CALENDAR ITEM

C53

A	72	10/16/15
		W 26738
S	34	D. Simpkin

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Shea Homes Limited Partnership
1250 Corona Pointe Court, Suite 600
Corona, CA 92887

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the City of Huntington Beach, Orange County.

AUTHORIZED USE:

The construction, use and maintenance of deep soil-cement mix columns.

LEASE TERM:

20 years, beginning October 16, 2015.

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than $1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

2. Shea Homes Limited Partnership (Shea) is proposing the construction of a subdivision which will result in the creation of 111 residential lots and additional improvements associated with the Parkside residential development. The subdivision will be located on land owned in fee by Shea and adjacent to lands within the Commission's jurisdiction.

3. In order to begin construction of the Parkside residential development and obtain all necessary permits and authorizations, Shea is required to meet

Federal Emergency Management Agency (FEMA) and U.S. Army Corps of Engineers requirements by constructing upgrades to the East Garden Grove Wintersburg flood control channel northern levee.

4. The levee currently has a sheet pile system which includes 3,800 linear feet of 30- to 40-foot-deep steel sheet piles along the north levee from Graham Street to 3,800 feet downstream. The sheet pile system was constructed by Orange County Public Works (OCPW), also known as Orange County Flood Control District.

5. In 1997, the Commission purchased property, which includes the East Garden Grove Wintersburg flood control channel. OCPW holds a right-of-way (ROW) easement over the channel. The Commission acquired the property subject to the existing ROW over the channel. The ROW allows OCPW to construct and maintain improvements within the ROW without a lease from the Commission.

6. Shea is now proposing the construction of a matrix of deep soil-cement mix columns (cement columns) to be placed at the landward side of the existing OCPW sheet piles and within the OCPW's existing ROW. The cement columns will be mixed in place in holes drilled by a drilling rig. Upon completion, Shea anticipates obtaining FEMA certification for the levee.

7. Shea will construct the cement columns. Upon completion, OCPW will assume the long-term care and maintenance of the cement columns. No assignment of the lease will be required based on OCPW's existing ROW. Upon notification from Shea and confirmation from OCPW that construction of the cement columns is complete, Shea will quitclaim its interest in the Lease Premises. Shea will also be required to provide written evidence vesting title in the improvements to OCPW. In the event that Shea is unable to provide written evidence vesting title in the improvements to OCPW, no quitclaim will be accepted and Shea will remain under lease.

8. In addition to construction of the deep soil-cement mix columns, Shea is also requesting the Commission's authorization to construct a bike and pedestrian trail on the levee within the OCPW right-of-way. A separate calendar item on this is also on the October 16 Commission meeting agenda. Commission staff anticipates an agenda item at the Commission's December meeting for storm drain improvements associated with Shea's Parkside development project.

9. An Environmental Impact Report (EIR), State Clearinghouse No. 97091051, was prepared for this project by the City of Huntington Beach and certified on October 21, 2002. Commission staff has reviewed such document and Mitigation Monitoring Program prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency. On June 1, 2009, the City of Huntington Beach approved an Addendum to the EIR and Commission staff has reviewed such document.

   Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) are contained in Exhibit D, attached hereto.

   On October 11, 2012, the California Coastal Commission (CCC) granted Permit 5-11-068 for this project and the Commission has reviewed and considered the information therein and concurs in CCC's determination.

10. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

A. Land Description
B. Site and Location Map
C. Mitigation Monitoring Program
D. Statement of Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 97091051, was prepared for this project by City of Huntington Beach and certified on October 21, 2002, and that the Commission has reviewed and considered the information contained therein and in the Addendum prepared by the City of Huntington Beach and approved on June 1, 2009.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

Adopt the Findings, made in conformance with California Code of Regulations, Title 14, sections 15091 and 15096, subdivision (h), as contained in Exhibit D, attached hereto.

Determine that the project, as approved, will not have a significant effect on the environment.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Protective Structure Use to Shea Homes Limited Partnership beginning October 16, 2015, for a term of 20 years, for the construction, use, and maintenance of deep soil-cement mix columns, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public health and safety, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the best interests of the State.

2. Authorize the Executive Officer to accept a Quitclaim Deed for the Lease Premises submitted by Shea Homes Limited Partnership upon completion of the Authorized Improvements and upon compliance with all terms of the lease.

EXHIBIT A
TEMPORARY CONSTRUCTION PARCEL **W 26738**
LAND DESCRIPTION

In the City of Huntington Beach and the Unincorporated Territory, County of Orange, State of California, being that portion of Parcel C5-101 as granted to the Orange County Flood Control District per Quitclaim Deed recorded August 17, 1964 in Book 7181, Page 748 of Official Records of said County described as follows:

BEGINNING at the northeasterly corner of said Parcel C5-101; thence along the northwesterly line of said parcel, South 63°40'29" West 2578.30 feet; thence South 26°19'45" East 98.00 feet to the centerline of said parcel; thence along said centerline, North 63°40'29" East 1161.02 feet; thence South 26°19'31" East 98.00 feet to the southeasterly line of said of said parcel; thence along said southeasterly line, North 63°40'29" East 400.00 feet; thence North 26°19'31" West 98.00 feet to said centerline; thence along said centerline, North 63°40'29" East 968.40 feet to the easterly line of said parcel, also being the centerline of Graham Street as shown on that map filed in Book 92, Pages 19 through 28 of Record of Surveys in the office of the County Recorder of said county; thence along said easterly line, North 00° 10'50" East 109.51 feet to the **POINT OF BEGINNING.**

END OF DESCRIPTION

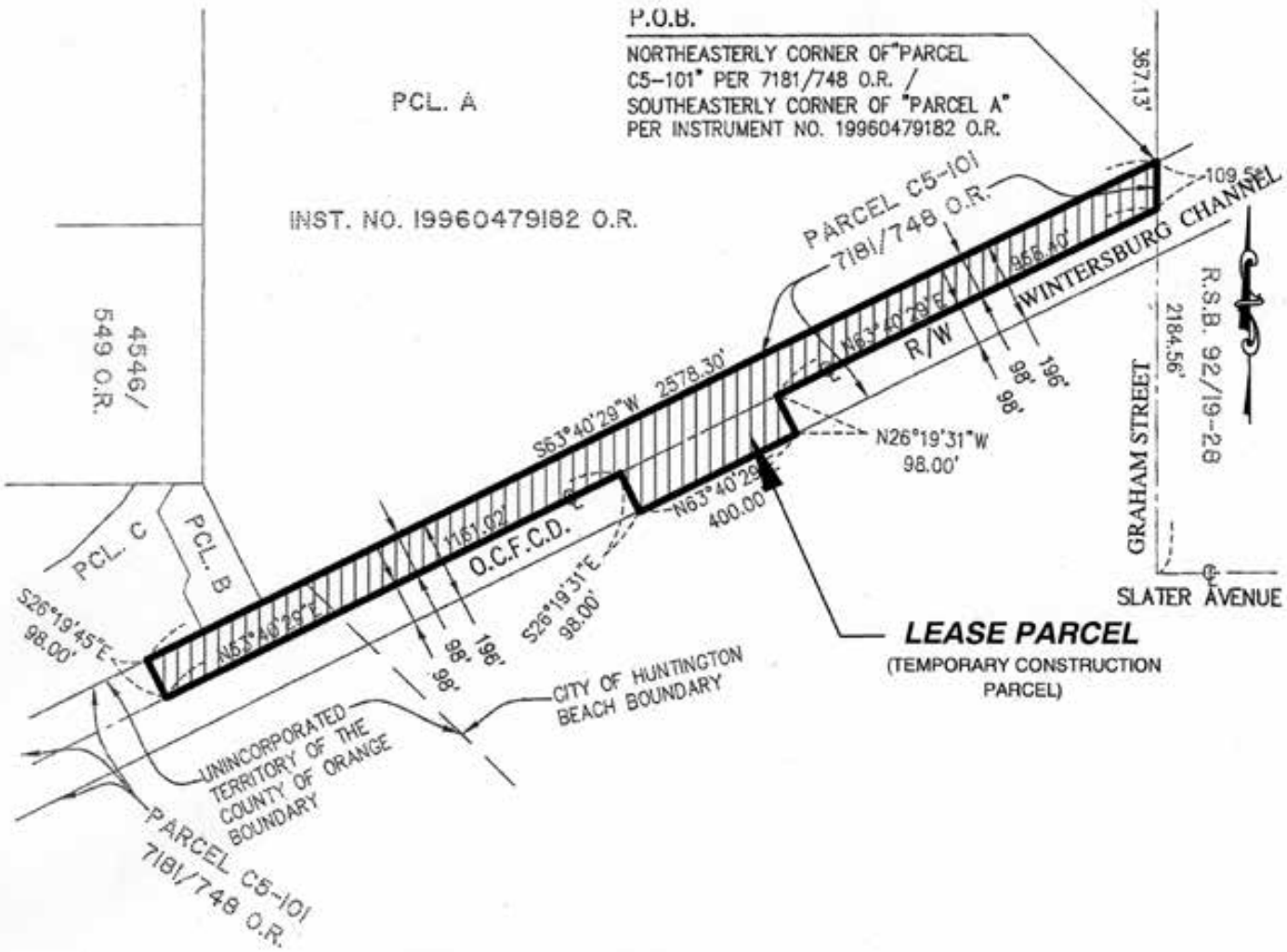
Prepared: July 16, 2015

Paul R. Huddleston Jr., L.S. No. 7083
Date: 8/11/15

LICENSED LAND SURVEYOR
PAUL R. HUDDLESTON JR.
L.S. 7083
STATE OF CALIFORNIA

NO SCALE

SITE



WINTERSBURG CHANNEL, CITY OF HUNTINGTON BEACH

NO SCALE

LOCATION

MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

W 26738
SHEA HOMES
APNs 110-016-19, 20 & 21
GENERAL LEASE -
PROTECTIVE STRUCTURE USE
ORANGE COUNTY

TS 07/22/15

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

PARKSIDE ESTATES
(State Clearinghouse No. 97091051)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Parkside Estates Project (Project). The CEQA lead agency for the Project is the city of Huntington Beach (City).

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. State CEQA Guidelines section 15097, subdivision (a), states in part:[1]

> *In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The lead agency has adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are <u>underlined</u>; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

[1] The State CEQA Guidelines are found at California Code of Regulations, Title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures.

Potential Impact	Mitigation Measure (MM)[2]	Difference Between CSLC MMP and Lead Agency MMP
AQ-1: The proposed project is anticipated to exceed SCAQMD's daily threshold emission levels for NOx during construction activities. Further, the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.	MMs 1 through 6 under Air Quality (refer to Attachment C-1, pages 4 through 6).	Assigned numbers to impacts.
AQ-2: The City-approved/CCC-revised project would not exceed SCAQMD's daily threshold emission levels for CO and ROC, however mitigation measures 7 & 8 would still apply to reduce the alternative project's long-term incremental contribution to the air quality impact.	MMs 7 and 8 under Air Quality (refer to Attachment C-1, page 7).	Assigned numbers to impacts.
AQ-3: The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in a short-term air quality impact due to construction activities. The addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.	MMs 1 through 6 under Air Quality (refer to Attachment C-1, pages 4 through 6).	Assigned numbers to impacts.
AQ-4: The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in significant cumulative long-term impacts to air quality.	MMs 7 and 8 under Air Quality (refer to Attachment C-1, page 7).	Assigned numbers to impacts.
N-1: The proposed project has the potential to result in significant short-term noise impacts during exterior and interior construction activities.	MMs 1 and 2 under Noise (refer to Attachment C-1, pages 7 and 8).	Assigned numbers to impacts.
ER-3: Potential impacts may result from ground shaking.	MMs 1 and 2 under Earth Resources (refer to Attachment C-1, page 9).	Assigned numbers to impacts.
HYD-1: The proposed project may result in potential impacts to drainage.	MM 1 under Drainage/Hydrology (refer to Attachment C-1, page 11).	Assigned numbers to impacts.
HYD-2: The proposed project may result in potential impacts associated with flooding.	MM 1 under Drainage/Hydrology (refer to Attachment C-1, page 11).	Assigned numbers to impacts.
HYD-3: The proposed project may result in potential impacts to water quality.	MM 2 under Drainage/Hydrology (refer to Attachment C-1, page 11).	Assigned numbers to impacts.
HYD-4: The proposed project would contribute to potential cumulative drainage, flooding, and water quality impacts.	MMs 1 through 3 under Drainage/ Hydrology (refer to Attachment C-1, page 11 and 12).	Assigned numbers to impacts.

[2] See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

ATTACHMENT C-1

Mitigation Monitoring Program Adopted by the

The City of Huntington Beach

REVISED MITIGATION MONITORING PROGRAM

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC-REVISED PROJECT	MITIGATION MEASURES Those measures in "*italics*" have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
LAND USE COMPATIBILITY								
The affordable units are currently off-site within the City, therefore the Mitigation Measure has been satisfied.	*1. Prior to recordation of a final tract map, the applicant must satisfy the City's policy requiring 10 percent of proposed units to be affordable. This requirement must be satisfied to the discretion of the City Department of Planning through one of the following methods:* *a. Pay a fee to the City, if such a process is available;* *b. Participate with other developers or a non-profit organization to acquire and/or rehabilitate existing apartment units at any off-site location within a suitable area and provide for continued affordability; or* *c. Provide the required affordable units at one of Shea Homes' future multi-family projects within the City of Huntington Beach.* This mitigation measure has been satisfied.	N/A	N/A	N/A	N/A	N/A		
The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, may result in inconsistencies with the City's Affordable Housing Policy.	Mitigation Measure 1 above has been implemented.	N/A	N/A	N/A	N/A	N/A		
AESTHETICS / LIGHT AND GLARE								
The City-approved/CCC-revised may be perceived as having a substantial, demonstrable, negative aesthetic effect due to the reduction of viewable open space areas.	1. Prior to approval of building permits, the applicant shall provide proof of incorporation of City comments / conditions related to the overall proposed design and layout of buildings, and landscaping. This design and layout of buildings shall be approved by the City Department of Planning.	Prior to approval of building permit	Applicant	Plan Check	City option to implement as needed	Planning Department		
	2. Prior to issuance of building permits, the applicant shall submit a landscaping plan for the area outside the perimeter wall along Graham Street to be reviewed and approved by the City Department of Planning.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		

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The City-approved/CCC-revised project would not result in the removal of eucalyptus trees and therefore mitigation measure 3 would not be required.	3. *Prior to approval of building permits, the applicant shall provide a Landscape Plan to be approved by the Department of Public Works and the Department of Planning, which includes the replacement of all mature trees on the site at a 2:1 ratio with 36-inch box trees.* This measure was not applicable to 2002 approved or revised project. No eucalyptus trees will be removed.	N/A	N/A	N/A	N/A	N/A		
The proposed project may result in impacts to County-proposed trails.	4. Prior to approval of building permits, the applicant shall submit a bikeways plan to the City of Huntington Beach Planning Department, in consultation with the Manager of the County PFRD/HBP Program Management and Coordination, for approval of consistency with the Orange County Bikeway Plan.	Prior to approval of building permit	Applicant	Plan Check	Once upon completion	Planning Department		
LIGHT AND GLARE								
On-Site The project's development will increase the generation of light and glare on-site with on-site vehicle-related increases. In addition, the proposed project may result in an impact on the surrounding residential developments primarily to the north, and to some extent, to the east.	1. Prior to the approval of building permits, the applicant shall prepare a plan, which shows the proposed height, location, and intensity of street lights on-site. The plan shall comply with minimum standards for roadway lighting, and shall be reviewed and approved by the City Planning and Public Works Departments.	Prior to approval of building permits	Applicant	Plan Check	Once upon completion	Planning and Public Works Department		
	2. Prior to the approval of building permits, if outdoor lighting is to be 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.	Prior to approval of building permits	Applicant	Plan Check	City option to implement as needed			
	3. Non-reflective materials shall be utilized to the extent feasible. Individual building site plans shall be reviewed and approved by the City Planning and Public Works Department.	Prior to approval of building permits	Applicant	Plan Check	City option to implement as needed			
Off-Site Lighting from the proposed development may result in light and glare impacts to adjacent off-site uses.	Mitigation Measures 1 through 3 above shall be implemented.							

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TRANSPORTATION / CIRCULATION								
The proposed project will result in short-term construction related impacts due to the addition of truck and construction vehicle traffic. Depending on the location of the haul route, traffic impacts along the selected route may occur.	1. Prior to the issuance of grading permits, the applicant shall coordinate with the City of Huntington Beach in developing a truck and construction vehicle routing plan (including dirt import haul route). This plan shall specify the hours in which transport activities can occur and methods to minimize construction related impacts to adjacent residences. The final plan shall be approved by the City Engineer.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
The proposed project may result in impacts to pedestrian, bicycle, and vehicular safety related to the establishment of access and an on-site circulation system.	2. Prior to the final inspection, the applicant shall construct a traffic signal and improve the intersection at the proposed "A" Street and Graham Street.	During construction	Applicant	Final inspection	Once upon completion	City Engineer		
	3. Prior to the issuance of building permits, the applicant shall demonstrate to the satisfaction of the City Traffic Engineer that standards (including ADA) regarding pedestrian/bicycle safety along the perimeter sidewalks will be met.	Prior to issuance of building permits	Applicant	Construction Review	Once upon completion	City Engineer		
	4. Prior to the final inspection, the applicant shall be responsible for restriping Graham Street from Glenstone to the project access ("A" Street) as follows: ▪ Two 7 foot bikelanes; one 12' through lane in each direction, and a 14' two-way left turning median. Additionally, the applicant shall be responsible for restriping Graham Street from "A" street to Warner Avenue, as follows: ▪ Two 7 foot bikelanes, one 18' through lane in each direction, and a 14' two-way left turning median. The improvements shall be approved by the City Engineer.	During Construction	Applicant	Final inspection	Once upon completion	City Engineer		

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The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will result in level of service deficiencies at the intersections Bolsa Chica Street and Warner Avenue and Graham Street and Warner Avenue under the year 2020 condition.	5. Prior to final inspection, the applicant shall pay the applicable Traffic Impact Fee (TIF) for the City of Huntington Beach. 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 such as: ▪ Bolsa Chica Street/Warner Avenue – reconfigure intersection for east/west traffic to provide dual left turns and either three throughs or two throughs and an exclusive right turn lane. This deficiency is a product of cumulative growth and not a direct result of the proposed project. ▪ Graham Street/Warner Avenue – reconfigure intersection to provide an exclusive southbound right turn lane from Graham Street to Warner Avenue. This deficiency is a product of cumulative growth and not a direct result of the proposed project.	Prior to issuance of building permits	Applicant	Building permit issuance	City option to implement as needed	City Engineer		
AIR QUALITY								
AQ-1 The proposed project is anticipated to exceed SCAQMD's daily threshold emission levels for NO_x during construction activities. Further, the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.	1. During grading and construction, the applicant shall be responsible for compliance with the following: A. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune. B. After clearing, grading, earth moving, or excavation: 1) 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. 2) Spread soil binders; and 3) Implement street sweeping as necessary.	During grading and construction	Applicant	Grading / Inspection	City option to implement as needed	Planning and Public Works Departments		

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AQ-1 cont'd	C. During construction: 1) Use water trucks or sprinkler systems to keep all areas where vehicles move damp enough to prevent dust raised when leaving the site; 2) Wet down areas in the late morning and after work is completed for the day; 3) Use low sulfur fuel (.05% by weight) for construction equipment. D. Phase and schedule construction activities to avoid high ozone days. E. Discontinue construction during second stage smog alerts.							
	2. During grading and construction, the applicant shall be responsible for compliance with the following (or other reasonably equivalent measures as required by the City Engineer): A. Require a phased schedule for construction activities to minimize daily emissions. B. Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods. C. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be unused for four or more consecutive days). D. Require the planting of vegetative ground cover as soon as possible on construction sites. E. Install vehicle wheel-washers before the roadway entrance at construction sites. F. Wash off trucks leaving site. G. Require all trucks hauling dirt, sand, soil, or other loose substances and building materials to 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. H. Use vegetative stabilization, whenever possible, to control soil erosion from storm water especially on super pads. I. Require enclosures or chemical stabilization of open storage piles of sand, dirt, or other aggregate materials.	During grading and construction	Applicant	Grading / Inspection	City option to implement as needed	Planning and Public Works Departments		

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AQ-1 cont'd		J. Control off-road vehicle travel by posting driving speed limits on these roads, consistent with City standards. K. Use electricity from power poles rather than temporary diesel or gasoline power generators when practical.							
		3. During grading and construction, 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.	During grading and construction	Applicant	Grading / Construction Review	City option to implement as needed	Planning / Public Works Departments		
		4. During grading and construction, the applicant shall be responsible for the paving of all access aprons to the project site and the maintenance of the paving.	During grading and construction	Applicant	Grading / Inspection	City option to implement as needed	Planning / Public Works Departments		
		5. Prior to issuance of grading permits, the applicant shall be responsible for assuring that construction vehicles be equipped with proper emission control equipment to substantially reduce emissions.	Prior to issuance of grading permits	Applicant	Grading / Inspection	City option to implement as needed	Planning / Public Works Departments		
		6. Prior to issuance of grading permits, 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 Public Works Department, shall include, as appropriate: ▪ Provision of rideshare incentives. ▪ Provision of transit incentives for construction personnel. ▪ Configuration of construction parking to minimize traffic interference. ▪ Measures to minimize obstruction of through traffic lanes. ▪ Use of a flagman to guide traffic when deemed necessary.	Prior to issuance of grading permits	Applicant	Grading / Inspection	City option to implement as needed	Planning / Public Works Departments		

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AQ-2	The City-approved/CCC-revised project would not exceed SCAQMD's daily threshold emission levels for CO and ROC, however mitigation measures 7 & 8 would still apply to reduce the alternative project's long-term incremental contribution to the air quality impact.	7. Prior to the final inspection, the applicant shall provide proof to the City's Traffic Engineer that the project has contributed its 'fair-share' towards regional traffic improvement systems (i.e., traffic impact fees) for the area. This shall include efforts to synchronize traffic lights on streets impacted by project development.	Prior to issuance of building permits	Applicant	Building permit issuance	City option to implement as needed	Planning and Public Works Departments		
		8. Prior to the final inspection, the applicant shall provide proof that energy saving features have been installed in project homes as required by the Uniform Building Code. Features may include: solar or low-emission water heaters, energy efficient appliances, double-glass paned windows, low-sodium parking lights, etc.	Prior to plan check	Applicant	Final inspection	City option to implement as needed	Planning and Public Works Departments		
AQ-3	The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in a short-term air quality impact due to construction activities. The addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.	Mitigation Measures 1 through 6 above shall be implemented.							
AQ-4	The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in significant cumulative long-term impacts to air quality.	Mitigation Measures 7 and 8 above shall be implemented.							
	NOISE								
N-1	The proposed project has the potential to result in significant short-term noise impacts during exterior and interior construction activities.	1. Prior to issuance of grading permits, 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: A. A criteria of acceptable noise levels based on type and length of exposure to construction noise levels; B. 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 C. Temporary generators (if utilized) shall be located as	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Planning Department		

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N-1 cont'd	far as practical from sensitive noise receptors. D. Mitigation measures such as restrictions on the time of construction for activities resulting in high noise levels.							
	2. Prior to issuance of grading permits, the applicant shall produce evidence acceptable to the City Engineer that: A. 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. B. Stockpiling and/or vehicle staging areas shall be located as far as practicable from sensitive noise receptors. C. All operations shall comply with the City of Huntington Beach Noise Ordinance.	Prior to issuance of grading permits	Applicant	Grading Permit Review/ Construction Review	City option to implement as needed	City Engineer		
Based on the distance of on-site and off-site homes to the park and the barriers included as part of the recommended project (i.e., passive paseo park and slope), the proposed recommended project is not anticipated to result in significant noise impacts from recreational activities at the proposed park site.	*3a. Prior to issuance of grading permits, the applicant shall produce evidence (specifications) acceptable to the City that the new walls, if constructed, along the project's northern property (along the rear property line of lot #103 to lot #123 on Kenilworth Drive and the side property lines of lots #125 and #126 on Greenleaf Lane of Tract 5792) will be constructed to achieve maximum sound attenuation.* This mitigation measure is no longer applicable to the revised project due to CCC suggested modifications that reduced active park from 8.4 acres to 1.6 acres.	N/A	N/A	N/A	N/A	N/A		
	3b. Prior to issuance of grading permits, the applicant shall produce evidence (specifications) acceptable to the City that the new walls, if constructed, along Graham Street (along the project's boundary adjacent to the proposed homes) will be construction to achieve maximum sound attenuation.	Prior to issuance of grading permits	Applicant	Grading Permit Review/ Construction Review	City option to implement as needed	Planning Department		
The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will not result in a significant incremental increase (0.8 dBA) in traffic noise	Mitigation Measure 3 above is no longer applicable to revised project.							

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levels in the year 2020. Noise levels in excess of 65 CNEL are not anticipated considering the sound reduction effects of the proposed wall along the northern property line and along Graham Street.								
EARTH RESOURCES								
Significant settlements of peat deposits within the upper 5 feet could continue over the design life of the structures without mitigation in the form of removal and/or surcharge.	1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of 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 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.	Prior to issuance of a grading permit	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
	2. Prior to the issuance of a building permit, the recommendations contained in Section 8.0 of 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.	Prior to issuance of building permit	Applicant	Plan Check	City option to implement as needed	City Engineer		

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The potential exists for significant impacts from the on-site mildly to severely corrosive soils, soils with poor pavement support characteristics, low shear strength, and shrinkage.	Mitigation Measures 1 and 2 above shall be implemented.							
ER-2 Potential impacts may result from ground shaking.	Mitigation Measures 1 and 2 above, and 3. Prior to issuance of a building permit, it shall be proven to the Department of Building and Safety that all structures are designed in accordance with the seismic design provisions of the Uniform Building Codes or Structural Engineers Association of California to promote safety in the event of an earthquake.	Prior to issuance of building permit	Applicant	Plan Check	City option to implement as needed	Building and Safety Department		
Potential impacts may result associated with Liquefaction and Seismic Settlement.	Mitigation Measure 1 above shall be implemented.							
The proposed local dewatering may result in subsidence of adjacent properties along the project's northern property boundary.	4. Prior to the issuance of grading permits, 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 effect subsidence of adjacent properties. The Dewatering Plan shall be reviewed and approved by the Department of Public Works.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		
Groundwater impacts may occur.	Mitigation Measure 4 above shall be implemented.							
The potential exists for impacts from hazardous materials to occur.	5. Prior to the issuance of a grading permit, Phase II environmental soil sampling shall be conducted to determine the residual levels of pesticides in the soil. If inappropriate/unsafe levels 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.	Prior to issuance of a grading permit	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		

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		6. Prior to the final inspection, testing to verify the estimated radon gas levels shall be implemented as deemed necessary by the Department of Planning.	During construction	Applicant	Final inspection	City option to implement as needed	Planning Department		
	DRAINAGE / HYDROLOGY								
HYD-1	The proposed project may result in potential impacts to drainage.	1. Prior to the issuance of building permits, the project applicant shall implement conditions of the Public Works Department regarding storm drainage improvements which shall include, but not be limited to: ▪ Construct the necessary storm drainage improvements (identified on Exhibit 42 within the EIR) to handle increased flows and intercept off-site flows. ▪ Ensure that future building pads are placed at elevations suitable to withstand 100-year flood. ▪ Construct the necessary improvements to the East Garden Grove – Wintersburg Channel (C05) along the site's developed edge.	Prior to issuance of building permits	Applicant	Building Permit Review	City option to implement as needed	Public Works Department		
HYD-2	The proposed project may result in potential impacts associated with flooding.	Mitigation Measure 1 above shall be implemented.							
HYD-3	The proposed project may result in potential impacts to water quality.	2. Prior to issuance of any grading permits, the applicant shall submit a "Notice of Intent" (NOI), along with the required fee to the State Water Resources Control Board to be covered under the State NPDES General Construction permit and provide the City with a copy of the written reply containing the discharger's identification number.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
		3. Prior to the issuance of the grading permits, 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.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		

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HYD-4 cont'd The proposed project would contribute to potential cumulative drainage, flooding, and water quality impacts.	Mitigation Measures 1 through 3 above shall be implemented.							
BIOLOGICAL RESOURCES								
The proposed project may result in impacts to affected species locally and regionally.	1. If project grading construction is scheduled during the normal breeding season for red-tailed hawk and other raptors locally (February to July), a survey shall be conducted for active nests. Prior to the issuance of grading permits, should any active nests be located within the zone of potential disturbance, construction activities 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.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Planning Department		
The "originally" proposed project may result in potential impacts to pocket wetland habitats on the County parcel. The City-approved/CCC-revised would not result in removal impacts to the County parcel wetland habitats and therefore mitigation measure2 would not be required.	*2. Wetland impacts to the isolated pocket wetlands shall be mitigated at a ratio of 4:1 (square footage of wetlands to square footage of fill). The Coastal Development Permit shall require that mitigation for the fill of the pocket wetlands be implemented prior to the issuance of a grading permit for the County Parcel. The mitigation site shall be on-site or within the Bolsa Chica Lowlands unless the Lowlands are sold to a new landowner and the new landowner is unwilling to allow the proposed mitigation to proceed. In such a case, the developer of the site shall find an alternative mitigation site. The total mitigation for the loss of two small patches of degraded pickleweed habitat shall include the preservation and enhancement of 2 acres of appropriate wildlife habitat per the Department of Fish and Game.* This mitigation measure was not applicable to 2002 approved or revised project. There will be no development within the County parcel.	N/A	N/A	N/A	N/A	N/A		

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The project, in conjunction with other past, present, and reasonably foreseeable future projects, will incrementally contribute to the cumulative loss of biological resources.	Mitigation Measure 2 above is no longer applicable.							
CULTURAL RESOURCES								
The proposed project may result in a significant impact on archaeological sites CA-ORA-1308 and 1309.	1. Prior to issuance of a grading permit, the applicant 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 1x1-meter hand excavated units for stratigraphic control. The subsurface test investigation, which includes discussion of significance (depth, nature, condition, and extent of resources), final mitigation recommendations, and const estimate, shall be submitted to the Planning Director for review and approval.	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Planning Director		
	2. Prior to issuance of a grading permit, the applicant shall create (if deemed necessary through Measure 1 above) a cultural resource management plan based on 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 consultation with the appropriate Native American Organization and be reviewed and approved by the Planning Director. Additionally, the plan shall require peer review in conformance with the Coastal Commission's Archeological Guidelines.	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Planning Director		
	3. Prior to issuance of a grading permit, the applicant shall provide written evidence that a certified archaeologist has been retained, shall be present at the pre-grading meeting/ conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the project proponent, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate.	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Planning Director		

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	The archeological 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 Department of Planning 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 Director.							
The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will incrementally contribute to the cumulative loss of potentially significant cultural resources.	Mitigation Measures 1 through 3 above shall be implemented.							
PUBLIC SERVICES AND UTILITIES								
Implementation of the above measures will mitigate all project-specific impacts to public services and utilities to a level less than significant.	Fire 1. Prior to approval of building permits, building plans shall be submitted to and approved by the Fire Department. If during the Fire Department's plan check it becomes evident that fireground operations will become impeded, the department will impose additional fire code requirements in addition to the automatic sprinkler systems, alarm systems, access roads, etc.	Prior to approval of building permits	Applicant	Plan Check	City option to implement as needed	Fire Department		
	Police 2. Prior to issuance of building permits, the Police Department shall be consulted during preliminary stages of the project design to review the safety features, determine their adequacy, and suggest improvements.	Prior to issuance of building permits	Applicant	Plan Check	City option to implement as needed	Police Department		
	3. During construction and at complete buildout, 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.	During construction and at complete buildout and during plan check	Applicant	Construction	Once upon completion	Police Department		

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	Schools 4. Prior to issuance of building permits, the applicant shall provide school fees to mitigate conditions of overcrowding as part of building permit application. These fees shall be based on the State fee schedule in effect at the time of building permit applications.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		
	5. Prior to issuance of building permits, 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.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		
	Water 6. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the development proposed on the City parcel, which addresses the following: a. Water demand required by project (fire flow demand as determined by the Fire Department) b. Master Plan/General Plan Amendment (GPA) review 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). The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2ONET), 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.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		
	7. Prior to final inspection, the following water conservation measures shall be implemented as required by state law: a. Ultra-low-flush toilets	Plan Check	Applicant	Final inspection	Once upon completion	Public Works Department		

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	b. Ultra-low-flow showers and faucets c. Insulation of hot water lines in water recirculating systems d. Compliance with water conservation provisions of the appropriate plumbing code							
	8. Prior to final inspection issuance, water pressure regulators to limit downstream pressure to a maximum of 60 psi shall be installed.	Plan Check	Applicant	Final inspection	Once upon completion	Public Works Department		
	9. Prior to issuance of building permits, 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.	Prior to issuance of building permit	Applicant	Plan Check	Once upon completion	Public Works Department		
	10. Prior to final inspection, 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.	CC&R review	Applicant	Prior to final map recordation	Once upon completion	Public Works Department		
	11. The Water Division and Park, Tree, and Landscape Division of the City's Public Works Department shall be consulted 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.	During design and construction	Applicant	Plan Check / Construction	City option to implement as needed	Public Works Department		
	12. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the portion of the project to be developed on the County parcel, which addresses the following: a. <u>Water demand required by project</u> (fire flow demand as determined by the Fire Department) b. <u>Master Plan/General Plan Amendment (GPA) review</u> 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	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		

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	time the current Water Master Plan was adopted). The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2ONET), for a fee to be paid by the developer a minimum of 30 days in advance. The developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project proposed development on the County parcel, at no cost to the City. Any incremental impacts to the City's water system would need to be mitigated to the satisfaction of the Department of Public Works - Water Division.							
The annexation of the County parcel into the City of Huntington Beach and to the OCSD occurred subsequent to certification of the Final EIR. Thus, the requirements of Mitigation Measure 13 have been satisfied, and there is no change in the conclusion of the Final EIR that this impact is reduced to below a level of significance with implementation of mitigation.	*13. Prior to the issuance of building permits, for any lot within the parcel within the County of Orange, the applicant shall show proof from LAFCO of approval of annexation of the County parcel into the City of Huntington Beach and the Orange County Sanitation District, subject to the approval of the City Planning and Public Works Departments.* This Mitigation Measure has been satisfied.	N/A	N/A	N/A	N/A	N/A		
	14. Irrigation systems within the Park, which minimize water waste, shall be used to the greatest extent possible. Such measures should involve, where appropriate, the following features: a. Raised planters and berming in conjunction with closely spaced low volume, low angle (22 ½ degree) sprinkler heads. b. Drip irrigation c. Irrigation systems controlled automatically to ensure watering during early morning or evening hours to reduce evaporation losses. d. The use of reclaimed water for irrigated areas and grass lands. The project applicants shall connect to the Orange County Water District's "Green Acres" system of reclaimed water should this supply of water be available. Separate irrigation services shall be installed to ease this transition.	Prior to issuance of building permits	Applicant	Plan Check	City option to implement as needed	Planning & Public Works Departments		
	15. Landscape and irrigation plans for the Park which	Prior to issuance	Applicant	Plan Check	Once upon	Public Works		

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	encourage minimized use of lawns and utilize warm season, drought tolerant species shall be submitted to and approved by the Water Division and Park, Tree, and Landscape Division.	of building permits			completion	Department		
	Sewer 16. Prior to the issuance of building permits, the property owner (Shea Homes) 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.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
	Natural Gas 17. Prior to issuance of building permits, the Southern California Gas Company or designated natural gas provider shall be consulted with during the building design phase for further energy conservation measures	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
	Electricity 18. Prior to issuance of building permits, SCE shall be consulted with during the building design phase for further energy conservation measures.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
The proposed project will create increased demand for public services and utilities on a local and regional basis. Additionally, the project, in conjunction with other past, present and reasonably foreseeable future projects, will create an increased demand on fire, police, schools, community services, water, sewer, natural gas, and electrical services and facilities.	Mitigation Measures 1 through 18 above shall be implemented.							

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FROM INITIAL STUDY / NOP								
NATURAL RESOURCES / ENERGY								
The proposed project may result in impacts to natural resources and energy.	1. Building design and construction shall comply with the Energy Conservation Standards set forth in Title 24 of the California Administrative Code. Prior to approval of building permits for the Specific Plan, architectural and engineering plans shall be subject to the review and approval of the Director of Building and Safety to ensure conformance with these standards. Energy conservation features should include: • Installation of thermal insulation in walls and ceilings, which meet or exceed State of California, Title 24 requirements. • Insulation of hot water pipes and duct systems. Use of natural ventilation where possible. • Use of natural gas for space heating and cooking. Installation of ventilation devices. • Orientation to sunlight and use of overhangs. • Landscaping with deciduous trees, to provide shade in the summer months and allow sunlight through in the winter months.	Prior to approval of building permits	Applicant	Plan Check	Once upon completion	Director of Building and Safety		
Public Services and Utilities								
The proposed project may result in impacts regarding the need for new telephone service to the site.	Telephone 1. Prior to issuance of building permits, building plans shall be submitted to GTE enabling GTE to assess the improvements necessary to provide adequate service to the project site.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
The proposed project may result in impacts to library facilities and services.	Library 1. The applicant shall provide development fees to mitigate conditions of increased demand as part of building permit application. These fees shall be based on the City fee schedule in effect at the time of future building permit applications.	Prior to issuance of building permits	Applicant	Building Permit Issuance	Once upon completion	Planning Department		

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FROM INITIAL STUDY / NOP								
The proposed project may result in impacts to solid waste disposal services and facilities.	Solid Waste Disposal 1. To reduce the proposed project's impacts on waste disposal facilities, project designs shall develop a means of reducing the amount of waste generated both during construction and when the project is in use. The waste reduction program shall be approved by the Planning Director prior to issuance of building permits. Potential ways of reducing project waste loads include implementation of recycling programs, and use of low maintenance landscaping when possible (i.e., native vegetation instead of turf).	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Director		
	2. Rainbow Disposal shall be contacted during the design stage of project components to ensure the most efficient and economical means for rubbish removal. The designs shall include rubbish enclosures, projected travel areas, and turnabouts where necessary.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		

EXHIBIT D – PARKSIDE ESTATES

CALIFORNIA STATE LANDS COMMISSION
STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Protective Structure Use lease and a General Lease – Right-of-Way Use, to Shea Homes Limited Partnership, for use of sovereign lands associated with the proposed Parkside Estates (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)[1] The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306.) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

The CSLC is a responsible agency under CEQA for the Project because the CSLC must approve two leases for the Project to go forward and because the city of Huntington Beach (City) as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The City analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) and Addendum (State Clearinghouse [SCH] No. 97091051) and, in October 2002, certified the EIR and adopted a Mitigation Monitoring and Reporting Program (MMRP) and Findings. An Addendum to the EIR and a revised MMRP were approved by the City in June 2009.

The Project is a residential development that includes widening and improvements to the north levee of the East Garden Grove-Wintersburg Flood Control Channel (construction of deep soil mix cement columns, a maintenance road/public trail, and a portion of a vegetated flood protection feature), the installation of an enlarged storm drain under the channel, and the placement of an outflow pipe into the channel, on lands under the jurisdiction of the CSLC.

The City determined that the Project could have significant environmental effects on the following environmental resources:

- Land Use Compatibility;
- Aesthetics/Light and Glare;
- Transportation and Circulation;

[1] CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, Title 14, section 15000 et seq.

- Air Quality;
- Noise;
- Earth Resources;
- Drainage/Hydrology;
- Biological Resources;
- Cultural Resources; and
- Public Services and Utilities.

Of the 10 resources areas noted above, Project components within the CSLC's jurisdiction (levee maintenance and storm drain and road installation) could have significant environmental effects on four of the resource areas, as follows:

- Air Quality
- Noise
- Earth Resources
- Hydrology

In certifying the Final EIR and Addendum and approving the Project, the City imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant.

As a responsible agency, the CSLC complies with CEQA by considering the EIR and Addendum and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the CSLC may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the CSLC will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the CSLC adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

2.0 FINDINGS

The CSLC's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the City and the Addendum for the Project identifies potentially significant impacts that fall within the scope of the CSLC's approval, the CSLC makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Resource Defense Fund* v. *Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898.)

While the CSLC must consider the environmental impacts of the Project as set forth in the EIR and Addendum, the CSLC's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry

out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the CSLC's exercise of discretion involves only issuing General Lease – Protective Structure Use and a General Lease – Right-of-Way Use leases for this Project, the CSLC is responsible for considering only the environmental impacts related to lands or resources subject to the CSLC's jurisdiction. With respect to all other impacts associated with implementation of the Project, the CSLC is bound by the legal presumption that the EIR and Addendum fully comply with CEQA.

The CSLC has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR and Addendum relating to the CSLC's approval of a General Lease – Protective Structure Use, which would allow improvements to the north levee of the East Garden Grove-Wintersburg Flood Control Channel and drainage facilities, and a General Lease – Right-of-Way Use for the construction, use and maintenance of a bike and pedestrian trail, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the CSLC, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

(1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR and Addendum.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.[2]

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

These Findings are supported by substantial evidence contained in the EIR and Addendum and other relevant information provided to the CSLC or existing in its files, all of which is contained in the administrative record. The mitigation measures are

[2] See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR and Addendum.

The CSLC is the custodian of the record of proceedings upon which its decision is based. The location of the CSLC's record of proceedings is in the Sacramento office of the CSLC, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

A. SUMMARY OF FINDINGS

Based on public scoping there are no environmental issue areas have that would result in No Impact or Less Than Significant impacts for the proposed Project.

Potentially significant effects identified in the Findings are organized by significant impacts within the EIR issue areas as presented below.

B. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts within CSLC jurisdiction that are identified below were determined in the Final EIR and Addendum to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant. For the full text of each mitigation measure (MM), please refer to Exhibit C, Attachment C-1.

1. Air Quality	AQ-1, AQ-2, AQ-3, AQ-4
2. Noise	N-1
3. Earth Resources	ER-3
4. Drainage/Hydrology	HYD-1, HYD-2, HYD-3, HYD-4

1. AIR QUALITY

CEQA FINDING NO. AQ-1

Impact: **Impact AQ-1.** The proposed project is anticipated to exceed the South Coast Air Quality Management District's (SCAQMD's) daily threshold emission levels for NOx during construction activities. Further, the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

The proposed project would have a short-term impact on air quality from construction activities. The grading of the project site, the construction of the buildings, and construction worker trips will create temporary emissions of dust, fumes, equipment exhaust, and other air contaminants throughout the project construction period. Pollutant emissions can vary substantially from day to day, depending on the level of activity, the specific operations, and the prevailing weather. The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

MMs 1 through 6 under Air Quality. Refer to pages 4 through 6 of Exhibit C, Attachment C-1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. AQ-2

Impact: **Impact AQ-2.** The City-approved/California Coastal Commission-revised project would not exceed SCAQMD's daily threshold emission levels for CO and ROC, however mitigation measures 7 & 8 would still apply to reduce the alternative project's long-term incremental contribution to the air quality impact.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

Long-term total emissions generated from the project are the sum of the stationary source emissions and the mobile source emissions. Although the project would not exceed daily threshold emission levels, the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be an significant impact. The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

MMs 7 and 8 under Air Quality. Refer to page 7 of Exhibit C, Attachment C-1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. AQ-3

Impact: **Impact AQ-3.** The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in a short-term air quality impact due to construction activities. The addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

The project's incremental contribution to cummulative short-term air quality impacts and the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be an impact. The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

MMs 1 through 6 under Air Quality. Refer to pages 4 through 6 of Exhibit C, Attachment C-1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. AQ-4

Impact: **Impact AQ-4.** The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in significant cumulative long-term impacts to air quality.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

The project's incremental contribution to cummulative long-term air quality impacts and the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be an impact. The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

MMs 7 and 8 under Air Quality. Refer to page 7 of Exhibit C, Attachment C-1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

2. NOISE

CEQA FINDING NO. N-1	
Impact:	**Impact N-1.** The proposed project has the potential to result in significant short-term noise impacts during exterior and interior construction activities.
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

During the construction phase of the project, noise from construction activities would add to the noise environment in the immediate area; however, construction activities would be temporary in nature and are expected to occur during normal daytime working hours. Construction noise impacts could result in annoyance or sleep disruption for nearby residences if nighttime operations occurred, or if unusually noisy equipment was used. The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

MMs 1 and 2 under Noise. Refer to pages 7 and 8 of Exhibit C, Attachment C 1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

3. EARTH RESOURCES

CEQA FINDING NO. ER-3	
Impact:	**Impact ER-3.** Potential impacts may result from ground shaking.
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

The project site is located in a seismically active area where significant ground shaking from local earthquakes can be expected. One active fault (the Newport-Inglewood) is located 0.4 mile from the project site. Ground shaking impacts on the project site are considered to be moderate to high due to the proximity of known active faults within the region. Development of the proposed project may expose structures or persons to impacts associated with ground shaking. The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

MMs 1 and 2 under Earth Resources. Refer to page 9 of Exhibit C, Attachment C-1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

4. DRAINAGE/HYDROLOGY

CEQA FINDING NO. HYD-1

Impact: **Impact HYD-1.** The proposed project may result in potential impacts to drainage.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

The proposed drainage system will convey runoff from the site (approximately 49 acres) through new storm drain lines directly to the existing Slater Pump Station. Under a 100 year storm event the proposed project would result in a total increase of 126.1 cubic feet per second into the Slater Pump Station. Because the existing areas north of the project currently experience drainage deficiencies, this increase is considered to be significant. The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

MM 1 under Drainage/Hydrology. Refer to page 11 of Exhibit C, Attachment C-1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HYD-2

Impact: **Impact HYD-2.** The proposed project may result in potential impacts associated with flooding.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

The proposed project is located within a flood hazard area. Tidal flooding could occur when extreme high tides occur concurrently with storm surge events. The worst-case scenario would occur when high tide and storm surge occurs during failure of the levees of the lower reaches of the East Garden Grove-Wintersburg Flood Control Channel (which is possible as the levees are not Federal Emergency Management Agency

[FEMA] certified). The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

MM 1 under Drainage/Hydrology. Refer to page 11 of Exhibit C, Attachment C-1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HYD-3

Impact:	**Impact HYD-3.** The proposed project may result in potential impacts to water quality.
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

The proposed project has the potential to result in a long-term impact on water quality due to the addition of pollutants typical of urban runoff. The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

MM 2 under Drainage/Hydrology. Refer to page 11 of Exhibit C, Attachment C-1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HYD-4

Impact:	**Impact HYD-4.** The proposed project would contribute to potential cumulative drainage, flooding, and water quality impacts.
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR and Addendum.

FACTS SUPPORTING THE FINDING(S)

Water runoff would cumulatively increase due to construction related activities that require grading and vegetation removal, and the introduction of impervious surfaces. Buildout of the proposed project in conjunction with future related projects would incrementally contribute to a cumulative increase in the total amount of surface runoff erosion and water quality impacts. The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

MM 1 to 3 under Drainage/Hydrology. Refer to page 11 and 12 of Exhibit C, Attachment C-1.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.