

## **SUGGESTED FINDINGS AND MITIGATION MEASURES**

### **MITIGATED NEGATIVE DECLARATION NO. 16-003** **GENERAL PLAN AMENDMENT NO. 16-002** **ZONING MAP AMENDMENT NO. 16-003** **ZONING TEXT AMENDMENT NO. 16-004** **LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002** **DEVELOPMENT AGREEMENT NO. 16-001**

#### **SUGGESTED FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 16-003:**

1. Mitigated Negative Declaration No. 16-003 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on Mitigated Negative Declaration No. 16-003, General Plan Amendment No. 16-002, Zoning Map Amendment No. 16-003, Zoning Text Amendment No. 16-004, Local Coastal Program Amendment No. 16-002, Tentative Tract Map No. 18060, Conditional Use Permit No. 16-035, Coastal Development Permit No. 16-018, and Development Agreement No. 16-002.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures are incorporated to address impacts to biological, cultural, and tribal cultural resources. The proposed biological resources mitigation measures would ensure that impacts to two special status species, burrowing owls and southern Tarplant, with the potential to occur on the site would be less than significant. The cultural resources and tribal cultural resources mitigation measures require archeological and Native American monitoring during ground disturbing activities and construction. The mitigation measures also specify procedures if any resources or human remains are discovered during construction of the project. The project site has undergone archeological testing and excavation and it is not anticipated that intact deposits remain on the site. However, the mitigation measures would ensure that impacts would be less than significant in the unlikely event that resources are discovered during grading and construction activities.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated, will have a significant effect on the environment. The project consists of an amendment to the existing General Plan and zoning land use designations as well as the Coastal Land Use Plan for the subdivision of the project site and construction of 36 townhome units and associated open space, street and infrastructure improvements in the coastal zone. The project also consists of a Zoning Text Amendment to establish a Specific Plan that determines the land use, zoning, development standards, and infrastructure for the site. Potential impacts from the project are minimized to a less than significant level through the project design, standard code requirements, and the recommended mitigation measures.

#### **SUGGESTED FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 16-003:**

1. Zoning Map Amendment No. 16-003 represents a change to the Huntington Beach Zoning Map (District Map #33) to rezone the project site from Residential Agriculture – Coastal Zone Overlay (RA-CZ) to Specific Plan – Coastal Zone Overlay (SP-CZ). The proposed amendment is consistent with the goals, objectives, and land use policies of the General Plan and Local Coastal Program as identified below. The proposed change is also consistent with General Plan Amendment No. 16-002, which is being processed concurrently. The land uses in the surrounding area are consistent with

the proposed change in zoning because surrounding land uses include low density residential to the west, medium high density residential uses to the north and low density and open space uses to the east. As discussed in the environmental assessment for this project, there will be appropriate infrastructure and services available to support the proposed development. The proposed zoning change would be consistent with the following General Plan Land Use Element goals, objectives and policies:

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volumes.
- b. Locate the elevation of the first occupiable floor at or in proximity to the predominant grade elevation, visually screening subterranean parking facilities from the street frontage.
- c. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and/or common areas.
- d. Site and design parking areas and facilities that are integrated but do not dominate the architectural character of the structure.
- e. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

Policy LU 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

The project is proposing to provide 36 multi-family residential units in an area with existing single- and multi-family residential uses. The character of the development is consistent with the existing neighborhood in size and scale of other residential structures in the vicinity. The residential units are duplex townhomes with four different floor plans, featuring three-bedrooms with attached two-car garages. The project creates visual interest along the street frontage by incorporating varied building design. Featuring a Mid-Century Modern architectural style, the project building design includes articulation and architectural details on all four sides of each duplex. The building facades contain a combination of building pop-outs and recesses to create shadow patterns and depth on wall surfaces. The architectural details on each elevation do not repeat frequently and a variety of colors and building materials are used to create differentiation in the exterior appearances. All details and materials of the project are modern and stylistically consistent. A 3,800 sq. ft. recreation area, including a swimming pool, fireplace, restroom, and seating, is provided for the use of the residents at the northwest corner of the project site. The majority of the existing trees along the front property line on Bolsa Chica Street will remain and additional landscaping will be added, creating an enhanced landscaped setback that is integrated with abutting sidewalks and parkways.

2. In the case of a general land use provision, the zoning map amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The change proposed would be compatible with the uses in the vicinity, which include medium density residential uses. The project's design and compliance with applicable code requirements would ensure that impacts to existing preserved open space areas east of the project site are minimized.

3. A community need is demonstrated for the change proposed. The change would expand opportunities for housing and address the needs of a growing population. The project will provide for enhanced coastal access through the provision of a passive open space plan, encompassing the existing undeveloped City-owned 30-foot wide parcel north of the project site, the eastern 2.5 acres of the project site, and the 6.2-acre Goodell property (undeveloped property south of the project site located in unincorporated Orange County). The open space area is designed with a pedestrian trail system which includes interpretive signage and a scenic overlook. To facilitate public access to the property, a decomposed granite pedestrian trail would be installed on the City-owned property and maintained by the project's Homeowners Association and connect the City-owned property to the Windward site open space area and ultimately to the Goodell property.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The zoning map amendment would provide for compatible land uses and eliminate an existing zoning designation that is no longer appropriate for the site. The zoning map amendment would result in zoning and General Plan land use designations that are consistent with one another and would allow the property to be rightfully developed.

**SUGGESTED FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 16-004:**

1. Zoning Text Amendment No. 16-004 establishes the Windward Specific Plan for the development of the residential project and dedication of open space. The Specific Plan will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan because it provides a comprehensive planning program for the development of residential and open space areas consistent with the existing development pattern and standards and compatible with adjacent uses in the vicinity and the environmentally sensitive Bolsa Chica area to the east and south. The Specific Plan is consistent with the General Plan goals and policies that protects coastal recreational resources and public access, require residential projects be designed to convey a high level of quality and distinctive neighborhood character.
2. In the case of general land use provisions, the proposed Specific Plan is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The Specific Plan contains development standards and architectural and landscape design guidelines that will apply to the residential development and open space areas that will ensure consistency with the high quality architectural and landscape design of the existing developments and compatibility with residential, open space, and recreational uses in the vicinity.
3. A community need is demonstrated for the change proposed. The Windward Specific Plan will provide standards that necessary to develop high quality residential and open space uses complementing and enhancing surrounding land uses. The Windward Specific Plan includes a description of the land use, public facilities, circulation, infrastructure, development standards, and implementation measures to ensure that the property is developed in a manner consistent with the vision for the site. The Specific Plan comprehensive approach ensures the preservation of passive open space, provision of public access to coastal resources, development of compatible land uses. The Specific Plan also provides for preservation of ecological and cultural resources that will provide a public benefit to the City of Huntington Beach and surrounding communities.
4. Adoption of the Windward Specific Plan will be in conformity with public convenience, general welfare and good zoning practice in that the Specific Plan provides standards for future development that will transform the character of the project area in a beneficial way consistent with the goals of the City's General Plan. The development standards work together to provide development and preservation that are compatible with and sensitive to the surrounding area and to development within the Specific

Plan itself. The Specific Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems. As analyzed in Mitigated Negative Declaration No. 16-003, the public service demands for the Specific Plan will not exceed the capacity of existing and planned systems. All public services will be adequately met by existing resources including fire, police and emergency services. Emergency access will be adequate for the Specific Plan area in that all streets within the site will be public to allow emergency vehicles access to the site. In addition, the Specific Plan area will not be gated.

#### **SUGGESTED FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002:**

1. Local Coastal Program Amendment No. 16-002 proposes to amend the Huntington Beach Local Coastal Program to reflect the proposed General Plan, Zoning Map and Zoning Text amendments. The amendments will allow multi-family residential uses on the subject property. Although multi-family residential is a lower priority use than recreational uses, the project site is not existing or planned for public recreational uses. The amendment would allow the property owner to develop the site and, in doing so, would contribute to the provision of enhanced coastal access and additional recreational resources through the proposed development consistent with the policies of the City's General Plan and California Coastal Act.
2. Local Coastal Program Amendment No. 16-002 is in accordance with the policies, standards and provisions of the California Coastal Act relative to residential development, land resources and public access. The Local Coastal Program Amendment promotes the City's Local Coastal Program goals and objectives by allowing medium density residential uses while promoting preservation of coastal views and enhancing public coastal access.
3. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project proposes an 8.7-acre passive open space area that does not currently exist. The project will preserve existing public views of the slope along the eastern perimeter of the site and views from an existing 30-foot wide City-owned parcel that is proposed to be improved with development of the project site. No existing coastal access will be impacted. In fact, coastal access would be enhanced through the proposed development project associated with the amendment.

#### **SUGGESTED FINDING FOR APPROVAL – DEVELOPMENT AGREEMENT NO. 16-001**

1. The development agreement is consistent with the General Plan, Local Coastal Program, and Windward Specific Plan No. 16. Development Agreement No. 16-001 provides for the construction of the Windward residential project which complies with the Windward Specific Plan development standards, the dedication of the open space area in accordance with the Settlement Agreement, and improvements and maintenance of the City-owned parcel and Windward open space parcel. The development agreement ensures the construction of the proposed project under the 10-year term. The development agreement is consistent with the following General Plan goals, policies, and objectives:

##### **A. Land Use Element**

**Goal LU 9:** Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volumes.
- b. Locate the elevation of the first occupiable floor at or in proximity to the predominant grade elevation, visually screening subterranean parking facilities from the street frontage.
- c. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and/or common areas.
- d. Site and design parking areas and facilities that are integrated but do not dominate the architectural character of the structure.
- e. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

Policy LU 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

The project is proposing to provide 36 multi-family residential units in an area with existing single- and multi-family residential uses. The character of the development is consistent with the existing neighborhood in size and scale of other residential structures in the vicinity. The residential units are duplex townhomes with four different floor plans, featuring three-bedrooms with attached two-car garages. The project creates visual interest along the street frontage by incorporating varied building design. Featuring a Mid-Century Modern architectural style, the project building design includes articulation and architectural details on all four sides of each duplex. The building facades contain a combination of building pop-outs and recesses to create shadow patterns and depth on wall surfaces. The architectural details on each elevation do not repeat frequently and a variety of colors and building materials are used to create differentiation in the exterior appearances. All details and materials of the project are modern and stylistically consistent. A 3,800 sq. ft. recreation area, including a swimming pool, fireplace, restroom, and seating, is provided for the use of the residents at the northwest corner of the project site. The majority of the existing trees along the front property line on Bolsa Chica Street will remain and additional landscaping will be added, creating an enhanced landscaped setback that is integrated with abutting sidewalks and parkways.

Implementation Program I-LU 7: Where appropriate, the City may use Development Agreements as binding implementation tools. Development Agreements are authorized by State law to enable a city to enter into a binding contract with a developer that assures the city as to the type, character, and quality of development and additional “benefits” that may be contributed and assures the developer that the necessary development permits will be issued regardless of changes in regulations.

The development agreement would ensure that the project is developed in accordance with the approved Windward Specific Plan, consisting of 36 residential units and a public open space plan. The benefits of the development agreement for this project include assurances that the residential project will be built and dedication of 8.7 acres of land for public access, passive recreational use, habitat enhancement, and public trails.

B. Coastal Element

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Policy C 1.1.3a: The provision of public access and recreation benefits associated with private development (such as but not limited to public access ways, public bike paths, habitat restoration and enhancement, etc.) shall be phased such that the public benefit(s) are in place prior to or concurrent with the private development but not later than occupation of any private development.

Policy C 1.1.5: New residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast.

- b. provide non-automobile circulation such as bike trails and pedestrian walkways within the development
- d. provide for the recreational needs of new residents through local park acquisition or on-site recreational facilities to assure that recreational needs of new residents will not overload nearby coastal recreation areas

Goal C 2: Provide coastal resources access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Policy C 2.4.7: The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the general public for vehicular, bicycle, and pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private entrance gates and private streets 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.

Goal C 4: Preserve and, where feasible, enhance and restore the aesthetic resources of the City's coastal zone, including natural areas, beaches, harbors, bluffs and significant public views.

The project is proposing a passive open space plan as part of the Windward development, encompassing the existing undeveloped City-owned 30-foot wide parcel north of the project site, the eastern 2.5 acres of the project site, and the 6.2-acre Goodell property (undeveloped property south of the project site located in unincorporated Orange County). The open space area is designed with a pedestrian trail system which includes interpretive signage and a scenic overlook. To facilitate public access to the property, a decomposed granite pedestrian trail would be installed on the City-owned property and connect the City-owned property to the Windward site open space area and ultimately to the Goodell property. The plan is to initially create a trail loop that starts at the southeast corner of Bolsa Chica Street and Los Patos Avenue, extends easterly through the City-owned property, which is proposed to be improved with a decomposed granite

trail and landscaping, then turning southerly across the Windward site, and then turning westerly to intersect back at Bolsa Chica Street. The trail will be located at the highest elevation of the project site providing an opportunity for a scenic overlook node offering trail users unobstructed views of Saddleback Mountain in south Orange County. The trail would feature interpretive signage that would provide users with information regarding the property's rich history. Ultimately, the trail system could be extended onto the Goodell property to create a network of trails that provide users with a variety of experiences. In addition to the open space areas, a 3,800 sq. ft. open space is proposed within the development to provide a recreational area for new residents to ensure that the new residents would not overload existing coastal recreation areas. The project does not propose entry gates or other entry or parking restrictions. Access to the street and on-street parking would be available to the general public.

The project is in close proximity to similar developments, is consistent with the existing land use pattern in the area, and can be accommodated by existing infrastructure. Although the proposed project would result in development on the Bolsa Chica Mesa, the existing slope adjacent to the project site would be preserved in that no construction would occur other than minimal landscaping. In addition, the proposed drainage system would further protect the slope from potential impacts from runoff and erosion. Environmental impacts from the proposed project were analyzed in Draft MND No. 16-003. Potential impacts have either been minimized through the project's design or can be mitigated so that all impacts would be less than significant.

C. Urban Design Element

Goal UD 2: Protect and enhance the City's public coastal views and Oceanside character and screen any uses that detract from the City's character.

Objective UD 2.1: Minimize visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1: Require that new development be designed to consider coastal views in its massing, height and site orientation.

The proposed design of the residential project would be consistent with existing residential uses in terms of density and scale. The proposed project would result in the preservation of approximately 8.7 acres of open space. As such, the project would retain existing public coastal views from the City-owned parcel north of the project site and the eastern half of the project site. The project would also preserve the existing slope along the eastern perimeter of the project site as a scenic resource.

D. Recreation and Community Services Element

Goal RCS 2: Provide adequately sized and located active and passive parklands to meet the recreational needs of existing and future residents, and to preserve natural resources within the City of Huntington Beach and its sphere of influence.

Policy RCS 2.1.5: Provide for the inclusion of recreational trails in new developments which link with the existing or planned trails.

Although the project is proposing to amend the existing land use designation from Open Space – Park to Residential Medium Density for the western 2.5 acres of the project site, the project would be providing for additional recreational opportunities. The project is proposing an approximately

3,800 square foot (0.09 acre) common open space area to provide a recreational amenity for the residents of the project. The project is also required to pay park in-lieu fees as required by the HBZSO to contribute to future recreational opportunities. The project is proposing to improve an existing 30-foot wide City-owned parcel located immediately north of the project site with a decomposed granite trail with native landscaping that would provide access from Bolsa Chica Street to the project site open space area. The proposed Specific Plan and Development Agreement would ensure the preservation of 8.7 acres of open space and the expansion of passive recreational opportunities within the Bolsa Chica area. Designed with interpretive signage and scenic overlooks, a trail system is proposed for the open space area to provide public access to the recreational resource. In this respect, the project would further recreational opportunities in the Bolsa Chica area.

#### **SUGGESTED MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:**

1. Prior to any development, the Applicant shall retain a City-approved Archaeologist who meets the Secretary of Interior Standards for both Archaeology and History. An Archaeological Mitigation and Monitoring Plan (AMMP) shall be developed prior to initiating construction to outline "controlled archaeological grading methods," which has been shown to be an effective investigative method for locating previously unknown resources on Bolsa Chica Mesa. The plan shall include protocol for the mitigation of cultural resources through a research design and recovery/preservation plan, including significance testing of inadvertent archaeological finds; lab analysis, curatorial requirements, and reporting requirements; and identification of an acceptable repository for all recovered material with curatorial fees being paid by the Applicant. **(Mitigation Measure)**
2. In accordance with CR-1 and the AMMP, controlled archaeological grading shall occur across the entire Windward project site prior to the issuance of a grading permit for residential development of the project site. Archaeological grading shall consist of using mechanized equipment where the plowzone is removed in approximate 2 centimeter depth increments by a mechanical scraper, as part of the controlled grading effort and under the supervision of the archaeological site supervisor. The grading process shall be limited to slow excavation in small horizontal areas providing ultimate control. The archaeologist(s) and Native American Monitor(s) shall examine the soils as they are exposed. Previous investigation have shown that once below the plowzone, soils consist of: 1) basal midden remnants (beige-yellow in color) or 2) Pleistocene terrace deposits (red in color). Culturally-sterile Pleistocene terrace deposits are shallow at this location, reached at a maximum depth of 150cm below the surface. The entire process shall be monitored by both Gabrielino and Juaneno Native American monitors. Monitoring will occur with at least one archaeologist and one Native American monitor per equipment array that is operating. **(Mitigation Measure)**
3. All construction personnel shall be instructed to stop work on the project site in the event of a potential find, until the archaeologist and Native Monitors have been able to assess the significance of the find and implement appropriate measures as outlined in the AMMP to protect or scientifically remove the find. Construction personnel shall also be instructed that unauthorized collection of cultural resources is prohibited by law. If archaeological resources are discovered during ground-disturbing activities, the archaeologist has the authority to cease all earthwork in the immediate area of the finds (within 50 feet) until the find can be evaluated for significance. **(Mitigation Measure)**

In the absence of a determination, all archaeological resources shall be considered significant. If the resource is determined to be significant, the archaeologist shall prepare a research design and recovery/preservation plan for the resources as outlined within the AMMP. **(Mitigation Measure)**



4. In the event cultural resources are exposed in any overlying basal midden remnants during the controlled archaeological grading, the archaeologist shall prepare a research design and recovery/preservation plan for the resources as outlined within the AMMP. Specific protocol for uncovering the resource and analyzing its significance will be detailed within this plan. The protocol shall establish procedures for various types of archaeological resources that may be discovered. Because of their cultural significance, however, if any of the following cultural resources are discovered in situ, i.e., they have not been moved or relocated to the site of discovery, they shall be preserved in place: human remains, house pits, hearths, artifact caches, and intact midden deposits. Prehistoric ceremonial or religious artifacts such as cogged stones, pipes, crystals, pigments, incised stone, beads and bone or shell ornaments shall be preserved in place if associated with human remains. Upon discovery of any of the above resources, all construction will stop and the archaeologists shall consult with Native American monitors to determine preservation methods. **(Mitigation Measure)**
5. If human remains are discovered during construction or any earth-moving activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site and may recommend or deny scientific removal and nondestructive analysis of human remains. If the human remains are determined to be in situ, i.e., they have not been moved or relocated to the site of discovery, the preservation methods in CR-4 shall apply. **(Mitigation Measure)**
6. Prior to the issuance of any grading permit, the project applicant shall provide written evidence to the City that a City-approved paleontologist has been retained to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, which ensure proper exploration and/or salvage. **(Mitigation Measure)**
7. Prior to construction-related ground disturbing activity, a qualified biologist shall survey the project site for presence of Southern tarplant during the appropriate blooming period, May – November. If feasible, the survey shall be conducted during the peak blooming period for the year. Any substantial occurrence (at least 500 mature individuals) shall be preserved on-site or relocated to open space areas in the Bolsa Chica area. If relocation is required, a Southern tarplant relocation program shall be prepared by a qualified biologist and implemented prior to the onset of construction. **(Mitigation Measure)**
8. Prior to construction-related ground disturbing activity, focused burrowing owl surveys shall be conducted in accordance with the CBOC and California Department of Fish and Wildlife (CDFW) established protocols on the project site.
- If no occupied burrows are found, the methods and findings of the surveys shall be reported to the City and CDFW for review and approval and no further mitigation would be required.
  - If unoccupied burrows are found during the nonbreeding season, the burrows shall be collapsed or otherwise obstructed to prevent owls from entering and nesting in the burrows.

- If occupied burrows are found, a buffer of 165 feet (during the nonbreeding season of September 1 through January 31) or 250 feet (during the breeding season of February 1 through August 31) shall be provided. The buffer area may be adjusted based on recommendations by a qualified biologist in consultation with the CDFW. No activity shall occur within the buffer area until a qualified biologist confirms that the burrow is no longer occupied.
- If the burrow is occupied by a nesting pair, a minimum of 6.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over. The 6.5 acres would consist of the five acres of the project site as well as the adjacent 6.2 acre Goodell property. The western portion of the Shea property is designated as permanent open space providing an additional 19 acres of foraging habitat.
- If avoidance of an occupied burrow is not feasible, on-site passive relocation techniques approved by the CDFW shall be used to encourage the owls to move to an alternative borrow outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through noninvasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival. **(Mitigation Measure)**