but is not limited to:

**A. Public Amenities & Trails Provided**

At a minimum, public amenities and uses shall be provided as listed below:

Lot No.	Use	Dedicated to	Maintained By	Conveyed via	Area (acres)
A TTM 15377	Active Park	City in fee	HOA and City	Offer to Dedicate (OTD) in fee to City; dedication on tract map	1 Acre

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<b>B TTM 15377</b>	Sewer Lift Station; 10 foot wide public access easement	City in fee	City	OTD in fee to City for sewer lift station; OTD easement to City for 10" wide public access; dedication on tract map	0.04 Acre
<b>C<sup>1</sup> TTM 15377</b>	(1) Sidewalk; (2) Public trail/access path & landscaping	(1) HOA in fee (2) OTD easement to the City	(1) HOA and City (2) HOA	CC&Rs; dedication on tract map (2) OTD; dedication on trail map	
<b>D* TTM 15377</b>	Public trail from Lot C to interior street	HOA in fee; trail OTD to the City	HOA	OTD easement to City; dedication on tract map	
<b>O - R* TTM 15377</b>	(1) <i>Paseo Park</i> (2) 10' wide public access easement	(1) HOA (in fee) (2) OTD to City	HOA	deed restriction; CC&Rs; dedication on tract map (2) OTD easement to the City; dedication on tract map	1.8 Acres
<b>N TTM 15377</b>	Pedestrian Access (levee trail connectors) & Drainage	HOA in fee	HOA	OTD trail easement to the City; dedication on tract map	0.1 Acre
<b>W* TTM 15377</b>	Pedestrian Access (levee to EPA trail)	HOA in fee	HOA	OTD trail easement to City; CC&Rs; dedication on tract map	

<sup>1</sup> \*The following lots shown on TTM 15377 shall be combined and re-lettered: (1) Lots C and D; (2) Lots O, P, Q, and R; and (3) Lots T, U, and W. Lots BB and CC shown on TTM 15377 shall be combined into a single lot, Lot BB.

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<b>S</b> <b>TTM</b> <b>15377</b>	Passive Park	City in fee	HOA and City	OTD to City in fee; Dedication on tract map
<b>T, U, V*</b> <b>TTM</b> <b>15377</b>	Open Space Public Access (EPA Trail)	HOA in fee	HOA	OTD easement to City, CC&Rs; dedication on tract map
<b>Y</b> <b>TTM</b> <b>15377</b>	<b>VFPF and</b> Public Access (Vista Point Trail)	<i>County in fee</i>	HOA – trail and landscaping maintenance; County - all other VFPF maintenance	Dedication on tract map
<b>CC</b> <b>TTM</b> <b>15377</b>	Open Space Informal Trail at western end of northern property line	HOA in fee	HOA	Deed restriction, CC&Rs; dedication on tract map
<b>Street</b> <b>“A”</b>	<b>Public streets &amp; sidewalk entry landscaping</b>	Street “A” dedicated in fee to City; landscape area to HOA;	landscape maintained by HOA	dedication on tract map; CC&Rs (entry landscaping)
<b>Streets</b> <b>“B” –</b> <b>“F”</b> <b>TTM</b> <b>15377</b>	<b>Public streets &amp; sidewalk</b>	City	City	Dedication on tract map

**B. Public Access Signage**

The Public Amenities & Trail Management Plan shall include a detailed signage plan that directs the public to the public trails and public recreational opportunities on the project site. Signs shall invite and encourage public use of access and recreation opportunities and shall identify and direct the public to their locations. At a minimum, the detailed signage plan shall include:

1. Public Access Signage shall be provided, at a minimum, in a visually prominent place visible to vehicular and pedestrian traffic at each of the following locations:
  - a. Graham Street entry into the subdivision;
  - b. Graham Street entry onto the levee top trail;
  - c. Emergency vehicle and public pedestrian entry at Greenleaf Lane;
  - d. Each end of the EPA wetland trail (at the active park and at the western cul de sac of C Street);

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- e. At the levee and at the immediately adjacent street for each of the two levee connector trails (within Lot N and Lot W);
  - f. Vista Point Trail connection with the levee.
  - g. The point where the trail at the western end of the northern property line, adjacent to the passive park, begins the ascent to the Bolsa Chica mesa area.
2. In addition to and/or in conjunction with the above, Public Amenity Overview Signs shall be provided in a visually prominent place visible to vehicular and pedestrian traffic at each of the following locations:
    - a. Graham Street entry into the subdivision;
    - b. Graham Street entry onto the levee top trail;
    - c. Emergency vehicle and public pedestrian entry at Greenleaf Lane;
    - d. Vista Point Trail connection with the levee
  3. The public access and amenities signage plan shall include, at a minimum, plans indicating the size, wording and placement of public access signs.
  4. Signage shall be visible from Graham Street at the subdivision entry and at the levee, from Greenleaf Lane, from the levee at the Vista Point trail (VFPF) and at both levee connector trails (Lots N and W), and from internal circulation roads and parks. Signage shall include public facility identification monuments (e.g. public park name); facility identification/directional monuments (e.g. location of public amenities on-site and in the vicinity); informational signage and circulation; and roadways signs.
  5. Signage shall convey the message that public pedestrian and recreational use is permitted and invited.
  6. Vegetation shall not be allowed to obscure public access and amenities signage.
  7. Signage that has the effect or creates the effect of limiting public use of the public trails and amenities are prohibited.
  8. Signs and displays not explicitly permitted in this document shall require an amendment to this permit unless the Executive Director determines that no amendment is legally required.
- C. Community identification signage at the main project entry (at Graham Street) is allowed provided that any such signage also makes clear the availability of the public trails and amenities throughout the site and that the public is welcome.
- D. The required public access and amenities plans shall identify all structures including location, dimensions, materials and colors, and use as well as sign and interpretive display text and graphics, size and orientation. All plans shall be of sufficient scale and detail to verify the location, size and content of all signage, and the location and orientation, size, materials and use of structures during a physical inspection of the premises.
- E. Recreational appurtenances such as benches; refuse containers; fencing between the trail and habitat areas; erosion control and footpath control plantings shall be depicted on the required public access and amenities plans.
- F. All public areas, including parks and trails, shall include low intensity lighting during nighttime hours. Such lighting shall be consistent with Special Condition No. 17 regarding directing all lighting within the development away from wetlands, ESHA, and other habitat and buffer areas. The required lighting shall be included in the lighting plan described and required in Special Condition No. 17.
- G. All sidewalks and streets within the development shall be open and available to the general public.
- H. The public trail/maintenance road and vista point atop the VFPF shall be free of gates or fencing that restricts access across the top of the VFPF. Fencing to protect the restored habitat and that does not interfere with the public VFPF trail or with public views is allowed.

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- I. The vehicular restriction at the emergency vehicle entrance from Greenleaf shall be the minimum necessary to preclude non-emergency vehicles. The placement of a series of bollards (which allow easy pedestrian access) is preferred to the construction of a gate.
- J. Measures that discourage public use of any public trails/amenities on-site, including but not limited to, use of trails, parks, and viewpoints, are prohibited. Such prohibited measures include, but are not limited to, installation of gates, and/or use of guards.
- K. Any limitation on the hours of public use is prohibited unless the applicant or its successor-in-interest applies for an amendment to this coastal development permit or a separate coastal development permit for a limitation on the hours of public use and receives authorization for such limitations from the Commission.
- L. The plan shall identify the minimum allowable width for each of the proposed trails, which shall be no less than 10 feet wide. Except within the Paseo Park area, the minimum 10 foot width shall be devoted entirely to pedestrian trail area and shall be exclusive of any area necessary for landscaping and/or buffer and/or setback area or similar type of development. Within the Paseo Park, the width of the easement offered for dedication shall be a minimum of 10 feet wide, and the trail itself, which may meander within the easement, shall be no less than 3½ feet wide and maintained as a public access trail.
- M. All subdivision and project roads and sidewalks shall remain open and available to the public for vehicular, parking, pedestrian, and bicycle use. All limitations or restrictions are prohibited except temporary restrictions for public safety when a documented need arises, subject to approval of a coastal development permit.
- N. Restrictions on public parking, including, but not limited to limited hours and/or preferential parking districts, are prohibited. Parking restrictions to allow periodic street cleaning is allowed provided the restriction is the least necessary to accomplish the objective and that the restriction is no greater than on-street street cleaning parking restrictions typically established throughout the City.
- O. Site entry points, including the Graham Street entry, and all streets and trails shall remain free of any type of entry restrictions including, but not limited to gates, guarded entry, and/or structures/uses that may be construed and/or interpreted as limiting public use at the site.
- P. No permanent gates or access restrictions are allowed. Only temporary gates and access restrictions as necessary for construction safety purposes are allowed.
- Q. No permanent chain link fencing is allowed; only temporary chain link fencing as necessary for safety during construction may be allowed.
- R. All public trails and amenities shall be maintained at all times in a manner that promotes public use.
- S. The extent of public trails and amenities shall not be reduced from that depicted on the approved final Public Amenities and Trail Management Plan.
- T. The public access trail easements and the lots within which they occur shall be maintained in a manner that promotes public access and use of these public trails, as proposed by the permittee and as described in and required by this permit.
- U. The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
- V. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

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### 4. PUBLIC RESTROOM

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, plans that incorporate a permanent public restroom within the proposed Active Park. The plans shall identify the restroom location within the active park; and shall provide plans detailing the specifics of the restroom including, but not limited to, floor plans and elevations.

- A. The requirement to provide the public restroom and to manage and maintain the restroom for the life of the project shall be incorporated into the CC&Rs described in Special Condition No. 13 below.
- B. The restroom shall be available to the public, at a minimum, during daylight hours.
- C. On-going maintenance and management of the public restroom shall be the responsibility of the Homeowner' Association (HOA) proposed by the applicant.
- D. Subject to approval of an amendment to this coastal development permit or a new coastal development permit, long term maintenance and management of the permanent public restroom may be accepted by a public agency(ies) or non-profit entity(ies) acceptable to the Executive Director.
- E. Subject to approval of an amendment to this coastal development permit, the applicant may propose an alternate location for the required public restroom so long as the alternate location is within the vicinity of the public trail and recreation system found in and around the Bolsa Chica Ecological Reserve, the Brightwater development, the flood control channel levees, and the subject site; and provided that signage identifying the location of the restroom is placed, at a minimum, within the subject site public access signage system and at the alternate location.

### 5. PUBLIC ACCESS AND RECREATION REQUIREMENTS AND IMPROVEMENTS

#### A. Streets, Roads and Public Parking

As proposed, all streets, roads and parking shall be publicly maintained and all streets, roads and public parking areas identified on the Parking Plan prepared by Hunsaker & Associates, Inc., dated 9/1/09 shall be for public street purposes including, but not limited to, pedestrian, bicycle and vehicular access. All streets, roads and on-street public parking spaces shall be open for use by the general public 24 hours per day, with the exception of standard limited parking restrictions for street sweeping/maintenance purposes. Long term or permanent physical obstruction of streets, roads and public parking areas (e.g. red curbing and restriction/limitation signage) shall be prohibited. All public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use by the general public (e.g. preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.

#### B. Public Trails

As proposed by the applicant and as described in Special Condition 3 of this permit, no development, as defined in Section 30106 of the Coastal Act, shall occur within the lots identified for public access

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trail easements except for the following development: grading and construction necessary to construct the trails and appurtenances allowed by this permit, vegetation planting and maintenance, drainage devices approved pursuant to this permit, maintenance and repair activities pursuant to and in conjunction with the approved final Habitat Management Plan and approved final Public Amenities and Trail Management Plan. Development that diminishes permanent public access shall be prohibited. As proposed, the public pedestrian trails shall have a decomposed granite surface, shall be a minimum of ten feet in width and shall be located within the lettered lots as proposed. The public access trails shall be open to the general public for passive recreational use.

### C. Public Parks

The Active Park (Lot A), the Passive Park (Lot S) and the Paseo Park (Lots O, P, Q, R) shown on proposed Tentative Tract Map No. 15377 dated May 24, 2011 (exhibit 8 of this staff report), shall be open to the general public and maintained for active and passive park use as proposed. No development, as defined in Section 30106 of the Coastal Act, shall occur within any of these parks, except for the following development as approved by this permit: grading and construction necessary to construct the parks, vegetation removal, planting and on-going maintenance consistent with the approved landscape plan, drainage devices approved pursuant to this permit, and maintenance and repair activities pursuant to and in conjunction with the management and maintenance of the parks. In addition, the following shall be allowed within the Active Park: tot lot play area, swing set play area, picnic areas, benches and refuse containers for use by the general public, public access signage, public access signage, and public restroom facilities.

The applicant shall ensure the construction and completion of the public access and passive recreation improvements for parks and trail purposes is carried out as proposed by the applicant in a timely manner consistent with Special Condition 7, Development Phasing.

### 6. ENTRY MONUMENTATION

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

### 7. DEVELOPMENT PHASING

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final development phasing plan for review and approval by the Executive Director, which shall conform to the following:

- 1. All development shall be consistent with the requirements of the approved Habitat Management Plan (titled Habitat Management Plan, Parkside Estates, prepared by LSA Associates, Inc., for Shea Homes, revised September 2011 and as conditioned by this permit). In addition, during the period of raptor nest initiation (January 1 through April 30), no

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grubbing, grading or other development activity shall take place within 328 feet (100 meters) of the Eucalyptus ESHAs. If raptors are nesting, no grading or other activities shall occur within 500 feet of any active nest. The applicant shall initiate implementation of the approved Habitat Management Plan as soon as practical following deep grading within the area zoned for residential development and prior to or concurrent with surface grading of the residential area. The applicant shall carry out the restoration work in an expeditious manner. As proposed by the applicant, no rodenticides shall be used during site preparation, grading or construction, or for the life of the development.

2. Grading of the public trails, parks and amenities shall occur as soon as practical following deep grading within the area zoned for residential development and prior to or concurrent with surface grading of the residential area. All grading shall be carried out consistent with the provisions for the protection of the ESHA, wetland and habitat areas. The construction of the public trails, parks and amenities and the planting described in the approved Habitat Management Plan shall begin as soon as practical following the construction of the proposed public infrastructure (e.g. the public streets of the subdivision, the Natural Treatment System, the Vegetated Flood Protection Feature and improvements to the Huntington Beach Slater Pump Station).

The applicant shall construct the public trails, parks and amenities in an expeditious manner.

Public Access at the site during construction shall be maintained. Continuation of public use of the informal trail at the base of the bluff at the western side of the property shall not be obstructed or prevented prior to availability of either of the two proposed public access trails as shown on Exhibit 12 (Public Trail Access During Construction Revised Tentative Tract Map No. 15377). The two public access trails to be available during construction after the informal trail is no longer available to the public during construction are: 1) public trail through the Paseo Park trail linked to the EPA trail; and 2) levee trail atop the north levee of the East Garden Grove Wintersburg flood control channel. The provision of public access during construction, including temporary public access signage, shall be carried out as proposed by the applicant and as reflected in Exhibit 12 of this staff report. Any temporary public access interruption shall be the minimum necessary, shall not exceed one week duration, and shall be reported to the Executive Director prior to being implemented.

3. Construction of the public trails, parks and restroom, pursuant to the approved Public Amenities and Trail Management Plan, the installation of habitat protection fencing pursuant to the approved final Habitat Management Plan, the installation of public access signage consistent with the Public Amenities and Trail Management Plan and the opening of the parks, trails and restroom for public use shall occur prior to or concurrently with the issuance of the certificate of occupancy for the first residence. Interim public trail access shall be provided at all times prior to the opening of trails required by the Public Amenities and Trail Management Plan.
- B. The approved Public Amenities & Trail Management Plan shall be implemented and construction of physical features of the plan completed prior to issuance of the certificate of occupancy for the first residence.

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- C. The permittee shall undertake development in accordance with the approval final construction/development phasing plans.
- D. Any proposed changes to the approved final plans or phases of construction shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### **8. PROTECTION OF POTENTIAL ARCHAEOLOGICAL RESOURCES DURING GRADING**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director an archeological monitoring and mitigation plan, prepared by a qualified professional, that shall incorporate the following measures and procedures:
  - 1. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading;
  - 2. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times. All archaeological monitors, Native American monitors and Native American most likely descendents (MLD), if State Law requires the involvement of the MLD, shall be provided with a copy of the approved archaeological monitoring and mitigation plan required by this permit. Prior to commencement of grading, the applicant shall convene an on-site pre-grading meeting with all archaeological monitors, Native American monitors and Native American most likely descendents (MLD) along with the grading contractor, the applicant and the applicant's archaeological consultant in order to make sure all parties understand the procedures to be followed pursuant to the approved archaeological monitoring and mitigation plan. At the conclusion of the meeting all parties attending the on-site pre-grading meeting shall be required to sign a declaration, which has been prepared by the applicant, subject to the review and approval of the Executive Director, stating that they have read, discussed and fully understand the procedures and requirements of the approved archaeological monitoring and mitigation plan and agree to abide by the terms thereof. The declaration shall also include contact phone numbers for all parties. The declaration shall also contain the following procedures to be followed if disputes arise in the field regarding the procedures and requirement of the approved archaeological monitoring and mitigation plan. Prior to commencement of grading, the applicant shall submit a copy of the signed declaration to the Executive Director and to each signatory.
    - (a) Any disputes in the field arising among the archaeologist, archaeological monitors, Native American monitors, Native American most likely descendents (MLD), the grading contractor or the applicant regarding compliance with the procedures and

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- requirements of the approved archaeological monitoring and mitigation plan shall be promptly reported to the Executive Director via e-mail and telephone.
- (b) All work shall be halted in the area(s) of dispute. Work may continue in area(s) not subject to dispute, in accordance with all provisions of this special condition.
  - (c) Disputes shall be resolved by the Executive Director, in consultation with the archaeological peer reviewers, Native American monitors, Native American MLD (if State Law requires the involvement of the MLD), the archaeologist and the applicant.
  - (d) If the dispute cannot be resolved by the Executive Director in a timely fashion, said dispute shall be reported to the Commission for resolution at the next regularly scheduled Commission meeting.
3. If any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or features, the permittee shall carry out significance testing of said deposits and, if cultural deposits are found by the Executive Director to be significant pursuant to subsection C of this condition and, if applicable, any other relevant provisions, additional investigation and mitigation in accordance with all subsections of this special condition shall be carried out and implemented;
  4. If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or features, all construction shall cease in accordance with subsection B. of this special condition;
  5. In addition to recovery and reburial, in-situ preservation and avoidance of cultural deposits shall be considered as mitigation options, to be determined in accordance with the process outlined in this condition;
  6. If human remains are encountered, the permittee shall comply with applicable State and Federal laws. Procedures outlined in the monitoring and mitigation plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to, negotiations between the landowner and the MLD regarding the manner of treatment of human remains including, but not limited to, scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of remains, or recovery, repatriation and reburial of remains; the time frame within which reburial or ceremonies must be conducted; or selection of attendees to reburial events or ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition.
  7. Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures established by this special condition. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the permittee shall provide a copy of this special condition, the archeological monitoring and mitigation plan approved by the Executive Director, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.
- B. If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or features, is discovered during the course of the project, all construction activities in the area of the discovery that have any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this

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condition shall cease and shall not recommence except as provided in subsection D and other subsections of this special condition. In general, the area where construction activities must cease shall be 1) no less than a 50-foot wide buffer around the cultural deposit; and 2) not larger than the development phase within which the discovery is made.

- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed. Once a plan is deemed adequate, the Executive Director will make a determination regarding the significance of the cultural deposits discovered.
- (1) If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures have a de minimis impact on the cultural deposits, in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
  - (2) If the Executive Director approves the Significance Testing Plan but determines that the changes therein do not have a de minimis impact on the cultural deposits, significance testing may not commence until after the Commission approves an amendment to this permit.
  - (3) Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings should be considered significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. If there is disagreement between the project archeologist and the Native American monitors and/or the MLD, both perspectives shall be presented to the Executive Director. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection E of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.
- D. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a Supplementary Archeological Plan for the review and approval of the Executive Director. The Supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection E of this condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. If there is disagreement between the project archeologist and the Native American monitors and/or the MLD, both perspectives shall be presented to the Executive Director. The range of investigation and mitigation measures considered shall not be constrained by the approved

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development plan. Mitigation measures considered shall range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and creating an open space area around the cultural resource areas. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the final, approved, Supplementary Archaeological Plan.

(1) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures have a de minimis impact on cultural deposits, in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.

(2) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein do not have a de minimis impact on cultural deposits, construction may not recommence until after the Commission approves an amendment to this permit.

- E. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, shall have received review and written comment by a peer review committee convened in accordance with current professional practice, and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee and the Native American groups with documented ancestral ties to the area. Furthermore, upon completion of the peer review process, and prior to submittal to the Executive Director, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for those entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.
- F. At the completion of the archaeological grading monitoring and mitigation, the applicant shall prepare a report, subject to the review and approval of the Executive Director, which shall include but not be limited to, detailed information concerning the quantity, types, location, and detailed description of any cultural resources discovered on the project site, analysis performed and results and the treatment and disposition of any cultural resources that were excavated. The report shall be prepared consistent with the State of California Office of Historic Preservation Planning Bulletin #4, "Archaeological Resource Management Reports (ARMR): Recommended Contents and Format". The final report shall be disseminated to the Executive Director and the South Central Coastal Information Center at California State University at Fullerton.
- G. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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### 9. CURATION OF ARTIFACTS AND DISSEMINATION OF CULTURAL INFORMATION

**PRIOR TO ISSUANCE OF THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, evidence of a written agreement with a curation facility that has agreed to accept any artifacts recovered from the project site. Any such artifacts shall be curated within Orange County, at a facility meeting the established standards for the curation of archaeological resources. Further, the applicant shall request in the agreement that the facility receiving the collection prepare an appropriate display of significant materials so that the public can view the investigation results and benefit from the knowledge gained by the discoveries.

If permanent curation facilities are not available, artifacts may be temporarily stored at a facility such as the Anthropology Department of the California State University at Fullerton until space becomes available at a facility meeting the above standards. The applicant shall submit written proof of acceptance from the above curation or temporary facility of 100 percent of the recovered artifacts prior to issuance of the permit.

**PRIOR TO ISSUANCE OF THIS PERMIT** the applicant shall submit, for the review and approval of the Executive Director, a written agreement to distribute the final reports required in Special Condition 8F to interested area institutions, vocational groups and Native American tribal units within Southern California, as well as to appropriate City, County and State agencies.

### 10. REVISIONS TO TENTATIVE TRACT MAP 15377

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, revised Tentative Tract Maps 15377 and 15419 stamped Approval in Concept by the City of Huntington Beach, reflecting the following changes:

- A. Reconfiguration of proposed TTM 15377 such that Lots O, P, Q, and R (Paseo Park) are combined into a single, lettered lot.
- B. Reconfiguration of proposed TTM 15377 such that Lots T, U, V and Lot W (EPA trail connecting the active park and the levee) are combined into a single, lettered lot.
- C. Reconfiguration of proposed TTM 15377 such that Lots C and D (public sidewalk and connection between A Street and C Street) are combined into a single, lettered lot.
- D. Reconfiguration of proposed TTM 15377 such that Lots BB and CC are combined into a single, lettered lot, Lot BB.
- E. All lots proposed to include public access and recreational uses shall be identified as such on the TTM.
- F. All lots proposed for ESHA, wetland, habitat uses shall be identified as such on the TTM.
- G. Lots proposed to be offered for dedication in fee for public works facilities and/or public recreation shall be identified on the TTM and shall identify the dedication's use, including the following lots:
  - i. Lot A, TTM 15377: Active Park dedicated to the City of Huntington Beach;
  - ii. Lot S, TTM 15377: Passive Park dedicated to City of Huntington Beach;
  - iii. Lot B, TTM 15377: Sewer Lift Station dedicated to City of Huntington Beach;
  - iv. Lot X, TTM 15377: Water Quality Natural Treatment System dedicated to City of Huntington Beach;
  - v. Lot Y, TTM 15377: Vegetated Flood Protection Feature dedicated to County of Orange.

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- H. Public amenities proposed to be offered for dedication as easements to the City of Huntington Beach shall be identified on the TTM and shall include the easement's use, including the following lots:
- i. Lot C and Lot D [to be combined and re-lettered] for public, recreational and pedestrian trail use;
  - ii. Lots O, P, Q, and R of TTM 15377 [to be combined and re-lettered accordingly]: Paseo Park trail;
  - iii. Lots N, TTM 15377: Levee Connector trail
  - iv. Lots T, U, V and Lot N, TTM 15377[to be combined and re-lettered accordingly]: EPA trail connecting the Active Park to the levee.
- I. Lots dedicated in fee to the Homeowner's Association (as proposed to be created by the applicant and as described in Special Condition 13 below) to be managed and maintained solely for wetland and habitat creation, restoration and preservation shall be identified on the TTM and include:
- i. Lot Z, TTM 15377: ESHA and Wetland Restoration area;
  - ii. Lot AA, TTM 15377: restoration/creation EPA Wetland, ESHA and Wetland Buffer area;
  - iii. Lots BB and CC [to be combined and re-lettered accordingly], TTM 15377: ESHA, restoration/creation EPA wetland, habitat restoration and continuation of the informal public trail);
  - iv. Lot A, TTM 15419: Wetland and Habitat.
- J. After the above revisions have been incorporated and prior to recordation of the final tract maps, submit to the Executive Director for review and approval, the revised versions Tract Map Nos. 15377 and 15419.
- K. After recordation, submit Final Tract Map Nos. 15377 and 15419 to the Executive Director.

### **11. OFFER TO DEDICATE IN FEE FOR PUBLIC INFRASTRUCTURE, AND PUBLIC ACCESS & RECREATION PURPOSES**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and in order to implement the permittee's proposal, the permittee shall submit to the Executive Director, for review and approval, a proposed document(s) irrevocably offering the dedication of fee title over the areas identified below to a public agency(ies) or non-profit entity(ies) acceptable to the Executive Director, for public access and recreation, and public infrastructure based on the restrictions set forth in these special conditions. Once the documents irrevocably offering to dedicate the areas identified below are accepted by the Executive Director, and also **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit evidence that it has executed and recorded those documents, completing the offers to dedicate. The land shall be offered for dedication subject to the restrictions on the use of that land set forth in the special conditions of this permit, and the offer to dedicate shall reflect that fact. The offer shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The entirety of the following land shall be offered for dedication:

- a. TTM 15377 Lot A Active Park;
- b. TTM 15377 Lot S Passive Park;
- c. TTM 15377 Lot B Sewer Lift Station and public trail;
- d. TTM 15377 TTM 15377 Lot X Water Quality Natural Treatment System;

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e. TTM 15377 Lot Y Vegetated Flood Protection Feature, Vista Point and Vista Point trail;

**12. OFFER TO DEDICATE EASEMENTS FOR PUBLIC ACCESS AND RECREATION AND FOR HABITAT CREATION & RESTORATION**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency(ies) or non-profit entity(ies) acceptable to the Executive Director, easements for public access and recreation as proposed by the permittee and as approved by this permit:

- 1) Lot T, Lot U, Lot V, and Lot W [now known as Lot T on revised TTM No. 15377] for public access and recreation;
- 2) Lot O, Lot P, Lot Q, and Lot R [now known as Lot O on revised TTM No. 15377 ] for public access and recreation;
- 3) Lot C and Lot D [now known as Lot C on revised TTM No. 15377 ] for public access and recreation;
- 4) Lot N for public access and recreation.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to the homeowners association proposed in conjunction with the approval of this coastal development permit, easements for habitat restoration (as described in the approved final habitat management plan approved by this permit) of the following areas:

- 1) TTM 15377 Lot Z for wetland and habitat creation, restoration, maintenance and preservation as approved by this permit;
- 2) TTM 15377 Lot AA for habitat creation, restoration, maintenance and preservation as approved by this permit;
- 3) TTM 15377 Lot BB and Lot CC [to be combined and re-lettered as appropriate] for habitat creation, restoration, maintenance and preservation as approved by this permit and for continuation of the informal public trail;
- 4) TTM 15419 Lot A for wetland and habitat creation, restoration, maintenance and preservation as approved by this permit.

**C.** The recorded document(s) shall include legal descriptions of both the permittee's entire parcel(s) and the easement areas. The recorded document(s) shall reflect that development in the offered area is restricted as set forth in the Special Conditions of this permit. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The applicant's proposal for the lands to be offered for public trails and habitat creation and restoration are generally depicted on the plan titled Site Plan, Revised Tentative Tract Map. 15377 and 15419, City of Huntington Beach, prepared by Hunsaker & Associates and dated May 24, 2011 and received in the Commission's offices on July 25, 2011.

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- D.** The lands identified in this dedication shall be maintained in accordance with the approved final Habitat Management Plan and with the approved final Public Amenities & Trail Management Plan required in the special conditions of this coastal development permit.
- 13. COVENANTS, CONDITIONS, AND RESTRICTION (CC&R'S) AND FINAL TRACT MAPS**
- A.** Consistent with the applicant's proposal, the applicant shall establish covenants, conditions and restrictions (CC&Rs), or an equivalent thereof, for the proposed development to address ownership and management of all public streets and sidewalks of the subdivision, public trails, public parks, habitat restoration and preservation areas, environmentally sensitive habitat areas, and common landscaped areas. The CC&Rs shall reflect all applicable requirements of this coastal development permit, including but not limited to the specifications concerning the development of the parks, trails and habitat creation and restoration areas, and residential landscaping as described in Special Condition 15 below and a prohibition on the use of rodenticides, as proposed by the applicant and as conditioned by this permit. The CC&Rs shall include a provision specifically stating that the CC&Rs shall not be modified, amended or changed in any manner that would render them inconsistent with any special condition and/or the findings in coastal development permit number 5-11-068, approved by the Coastal Commission at its October 11, 2012 hearing; any amendment made by the HOA modifying the CC&Rs in a manner that renders the modification inconsistent with any special condition and/or the findings in coastal development permit number 5-11-068 shall be null and void.
- B.** As soon as a homeowner's association or similar entity comprised of the individual owners of the 111 proposed residential lots is activated, the applicant shall transfer title of the area covered by the Habitat Management Plan and public access and recreation areas covered by the Public Amenities and Trail Management Plan to that entity
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT****, and prior to recordation of any CC&Rs, or tract maps associated with the approved project, proposed versions of said CC&Rs and tract maps shall be submitted to the Executive Director for review and approval. The Executive Director's review shall be for the purpose of ensuring compliance with the standard and special conditions of this coastal development permit, including ensuring that, pursuant to paragraph A of this condition, the CC&Rs also reflect the ongoing restrictions and obligations imposed by these conditions. The restriction on use of the land cited within the special conditions of this permit shall be identified on the Tract Map(s), where appropriate, as well as being placed in the CC&Rs.
- D.** Simultaneous with the recording of the final tract map(s) approved by the Executive Director, the permittee shall record the covenants, conditions and restrictions approved by the Executive Director, against the property. The applicant shall submit a recorded copy of the covenants, conditions and restrictions within 30 days of their recordation to the Executive Director. The CC&Rs may not be modified in a manner that would render them inconsistent with any provision of this permit or of any plan or other document approved by the Executive Director pursuant to the conditions of this permit. Any change that would not create a direct conflict between the CC&Rs and the provisions of this permit or of any approved plan or other document shall be submitted to the Executive Director, in writing, for a determination as to whether such change requires approval of the Coastal Commission. The Executive

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Director shall have 90 days in which to communicate a determination to the Homeowners' Association. If, within that 90 day period, the Executive Director indicates that Commission approval is required, no such change shall occur until such approval is secured. Otherwise, no Coastal Commission approval shall be required. The CC&Rs shall indicate these restrictions within their terms.

### 14. LANDSCAPING PLAN – RESIDENTIAL AREA

- A. The applicant shall conform to the landscape plan prepared by Fred Radmacher Associates, Inc. dated 11/18/08 as revised through 1/7/10 for the common areas within the residential land use designation and zone only (Lots E, F, G, H, I, J, K, L, and M; and Lots O, P, Q, and R [Lots O, P, Q, and R to be combined and re-lettered as appropriate]); and Lots C, D and N, received in the South Coast District Office on May 4, 2010 showing vegetated landscaped areas consisting of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. Existing vegetation that does not conform to the above requirements shall be removed.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and approval of the Executive Director, a revised landscape plan for the common areas within the residential land use designation and zone only (Lots E, F, G, H, I, J, K, L, and M; and Lots O, P, Q, and R [Lots O, P, Q, and R to be combined and re-lettered as appropriate]) deleting the area subject to the approved Habitat Management Plan.
- C. All future landscaping of residential lots (Lots 1 through 111) shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized or allowed to persist within the property. Existing vegetation that does not conform to the above requirements shall be removed.
- D. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and approval of the Executive Director, landscape palette lists to be incorporated into the landscaping guidelines for future residential development. The approved landscape palette list shall identify: 1) the native plant species that may be planted on the residential lots; 2) a list of the non-native, non-invasive drought tolerant common garden plant species that may be planted on the residential lots; 3) the non-native, non-invasive drought tolerant turf that may be planted within approved turf areas in the parks, and 4) the invasive plant species that are prohibited from use anywhere within the development. The landscape palette for the development shall be consistent with the Approved Plant List for Non-Habitat/Non-Buffer Areas as reviewed and approved by the Executive Director.
- E. These lists shall remain available for consultation and shall be recorded in the covenants, conditions and restrictions as required by Special Condition 13. Additions to or deletions from these lists may be made by the Executive Director of the California Coastal Commission, in consultation with the project’s restoration ecologist.

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- F. No deviations from the list shall occur in the plantings on the site without an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.
- G. **Monitoring.** Five years from the date of the completion of the installation of landscaping of the common areas as required in these special conditions, the permittee shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist, that certifies the on-site landscaping is in conformance with the requirements of the special conditions of this permit and the landscape plans approved pursuant to the special conditions of this permit. The monitoring report shall include photographic documentation of plant species and plant coverage. If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the permittee, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscape plan must be prepared by a licensed landscape architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The permittee or successor in interest shall implement the supplemental landscaping plan approved by the Executive Director and/or seek an amendment to this permit if required by the Executive Director.
- H. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### 15. CONSTRUCTION STAGING AREA AND FENCING

- A. All construction plans and specifications for the project shall indicate that impacts to wetlands and environmentally sensitive habitat areas shall be avoided and that the California Coastal Commission has not authorized any impact to wetlands or other environmentally sensitive habitat areas. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit a final construction staging and fencing plan for the review and approval of the Executive Director which indicates that the construction in the construction zone, construction staging area(s) and construction corridor(s) shall avoid impacts to wetlands, ESHA, and other sensitive habitat areas consistent with this approval. The plan shall include the following requirements and elements:
  - 1) Wetlands and any environmentally sensitive habitats shall not be affected in any way, except as specifically authorized in this permit.
  - 2) Prior to commencement of construction, temporary barriers shall be placed at the limits of residential grading adjacent to the area subject to the approved final Habitat Management Plan which includes wetlands and all ESHA. Solid physical barriers shall be used at the limits of grading adjacent to all ESHA. Barriers and other work area demarcations shall be inspected by a qualified biologist to assure that such barriers and/or demarcations are installed consistent with the requirements of this permit. All temporary barriers, staking and fencing shall be removed upon completion of construction.

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- 3) No grading, stockpiling or earth moving with heavy equipment shall occur within ESHA, wetlands or their designated buffers, except as noted in the final Habitat Management Plan approved by the Executive Director.
  - 4) The plan shall demonstrate that:
    - a. Construction equipment, materials or activity within the area subject to the approved final Habitat Management Plan shall be the minimum necessary to accomplish the goals outlined in the approved final Habitat Management Plan.
    - b. Deep grading and construction within the residential area of the project shall avoid adverse impacts upon the adjacent area subject to the approved final Habitat Management Plan; and
    - c. Construction equipment, materials, or activity shall not be stored within any ESHA wetlands or their buffers and shall not be placed in any location that would result in impacts to wetlands, ESHA or other sensitive habitat;
  - 5) The plan shall include, at a minimum, the following components:
    - a. A site plan that depicts:
      - i. Limits of the staging area(s)
      - ii. Construction corridor(s)
      - iii. Construction site
      - iv. Location of construction fencing and temporary job trailers with respect to existing wetlands and sensitive habitat
      - v. Compliance with the approved Water Quality Management Plan prepared by Hunsaker and Associates, dated 9/11/09.
      - vi. Measures to be employed to avoid adverse impacts on wetlands, ESHA, and other sensitive habitat.
- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### 16. LIGHTING

- A.** All lighting within the development shall be directed and shielded so that light is directed away from wetlands, ESHA, and other habitat and buffer areas. Floodlamp shielding and/or sodium bulbs shall be used in developed areas to reduce the amount of stray lighting into wetland and habitat creation and restoration areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and approval of the Executive Director, a lighting plan to protect the wetlands, ESHA, and other habitat and buffer areas from light generated by the project. The lighting plan to be submitted to the Executive Director shall be accompanied by an analysis of the lighting plan prepared by a qualified biologist which

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documents that it is effective at preventing lighting impacts upon adjacent wetlands and environmentally sensitive habitat and buffer areas.

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

### 17. WALLS, FENCES, GATES, SAFETY DEVICES AND BOUNDARIES IN OPEN SPACE HABITAT AREAS

- A. As proposed, all fences, gates, safety devices and boundary treatments within or controlling access to wetlands, environmentally sensitive habitat areas (ESHA), and buffer areas, shall be designed to allow the free ingress, egress and traversal of the habitat areas of the site by wildlife, including the coyote. Where the backyards of residences (Lots 34 through 41) abut the EPA trail area lots (Lots T, U, V, W [to be combined and re-lettered as appropriate] of TTM 15377), there shall be walls, fences, gates, safety devices and boundary treatments, as necessary, to contain domestic animals within the residential development and along the approved trails and exclude such animals from sensitive habitat areas.
- B. The permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### 18. WATER QUALITY MANAGEMENT PLAN

- A. The applicant shall implement the Water Quality Management Plan (WQMP), as proposed and described in the document prepared by Hunsaker & Associates, dated 9/11/09, including the recommendations by GeoSyntec in the document titled Parkside Estates, Tentative Tracts 15377 and 15419, Water Quality Evaluation (Final), dated February 2009, and attached as Appendix E to the WQMP. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit or a new coastal development permit unless the Executive Director determines that no amendment is legally required.
- B. Offer of dedication to the City of Huntington Beach of the Natural Treatment System proposed within Lot X shall be made upon completion of construction by the permittee of the Natural Treatment System and prior to occupancy of any proposed project residence.

### 19. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL REPORT

- A. All final design and construction plans, including all overexcavation and recompacting plans, all dewatering, foundations, grading and drainage plans, shall be consistent with all recommendations

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contained in the following documents. If recommendations have been revised in later reports, the final design and construction plans shall be with the most recent version of all recommendations.

1. Pacific Soils Engineering (November 25, 2008) Updated Geotechnical Report and 40-Scale Grading Plan Review, Parkside Estates, Tract 15377, City of Huntington Beach, California;
2. Pacific Soils Engineering (February 5, 2009) Response to City of Huntington Beach, Review Comment, Tentative Tract Maps 15377 and 15419, Parkside Estates, City of Huntington Beach, California;
3. Pacific Soils Engineering (May 28, 2009) Update of Groundwater Monitoring Program, Parkside Estates, City of Huntington Beach, California;
4. Pacific Soils Engineering (September 14, 2009) Cover Letter to Accompany Dewatering Review, Tentative Tract Map 15377, Parkside Estates, City of Huntington Beach, California;
5. Pacific Soils Engineering and Hunsaker & Associates (September 1, 2009) Rough Grading Plan for Tentative Tract 15377 and Tentative Tract 15419; Approval in Concept 9/4/09, Planning Division, City of Huntington, Nine Sheets;
6. Hunsaker & Associates (9/18/09) Orange County OC Public Works Department, Plans for Construction of a portion of East Garden Grove – Wintersburg Channel, OCFCD Facility No. CO5 from 2100 feet downstream of Graham St to Downstream of Graham St. and Vegetated Flood Control Facility (VFCF) from North Side of Wintersburg Channel to 600 feet North of Wintersburg Channel, Nine Sheets;
7. Hunsaker & Associates (9/18/09) Storm Drain Improvement Plans for Tract 15377, 2 Sheets;
8. Hunsaker & Associates (1/12/10) Rough Grading Plans;
9. Hunsaker & Associates (5/20/11) Orange County OC Public Works Department, Plans for Construction of a portion of East Garden Grove – Wintersburg Channel, OCFCD Facility No. CO5 from 2100 feet downstream of Graham St to Downstream of Graham St. and the Vegetated Flood Control Feature (VFPF) from North Side of Wintersburg Channel to 600 feet North of Wintersburg Channel, Nine Sheets;
10. LSA Associates, Inc., (July 14, 2011) Revised Geotechnical and Archaeological Monitoring Report, Project No. SHO1001 Phase 1;
11. Alta California Geotechnical, Inc. (July 21, 2011) "Transmittal of Fill Removal and Replacement Detail, Vegetated Flood Protection Feature, Parkside Estates".

- B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluations approved by the California Coastal Commission for the project site.
- C.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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### 20. FUTURE DEVELOPMENT RESTRICTION

This permit is only for the development described in Coastal Development Permit No. 5-11-068. Pursuant to Title 14, California Code of Regulations, sections 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code, section 30610(a) and 30610(b) shall not apply to any of following lots of proposed TTM 15377: each of the lettered lots, and the following numbered/residential lots: Lots 2 and 3, Lots 25 & 24, Lots 34 through 41 inclusive, Lot 1 and Lot 111. In addition, the exemptions cited above shall not apply to all of TTM 15419 in its entirety. Accordingly, any future improvements on each of the lettered lots or to any of the single family residential lots listed in this condition for TTM 15377 or to any portion of TTM 15419, including, but not limited to, repair and maintenance identified as requiring a permit in Public Resources Code, section 30610(d) and Title 14, California Code of Regulations, sections 13252(a)-(b), shall require an amendment to Permit No. 5-11-068 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government, unless the Executive Director of the Commission determines that no amendment or new permit is required.

### 21. ASSUMPTION OF RISK

By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from flooding, tsunami, liquefaction and earth movement; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

### 22. LIABILITY FOR COSTS AND ATTORNEYS FEES

The Permittees shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

### 23. COMPLIANCE

All development shall occur in strict compliance with the proposal as set forth in the application for permit, subject to any changes approved in this permit and subject to any approved revised plans provided in compliance with the Special Conditions of this coastal development permit. Any proposed change from the approved plans must be reviewed and approved by the Executive Director to determine if an amendment or new permit is necessary.

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### **24. LOCAL GOVERNMENT APPROVAL**

Except as modified by the conditions of this coastal development permit, all requirements and conditions approved and imposed by the City of Huntington Beach upon the proposed project remain in effect.

### **25. WITHDRAW PROJECT APPROVED BY LOCAL GOVERNMENT**

By acceptance of this permit, the applicant agrees to withdraw the application for development of the subject site approved by the local government and to abandon and extinguish all rights and/or entitlements that may exist relative to the City's approval of a project at the subject site that is the subject of Coastal Commission Appeal No. A-5-HNB-02-376.

### **26. GROUNDWATER AND SUBSIDENCE MONITORING**

- A. Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a groundwater and subsidence monitoring plan for the proposed development. The monitoring plan must include the requirement that if the monitoring reveals that drawdown to -8 feet (MSL NAVD 88) has occurred along the northern property line or to -19 feet (MSL NAVD 88) at the southeast corner of the site and/or that ½ inch of subsidence has occurred either at the northern property line or in the southeast corner of the site all groundwater pumping shall cease immediately. In addition, the monitoring plan shall, at a minimum, establish methods for monitoring the groundwater drawdown and subsidence at the site along the northern property line and at the southeast corner of the site and the minimum number and location of monitoring wells. The methods of monitoring must include, but are not limited to, the frequency of monitoring, the party(ies) responsible for conducting the monitoring, preparation of a mitigation plan addressing any identified impacts resulting from site dewatering and/or subsidence, and a time frame for preparing and submitting the required mitigation plan to the Executive Director. The mitigation plan shall be required if any of the above thresholds are met, and shall be submitted, pursuant to a request for an amendment to this coastal development permit. The mitigation plan shall address any impacts arising from the identified groundwater drawdown and/or subsidence.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### **27. INSPECTIONS**

The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

### **28. BURROWING OWL INSPECTION PLAN**

**Prior to issuance of the coastal development permit**, the applicant shall submit to the Executive Director for review and written approval, a plan, prepared in consultation with the California Department of Fish and Game (CDFG), to implement the following:

## **AMENDED COASTAL DEVELOPMENT PERMIT**

**Prior to issuance of the CDP**, the applicant shall implement the non-breeding and breeding season survey protocol provided in the CDFG Staff Report on Burrowing Owl Mitigation (March 2012). Survey results will be reported to the Executive Director. If surveys indicate substantial use for at least three weeks of the Parkside Estates project area, i.e. sustained use of one or more burrows during either the non-breeding or breeding season, the mitigation measures identified in the CDFG Staff Report will be implemented, specifically to avoid direct impacts to occupied burrows or to natal burrows during the breeding season. This survey procedure shall be repeated 30 days prior to the beginning of construction.

Habitat mitigation in accordance with the protocol, if indicated by positive results of either survey, will be included within the Habitat Management Plan (HMP) area, and the final HMP shall include modifications to enhance the potential for utilization of the HMP area by burrowing owls. Specifically, the HMP shall include a section detailing the location and specifications for two artificial nest structures, designed for the burrowing owl for each burrowing owl using the area. Vegetation plans in the vicinity of these structures shall contain species appropriate to native California grassland and coastal sage communities in coastal Southern California areas. Consideration will be given to more open and sparse vegetation, suitable for burrowing owl foraging, for the review and approval of the Executive Director.