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January 14, 2004

Ms. Meg Vaughn, Staff Analyst
CALIFORNIA COASTAL COMMISSION
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RECEIVED
South Coast Region

JAN 16 2004

CALIFORNIA
COASTAL COMMISSION

**Subject: Coastal Development Permit Application 5-03-029
Shea Homes – Parkside Estates**

Dear Ms. Vaughn:

FOUNDING PARTNERS:
RICHARD HUNSAKER
TOM R. MCGANNON
JOHN A. MICHLER
DOUGLAS G. SNYDER

The following comments, reports, exhibits etc. are in response to the Coastal Commission staff letter dated February 21, 2003. This response letter is formatted with the same bolded points as the Coastal Commission staff letter. In addition, we have provided a booklet with tabs and separate attachments as part of our response to your request for additional information.

The responses are as follows:

1. **Clarification of the Project Description**

PRINCIPALS:
DAVID FRATTONE
FRED GRAYLEE
BRADLEY HAY
PAUL HUDDLESTON
KAMAL H. KARAM
DOUGLAS L. STALEY
JACK TARR
KRIS WEBER
JOSEPH E. WIGHTMAN

1a. **Unpermitted Grading**

A letter from LSA Associates, Inc. (LSA) to Shea Homes dated January 23, 2003 (see Tab 1a), documents the incident pertaining to the unauthorized ground disturbance, or unpermitted grading, that occurred on site in December 2002. A subsequent site visit with California Coastal Commission staff members Mr. Steve Rynas and Mr. John Dixon occurred on April 30, 2003. In addition to the fact that no wetlands or environmental sensitive habitat areas (ESHA) were affected by the unauthorized activity, the area of disturbance had become completely revegetated. Therefore, as discussed with Mr. Rynas and Mr. Dixon during the April 2003 site visit, preparing a separate Coastal Development Permit (CDP) and implementing a revegetation plan are no longer warranted.

1b. **Parkside Estates Project Description**

The development alternatives of 163 lots and 161 lots were requested by the City of Huntington Beach in the event that the 4.9 ac. County parcel was not annexed (163 units). The 161 lot alternative respects complete conservation of the 4.9 ac. County parcel and is discussed in detail within the FEIR.

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The 4.9 ac. County parcel (Tentative Tract 15419) has been annexed into the City. Therefore, our Coastal Development Permit application is for the



170 single family development. All three scenarios which we submitted, were approved by the City of Huntington Beach City Council.

1c. **Incomplete Project Description**

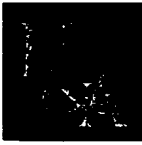
In addition to the items mentioned in the City's December 23, 2002 letter, we offer the following project description:

This application is a request to develop the Shea Homes 50± ac. parcel to create a planned community consisting of 170 lot single family homes, with a 8.2 ac. public park, 6.3 ac. open space area which includes a 2.3 ac. Water Quality Natural Treatment System. In addition, the City and County required the following public improvements which are regional or citywide in nature and benefit areas well beyond this development.

- Construction of a new storm drain system to intercept the Cabo Del Mar condominium community storm drain and divert flows through the site to the Slater/Wintersburg Storm Water Pump Station.
- Construction of a new storm drain system to intercept the Graham Street storm drain and divert flows through the site to the Slater/Wintersburg Storm Water Pump Station.
- Public access/amenities/trails plan has been provided. (See Tabs 2d and 2e.)
- Installation of additional pump facilities at the Slater/Wintersburg Storm Water Pump Station.
- Improvements to the Wintersburg Flood Control Channel to expand capacity in response to a condition from the Orange County Flood Control District and City of Huntington Beach.
- Replacement of the existing sewer pump station at Graham and Kenilworth with a new modernized pump station.
- Construction of a new sewer force-main in Graham Street, from the new Kenilworth Drive Pump Station, to Warner Avenue.
- Installation of a traffic signal at Graham Street entrance.
- Improvements to Graham Street to comply with City and County Master Plan of Highways.

Development of this property is critical to upgrading the existing deficient infrastructure improvements in the area.

We are including a WQMP as a separate attachment, as requested. This WQMP includes our proposed "Natural Treatment System" (responding to a City of Huntington Beach Condition of Approval) and information about



dewatering which would be required for the site. (See Tab 5 and attached WQMP.)

We are also including additional exhibits showing preliminary park improvement and landscape plans, a more detailed preliminary landscape plan and proposed improvements to the Wintersburg Channel. (See Tabs 2b, 2c and 2f.)

The potential haul routes (other than that discussed in the FEIR) depend on location of borrow sites, which will be determined and approved by the City of Huntington Beach prior to grading. The haul route operations will be consistent with City requirements.

2. **Project Plans**

Plans drawn to scale were part of the initial submittal to CCC. Revised Plans including preliminary landscape plans and dimensioned floor plans are included with this resubmittal. (See Tabs 2b, 2c and 2g.)

2a. **Vesting Tentative Tract No. 15419**

- Tentative Tract Nos. 15377 and 15419 are not Vesting Tentative Tract Maps. (See Tab 2a.)
- The City of Huntington Beach "conditioned" the removal of Lot 4 of Tentative Tract 15419. The removal of this lot from Tentative Tract Map 15419 will occur during final engineering.

The application was originally submitted with 44.96 gross ac. within the City and 4.88 gross ac. within the County. The annexation is now complete, thus the entire 49.84 gross ac. are now located within the City of Huntington Beach.

The reason for the difference in gross acreage of 44.96 for Tentative Map 15377 and the net acreage of 44.61 is that the area within the right-of-way of Graham Street was required by the City to be subtracted from the gross area to determine the net site area.

The total gross area of the site is 49.84 ac. of which, 4.5 ac. is certified and 45.34 ac. is non-certified. Please refer to Tab 2a, showing the areas of certification and deferred certification.

LCP Jurisdiction

Tentative Tract 15419		4.88 ac.
Certified	0 ac.	
Non Certified	4.88 ac.	
Tentative Tract 15377		44.96 ac.
Certified	4.5 ac.	
Non Certified	40.46 ac.	
	Total	49.84 ac.

Land Use Project Breakdown (Tentative Tract Maps 15377 and 15419)

Open space/park (public)		8.2 ac.
Certified	4.5 ac.	
Non Certified	3.7 ac.	
Common Open Space (private)		6.3 ac.
Passive Natural Area (NTS and Existing Eucalyptus trees)	3.4 ac.	
Passive Landscaped areas (Paseo Park and Pocket Landscaping)	2.9 ac.	
Low Density Residential (includes local streets)		35.34 ac.
	Grand Total	49.84 ac.

2b. Landscaping Plan

- A buffer zone greater than a 100' separates proposed residential development from the designated ESHA. Shown on enclosed Tentative Tract Map 15377. (See Tab 2a.)
- Landscape plans have been revised to include more detail. (See Tab 2b.)
- To minimize any potential adverse impacts to adjacent ESHA's, the landscape plans will make use of predominantly native drought tolerant non-invasive plants. See attached Landscape Plan, Tab 2b.

2c. Park Development Plan

- Park plans have been updated to include proposed improvements and proposed vegetation. Native and non-invasive plants are incorporated into this park landscape plan. Two copies of the conceptual park development plan are provided with this resubmittal. (See Tab 2c.)

2d. Conceptual Trails and Bike Way Plan

- Trail improvements shown on Exhibit 5b of the FEIR are part of the Parkside Estates CDP application.
- The trail plan has received County and City approvals. See attached letters from County Planning, Public Facilities, Harbors Beaches and Parks. (See Tab 2d.) Appropriate County encroachment permits will be obtained prior to channel improvement construction.
- See Tab 2e for revised trails and Public Amenities Plan.

2e. Public Access Plan

- A public access and amenity plan is included with this resubmittal. (See Tab 2e.)
- The revised park plan will include a neighborhood park with improvements, regional and local trails, parking view nodes, open space etc.
- See Tabs 2b, 2c and 2d.

2f. East Garden Grove Wintersburg Channel Improvement Plan

- EGGW Channel Plans and narrative are included with this resubmittal. (See Tab 2f.)
- FEIR 560 prepared for channel widening incorporates the County's Project Report. The enclosed channel improvement are in compliance with the County's final EIR 560 (a copy is enclosed, see attachments).
- See certified Topographic Work Map depiction area of watershed study and area benefited from flood protection improvements at Tab 2f.
- See CLOMR letter from FEMA at Tab 2f which shows required flood protection improvements.

2g. Plan 1, Plan 2 and Plan 3 Drawings By Bassenian Lagoni

- Architectural drawings have been revised and are included in this resubmittal. (See Tab 2g.)

2h. **Reduced Set of Plans**

- Reduced set of plans are included in this resubmittal. (See Tab 2h and attachment.)

3. **Wetland Evaluations**

- An updated wetland delineation of the (original) City 45 ac. parcel has been completed and is included in this resubmittal. (See Tab 3.)
- Copies of all of the biological reports cited in the FEIR are attached. These reports are (see Tab 3):

Tom Dodson and Associates report of December 1997

Frank Hovore & Associates report of December 10, 1997

D.R. Sanders & Associates report of October 10, 1991

Alden Kelley Arborist Report of September 29, 1996

4. **Biological Resources**

- A supplemental biological resources report has been included in this resubmittal. (See Tab 4.)
- A raptor usage and nesting study has been prepared and is enclosed with this resubmittal. (See Tab 4.)

5. **Water Quality**

- A WQMP and SWPPP have been prepared and are included in this resubmittal. (See attachments.)
- See proposed Parkside Estates Natural Treatment System document prepared by GeoSyntec and Hunsaker & Associates exhibits. (See Tab 5 and within the WQMP.)
- A Dewatering Plan is included in this resubmittal and will be reviewed by Regional Water Quality Control Board. (See Tab 5 and within the WQMP.)

6. **Farmland**

- The Shea Homes property is an infill site which has existing residential development to the north south and east. It has been General Planned and Zoned for residential use since 1971.



- The farming being conducted onsite is an interim use.
- Agricultural uses are not permitted in the RL Low Density District. Therefore, the farming being conducted onsite is considered a nonconforming use.
- This area is not classified as prime agricultural land per State Department of Conservation (see Tab 6, please note Parkside Estates location depicted on the map).
- See City letter dated December 16, 2003 (see Tab 6). Further committing on the farmland issue.

7. **Suitability of the Project Site for Residential Development**

The improvements proposed are needed to complete the Master Plan of Drainage for this area. These improvements are extensive because the City, County and FEMA requirements have been revised and are much more stringent than when adjacent projects were developed. The residential developments within this area were designed to meet a 25 year storm event. However, current requirements of the City, County and FEMA requires that new development must meet a 100 year flood event. Thus raising finished grades and upgrading infrastructure facilities to increase capacities. The soils and geological design requirements are also more demanding. These and other design features will create a greater level of safety for both this development and the surrounding area. We feel this is consistent with both the Coastal Act and City's LCP policies.

- The subject property is suitable for residential development. The site development requirements are dissimilar from the adjoining residential development, because various agency codes were considerably less demanding when those adjoining residential neighborhoods were developed.
- This proposed development provides "regional" flood control benefits that the City and County require, but which they are unable to provide at this time.
- The proposed development will need to be elevated to comply with the current base flood elevation requirements imposed by FEMA. In addition, the proposed storm drain improvements, channel improvements will provide extensive regional benefits.
- The filling in of the subject property would "not" contribute to an adverse effect to coastal resources. To the contrary, the proposed development will provide regional and upgraded flood protection, sanitation, and water quality improvements.
- The seawall is a consequence of a City condition responding to several of the potential development scenarios of the Bolsa Chica

Lowlands Restoration project that could increase the potential for flooding.

- The proposed seawall provides flood and tidal protection to the neighbors to the north of the proposed development and would be required even without the proposed development.
- Earth import haul routes were discussed within the FEIR. Essentially, the specific haul routes will be determined by the grading contractor prior to securing a City grading permit and are dependant upon time of year, volume of dirt to be imported, and availability of dirt and where the dirt will be obtained from.

8. **Fuel Modification**

- The "Original" 4.9 ac. within the County of Orange jurisdiction has recently been annexed to the City of Huntington Beach.
- The City of Huntington Beach Fire Department identified no need for fuel modification in their letter which is included in this resubmittal. (See Tab 8.)

9. **Cultural Resources**

- Following a recent site inspection to evaluate CA-ORA-1308 and 1309, LSA has prepared a proposed plan to conduct further reconnaissance to determine if CA-ORA-1308 and CA-ORA-1309 are actually archeological deposits. This is included in this resubmittal. (See Tab 9.)
- Please confirm that it is appropriate to proceed with this additional reconnaissance without the need for a separate Coastal Development Permit.

10. **Geotechnical Investigation**

- A current letter from Pacific Soils validating the prior geotechnical investigation is included in this resubmittal. (See Tab 10.)

11. **Verification of All Other Permits Permission or Approvals Applied for or Granted by a Public Agency.**

11a. **Orange County Fire Authority.**

Subject property has been annexed to City of Huntington Beach. City Fire Department has responded. (See Tab 8.)

11b. **U.S. Army Corps of Engineers**

- Contingent upon receiving a Coastal Zone Management (CZM) consistency concurrence from the California Coastal Commission,



the U.S. Army Corp of Engineers (Corps) has issued a "Provisional Letter of Permission" dated September 28, 2001, authorizing construction of the Parkside Estates residential development, pursuant to Section 10 of the Rivers and Harbors Act. The Corps will not sign and finalize the letter of permission until the Coastal Commission issues a CZM consistency concurrence. The proposed channel bank improvements (installation of sheet pile) will be done outside of the delineated ordinary high water of the channel. Therefore, Section 404 permit authorization will not be needed for construction of the 170 residential units or the channel bank improvements along the earthen berm. Details regarding these proposed project activities are provided earlier in this document.

- See Tab 11b for a copy of the June 29, 2000 letter by Vandermost Consulting Services, Inc. with all of the figures/exhibits per your request.
- On November 20, 2003, Shea Homes, LSA, and GeoSyntec Consultants had a preapplication meeting with Cori Farrar and Jason Lambert of the Corps to discuss the proposed project and Section 404 permit requirements. On behalf of Shea Homes, LSA is in the process of preparing a submittal package for authorization under Section 404 of the Federal Clean Water Act to construct a natural treatment system within the project limits and to install a storm drain pipe under the East Garden Grove/Wintersburg Channel.
- The 1.5-ac. slough is a historic wetland that no longer exists on either the City or County parcels. The slough was filled decades ago prior to both the Coastal Act and Clean Water Act. The Corps acknowledged these findings and issued the provisional letter of permission, referenced above, to impact the 1.5 ac. historic wetlands (i.e., slough) for construction of the Parkside residential development.

11c. **California Department of Fish and Game**

As part of the proposed improvements to the East Garden Grove/Winterburg Channel, Shea Homes will submit a Notification of Streambed Alteration to the California Department of Fish and Game (CDFG), pursuant to Section 1603 of the Fish and Game Code of California.

There are no State-listed species on site that would require a "take" permit from the CDFG. Furthermore, the CDFG reviewed and commented on the Environmental Impact Report (EIR) for the proposed project (Parkside Estates EIR No. 97-2, Volume III, July 2002), and the CDFG's concerns have been addressed herein. (See attached Supplemental Biology Report, Tab 4.)



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11d. U.S. Fish and Wildlife Service

There are no federal-listed species on site that would require an incidental "take" permit from the U.S. Fish and Wildlife Service (USFWS). Furthermore, the USFWS reviewed and commented on the EIR for the proposed project (Parkside Estates EIR No. 97-2, Volume III, July 2002), and the USFWS's concerns have been addressed herein. (See attached Supplemental Biology Report, Tab 4.) Also, the Corps has the discretion to elicit the assistance of the USFWS should the Corps deem it necessary.

11e. Regional Water Quality Control Board

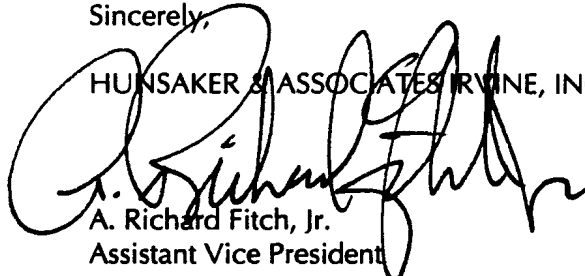
On November 20, 2003, Shea Homes, LSA and GeoSyntec Consultants had a preapplication meeting with Adam Fischer of the Regional Water Quality Control Board (RWQCB) to discuss the proposed project and the Section 401 water quality certification application. On behalf of Shea Homes, LSA is in the process of preparing an application for a Section 401 water quality certification.

Please call if you have any questions or need additional information. Also, please let me know if it is appropriate to proceed with the additional review of the CA-ORA-1308 and 1309 based on the plan proposed by LSA, without having to process a separate Coastal Development Permit, as mentioned in Item 9 of this letter.

Thank you for taking this matter into consideration.

Sincerely,

HUNSAKER & ASSOCIATES IRVINE, INC.



A. Richard Fitch, Jr.
Assistant Vice President
Project Management

ARF:rg

cc: Ron Metzler, Shea Homes
Nancy Lucast
Steve Kaufmann, Richards, Watson & Gershon
Fred Graylee, H&A

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