



AGENDA STAFF REPORT

DATE: June 10, 2013

TO: Honorable Mayor and Members of the City Council

THRU: Jill R. Ingram, City Manager

FROM: Jim Basham, Director of Community Development

SUBJECT: **SECOND READING – ADOPTION OF ORDINANCE NO. 1627 REGARDING SENIOR HOUSING, SINGLE ROOM OCCUPANCY HOUSING, EMERGENCY SHELTERS AND OFF-STREET PARKING AND ORDINANCE NO. 1628 ADDING EMERGENCY SHELTERS AS A PERMITTED USE IN THE BOEING INTERGRATED DEFENSE SYSTEMS SPECIFIC PLAN**

SUMMARY OF REQUEST:

That the City Council waive further reading and adopt the following ordinances:

- (1) Ordinance No. 1627 amending Title 11 of the Seal Beach Municipal Code regarding Senior Housing, Single Room Occupancy Housing, Emergency Shelters, and off-street parking (MCA 13-1);
- (2) Ordinance No. 1628 amending the Boeing Integrated Defense Systems Specific Plan by adding "Emergency Shelters" as a permitted use (SPA 13-2).

BACKGROUND AND ANALYSIS:

On May 29, 2013, the City Council conducted public hearings for consideration of the two ordinances and introduced Ordinances No. 1627 and No. 1628. The ordinances are part of the 2008-2014 adopted Housing Element implementation programs and fulfillment of Senate Bill 2 planning and zoning requirements.

ENVIRONMENTAL IMPACT:

Ordinance No. 1627: Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the Community Development Department has determined that the proposed activity

is exempt from environmental review per Sections 15060(b)(2)(3) and 15305 of the State CEQA Guidelines.

Ordinance No. 1628: Staff prepared and circulated for review a Mitigated Negative Declaration (MND) for Specific Plan Amendment 13-2, pursuant to the requirements of the California Environmental Quality Act (CEQA). There were no comments received during the public comment period, which ran from March 1, 2013 through April 2, 2013, and the Planning Commission subsequently found that the MND and the appurtenant Mitigation Monitoring and Reporting Program complied with CEQA and recommended that the City Council adopt them.

LEGAL ANALYSIS:

The City Attorney has reviewed and approved as to form.

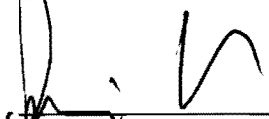
FINANCIAL IMPACT:

There is no financial impact related to this item.

RECOMMENDATION:

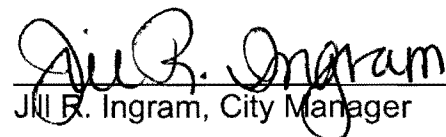
That the City Council waive further reading and adopt Ordinances No. 1627 and No. 1628.

SUBMITTED BY:



Jim Basham,
Director of Community Development

NOTED AND APPROVED:



Jill E. Ingram, City Manager

Attachment:

- A. Ordinance No. 1627
- B. Ordinance No. 1628

ORDINANCE NUMBER 1627

AN ORDINANCE OF THE CITY OF SEAL BEACH APPROVING MUNICIPAL CODE AMENDMENT 13-1 REGARDING SENIOR HOUSING, SINGLE ROOM OCCUPANCY HOUSING, TRANSITIONAL AND SUPPORTIVE HOUSING, EMERGENCY SHELTERS, AND OFF-STREET PARKING

THE SEAL BEACH CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. Table 11.2.05.010 of the Municipal Code is hereby amended as follows:

Residential Use Types	RLD	RMD	RHD	Additional Regulations
Senior Citizen Housing	P	P	GP	See Section 11.4.05.125

Section 2. Section 11.4.05.125 of the Municipal Code is hereby amended as follows:

§ 11.4.05.125 Senior Citizen Apartments and Independent Living Facilities.

Where allowed by Part II: Base District Regulations, age-restricted senior citizen apartments shall comply with the same regulations that are applicable to other non-age-restricted residential developments of the same type in the same zone. ~~of this Section.~~

~~A. Permit Requirement. Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits shall be required to establish a Senior Citizen Apartment or an Independent Living Facility.~~

~~B. Minimum Qualifying Age. The development must be deed restricted for senior citizens and/or physically/mentally disabled residents for the life of the structure. The deed restriction shall limit residency to senior citizens and/or physically/mentally disabled residents in compliance with state law.~~

~~C. Required Findings. In determining whether to grant a Conditional Use Permit for senior citizen apartments, or, if granted, the nature and extent of conditions to impose on the permit, the Commission shall make findings in accordance with Section 11.5.20.020: Required Findings, in addition to the following considerations:~~

~~1. The nature and use of real property within 500 feet of the proposed site.~~

~~2. Adequate buffering from incompatible land uses through the use of increased setbacks, landscaping, screening walls, the location of windows, and building design and orientation.~~

~~3. Access and proximity to shopping areas, medical services, public transit stops, and other providers of needs particular to senior citizens.~~

~~4. Appropriate common open space and recreational facilities.~~

~~D. Development Standards. Each senior citizen apartment project shall comply with the development features set forth in Table 11.4.05.125: Senior Citizen Residential Project Development Features.~~

Table 11.4.05.125 Senior Citizen Residential Project Development Features	
Development Feature	Requirement
Maximum Building Height	3 stories/35 feet
Maximum Density	40 units per acre
Maximum Lot Coverage	60%
Minimum Front Yard Setback	20 ft, with minimum 15 ft between building and any private patio wall
Minimum Side Yard Setback	10 ft
Interior	15 ft
Street Side	15 ft
Minimum Rear Yard Setback	15 ft
Minimum Dwelling Unit Size	
1-bedroom unit	550 sq.-ft.
2-bedroom, 1-bathroom unit	600 sq.-ft.
2-bedroom, 2-bathroom unit or larger	700 sq.-ft.
Off-street parking	1 covered space per unit and 1 guest space for each five units
Open Space	See Section 11.4.05.110.B: Open Space Requirements

E. Landscaping. ~~The applicant shall submit a landscape plan for approval. Landscape design, installation, and maintenance shall comply with Chapter 11.4.30: Landscaping and Buffer Yards.~~

~~Up to 35% of the required landscape area may be installed with hardscape materials, at the discretion of the Director.~~

F. Additional Amenities. Each dwelling unit shall be provided with:

- ~~1. An oven and stove;~~
- ~~2. A garbage disposal;~~
- ~~3. Central heating and air conditioning;~~
- ~~4. At least 150 square feet of indoor storage, including closets; and~~
- ~~5. A minimum of 100 cubic feet of lockable storage area with a minimum dimension of 30 inches, outside of the dwelling unit; provided that these storage areas shall not be visible from a public street.~~

G. Security Requirements. ~~Each senior citizen apartment development shall include the following security provisions to safeguard residents:~~

- ~~1. Electrically monitored entry gates accessed at a central location;~~
- ~~2. 24-hour medical alarm security system connected to the manager's unit;~~
- ~~3. Smoke detectors in all units, corridors, and common areas; and~~
- ~~4. Any other security measures deemed necessary by the Chief of Police, the Orange County Fire Authority, and the Commission.~~

~~H. **Accessory Non-Residential Facilities.** Senior apartments and independent living centers may be allowed additional non-residential facilities, including intermediate care facilities, and personal services (for example, beauty salon, physical therapy) through Conditional Use Permit approval pursuant to Chapter 11.5.20: Development Permits, without a requirement for additional parking, provided that the facilities shall only be for the private use of project residents.~~

Section 3. Section 11.6.05.010 of the Municipal Code is hereby amended by the addition of the following definition of "single room occupancy":

Single room occupancy (SRO): A residential facility that provides living and sleeping facilities and a toilet and sink for one or two persons per unit. Shower, kitchen, and laundry facilities may be shared by one or more SROs.

Section 4. Table 11.2.10.010 of the Municipal Code is hereby amended by the addition of "SRO" under *Residential Use Types* as a conditionally permitted use in the RHD zone with additional regulations per Section 11.4.05.127

Section 5. Section 11.4.05.127 is hereby added to the Municipal code to read as follows:

11.4.05.127. Single Room Occupancy

Single room occupancy units (SROs) shall conform to the following requirements:

- (1) Occupancy shall be limited to maximum two persons per unit. Minimum unit sizes (not including toilet compartment) shall be:
 - a. One person: 150 square feet.
 - b. Two persons: 175 square feet.
- (2) Each SRO unit shall be provided with the following minimum amenities:
 - a. Kitchen sink with garbage disposal.
 - b. A toilet and sink located in a separate room within the unit that is a minimum 20 sq/ft.
 - c. One closet per person.
 - d. Telephone and cable TV hookups.
- (3) If full bathrooms are not provided in each unit, shared showers shall be provided on each floor at a ratio of one per seven occupants or fraction thereof on the same floor, with doors lockable from the inside.
- (4) If full kitchens are not provided in each unit, shared kitchen facilities shall be provided on each floor consisting of a range, sink with garbage disposal, and refrigerator.
- (5) If laundry facilities are not provided in each unit, common laundry facilities shall be provided, with one washer and one dryer on the premises for every 25 units for the first 100 units and one washer and one dryer for every 50 units over 100.

(6) Elevators shall be required for SROs of two or more stories.

Section 6. Section 11.6.05.010 the Municipal Code is hereby amended by the addition of the following definitions of "transitional housing" and "supportive housing":

Transitional Housing: Housing operated under program requirements that terminates assistance to residents and recirculates the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no later than six months from the initial occupancy date of the recipient. Transitional housing is a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

Supportive Housing: Housing occupied by a specified target population that has no limit on length of stay, and that is linked to onsite or offsite services that assist the resident in retaining the housing, improving his or her health status, maximizing his or her ability to live, and – when possible – work in the community. Supportive housing is a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

Section 7. Section 11.6.05.010 the Municipal Code is hereby amended by the addition of the following definition of "emergency shelter":

Emergency Shelter: Housing with minimal supportive services for homeless persons that limits occupancy by homeless persons to six months or less and that does not deny emergency shelter due to a person's inability to pay.

Section 8. Section 11.4.05.140 the Municipal Code is hereby added to Chapter 11.4.05, as follows:

11.4.05.140 Emergency Shelters

This Section sets forth requirements for the establishment and operation of emergency shelter facilities.

A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:

1. Zoning Conformance Required. Emergency shelters may be established and operated in the Boeing Integrated Defense Systems (BIDS) Specific Plan District subject to non-discretionary approval of a Zoning Conformance in compliance with Chapter 11.5.250: Director Determinations;

2. Management and Operations Plan. An application for a permit to establish and operate an emergency shelter shall be accompanied by a Management Plan, which shall establish hours of operation, staffing levels, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, and security procedures.

B. Development Standards. In addition to other standards set forth in the BIDS Specific Plan, emergency shelters shall conform to the following standards.

1. Maximum of 25 beds.

2. Minimum separation of 300 feet between emergency shelters.

Section 9. Table 11.4.20.015.A.1 the Municipal Code is hereby amended as follows:

Two-Unit Dwelling; Multiple-Unit Residential	2 spaces per dwelling unit for each unit. 1 guest space for every 7 units 1 space per dwelling unit, inclusive of guest parking, for each studio or one-bedroom unit in a development meeting the minimum requirements of Chapter 11.4.55 (Affordable Housing Bonus).	See also Section 11.2.05.015.N: <i>Limitations on Parking and Garage Frontage</i> All spaces except guest spaces must be located in a garage or carport.
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Section 13. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part hereof. The City Council of the City of Seal Beach hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 14. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

PASSED, APPROVED AND ADOPTED by the Seal Beach City Council at a regular meeting held on the 10th day of June, 2013.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS
CITY OF SEAL BEACH }

I, Linda Devine, City Clerk of the City of Seal Beach, do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting held on the 29th day of May, 2013 and was passed, approved and adopted by the City Council at a regular meeting held on the 10th day of June, 2013 by the following vote:

AYES: Council Members: _____

NOES: Council Members: _____

ABSENT: Council Members: _____

ABSTAIN: Council Members: _____

And do hereby further certify that Ordinance Number 1627 has been published pursuant to the Seal Beach City Charter and Resolution Number 2836.

City Clerk

ORDINANCE NUMBER 1628

AN ORDINANCE OF THE CITY OF SEAL BEACH APPROVING SPECIFIC PLAN AMENDMENT 13-2 TO ALLOW EMERGENCY SHELTERS IN THE BOEING INTEGRATED DEFENSE SYSTEMS SPECIFIC PLAN AREA

THE SEAL BEACH CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. In compliance with the California Environmental Quality Act, Cal. Pub. Res. Code § 21000 et seq. ("CEQA") and the State CEQA Guidelines, 14 C.C.R. § 15000 et seq., a Mitigated Negative Declaration ("MND") has been prepared for Specific Plan Amendment 13-2, which would allow emergency shelters in the Boeing Integrated Defense Systems Specific Plan area. The MND finds that the amendment would not have a significant effect on the environment if subject to the mitigation measures described in the Mitigation Monitoring and Reporting Program ("MMRP") that is included as Exhibit A to this Ordinance. The City Council, in its independent judgment, hereby finds approves and adopts the MND and the MMRP.

Section 2. Table 5-1 of the Boeing Integrated Defense Specific Plan is hereby amended to allow emergency shelters in Planning Areas 1, 2, and 3 subject to the provisions of Municipal Code § 11.4.05.140. There are no other amendments to Table 5-1.

Land Use	Planning Area			
Business Park	1	2	3	4
Emergency shelters ¹	√	√	√	

¹ Emergency shelters shall be permitted subject to the provisions of Municipal Code Sec. 11.4.05.140.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part hereof. The City Council of the City of Seal Beach hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 4. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

PASSED, APPROVED AND ADOPTED by the Seal Beach City Council at a regular meeting held on the 10th day of June, 2013.

Mayor

ATTEST:

City Clerk

Ordinance Number 1628

STATE OF CALIFORNIA }
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AYES: Council Members: _____

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City Clerk

EXHIBIT A
Mitigation Monitoring and Reporting Program

Mit. #	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Confirmation
AQ-1	The project shall comply with SCAQMD Rule 402, which prohibits the discharge from a facility of air pollutants that cause injury, detriment, nuisance, or annoyance to the public or that damage business or property.	Contractor	Building Official	During construction	
AQ-2	<p>During clearing, grading, earth-moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust-preventive measures using the following procedures, as specified in the SCAQMD Rule 403:</p> <ul style="list-style-type: none"> • On-site vehicle speed shall be limited to 15 miles per hour. • All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. • Streets adjacent to the project reach shall be swept as needed to remove silt that may have accumulated from construction activities so as to prevent excessive amounts of dust. • All material transported on-site or off-site shall be either sufficiently watered or securely covered to prevent release of excessive amounts of dust. • The area disturbed by clearing, grading, earth-moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust. • All clearing, grading, earth moving, or excavation activities shall cease during periods of winds so as to prevent excessive amounts of dust as set forth below: • Rough grading (mass grading) - when winds are greater than 25 miles per hour averaged over one hour; and • Precise grading - when winds are greater than 35 miles per hour averaged over one hour. • These control techniques shall be indicated in project grading plans. Compliance with the measure shall be subject to periodic site inspections by the City. • Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible. 	Contractor	Building Official	During construction	
AQ-3	Ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Compliance with this measure shall be subject to periodic inspections of construction equipment vehicles by the City.	Contractor	City Engineer	During construction	
AQ-4	The project shall comply with SCAQMD Rule 1113, which limits the VOC content of architectural coatings used in the SCAB or allows the averaging of such coatings, as specified, so actual emissions do not exceed the allowable emissions if all the averaged coatings comply with the specified limits.	Contractor	Building Official	During construction	

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Mit. #	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Confirmation
AQ-5	All vehicles shall be prohibited from engine idling in excess of ten minutes, both on-site and off-site.	Contractor	Building Official	During construction	
AQ-6	All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114, with special attention to sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.	Contractor	Building Official	During construction	
BIO-1	Prior to demolition or grading, removal of ornamental trees shall only be conducted between September 16 and March 14, outside the peak bird nesting season in conformance with the Migratory Bird Treaty Act.	Contractor	Building Official	During construction	
CUL-1	A "Test Phase," as described in the Archaeological and Historical Element of the City General Plan, shall be performed by the City selected archaeologist, and if potentially significant cultural resources are discovered, a "Research Design Document" shall be prepared by the City selected archaeologist, in accordance with the provisions of the Archaeological and Historical Element of the General Plan. The results of the test phase investigation shall be presented to the Archaeological Advisory Committee for review and recommendation to the City Council for review and approval prior to earth removal or disturbance activities in the impacted area of the proposed project.	City Archaeologist	Community Development Director; City Council	Prior to issuance of a grading or building permit	
CUL-2	Project-related earth removal or disturbance activity is not authorized until such time as the "Research Design" investigations and evaluations are completed and accepted by the City Council, a Coastal Development Permit is issued by the California Coastal Commission, and until a written "Authorization to Initiate Earth Removal-Disturbance Activity" is issued by the City of Seal Beach Community Development Director to the applicant for the impacted area of the proposed project.	City Archaeologist	Community Development Director; City Council; Coastal Commission	Prior to issuance of a grading or building permit	
CUL-3	During all "test phase" investigation activities occurring on site, the City selected archaeologist and the Native American monitor shall be present to conduct and observe, respectively, such "test phase" investigation activities.	City Archaeologist; Native American monitor	Community Development Director	Prior to issuance of a grading or building permit	
CUL-4	If evidence of subsurface paleontologic resources is found during construction, excavation and other construction activity in that area shall cease and the contractor shall contact the City Community Development Department. With direction from the City, an Orange County Certified Paleontologist shall prepare and complete a standard Paleontologic Resource Mitigation Program.	Contractor; Paleontologist	Community Development Director	During construction	
CUL-5	Should any human bone be encountered during any earth removal or disturbance activities, all activity shall cease immediately and the City selected archaeologist and Native American monitor shall be immediately contacted, who shall then immediately notify the Community Development Director. The Community Development Director shall contact the Coroner pursuant to Sections 5097.98 and 5097.99 of the Public Resources Code relative to Native American remains. Should the Coroner determine the human remains to be Native American, the Native American Heritage Commission shall be contacted pursuant to Public Resources Code Section 5097.98.	Contractor; City Archaeologist; Native American monitor; Coroner	Community Development Director	During construction	

Ordinance Number 1628

Mit. #	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Confirmation
CUL-6	<p>If more than one Native American burial is encountered during any earth removal or disturbance activities, a "Mitigation Plan" shall be prepared and subject to approval by the City of Seal Beach Community Development Department. The Mitigation Plan shall include the following procedures:</p> <p><u>Continued Native American Monitoring</u></p> <ul style="list-style-type: none"> • All ground disturbance in any portions of the project area with the potential to contain human remains or other cultural material shall be monitored by a Native American representative of the MLD. Activities to be monitored shall include all construction grading, controlled grading, and hand excavation of previously undisturbed deposit, with the exception of contexts that are clearly within the ancient marine terrace that comprises most of this area known as Landing Hill. • Exposure and removal of each burial shall be monitored by a Native American. Where burials are clustered and immediately adjacent, one monitor is sufficient for excavation of two adjoining burials. • Excavation of test units shall be monitored. Simultaneous excavation of two test units if less than 20 feet apart may be monitored by a single Native American. • If screening of soil associated with burials or test units is done concurrently with and adjacent to the burial or test unit, the Native American responsible for that burial or test unit shall also monitor the screening. If the screening is done at another location, a separate monitor shall be required. • All mechanical excavation conducted in deposits that may contain human remains (i.e., all areas not completely within the marine terrace deposits) shall be monitored by a Native American. <p><u>Notification Procedures for New Discoveries</u></p> <ul style="list-style-type: none"> • When possible burials are identified during monitoring of mechanical excavation, or excavation of test units, the excavation shall be temporarily halted while the find is assessed in consultation with the lead field archaeologist. If the find is made during mechanical excavation, the archaeologist or Native American monitoring the activity shall have the authority to direct the equipment operator to stop while the find is assessed. If it is determined that the find does not constitute a burial, the mechanical excavation shall continue. 	Contractor; City Archaeologist; Native American monitor; Coastal Commission	Community Development Director	During construction	

Ordinance Number 1628

Mit. #	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Confirmation
	<ul style="list-style-type: none"> If the find is determined to be a human burial, the lead archaeologist shall immediately notify the Site Supervisor for the developer, as well as the Principal Investigator. The Principal Investigator shall immediately notify the MLD and the Community Development Director for the City of Seal Beach. The City shall provide the Coastal Commission with weekly updates describing the finds in writing. <p><u>Identification of Additional Burials</u></p> <ul style="list-style-type: none"> For all discovered human burials, attempts shall continue to be made to locate additional burials nearby through hand excavation techniques. This shall be done through the excavation of 1 x 1 meter exploratory test units (ETUs) placed along transects extending radially from each identified burial or burial cluster. The spacing of the ETUs shall be determined upon consultation with the project Archaeologist and the MLD. The radial transects shall be designed to test areas within 50 feet (15 m) from the edge of each burial or burial cluster. Excavation of these units shall be limited to areas containing intact cultural deposit (i.e., areas that have not been graded to the underlying marine terrace) and shall be excavated until the marine terrace deposits are encountered, or to the excavation depth required for the approved grading plan. The soil from the ETUs along the radial transects shall be screened only if human remains are found in that unit. Controlled grading shall be conducted within these 50-foot heightened investigation areas with a wheeled motor grader. The motor grader shall use an angled blade that excavates 1 to 2 inches at a pass, pushing the soil to the side to form a low windrow. Monitors shall follow about 20 feet behind the motor grader, examining the ground for evidence of burials. When a burial is identified during controlled grading, the soil in windrows that may contain fragments of bone from that burial shall be screened. At a minimum this shall include the soil in the windrow within 50 feet of the burial in the direction of the grading. If additional burials are found during controlled grading, additional ETUs will be hand excavated in the radial patterns described above. <p><u>Burial Removal and Storage</u></p> <ul style="list-style-type: none"> Consultation with the MLD shall occur regarding the treatment of discovered human burials. If the MLD determines it is appropriate to have discovered human remains pedestaled for removal, that activity shall be conducted in a method agreed to by the MLD. 				

Ordinance Number 1628

Mit. #	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Confirmation
	<ul style="list-style-type: none"> After pedestaling or other agreed upon burial removal program is completed, the top of a burial shall be covered with paper towels to act as a cushion, and then a heavy ply plastic will be placed over the top to retain surface moisture. Duct tape shall be wrapped around the entire pedestal, securing the plastic bag and supporting the pedestal. Labels shall be placed on the plastic indicating the burial number and the direction of true north in relation to the individual burial. Sections of rebar shall be hammered across the bottom of the pedestal and parallel to the ground. When a number of parallel rebar sections have been placed this way, they shall be lifted simultaneously, cracking the pedestal loose from the ground. The pedestal shall then be pushed onto a thick plywood board and lifted onto a pallet. A forklift shall carry the pallet to a secure storage area or secure storage containers located on the subject property. If another agreed upon burial removal program is utilized, that method shall be carried out in a manner agreed upon after consultation with the MLD. <p><u>Study of Burial Remains</u></p> <ul style="list-style-type: none"> If the burials are removed in pedestal and are incompletely exposed, osteological studies are necessarily limited to determination (if possible) of age, sex, position, orientation, and trauma or pathology. After consultation, and only upon written agreement by the MLD, additional studies that are destructive to the remains may be undertaken, including radiocarbon dating of bone or DNA studies. If the MLD determines that only non-destructive additional studies may be allowed, one shell may be removed from each burial and submitted for radiocarbon dating. The assumption here is that the shell would have been part of the fill for the burial pit, and therefore would provide a maximum age for the burial. The MLD may indicate a willingness to consider some additional exposure and study of the skeletal material removed from the sites. Such study would not involve removal of the remains from the project area, but rather would be undertaken near the storage area. To the extent allowed by the MLD, the bones would be further exposed within the existing pedestals or other medium containing the human remains and additional measurements taken. Consultation with the MLD regarding the feasibility of these additional studies prior to reburial would occur. 				

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Mit. #	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Confirmation
	<p><u>Repatriation of Burials and Associated Artifacts</u></p> <ul style="list-style-type: none"> Once all portions of the project area have been graded to the underlying culturally sterile marine terrace deposits, or to the excavation depth required for the approved grading plan, the repatriation process shall be initiated for all recovered human remains and associated artifacts. Once a reburial site has been identified and prepared, the remains and associated artifacts shall be transported from the secure storage area to the site for reburial. Appropriate ceremony will be undertaken during this process at the discretion of the MLD. <p><u>Additional Studies</u></p> <ul style="list-style-type: none"> Considerable additional data relating to regional research issues may be uncovered if substantial numbers of human burials and other archaeological features are encountered during the construction monitoring for the development. If this occurs, additional analysis shall be conducted. The analysis shall be designed to more completely address the research issues discussed in the approved "Research Design," and to provide additional mitigation of impacts to the sites in light of the new finds. The following studies would be potentially applicable: <ul style="list-style-type: none"> o Radiocarbon Dating. In considering the implications of the burials in interpreting site use and regional settlement, it is critical to assess the time range represented by the interments. Do they correspond to the full temporal range of site use, or only a limited timeframe? Although direct dating of the bones may not be possible due to the destructive nature of the radiocarbon technique, the MLD may approve the removal of a single shell from the interior of each burial for dating. Although this shall not provide a direct date of the burial, assuming the shell was part of the burial fill it should provide a maximum age (that is, the burial should not be older than the shell). In addition, an equivalent number of additional samples from non-burial contexts would also be taken for comparative purposes. These data would provide a more secure measure of the intensity of occupation during different periods. o Sediment Cores. Dating results obtained to date on the Hellman Ranch/John Laing Homes properties may suggest a possible link between the use of the sites within the project area and the productivity of the adjacent lagoon and estuary systems. To assess this link using independent environmental data on the subject property, two sediment cores will be taken from suitable locations of the property. Sediments in the cores shall be examined and described in the field by C3 geologist, and samples collected for dating and pollen analysis. These data shall then be used to 				

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Mit. #	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Confirmation
	<p>help reconstruct the habitats present on the property during the periods the sites were occupied. This analysis shall be included in the final report documenting the testing, data recovery, and construction monitoring phases of this investigation.</p> <ul style="list-style-type: none"> Comparative Studies. The substantial assemblage of artifacts recovered during the monitoring on the Hellman Ranch/John Laing Homes properties provides a basis for comparison with other sites and shall contribute to an understanding of regional patterns. This analysis shall be included in the final report (see below). Animal Interments. Animal interments may be discovered within the project area. Because these are not human remains, somewhat more intensive study is possible. Because these features are uncommon and represent very culture-specific religious practices, they are useful in reconstructing cultural areas during certain times in prehistory. Analysis of animal interments will include: (1) exposure to determine burial position; (2) photo documentation; (3) examination of skeleton for age/sex; traumatic injury, pathology, butchering, or other cultural modification; (4) radiocarbon dating; and (5) examination of grave dirt for evidence of grave goods or stomach contents. <p><u>Curation</u></p> <ul style="list-style-type: none"> Cultural materials recovered from the cultural resources monitoring and mitigation program for the development shall be curated either at an appropriate facility in Orange County, or, in consultation with the City, at the San Diego Archaeological Center. <p><u>Preparation of Final Report</u></p> <ul style="list-style-type: none"> The final technical report shall be prepared and submitted to the City and the California Coastal Commission within 12 months of the completion of the archaeological field work. The report shall conform to the guidelines developed by the California Office of Historic Preservation for Archaeological Resource Management Reports (ARMR). It will be prepared in sufficient quantity to distribute to interested regional researchers and Native American groups. It shall thoroughly document and synthesize all of the findings from all phases of the cultural resources program. Funding shall be provided by the landowner. 				
GEO-1	Engineering design for all structures shall be based on the probability that the project area will be subjected to strong ground motion during the lifetime of development. Construction plans shall be subject to Chapter 9.60 (Building Code) of the City of Seal Beach Municipal Code and shall include applicable standards, which address seismic design parameters.	Contractor	City Engineer	Prior to issuance of a building permit	

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GEO-2	Mitigation of earthquake ground shaking shall be incorporated into design and construction in accordance with California Building Code requirements and site specific design. The Newport-Inglewood Fault zone shall be considered the seismic source for the project site and specified design parameters shall be used. Conformance with applicable codes and ordinances shall occur in conjunction with the issuance of building permits in order to insure that over excavation of soft, broken rock and clayey soils within sheared zones shall be required where development is planned.	Contractor	City Engineer	Prior to issuance of a building permit	
GEO-3	The potential damaging effects of regional earthquake activity shall be considered in the design of each structure. The preliminary seismic evaluation shall be based on basic data including the California Building Code Seismic Parameters and Pacific Soils' exhibits and tables. Structural design criteria shall be determined in the consideration of building types, occupancy category, seismic importance factors, and possibly other factors.	Contractor	City Engineer	Prior to issuance of a building permit	
GEO-4	The project proponent shall incorporate measures identified in site-specific reports prepared by the project geotechnical consultant to mitigate expansive soil conditions, compressible/collapsible soil conditions and liquefaction soil conditions, and impacts from trenching. Recommendations shall be based on surface and subsurface mapping, laboratory testing, and analysis. The geotechnical consultant's site specific reports shall be approved by a certified engineering geologist and a registered civil engineer, and shall be completed to the satisfaction of the City Engineer. Project applicant shall reimburse City costs of independent third-party review of said geotechnical report.	Contractor	City Engineer	Prior to issuance of a building permit	
GEO-5	Loose and soft alluvial soils, expansive clay soils, and all existing uncertified fill materials shall be removed and replaced with compacted fill during site grading in order to prevent seismic settlement, soil expansion, and differential compaction. All grading procedures, including soil excavation and compaction, the placement of backfill, and temporary excavation shall comply with City of Seal Beach Standards.	Contractor	Building official	Prior to issuance of a building permit	
GEO-6	All surfaces to receive compacted fill shall be cleared of existing vegetation, debris, and other unsuitable materials, which shall be removed from the site. Soils that are disturbed during site clearing shall be removed and replaced as controlled compacted fill under the direction of the Soils Engineer.	Contractor	Building official	Prior to issuance of a building permit	
GEO-7	Graded but undeveloped land shall be maintained weed-free and planted with interim landscaping within 90 days of completion of grading, unless building permits are obtained. Planting with interim landscaping shall comply with National Pollutant Discharge Elimination System (NPDES) Best Management Practices.	Contractor	Building official	Prior to issuance of a building permit	
GEO-8	As soon as possible following the completion of grading activities, exposed soils shall be seeded or vegetated with a seed mix and/or native vegetation to ensure soil stabilization.	Contractor	Building official	Prior to issuance of a building permit	
GEO-9	Precise grading plans shall include an Erosion, Siltation, and Dust Control Plan. The Plan's provisions may include sedimentation basins, sand bagging, soil compaction, revegetation, temporary irrigation, scheduling and time limits on grading activities, and construction equipment restrictions on-site. This plan shall also demonstrate compliance with South Coast Air Quality Management District Rule 403, which regulates fugitive dust control.	Contractor	Building official	Prior to issuance of a grading permit	

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Mit. #	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Confirmation
HAZ-1	Should hazardous materials be encountered within on-site structures, the materials shall be tested and properly disposed of in accordance with State and Federal regulatory requirements. Any stained soils or surfaces underneath the removed materials shall be sampled. Results of the sampling shall indicate the appropriate level of remediation efforts that would be required.	Contractor	Building official	During grading and construction	
HAZ-2	<p>To address the potential for lead-based paint and asbestos containing material to be present within structures on-site, the following activities shall occur prior to the demolition or relocation of on-site structures:</p> <ul style="list-style-type: none"> • If during demolition of the structures, paint is separated from the building material (e.g., chemically or physically), the paint waste shall be evaluated independently from the building material to determine its proper management. According to the Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material shall be disposed of as construction debris (a non-hazardous waste). The landfill operator shall be contacted in advance to determine any specific requirements they may have regarding the disposal of lead-based paint materials. • In compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP), an asbestos survey shall be conducted prior to the commencement of any remedial work, including demolition, to determine the presence of asbestos containing materials (ACMs) • Any demolition of the existing buildings shall comply with State law, which requires a certified contractor to follow prescribed procedures when removing 100 square feet or more of ACMs. 	Contractor	Building official	Prior to issuance of a demolition permit; during demolition	
HAZ-3	Prior to the issuance of any building permit, the project applicant shall provide evidence acceptable to the Building Official demonstrating that the proposed development is consistent with the Airport Environs Land Use Plan.	Contractor	Building official	Prior to issuance of a building permit	
HYD-1	Prior to issuance of a grading permit for any project of one acre or larger, a General Construction Activity Storm Water Permit shall be obtained from the Regional Water Quality Control Board. Such permits include provisions to eliminate or reduce off-site discharges through implementation of a Storm Water Pollution Prevention Plan (SWPPP). Specific SWPPP provisions include requirements for erosion and sediment control, as well as monitoring requirements both during and after construction. Pollution-control measures also require the use of best available technology, best conventional pollutant control technology, and/or best management practices to prevent or reduce pollutant discharge.	Contractor	Building official	Prior to issuance of a grading permit	

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Mit. #	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Confirmation
HYD-2	Prior to the issuance of the first grading or building permit for any project of one acre or larger, a comprehensive Water Quality Management Plan (WQMP) shall be prepared by a registered civil engineer or a registered professional hydrologist to protect water resources from impacts due to urban contaminants in surface water runoff. The WQMP shall be prepared in coordination with the Regional Water Quality Control Board, Orange County, the City of Seal Beach, and the California Coastal Commission to insure compliance with applicable National Pollutant Discharge Elimination System (NPDES) permit requirements. The WQMP shall include a combination of structural and non-structural Best Management Practices (BMPs) as outlined in the Countywide NPDES Drainage Area Management Plan. The project applicant shall reimburse City costs of independent third-party review of the Water Quality Management Plan.	Contractor	Building official	Prior to issuance of the first grading or building permit	
HYD-3	Site plans shall be designed to include all feasible techniques for the onsite retention and percolation of precipitation and irrigation water in a manner meeting the approval of the City Engineer.	Contractor	City Engineer	Prior to issuance of a grading or building permit	
HYD-4	Prior to issuance of a grading or building permit, the applicant shall demonstrate to the City Engineer that the development will be adequately protected from flood hazards.	Contractor	City Engineer	Prior to issuance of a grading or building permit	
N-1	If determined necessary by the City Engineer, prior to issuance of a building permit a noise analysis of the proposed development shall be prepared. The noise analysis shall evaluate noise levels on the project site and identify measures that will ensure acceptable exterior and interior noise levels for residential units. The analysis should include noise impacts from traffic along Seal Beach Boulevard, helicopter overflights from the Boeing facility, aircraft overflight from the Los Alamitos Armed Forces Reserve Center (AFRC) and operational impacts from the Seal Beach Police Station. Noise mitigation measures may include screening or increased building insulation, if determined necessary by the City Engineer.	Contractor	City Engineer	Prior to issuance of a building permit	
UTIL-1	Prior to the issuance of any building permit for residential development, the project applicant shall provide evidence acceptable to the Seal Beach Public Works Director demonstrating that adequate water and wastewater facilities are available to serve the development. Project plans shall demonstrate conformance with all applicable water conservation requirements such as drought-tolerant landscaping and water-saving fixtures.	Contractor	Public Works Director	Prior to issuance of a building permit	
UTIL-2	The construction contractor shall reduce construction-generated waste that is disposed of at landfills according to State law by at least 50 percent. The contractor shall prepare a construction waste management plan explaining the practices that would be used to achieve this level of reduction.	Contractor	Building official	Prior to issuance of a building permit	
UTIL-3	Prior to the issuance of building permits for the proposed structures, detailed plans shall be submitted to the Community Development Department for approval, delineating the number, location, and general design of solid waste enclosures and storage areas for recycled material.	Contractor	Community Development Director	Prior to issuance of a building permit	