

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

#### **COASTAL DEVELOPMENT PERMIT NO. 25-020**

##### **SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15301, Section 15302, Section 15304, and 15308 of the CEQA Guidelines. The project consists of repair and maintenance activities on an existing failed bluff located at the City of Huntington Beach Bluff Top Park in an area that is adjacent to the beach. Repair and maintenance activities associated with the project would be exempt under Section 15301 of the CEQA Guidelines because such activities are necessary to ensure the public health and safety of visitors to the park and beach area. The project would also be exempt under Section 15302 of the CEQA Guidelines because all repair and maintenance activities would occur on the same site as the existing bluff and would not result in a change in land use type, purpose, or capacity of the site or other uses in the area. Additionally, the project would be exempt under Sections 15304 and 15308 of the CEQA Guidelines because bluff stabilization activities would involve minor alterations to public lands and because the project is a City-initiated effort aimed at assuring the maintenance, restoration, and protection of the environment.

According to the Biological Resources study prepared by Atkins for the General Plan Update in 2017 and Figure C-21 of the City's General Plan Coastal Element, the site is not located on or adjacent to any areas that are designated as Environmentally Sensitive Habitat Area (EHSA) nor does the site contain or support any special status species. As such, the project would not result in any impacts to sensitive biological resources. Furthermore, the proposed project would not introduce any temporary or permanent lighting that could result in aesthetic impacts. The project would not increase noise beyond existing levels because the project does not propose to develop the site, which will remain a bluff top park and beach area, and high traffic volumes on Pacific Coast Highway already contribute to higher ambient noise levels in the area. Lastly, although the project does not include changes to grading or drainage that would affect the amount of impervious surface on the site, the project would implement Best Management Practices in accordance with City standards to reduce potential impacts related to erosion. For these reasons, the project would not result in potentially significant environmental impacts.

##### **SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 25-020:**

1. Coastal Development Permit No. 25-020 to stabilize an existing failed coastal bluff by removing failed soil and debris, reconstructing the slope with reinforcement, installing erosion control fabric, installation of drought resistant landscaping with irrigation, and reconstructing a portion of the bike path, conforms with the General Plan, including the Local Coastal Program, because the project, as conditioned, will implement the Coastal Element goals of protecting and enhancing coastal resources while promoting public access and minimizing public safety risks. Consistent with Coastal Element Policy 4.4.1, the project would stabilize a failed bluff area seaward of Pacific Coast Highway with the least environmentally damaging and economical alternative (Geotechnical Report Slope Repair Recommendations Huntington Beach Dog Beach; Aesco, June 2024). The project would also be consistent with

Coastal Element Goal C 4 and Policy C 4.2.1, which aims to preserve, enhance, and restore aesthetic resources along the coast, including bluffs, by restoring the failed bluff areas to their pre-failure condition. Implementation of the project would also maintain existing views of the coast because the project would not increase the height of the bluff tops nor would the project include any development on the site that could obstruct views of the coast. The proposed request also includes several conditions requiring that access to coastal resources is maintained during project construction, consistent with Coastal Element Objective C 2.5. For example, all construction activities would be required to occur outside of the summer season to avoid interfering with coastal recreational opportunities and coastal access to the City of Huntington Beach Bluff Top Park and the adjacent beach during the peak season. Additional conditions require the installation of signage directing visitors to the beach and the City of Huntington Beach Bluff Top Park throughout project construction. The project would also be consistent with Coastal Element Policy C 6.1.2 and Goal C 7, which aims to preserve, enhance, and restore ESHA and coastal biological resources, because there are no sensitive biological resources within the project area (see Biological Resources study prepared by Atkins for the General Plan Update in 2017 and Figure C-21 of the Coastal Element) and because the project has been conditioned to avoid potential impacts to grunions and nesting birds. Lastly, although the project does not include changes to grading or drainage that would affect the amount of impervious surface on the site, the project would implement Best Management Practices in accordance with City standards to reduce potential impacts related to erosion. Therefore, the proposed project would be consistent with the General Plan, including the Local Coastal Program.

2. Coastal Development Permit No. 25-020 to stabilize an existing failed coastal bluff by removing failed soil and debris, reconstructing the slope with reinforcement, installing erosion control fabric, installation of drought resistant landscaping irrigation, and reconstructing a portion of the bike path is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project will comply with all applicable regulations of the Municipal Code. The project will not result in physical development on the subject site but rather would restore an existing failed bluff to its pre-failure conditions in an effort to maintain public health and safety at the City of Huntington Beach Bluff Top Park and the beach. Site grading and drainage would be similar to existing and pre-failure conditions because the project would restore an existing bluff primarily using natural materials, such as rock, sand, and native vegetation. The addition of the geogrid and geojute materials are designed to be layered within the slope for stability and erosion control. Furthermore, the project will comply with Municipal Code requirements pertaining to the implementation of Best Management Practices regarding sediment and erosion control to ensure that no impacts from runoff and/or erosion would occur during construction and operation of the project. No changes to the existing site grading and drainage patterns would occur.
3. The proposed project would stabilize an existing failed coastal bluff by removing failed soil and debris, reconstructing the slope with reinforcement, installing erosion control fabric, installation of drought resistant landscaping with irrigation, and reconstructing a portion of the bike path. There is no development associated with the project that would require permanent infrastructure, such as water, sewer, and/or roadways. All vegetation planted on the bluff would be native and would utilize temporary irrigation to allow the vegetation to establish itself. Naturally occurring water sources would be utilized thereafter and would not require irrigation or any other water infrastructure.

4. Coastal Development Permit No. 25-020 to stabilize an existing failed coastal bluff by removing failed soil and debris, reconstructing the slope with reinforcement, installing erosion control fabric, installation of drought resistant landscaping irrigation, and reconstructing a portion of the bike path will conform with the public access, public recreation, coastal resource protection, and coastal view protection policies of Chapter 3 of the California Coastal Act in that the project has been conditioned to maintain public access to the coast throughout construction of the project. The project would also restore views of the bluff areas as important coastal resources at the City of Huntington Beach Bluff Top Park and the beach. As such, the project will not impede public access, recreation, or views to coastal resources.

**SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 25-020:**

**Prior to Issuance of Building Permits:**

1. Prior to issuance of building permits, zoning entitlement conditions of approval and code requirements in separately transmitted memoranda from the Departments of Fire, Community Development, and Public Works 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.
2. Prior to issuance of building permits, a long-term bluff monitoring plan/report shall be submitted to the Director of the City of Huntington Beach Community Development Department for review and approval. The purpose of the plan is to monitor and identify damage or changes to the bluff such that repair and maintenance is completed in a timely manner to avoid future bluff failures. The report shall incorporate the following:
  - a. An evaluation of the current condition of the bluff, addressing any migration, movement, or failure of the bluff that may have occurred on the site and any significant weathering or damage to the bluff that may adversely impact their stability;
  - b. Measurements taken from permanent benchmarks to determine settling or seaward movement of the bluff. Changes in the beach profile fronting the site shall be noted and the potential impact of these changes on the stability of the bluff shall be evaluated;
  - c. Recommendations on any necessary maintenance needs, changes, or modifications to the bluff to assure their continued function and to assure no encroachment beyond the bluff toe;
  - d. General observations of the state of the beach and bluff, and any associated impacts on public access along the beach (e.g., changes in beach width, bluff stability, and resulting changes in public beach access and use). If analysis identifies significant adverse impacts on public access, the report shall include recommendations for beach maintenance/restoration, alterations to the bluff and/or the adjacent Huntington Beach Bike and Pedestrian Trail, or other similar methods which would maintain and enhance public access at the site, including laterally along the beach;

3. Prior to issuance of building permits, a shore zone (beach and nearshore) monitoring plan/report shall be submitted to the Director of the City of Huntington Beach Community Development Department for review and approval. The report shall incorporate the following:
  - a. A plan detailing the means and methods to conduct repeated evaluations of the shore zone along the beach where it intersects with the City of Huntington Beach Bluff Top Park with the purpose of quantifying beach change.
  - b. For the first three (3) years after approval of CDP-25-020, a report shall be submitted annually to the Director of the City of Huntington Beach Community Development Department summarizing results from the repeated evaluations required above. The third annual report shall include an assessment of the public's ability to access and recreate on the beach and utilize the Huntington Beach Bike and Pedestrian Trail adjacent to the City of Huntington Beach Bluff Top Park. The report shall include recommendations for beach maintenance, restoration, or other similar methods which would maintain and enhance public access at the site, including laterally along the beach, and in the surrounding area.
  - c. The annual report shall enumerate methods, results, and assessments consisting of at least one of the following:
    - i. Monthly drone surveys with Global Navigation Satellite System/Global Positioning System (GNSS/GPS) acquisition of ground control and validation points.
    - ii. Fall and spring beach transect surveys. The data would be used to compare with historical beach profile data, assess long-term changes, and detail shorter-term observations on the state of the beach (e.g., beach widths, sediment gradation, etc.).
    - iii. Summary of daily shoreline measurements tracking beach width, recorded by camera. The monitoring program would involve installing a new camera at the beach or the City of Huntington Beach Bluff Top Park, including purchasing equipment (camera, modem, lighting), installation and setup, and funding connectivity, software, and reports. The data shall be used solely by the applicant to monitor changes in the shore zone; no personal data on beach users shall be collected or shared.
4. Within two (2) years of the last submitted monitoring report required in Condition 3, or if shore zone monitoring of the site indicates that lateral public access along the beach fronting the bluff is not available, whichever comes first, a series of alternatives shall be studied to restore/enhance lateral public access along the beach and along the adjacent Huntington Beach Bike and Pedestrian Trail, in cooperation with the Coastal Commission and relevant resource agencies.
5. Prior to issuance of a building permit, a signage plan that identifies all existing and proposed public access, interpretive, and wayfinding signs and any other project elements that will be used to provide wayfinding assistance to the public or to otherwise identify public access entry points/amenities along the beach shall be submitted to the Director of the City of Huntington Beach Community Development Department for review and approval. Sign details showing the location, materials, design, and text of all public wayfinding and

interpretive signs shall be provided. The signs shall be in both English and Spanish and designed so as to provide clear information without impacting public views and site character. In addition, project shall comply with the following:

- a. New signage shall replace broken or faded signs.
  - b. Additional public access signage shall be installed at the City of Huntington Beach Bluff Top Park where the restrooms and rest areas are located.
  - c. For any shoreline monitoring camera installed pursuant to Condition 3 above, a sign shall be installed in close proximity to the camera stating that the camera(s) will be used for shoreline measurements only and that personal information about beachgoers will not be collected.
6. The final building permit(s) cannot be approved until the following have been completed:
- a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the City of Huntington Beach Community Development Department.
  - c. 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.

**Prior to Commencement of Site-Disturbing Activities:**

7. Prior to commencement of any site-disturbing activities between March 1 and May 28, the applicant shall retain the services of a biologist with appropriate qualifications to prepare a Grunion Monitoring and Avoidance Plan to avoid potential impacts to mature and/or spawning grunion and to grunion eggs. The annually published California Department of Fish and Wildlife (CDFW) expected grunion runs shall be used to determine possible grunion spawning periods. The plan shall, at a minimum, include:
- a. Construction sites on the beach shall be monitored for grunion runs beginning at least two weeks prior to commencement of construction activities, and throughout the period of any work from March 1 through May 28. Monitoring is not necessary in areas where there is no sand, such as areas supporting 100% cobble or bluff backed beaches with no sand exposed during high tide.
  - b. Grunion monitoring shall be conducted by a qualified biologist for 30 minutes prior to, and two hours following, the predicted start of each daily spawning event. Sufficient qualified biologists shall be employed to ensure that the entire proposed construction area on the beach is monitored during the predicted grunion run. The magnitude and extent of a spawning event shall be defined in 300-foot segments of beach using the Walker Scale. Every individual fish (males and females) shall be counted to determine the Walker Scale value (e.g. 0, 1, 2, 3, 4, or 5) of each 300-foot segment within the proposed work area. Construction activities shall be modified according to the following plan:
    - i. If a grunion run consisting of 0-100 individual fish per 300-foot segment (Walker Scale 0 or 1) is reported within two weeks prior to, or during, construction

activities, the applicant does not need to take any avoidance action for grunion eggs. No mature grunion may be buried or harmed as a result of construction activities.

- ii. Within two weeks prior to proposed work, if a grunion run consisting of 100 or more individual fish per 300-foot segment (Walker Scale 2, 3, 4, or 5) is reported, the applicant shall avoid work on the respective beach segment(s) and truck route and additionally, shall avoid a 100-foot buffer on either side of the segment(s) and route, for a minimum of two weeks, to ensure that no grunion eggs are buried or disturbed. These areas shall be memorialized through multiple GPS coordinates, and marked with irrigation flags for a minimum of two weeks when the next scheduled grunion run will be monitored. The applicant shall adapt the construction schedule to avoid operations on such beach segments and their associated buffers. No mature grunion may be harmed as a result of construction activities.
  - iii. If construction activities have already commenced, and a grunion run consisting of 100 to 500 individual fish, in one or more 300-foot segment (Walker Scale 2) in the work area is reported, the applicant shall avoid impacts to grunion eggs to the greatest extent feasible and then shall minimize impacts to grunion eggs through such measures as alteration of the truck route and relocation of construction activities.
  - iv. If construction activities have already commenced, and a grunion run consisting of 500 or more individual fish per segment (Walker Scale 3, 4, or 5) is reported, the applicant shall avoid work on the respective beach segment(s) and truck route and additionally, shall avoid a 100-foot buffer on either side of the segment(s) and route, for a minimum of two weeks, to ensure that no grunion eggs are buried or disturbed. These areas shall be memorialized through multiple GPS coordinates, and marked with irrigation flags for a minimum of two weeks when the next scheduled grunion run will be monitored. The applicant shall adapt the construction schedule to avoid operations on such beach segments and their associated buffers. No mature grunion may be harmed as a result of construction activities.
8. Prior to commencement of any site-disturbing during the Bird Nesting Season (February 1 to September 30), the applicant shall retain the services of a qualified biologist to conduct nesting bird survey(s) in order to determine the presence of any active bird nests of any sensitive bird species including, but not limited to, black-crowned night herons, great blue herons, and snowy egrets (colonial wading birds). The required survey(s) shall be conducted within 30 days prior to planned commencement or re-commencement of construction. More than 30 days prior to planned initial commencement of construction, the applicant shall submit the name and qualifications of the biologist, for the review and approval by the Director of the City of Huntington Beach Community Development Department. To avoid impacts to nesting sensitive birds, all project construction activities shall be carried out consistent with the following:

- a. If no active sensitive bird nests are identified within 300 feet of the proposed project's active construction footprint, then that project construction phase may proceed without restrictions related to nesting birds.
- b. If active sensitive bird nests are identified within 300 feet of the proposed project's active construction footprint, then construction shall be phased such that all work within 300 feet of any active nest occurs outside the nesting season; or,
- c. Only if Item B above is infeasible: If active sensitive bird nests are found within 300 feet of the proposed project's active construction footprint, then construction may commence only if:
  - i. Construction noise decibels are measured to be less than sixty (60) decibels. To achieve decibel levels below sixty (60), noise barriers such as sound shields, sound walls, mounted vinyl sound blankets, or similar devices may be employed to bring the noise level below 60 decibels; or,
  - ii. An Ambient Noise Level Study may be conducted. If construction noise is at or below Ambient Noise Level, construction may occur within 300 feet of an active nest.
- d. Any work that occurs within 300 feet of an active sensitive bird nest shall be monitored by the approved project biologist.
- e. The approved project biologist shall have the ability to halt work if deemed necessary to protect sensitive bird nesting.
- f. If none of these requirements can be met, then construction shall cease until the non-nesting season except in areas where the project's active construction footprint is more than 300 feet from any active nest(s).

**During Project Construction:**

9. No work shall occur from Memorial Day weekend to Labor Day weekend of any year.
10. No construction parking, storage of materials, or staging areas shall be located within the existing public parking lots at the City of Huntington Beach Bluff Top Park. All staging and storage of materials shall be consistent with the identified areas on the approved site plan.
11. Construction staging and access corridors shall not impede public access to or along the shoreline, to the maximum extent feasible, and the staging site and access corridors shall be removed and restored to their pre-construction condition within 72 hours following completion of project activities.
12. The applicant agrees to remove any debris, rock, or other materials from the beach which become dislodged after completion of the approved repair and maintenance through

weathering, wave action, settlement or other action, on an as-needed basis and as soon as feasible after discovery, subject to the permitting requirements listed above.

13. All equipment shall be removed from the beach areas overnight and during any tidal condition that may inundate work areas.
14. The applicant may not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.
15. No machinery may be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to perform the approved repair and maintenance.
16. Construction equipment may not be washed on the beach or public parking lots or access roads.
17. The applicant shall maintain the bluff areas in their approved state. Any change in the design of the bluff or future additions or reinforcement of the bluff, beyond exempt maintenance as defined in Section 13252 of Title 14 of the California Code of Regulations to restore the structure to its original condition, will require a coastal development permit or amendment.
18. All necessary spill prevention and water quality measures for construction equipment shall be identified, implemented, and reported to the Director of the City of Huntington Beach Community Development Director as part of a Best Management Practices Plan. No construction byproduct shall be allowed onto the sandy beach or allowed to enter into coastal waters. More specifically, fueling and maintenance of construction equipment and vehicles shall be conducted offsite.

**General Conditions:**

19. The site plan, floor plans, and elevations received and dated June 4, 2024, shall be the conceptually approved layout.
20. Upon request, all information contained in the monitoring reports required by Conditions 2 and 3 can be provided to the Coastal Commission, South Coast Area Office.
21. Coastal Development Permit No. 25-020 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Director of the City of Huntington Beach Community Development Department a minimum 30 days prior to the expiration date.
22. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
23. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of City of Huntington Beach Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building

permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.