

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

COASTAL DEVELOPMENT PERMIT NO. 19-004

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 section 15304 of the CEQA Guidelines, because the project consists of minor private alterations in the condition of land that does not include removal of healthy, mature, or scenic trees. Coastal Development Permit No. 19-004 is necessary to implement archaeological grading activities required in mitigation measures CR-1 through CR-6 of Mitigated Negative Declaration No. 16-003. Mitigated Negative Declaration No. 16-003 was adopted by the City Council on May 20, 2018 in conjunction with the Windward Specific Plan, which ultimately allows the project site to be developed with a multi-family residential subdivision. Prior to development of the project site, controlled archeological grading is required to ensure that all earth movement associated with development of the site that has the potential to uncover cultural resources is appropriately monitored and protected. The controlled archaeological grading will consist of using mechanized equipment where the subsurface soils are removed in approximate 2-centimeter depth increments by a mechanical scraper under the supervision of an Archaeological Principal Investigator. The grading process will be limited to slow excavation in small horizontal areas of individual swaths the width of the mechanical scraper blade providing ultimate control. The archaeologist and Native American Monitors will examine the soils as they are exposed. Grading efforts will continue until sterile soils are encountered. If resources are found during the controlled grading activities, work would be stopped and a Research Design and Recovery/Preservation Plan will be prepared pursuant to mitigation measures CR-1 to CR-6 of MND No. 16-003 and the Windward Specific Plan. At the conclusion of the archaeological grading, the applicant/developer shall restore the project site to pre-Coastal Development Permit conditions. Due to the limited nature of the grading activities and requirements to restore the site to pre-Coastal Development Permit conditions, in addition to requirements to implement specific methodology for the controlled grading procedure as outlined in the Archeological Monitoring and Mitigation Plan, the project would not have a significant effect on the environment and is exempt from CEQA.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 19-004:

1. Coastal Development Permit No. 19-004 to permit archaeological grading and monitoring activities on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone conforms with the General Plan, including the Local Coastal Program in that the project is consistent with the Coastal Element Historic and Cultural Resources Objective C 5.1 to identify and protect, to the maximum extent feasible, significant archaeological, paleontological and historic resources in the Coastal Zone. The project involves controlled grading for the purpose of determining the presence and significance of any archaeological, paleontological, or cultural resources prior to development of the site pursuant to Section 230.82 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The proposed Archaeological Monitoring and Mitigation Plan, which specifies the methodology for the archaeological grading activities covered under this coastal development permit, will ensure

that cultural resources on the site are appropriately identified, monitored, and protected in accordance with the mitigation measures of Mitigated Negative Declaration No. 2016-003. Further, the project is consistent with the Coastal Element Water and Marine Resources Policy C 6.1.2 in that special protection shall be given to areas and species of special biological or economic significance. To ensure protection of special biological species, the applicant has conducted a preconstruction Southern Tarplant and Burrowing Owl Survey of the project site, completed on March 27, 2019, which did not identify southern tarplant or burrowing owls on the site. A subsequent survey completed May 2, 2019 also reported that southern tarplant was not present.

2. Coastal Development Permit No. 19-004 to permit archaeological grading and monitoring activities on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone is consistent with the requirements of the CZ Overlay District, Chapter 245 of the HBZSO and Section 230.82 of the HBZSO, as well as other applicable provisions of the Municipal Code. The project site is located within the Windward Specific Plan (SP16), which was certified by the Coastal Commission on December 12, 2018, but does not become operative until a Coastal Development Permit is approved for the residential development contemplated in the specific plan and the Goodell and Windward Open Space conveyances occur. Prior to the City's consideration of a Coastal Development Permit for the residential development, an archeological investigation, which includes the proposed controlled archaeological grading and monitoring, must occur pursuant to Section 230.82 of the HBZSO and as specified in mitigation measures CR-1 to CR-6 of Mitigated Negative Declaration No. 16-003.
3. Coastal Development Permit No. 19-004 to permit archaeological grading and monitoring activities on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. Although the project is located in an urbanized area with all necessary services and infrastructure available, controlled archaeological grading and monitoring activities are not required to be supported through new infrastructure.
4. Coastal Development Permit No. 19-004 to permit archaeological grading and monitoring activities on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act because the project will not impede public access, recreation, or views to coastal resources. The project involves controlled grading for the purpose of determining the presence and significance of any archaeological, paleontological, or cultural resources prior to development of the site pursuant to Section 230.82 of the HBZSO. In accordance with the Archaeological Monitoring and Mitigation Plan and the conditions of approval, the site is required to be restored to pre-project conditions. As such, no permanent development including changes to existing or planned coastal access or recreation opportunities would occur as a result of the grading activities specified under this coastal development permit. The applicant/developer acknowledges that the limited archaeological studies approved under the Coastal Development Permit shall not be construed as vesting the development standard under the Windward Specific Plan (SP16).

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 19-004:

1. The project narrative, site plans, and Archaeological Monitoring and Mitigation Plan received and dated February 13, 2019 shall be the conceptually approved project.
2. On-site grading and monitoring activities shall adhere to the requirements outlined in Mitigation Measures CR-1 through CR-6 of Mitigated Negative Declaration No. 2016-003.
3. The applicant/developer shall follow the performance standards specified in Sections 3.7.A (Cultural/Archaeological Resources) and 3.7.B (Paleontological Resources) of the Windward Specific Plan (SP 13).
4. At the conclusion of the archaeological grading, the applicant/developer shall restore the project site to pre-Coastal Development Permit conditions.
5. Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with CFC Chapter 33, Fire Safety During Construction and Demolition. **(FD)**
6. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
7. Prior to issuance of a Temporary Stockpile Permit, a Stockpile Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. **(PW)**
8. Prior to issuance of any grading permit(s) for projects that will result in soil disturbance of one or more acres of land, the applicant shall demonstrate that coverage has been obtained under the Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) [General Construction Permit] by providing a copy of the Notice of Intent (NOI) submitted to the State of California Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number.

Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements submitted to the Public Works Department for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy submitted to the City. **(PW)**

9. The name and phone number of an on-field supervisor hired by the developer shall be submitted to the Community Development and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet 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 or She will be responsible for ensuring compliance with the

conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule 403. **(PW)**

10. Wind barriers shall be installed along the perimeter of the site. **(PW)**
11. All stockpiles of soils shall be properly covered, stored, and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion, or dispersion. **(PW)**
12. The applicant's stockpile/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. **(AQMD Rule 403)**
13. CDP No. 19-004 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
14. 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 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.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.