City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Rosemary Medel, Associate Planner RM
DATE: April 26, 2011

SUBJECT: **ENVIRONMENTAL IMPACT REPORT NO. 10-003 (BEACH AND WARNER MIXED USE PROJECT)**

APPLICANT: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

PROPERTY OWNER: Decron Properties, Len Lichter, City of Huntington Beach Redevelopment Agency

LOCATION: The proposed mixed-use project is located on a 9.4 acre, L-shaped site on the southwest corner of Beach Boulevard and Warner Avenue

STATEMENT OF ISSUE:

- Environmental Impact Report (EIR) No. 10-003:
  - Analyzes the environmental impacts associated with the development of the Beach and Warner Mixed Use Project, which consists of 279 dwelling units, 35,600 square feet of commercial area and 75,000 square feet of public open space area on the 9.4 acre project site;
  - Documents potential impacts to aesthetics, biological resources, geology and soils, hydrology and water quality, air quality, cultural resources, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems, hazards and hazardous materials, and climate change;
  - Evaluates two alternatives to the proposed project; and
  - Concludes that potential impacts can be mitigated to less than significant levels for the project with the exception of impacts to air quality and transportation/traffic, which would remain significant and unavoidable.

- Staff's Recommendation:
  - Certify EIR No. 10-003 because it adequately analyzes the potential environmental impacts associated with the proposed project, identifies project alternatives, provides mitigation measures to lessen the project's impacts consistent with the Beach and Edinger Corridors Specific Plan (BECSP) Program EIR and General Plan policies, and has been prepared in accordance with the California Environmental Quality Act (CEQA).

RECOMMENDATION:

Motion to: "Certify EIR No. 10-003 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1654 (Attachment No. 1)."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

A. "Continue certification of EIR No. 10-003 and direct staff accordingly."

B. "Deny certification of EIR No. 10-003 with findings for denial."

PROJECT PROPOSAL:

EIR No. 10-003 analyzes development of up to 279 dwelling units, 29,600 square feet of retail uses and 6,000 square feet of restaurant uses (35,600 square feet total) and public open space on a 9.4-acre site located at the southwest intersection of Beach and Warner. (Attachment No. 2)

Under the proposed project, the existing 15-story 196,000 square-foot (sf.) office building; the 18,531 sf. retail/restaurant building along Warner Avenue; the 7,205 sf. restaurant (Todai building) on Beach Boulevard; and the six-story, 863 stall parking structure located at the northeast corner of Sycamore Avenue and Ash Street would remain. All other buildings on the project site would be demolished and replaced with new development. Project improvements involve the development of two six-story mixed use buildings and two one-story retail buildings. The six-story Beach Blvd. building, located adjacent to Beach, Cypress and Elm, consists of 202 apartment units located above street level commercial uses and the parking podium. At grade or street level commercial uses are proposed fronting Beach Blvd. and the interior (north) of the site. In addition, street level residential units will be located along Cypress Ave. and Elm St. The building includes an internal three-level 481-stall parking structure with residential units above. The parking structure provides one level of parking below grade, one level at-grade, and one level above grade. The second six-story mixed use building is proposed adjacent to Warner, Ash and the existing parking structure. The Warner Ave. building will consist of 77 residential apartment units that front Warner Ave. and Ash St. with four live-work units fronting Warner Ave. The building also includes 3,000 sf. retail and 1,000 sf. restaurant uses oriented to the interior (east) of the site. The building includes an internal two-level, 55-stall parking structure (one level below grade, one at grade) that is surrounded by the commercial and residential uses. The project also proposes two new retail buildings fronting at the corner of Beach Blvd. and Warner Ave. The two buildings are proposed at one-story with approximately 5,500 sf. of retail uses with a public plaza. Other improvements include the consolidation of the various parcels that comprise the overall project site. The project proposes to include 7,000 sf. of residential common area, 15,800 sf. of residential private open space and 75,000 sf. of public open space.

The environmental impact report discusses potential adverse impacts in the areas of aesthetics, biological resources, geology and soils, hydrology and water quality, air quality, cultural resources, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems, hazards and hazardous materials, and climate change. The direct, indirect and cumulative impacts of the proposed project are addressed, as are the impacts of project alternatives.

The EIR consists of three volumes. Volumes I and II are the Draft EIR and Appendices that were circulated for a minimum 45-day public review period. Volume III is the Final EIR, which includes the comments received during the public review period, responses to those comments and text changes to the Draft EIR to clarify or correct information in response to comments or as identified as necessary by staff. These volumes are referenced as Attachment No. 3.

Background:

The proposed project is located within the Beach and Edinger Corridors Specific Plan (BECSP), adopted in March 2010. Development on the project site was included in the Notice of Preparation for the BECSP EIR and analyzed as part of the larger scope of development contemplated in the BECSP EIR (Program EIR No. 08-008), which anticipated approximately 272 dwelling units and 35,600 square feet of commercial area on the project site. As such, the analysis in Draft EIR No. 10-003 is tiered from the BECSP Program EIR where appropriate.

ISSUES:

Subject Property Land Use, Zoning, and General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay)	SP-14 (Beach and Edinger Corridors Specific Plan)	General Commercial Uses and Vacant Land
North of Subject Property:	M-sp-d	SP-14	General Commercial Uses
East of Subject Property (across Beach Blvd):	M-sp-d	SP-14	Carwash, General Commercial Uses
South of Subject Property (across Cypress):	M-sp-d	SP-14	General Commercial uses
West of Subject Property (across Elm, Sycamore and Ash):	RM-15 (Multiple Family Res-15 units per AC) CG-F1 (Commercial General – Floor Area Ratio 0.35)	RM and CG	Residential and Commercial Office Uses

The project site consists of approximately 9.4 acres located on the southwest corner of Beach Blvd. and Warner Avenue. The project site is developed with a fifteen-story office tower at the corner of Beach Boulevard and Warner Avenue, several one-story strips of retail, office, and restaurant uses fronting Beach Boulevard and Warner Avenue, as well as a two-story movie theater, a six-story parking structure, and a two-story Bally's Total Fitness. A portion of the site (approximately 0.5 acre) on the northeast corner of Cypress Avenue and Elm Street is currently undeveloped. The project site is located within the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan (BECSP).

General Plan Conformance:

The EIR is consistent with the goals, policies and objectives of the City's General Plan as follows:

A. *Air Quality Element*

Goal AQ 1: Improve regional air quality by a) decreasing reliance on single occupancy vehicular trips, b) increasing efficiency of transit, c) shortening vehicle trips through a more efficient jobs-housing balance and a more efficient land use pattern, and d) increasing energy efficiency.

Policy AQ 1.8.1: Continue to enforce construction site guidelines that require truck operators to minimize particulate emission.

Policy AQ 1.8.2: Require installation of temporary construction facilities (such as wheel washers) and implementation of construction practices that minimize dirt and soil transfer onto public roadways.

Policy AQ 1.9: Minimize sensitive uses (residential, hospitals, schools, etc) exposure to toxic emissions.

Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

The EIR analysis focuses on the nature and magnitude of the change in the air quality environment due to implementation of the proposed project. Air pollutant emissions associated with the proposed project would result from construction activities, operation of the commercial and residential uses and project-related traffic volumes. Mitigation Measures MM4.2-1 though MM4.2-16 would be implemented to reduce these emissions and minimize impacts to sensitive uses surrounding the project site, such as existing residential developments across from Elm Street and Ash Street to the extent feasible. The EIR discusses requirements for all projects to comply with South Coast Air Quality Management District (SCAQMD) Rule 403, which would also reduce short-term/construction emissions. The analysis in the climate change section of the EIR proposes mitigation measures that are consistent with strategies recommended by the California Climate Action Team and California Air Pollution Control Officers Association for reducing climate change emissions. The EIR also notes that the BECSP requires use of sustainable practices to increase the proposed project's energy efficiency.

C. *Circulation Element*

Goal CE 2: Provide a circulation system which supports existing, approved and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

Policy CE 2.1.1: Maintain a city-wide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

Goal CE 2.3.4: Require new development mitigate its impact on City streets, including but not limited to, pedestrian, bicycle, and vehicular conflicts, to maintain adequate levels of service.

Objective CE 2.3: Ensure that the location, intensity and timing of new development is consistent with the provision of adequate transportation infrastructure and standards as defined in the Land Use Element.

Policy CE 2.3.1: Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent feasible.

The EIR analyzes the potential for adverse impacts on existing transportation and traffic conditions resulting from implementation of the proposed project. A traffic study was conducted by Austin-Foust Associates and analyzed potential adverse traffic impacts on the intersections surrounding the project site (Beach Blvd and Warner Ave, Beach Blvd and Slater Ave) as well as the BECSP study area. The EIR

documents that the project would not result in significant impacts to the level of service at the two closest intersections. Mitigation Measures MM4.13-1 through MM4.13-18 require mitigation of the project's contribution to the intersections and freeway ramp determined to be significantly impacted as a result of implementation of the BECSP through payment of fees that would provide the project's fair share toward improving those intersections. The EIR also analyzes the project's potential to create adverse impacts from inadequate parking capacity, alternative transportation policies, pedestrian and bicyclist safety and emergency access. With implementation of existing code requirements, mitigation measures adopted for the BECSP and proposed project-specific mitigation measures, impacts would be mitigated to a less than significant level.

D. *Environmental Hazards Element*

Goal EH 1: Ensure that the number of deaths and injuries, levels of property damage, levels of economic and social disruption and interruption of vital services resulting from seismic activity and geologic hazards shall be within acceptable levels of risk.

Objective EH 1.1: Ensure that land use planning in the City accounts for seismic and geologic risk, including groundshaking, liquefaction, subsidence, soil and slope stability and water table levels.

Objective EH 1.2: Ensure that new structures are designed to minimize damage resulting from seismic hazards, ensure that existing unsafe structures are retrofitted to reduce hazards and mitigate other existing unsafe conditions.

Policy EH 1.2.1: Require appropriate engineering and building practices for all new structures to withstand groundshaking and liquefaction such as stated in the Uniform Building Code.

Goal EH 3: Ensure the safety of the City's businesses and residents from methane hazards.

Objective EH 3.2: Minimize methane hazards in the identified Methane Overlay District, and other areas outside the Methane Overlay Districts as may later be defined, through the regulation of construction and adherence to the City's Methane Hazard Mitigation Plan.

Policy EH 3.2.2: Establish, enforce, and periodically update testing requirements for sites proposed for new construction within the identified Methane Overlay District.

The EIR analyzes the existing physical setting of the project site as it relates to hazards and hazardous materials and its potential impact on human health resulting from implementation of the proposed project. Mitigation Measures MM4.6-1 through MM4.6-4 ensure that all impacts related to hazards and hazardous materials would be less than significant. To ensure that the proposed project is designed to minimize damage resulting from seismic hazards and that new structures are engineered to withstand groundshaking and liquefaction, Mitigation Measure 4.5-1 would be implemented requiring a final soils and geotechnical report, which would recommend design measures to be implemented in the final project design.

E. *Environmental Resources/Conservation Element*

Policy ERC 2.1.10: Conduct construction activities to minimize adverse impacts on existing wildlife resources.

Mitigation Measure 4.3-1 requires that prior to construction or any vegetation removal that appropriate surveys shall be conducted to ensure that no nesting habitats are disturbed, including impact-avoidance measures.

F. *Growth Management Element*

Goal GM 1: Provide adequate police services to meet the needs of the City's population.

Goal GM 1.1.3: Continue to provide a 5-minute response time for Priority 1 calls for service at least 85% of the time. Calls are considered Priority 1 where there is a threat to life or property.

Policy GM 1.1.7: Ensure that new development site design incorporates measures to maximize policing safety and security.

Goal GM 2: Provide adequate fire and paramedic services to meet the needs of the City's population.

Policy GM 2.1.2: Provide a 5-minute response time for emergency fire services at least 80 percent of the time.

Policy GM 2.1.3: Provide a 5-minute response time for paramedic services at least 80 percent of the time.

The EIR evaluates the effects of the proposed project on public services (fire, police, schools and libraries) by identifying anticipated demands on existing and planned service availability. The analysis concludes that the proposed project would not require new or physically altered fire or police facilities to maintain adequate response times and staffing. However, in order to ensure that an adequate level of service is provided through the build-out of the specific plan, a mitigation measure is recommended, which would ensure that funding is available to maintain acceptable response times and staffing levels for Police and Fire.

Policy GM 1.1.7: Ensure that new development site design incorporates measures to maximize policing safety and security.

Policy GM 2.1.4: Ensure that new development site design incorporates measures to maximize fire safety and prevention.

The provisions of the BECSP require Fire Department review and approval of the proposed project to ensure that adequate circulation is provided to enable emergency access to the site and meet Fire code standards for circulation aisle widths. Mitigation Measure 4.6-4 would require adequate access for emergency vehicles during project construction. In addition, the Site Plan Review/Conditional Use permit process would involve review by other City departments, including the Police and Fire Departments to determine adequacy of street designs and onsite circulation.

G. *Hazardous Materials Element*

Goal HM 1: Reduce, to the greatest degree possible, the potential for harm to life, property, and the environment from hazardous materials and hazardous waste.

Objective HM 1.1: Promote the proper handling, treatment and disposal of hazardous materials and hazardous waste.

Mitigation Measures 4.6-1 through 4.6-3 ensure remediation of contaminated soils containing hazardous materials, if any, prior to development of the proposed project and by providing supplemental procedures in the event of unanticipated discoveries of contaminants during construction. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that identifies the contaminants of concern and the potential risk posed to human health.

H. *Historic and Cultural Resources Element*

Objective HCR 1.1: Ensure that all of the City's historically and archaeologically significant resources are identified and protected.

The impact analysis for cultural resources is based on the findings of the cultural records search and site survey conducted for the proposed project. No evidence of previously undiscovered archeological resources on the project site was encountered during the survey and record search. Although no cultural resources have been recorded on the project site, Mitigation Measures MM4.4-2 (b) and MM4.4-3 (b) would ensure that impacts from the discovery of resources during project construction would be less than significant.

I. *Housing Element*

Goal H 2: Provide adequate housing sites to accommodate regional housing needs.

The EIR includes an analysis of the project's impacts on population and housing and is based on the BECSP Program EIR, which included analysis of the City's Regional Housing Needs Assessment (RHNA) future housing need as determined by SCAG population projections. The BECSP anticipates 4,500 residential units during the life of the Plan, which would provide needed housing for the City and the region, contributing to the City's progress towards meeting its RHNA numbers. The allocated housing is divided between the two corridors permitting a maximum of 2,755 units on Beach Blvd and 1,745 units on Edinger Ave. The proposed project represents approximately 6.2 percent of the total dwelling units approved under the BECSP and would provide mixed use rental housing.

J. *Land Use Element*

Goal LU 2 Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

*Policy LU 2.1.2*Require that the type, amount, and location of development be correlated with the provision of adequate supporting infrastructure and services (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

Policy LU 2.1.3 Limit the type, location, and/or timing of development where there is inadequate public infrastructure and/or services to support land use development.

*Policy LU 7.1.5*Accommodate the development of a balance of land uses that maintain the City's fiscal viability and integrity of environmental resources.

The EIR mitigation measures require that infrastructure is provided or upgraded during project construction to adequately provide service for the project commensurate with the project's demand for services and impacts on existing infrastructure. In addition, the EIR describes the existing site conditions and the characteristics of the proposed mixed use project and identifies the BECSP district that governs the project site. The EIR discusses that the project was designed to respond to issues facing the Beach Boulevard Corridor as well as achieve the stated community objectives of the project that are identified in the EIR. Through conformance to the BECSP Development Code, the EIR states that the project would provide a mix of uses that support the City's image and enhance the quality of life and the environment and meet the objectives of the Specific Plan to revitalize the Corridors.

K. *Noise Element*

Goal N 1: Ensure that all necessary and appropriate actions are taken to protect Huntington Beach residents, employees, visitors, and noise sensitive uses from the adverse impacts created by excessive noise levels from stationary and ambient sources.

Objective N 1.2: Prevent and mitigate the adverse impacts of excessive noise exposure on the residents, employees, visitors, and noise sensitive uses of Huntington Beach.

Policy N 1.2.1: Require, in areas where noise levels exceed an exterior L_{dn} of 60 dB(A) and an interior L_{dn} of 45 dB(A), that all new development of "noise sensitive" land uses, such as housing, health care facilities, schools, libraries, and religious facilities, include appropriate buffering and/or construction mitigation measures that will reduce noise exposure to levels within acceptable limits.

Policy N 1.2.3: Require development, in all areas where the ambient noise level exceeds an L_{dn} of 60 dB(A), to conduct an acoustical analysis and incorporate special design measures in their construction, thereby, reducing interior noise levels to the 45 dB(A) L_{dn} level.

The EIR includes a noise analysis consistent with CEQA requirements. The EIR mitigation measures require an acoustical analysis before issuance of building permits to ensure that interior noise levels for new residential units would not exceed established standards of the City's Noise Ordinance. Mitigation Measures MM4.9-4 and MM4.9-5 would be required to attenuate noise from HVAC systems and implement design measures to ensure that noise levels in new residential units do not exceed the standards set forth in Section 8.40.070 and Section 8.40.080 of the Huntington Beach Municipal Code.

Objective N 1.6: Minimize the impacts of construction noise on adjacent uses.

Policy N 1.6.1: Ensure that construction activities be regulated to establish hours of operation, to prevent and/or mitigate the generation of excessive or adverse noise impacts through the implementation of the existing Noise Ordinance and/or any future revisions to the Noise Ordinance.

Under the City's Municipal Code, construction activities can only occur between the hours of 7:00 AM and 8:00 PM from Monday through Saturday. Mitigation Measures MM4.9-1 through 4.9-3 would further restrict construction hours for the highest noise producing activities and ensure that impacts associated with construction activities are minimized to the maximum extent feasible. As such, impacts would be less than significant.

L. *Public Facilities and Services Element*

Objective PF 1.1: Provide adequate police facilities and personnel to correspond with population and service demands, and provide protection for the community from illicit activities and crime.

Policy PF 1.3.2: Ensure that new development and land use proposals are analyzed to determine the impact on their operators, occupants, visitors, or customers may have on the safety and welfare of the community.

Goal PF 2: Ensure adequate protection from fire and medical emergencies for Huntington Beach residents and property owners.

Policy PF 2.3.1: Continue to require all structures to follow all State and nationally recognized fire codes.

The EIR includes an analysis of impacts to police and fire facilities and services. Implementation of the proposed project would not significantly impact the level of service delivery for the project area and would not require any new or physically altered police and fire facilities to maintain adequate response times and staffing. However, to further ensure the safety of residents of the proposed project as build-out of the specific plan area occurs, Mitigation Measure MM 4.11-1 is recommending that the City provide sufficient funding to maintain the City's standard and average level of service through the use of General Fund monies. Additionally, the EIR analyzes the public services emergency response needs in relationship to adding population resulting from the built environment. Compliance with the regulations of the California Fire Code pertaining to fire protection systems and equipment, general safety precautions, and many other general and specialized fire-safety requirements for new and existing structures reduce potential impacts.

Policy PF 4.2.3: Ensure that development shall not occur without providing for adequate school facilities.

The EIR includes an analysis of potential impacts to schools. The EIR documents that direct population growth resulting from the proposed project would not have an adverse impact on the capacity of schools within the school districts serving the project site. With the implementation of Code Requirements 4.11-1, 4.11-2 and 4.11-3, fees collected would offset any additional increase in educational demand at the elementary school, middle school, and high school levels serving the proposed project.

Objective PF 5.1: Provide adequate library service that responds to the needs of the community.

The EIR includes an analysis of potential impacts to library services. The existing library facilities are adequate to accommodate the increase in users from the proposed project. However, implementation of Code Requirement 4.11-4, payment of library and community enrichment impact fees, would ensure that the additional residents as a result of the proposed project would not significantly affect library services.

M. *Recreation and Community Services Element*

Policy RCS 2.1.1: Maintain the current park per capita ratio of 5.0 acres per 1,000 persons, which includes the beach in the calculation.

The EIR documents that project effects are not found to be significant with respect to recreation. The EIR analysis evaluates that the increased use of existing parks is determined based on the ability for the project to provide parkland onsite at a ratio of 5 acres per 1,000 new residents, or equivalent payment of park fees. The project would be consistent with the BECSP Development Standards for the Neighborhood Center designation. BECSP Section 2.6.1 requires the provisions of public open spaces that are accessible to the public and include seating, lighting and landscaping, at rate of 50 sf for every 1,000 sf of retail (including restaurant) use and residential dwelling unit. Based on the proposed square footage of uses, the proposed project is required to provide a minimum of 15,730 sf of public open space. Approximately 75,000 sf of open space is provided under the proposed project exceeding the requirements of the BECSP. Additionally, as proposed the project complies with the City's General Plan park to population ratio. Based on the DOF's 2010 population estimate for the City of Huntington Beach of 203,484 residents and with the implementation of the proposed project the population would increase by 745 residents, for a total of 204,229 residents. Consequently, the park to population ratio would not be significantly reduced and would remain at the 4.9 acres per 1,000 residents.

N. *Urban Design Element*

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy in order to clarify the City's structure and improve Citywide identity.

Policy UD 1.1.3: Require a consistent design theme and/or landscape design character along the community's corridors that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

The EIR provides a description of the existing site conditions and analyzes the extent to which the visual character of the project site would change and additional sources of light and glare as a result of the proposed project would occur. Consistent with the BECSP Program EIR, a mitigation measure is recommended to require that the project maximize use of non-reflective façade treatments. In addition, a shade and shadow analysis was conducted, as required by the BECSP Program EIR, to examine the effects of shade and shadow on light dependent uses. The EIR states that the project's adherence to the standards and guidelines of the BECSP would reflect the design and landscape themes that were adopted for the project area. The EIR states that the site plan/conditional use permit review process would ensure conformance to the standards and references the required findings for approval.

O. *Utilities Element*

Objective U 1.2: Ensure that existing and new development does not degrade the City's surface waters and groundwater basins.

Policy U 1.2.1: Require that existing and new developments contain safeguards and mitigation measures preventing degradation.

The EIR includes an analysis of the project's impacts on hydrology and water quality. The analysis is based on the analysis included in the BECSP Program EIR and site-specific conditions. The recommended mitigation measures require compliance with the current National Pollution Discharge Elimination System (NPDES) requirements in place at the time of construction and include site design BMPs incorporating Low Impact Development (LID) principals as defined in the Municipal NPDES Permit such as porous concrete and green roofs. The recommended mitigation measures also require that a hydrology and hydraulic study as well as a groundwater hydrology study be prepared to ensure that the specific hydrologic conditions of the project site, the East Garden Grove-Wintersburg Channel and surrounding storm drain system are reflected in the final project design to mitigate hydrology and water quality impacts to a less than significant level.

Objective U 1.3: Minimize water consumption rates through site design, use of efficient systems, and other techniques.

Policy U 1.1.1: Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.

Policy U 1.3.2: Continue to require the incorporation of water conservation features in the design of all new and existing uses such as the use of native plants, low flow toilets and water efficient appliances.

Objective U 1.4: Ensure the costs of improvements to the water supply, transmission, distribution, storage and treatment systems are borne by those who benefit.

Policy U 1.4.1: Require the cost of improvements to the existing water supply and distribution facilities necessitated by the new development be borne by the new development benefiting from the improvements, either through the payment of fees, or the actual construction of the improvements in accordance with State Nexus Legislation.

The EIR states that the City has demonstrated significant water conservation over the last 10 years. The EIR concludes that the City's consistent conservation program and existing code requirements for water efficient landscaping in conjunction with Mitigation Measure MM4.14-1 requiring additional water conservation practices would ensure that the project's impact on water supplies would be less than significant. In addition, Project Code Requirement CR4.14-5 provides that all applicable impact fees for wastewater and utilities be paid by the developer to provide for the project's fair share toward the cost of planned future utilities.

Policy U 1.2.2: Require new developments to connect to the sewer system.

Policy U 2.1.5: Maintain, upgrade, and expand existing wastewater collection and treatment facilities.

Policy U 2.1.6: Require that sewer capacity is available before building permits are issued for new development.

Objective U.2.2: Ensure the costs of wastewater infrastructure improvements are borne by those that benefit.

Policy U.2.2.1: Require the costs of improvements to the existing wastewater collection facilities, which are necessitated by new development, to be borne by the new development benefiting from the improvements; either through the payment of fees, or by the actual construction of the improvements in accordance with State Nexus Legislation.

The EIR discloses that implementation of the proposed project could require new sewer connections and that the project would be required to pay a fee for connection to the Orange County Sanitation District, based on the increase in anticipated use of the sewage system. The fee ensures that the project would pay its share of any necessary expansion of the system, including expansion of wastewater treatment facilities. Implementation of CR4.14-3 and CR4.14-4 would ensure that capacity constraints at the time of development are accurately identified through a required sewer study, which would specify necessary upgrades required for the project. Project Code Requirement CR4.14-5 provides that all applicable impact fees for wastewater and utilities be paid by the developer to provide for the project's fair share toward the cost of planned future utilities.

Objective U 3.3: Ensure that storm drain facilities (channels and outputs) do not generate significant adverse impacts on the environment in which the facilities traverse or empty.

The EIR concludes that Mitigation Measures 4.7-1 through 4.7-4 would ensure that an adequate stormwater conveyance system would be implemented for the proposed project through implementation of existing codes and regulations. Mitigation Measure 4.7-1 would ensure a reduction in potential pollutant loads and ensure that appropriate construction and operation of stormwater treatment control Best Management Practices (BMPs) are used. The EIR concludes that conformance to existing regulatory requirements in conjunction with the proposed mitigation measures would ensure that construction of stormwater drainage facilities would not result in substantial environmental effects and potential impacts would be less than significant.

Objective U 5.1: Ensure that adequate natural gas, telecommunication, and electrical systems are provided.

An adequate supply of electricity is anticipated to be available to serve the proposed project. Development of the proposed project would comply with the provisions of Title 24 and the Cal Green Building Code. The EIR analysis demonstrates that both electricity and natural gas will experience a less than significant impact as a result of the project.

Zoning Compliance: Not applicable.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

In accordance with the California Environmental Quality Act (CEQA), EIR No. 10-003 was prepared by PBS&J to analyze the potential environmental impacts associated with implementation of the proposed project as well as identify appropriate mitigation measures. The Draft EIR was distributed to the Planning Commission for review at the start of the 45-day public comment period on January 6, 2011. The Final Draft EIR, including the Response to Comments and all text changes as a result of the public comment period was distributed to the Planning Commission and posted on the City's website on April 18, 2011.

The required CEQA procedure that was followed is outlined below:

July 2009	Staff conducted an initial study and determined that an EIR would be required.
July 31, 2009	A Notice of Preparation was filed with the State Clearinghouse to notify public of intent to prepare an EIR.
July 31, 2009 to August 31, 2009	Initial Study/Notice of Preparation available for 30 day public review and comment period.
August 21, 2009	A Public Scoping Meeting was held to solicit comments and issue areas to be studied in the EIR.
January 3, 2011	A Notice of Completion was filed with the State Clearinghouse.
January 6, 2011 to February 22, 2011	Draft EIR available for public review and comment for 45 days.
February 2, 2011	A Public Comment Meeting was held to solicit comments on the adequacy of the Draft EIR.
April 26, 2011	Public hearing is scheduled before Planning Commission to Certify EIR No. 10-003.

Through the use of appropriate code requirements and/or mitigation measures indentified in the EIR, most of the potentially adverse impacts associated with the project can be mitigated to a less-than-significant level. However, there are two project-specific and four cumulative significant adverse environmental impacts anticipated from the proposed project that cannot be completely eliminated through mitigation measures. The significant adverse environmental impacts are as follows:

- **Air Quality**
  - > **Project Specific and Cumulative**—Construction of the proposed project would generate emissions that exceed the thresholds of significance recommended by the South Coast Air Quality Management District (SCAQMD) for Respirable Particulate Matter (PM_{10} and PM 2.5).
  - > **Project Specific and Cumulative**—Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations.

- **Transportation/Traffic**
  - > **Cumulative**—Operation of the proposed project would cumulatively contribute to an unacceptable Level of Service at two BECSP study area intersections (Brookhurst St./Adams Ave. & Beach Blvd./Bolsa Ave.).
  - > **Cumulative**—Operation of the proposed project would cumulatively contribute to an increase in delay at two Caltrans intersections (Beach Blvd./Warner Ave. & Beach Blvd./Garfield Ave.) and would increase traffic to the I-405 northbound loop ramp, which is currently deficient.

***Environmental Board*:**

The City's Environmental Board reviewed the EIR and provided a comment letter during the DEIR process. The Environmental Board comments refer mainly to design, mobility and electricity usage issues. Upon submittal of an actual development project, the issues raised by the Environmental Board will be considered under both the site plan and conditional use permit review entitlement process relating to design, mobility and sustainability. However, as discussed in the DEIR, there are mitigation measures and code requirements already in place to regulate development as well as the development code requirements of the Specific Plan. The Board also encouraged the use of sustainable development practices to increase the project's energy efficiency.

***Coastal Status*:** Not applicable

***Redevelopment Status*:**

A portion of the project area along the eastern boundary is within a redevelopment project area. The City's Economic Development Department has reviewed the EIR to ensure that requirements applicable in the redevelopment area were included in the analysis.

***Design Review Board*:** Not applicable

***Subdivision Committee*:** Not applicable.

Other Departments Concerns and Requirements:

The EIR was circulated to other Departments for review and comment. All Department comments and recommendations are incorporated into the EIR and its mitigation measures. Compliance with mitigation measures will be enforced through the Mitigation Monitoring and Reporting Program (Refer to Resolution No. 1654 Exhibit A).

Public Notification:

Legal notice was published in the Huntington Beach Independent on April 14, 2011, and notices were sent to property owners of record and occupants within a 1,000 ft. radius of the project site, interested parties, and individuals/organizations that commented on the environmental document. As of Tuesday, April 19, 2011, no communications on the draft EIR, other than letters included in the Final EIR/Response to Comments, have been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

- Draft EIR: January 3, 2011

MANDATORY PROCESSING DATE(S):

- Within 1 year of complete application: January 3, 2012

ANALYSIS:

The analysis provides an overview of the EIR and its conclusions, a review of the project alternatives, and a summary of the response to comments.

EIR Overview

The EIR provides a detailed analysis of potential impacts associated with the proposed project. It is intended to serve as an informational document for decision makers. This EIR identifies significant or potentially significant environmental effects, as well as ways in which those impacts can be reduced to less than significant levels, whether through the imposition of code requirements (CRs), mitigation measures (MMs), or through the implementation of alternatives to the project. In a practical sense, EIRs function as a technique for fact-finding, allowing future applicants, concerned citizens, and staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

- *Scope of EIR Analysis*

As the analysis in Draft EIR No. 10-003 is tiered from the BECSP Program EIR, the environmental impacts for certain issue areas of the project are substantially consistent with the analysis in the BECSP Program EIR and did not require substantial additional analysis. Based on a preliminary environmental analysis and a review of the BECSP Program EIR, the following issue areas did not require substantial additional analysis in Draft EIR No. 10-003:

- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Population and Housing
- Cultural Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Climate Change

The following issue areas were determined to require additional project-specific analysis:

- Aesthetics
- Noise
- Recreation
- Utilities and Service Systems
- Air Quality
- Public Services
- Transportation/Traffic

No impacts to Agricultural Resources and Mineral Resources were determined; as such, no analysis is provided in the draft EIR.

A complete listing of the recommended mitigation measures is provided in the Mitigation Monitoring Program provided in Attachment No. 1.

- *Aesthetics*

Implementation of the project will change the visual character of the project and add new sources of light and glare. However, the EIR acknowledges that the project is proposed in an existing urban environment in which building glare and a significant amount of ambient nighttime lighting already exists. Development standards relating to the visual quality and character of proposed development include regulations for building scale; frontage and building placement; streets; open space; architecture; and signage. The proposed project would be designed in compliance with the standards of the BECSP. Permitted heights in this segment are allowed from one to six stories with a discretionary permit in an effort to be more compatible and complimentary with the surrounding development. Therefore, impacts would be less than significant.

- Air Quality

The EIR analysis focuses on the nature and magnitude of the change in the air quality environment due to the implementation of the proposed project. Air pollutant emissions associated with the proposed project would result from construction activities, operation of uses allowed under the proposed Specific Plan, and project-related traffic volumes. Air quality modeling was completed consistent with South Coast Air Quality Management District recommendations. The EIR analyzed the following emissions: Carbon Monoxide (CO), Respirable Particulate Matter (PM_{10}) and Fine Particulate Matter ($PM_{2.5}$), Nitrogen Oxides (NOx), Sulfur Oxides (SOx), Volatile Organic Compounds (VOCs) and Toxic Air Contaminants (TACs). In addition the EIR examined if localized CO concentrations at nearby intersections would be increased beyond state and national standards as a result of vehicle traffic.

Construction Emissions-Short Term Impacts: Construction activities conducted as part of the implementation of the proposed project would exceed SCAQMD localized significant thresholds and result in a potentially significant impact. Mitigation measures MM 4.2-1 through MM 4.2-14 would be implemented to reduce these emissions. However, they may not reduce these emissions to levels below the SCAQMD thresholds. Therefore, the short-term air quality impacts would be significant and unavoidable during the project's grading phase.

Operational Emissions-Long Term Impacts: Operational emissions generated by both stationary and mobile sources would result from normal day-to-day operations upon development and completion of the project construction. Although the proposed project would reduce vehicle trips in comparison to vehicle trips estimated in the existing General Plan for the BECSP Program EIR, the proposed project would increase vehicle trips in the area above existing conditions. The analysis of the daily operational emissions from the proposed project has been prepared utilizing the URBEMIS 2007 computer model recommended by the SCAQMD. The proposed project would not generate emissions that exceed the thresholds of significance recommended by the SCAQMD; therefore, the impacts would be less than significant.

The EIR examined if localized CO concentrations at nearby intersections would be increased beyond state and national standards as a result of increased vehicle traffic. The EIR analysis determined that the proposed project will not cause localized CO concentrations at nearby intersections to exceed national or

state ambient air quality standards. Therefore, "hot spots" are not anticipated to occur at local intersections as a result of project implementation.

- Biological Resources

The EIR evaluates the potential for implementation of the Specific Plan to have substantial adverse impacts on biological resources. The project is predominantly developed and consists of office, retail and restaurant uses, a fitness facility, and a parking structure, and largely covered with buildings and paved surfaces. Urban landscape is intermixed with the developed uses on the project area and vacant land located at the southern portion of the project site. The EIR includes a standard mitigation measure to ensure that the project would not result in impacts to sensitive or protected migratory avian species during construction. The EIR concluded that the project would have no impacts on federally protected wetlands, habitat conservation plans or special status species. Therefore, the EIR analysis concluded that impacts will be less than significant.

- Cultural and Paleontological Resources

The project site is almost entirely paved and existing buildings on the site were constructed in the mid-1980s. BECSP mitigation measure requiring a qualified professional to conduct a site-specific historical survey and record search when a structure is 45 years is not applicable at this project site. The impact analysis for cultural resources is based on the findings of a cultural records search and site survey conducted for the proposed project. According to the historic resources study prepared for the BECSP area, of which this project is a part, there are no recorded historic resources on this project site or in the immediate vicinity. Although, based on surrounding development, it is not thought that archeological resources exist in the immediate area, mitigation measure BECSP MM4.4-2(b) would be required to prevent significant adverse impacts to archeological resources and incorporation of this mitigation measure reduces impacts to less than significant.

- Geology and Soils

The EIR includes an analysis of potential adverse impacts on existing geologic and soils conditions on the project site from the BECSP Program EIR and a site-specific geotechnical investigation. The EIR analyzed geologic hazards and potential seismic hazards in the project area giving consideration to the geologic constraints such as fault rupture, groundshaking and liquefaction. The EIR concludes that code requirements and Mitigation Measure MM4.5-1 would be required to ensure a less than significant impact.

- Hazards and Hazardous Materials

The EIR analyzes the existing physical setting of the project site as it relates to hazards and hazardous materials and its potential impact on human health resulting from the implementation of the proposed project. Local as well as State Agencies have the authority to implement site remediation of any hazardous materials and regulate the transportation of any hazardous materials removed from sites. The majority of the sites indentified in the Environmental Date Resources (EDR) report for the BECSP area were included in the leaking underground storage tanks (LUST). The State Water Resource Control Board's GeoTracker website did not identify the proposed site as being located on any hazards lists. The

EIR concludes that with implementation of existing code requirements and Mitigation Measure MM4.6-1 all impacts would be less than significant.

- Hydrology and Water Quality

New development in the specific plan area will require the preparation of a Water Quality Management Plan (WQMP) prior to the issuance of Precise Grading or Building permits. All development projects shall include site design and source BMPs in the project WQMP. All new development or significant redevelopment projects shall include measures to reduce runoff to a level consistent with the maximum extent practicable and treatment control BMPs in the WQMP. Mitigation measures also require compliance with the current National Pollution Discharge Elimination System (NPDES) requirements in place at the time of construction. Other mitigation measures include site design BMPs incorporating LID principals as defined in the Municipal NPDES Permit such as porous concrete and green roofs. The EIR concludes that impacts to hydrology and water quality would be less than significant.

- Land Use and Planning

The proposed project is subject to the Neighborhood Center development standards of the adopted BECSP. The general uses proposed and analyzed in the EIR are permitted uses for this segment. Compliance with the development standards, regulations and guidelines of the BECSP would be reviewed through the site plan review and conditional use permit process to ensure that the project will not conflict with the BECSP, General Plan and other applicable codes. Within this segment, development is permitted to a height of six stories pursuant to C13 of Section 2.1.5 Neighborhood Center of the BECSP. The proposal analyzed in this EIR is for six stories thus requiring a conditional use permit from the Planning Commission. As such, impacts to land use and planning are considered to be less than significant.

- Noise

Potential noise impacts related to short-term construction activities and long-term changes in ambient conditions primarily related to increases in traffic were analyzed in the EIR based on the noise measurements conducted as part of the BECSP Program EIR. Ambient noise level measurements at six locations near the project site and roadway noise levels were calculated using data from the traffic study. Noise that would be experienced by sensitive uses due to development associated with implementation of the proposed project is determined at their property lines.

Construction-related groundborne noise and vibration may result in human annoyance and/or potentially damage the foundations and exteriors of other structures. Implementation of mitigation measures MM4.9-1 through MM4.9-3 would help to reduce this impact to less than significant levels. Long term noise generated by implementation of the proposed project would include new stationary sources such as rooftop heating, ventilation, and air conditioning systems for the residential and commercial uses. The proposed project would also introduce new activity and noise to the area as residences are included and people are attracted to the new mix of uses that would develop as part of the proposed project. The noise monitoring studies show that existing noise levels at various points in the Specific Plan area currently exceed the City noise standards for residential uses, especially along Beach Boulevard. Development of new residences in areas where existing noise levels currently exceed the City standard would constitute a

significant impact. Mitigation measures MM4.9-4 and MM4.9-5 shall be implemented for all residential development within the Specific Plan area where the existing noise levels exceed the City standards as set forth in Section 8.40.070 and Section 8.40.080 of the Huntington Beach Municipal Code. The EIR concludes that long term impacts would be less than significant.

- Population and Housing

This section of the EIR analyzes the potential for the project to induce population and employment growth beyond current growth projections and as analyzed and adopted in the Beach and Edinger Corridors Specific Plan and Program EIR. The development potential for new dwelling units within the Specific Plan area is 4,500 units with 2,755 units allowed in the Beach Boulevard Corridor. This project represents approximately six percent of the permitted units in the BECSP and is within the maximum amount of new development (MAND) specified within the BECSP. The City's Zoning Code and the BECSP Section 2.2.3 (Affordable Housing Requirements) will regulate construction of affordable units within the development project to meet the needs of the community, consistent with Policies 2.2 and 3.1 of the City's General Plan Housing Element. The proposed project would not conflict with any of the applicable General Plan polices and is consistent with the BECSP EIR; therefore, the project related impacts are considered less than significant.

The proposed project would not displace any housing or residents as the entire site is mainly developed with commercial uses and three parcels are vacant. Therefore, the impacts related to population and housing would be less than significant.

- Public Services

The EIR evaluates the effects of the proposed project on public services (fire, police, schools and libraries) by identifying anticipated demands on existing and planned service availability. The analysis concludes that the proposed project would not require new or physically altered fire or police facilities to maintain adequate response times and service ratios. The EIR also identifies standard code requirements, which require payment of development impact fees to address a project's impact on public services and facilities such as schools and libraries and concludes that impacts will be less than significant.

At the April 12, 2011 Study Session, Commissioners Bixby and Peterson commented on the adequacy of the EIR issue areas related to Public Services. Commissioner Bixby commented that data in the Public Services section does not reflect current economic conditions. Given that the same question was asked regarding the Murdy Commons development, staff assumes Commissioner Bixby is referring to the staffing of the City's libraries. The Final EIR for the Beach and Warner Mixed Use Project includes errata updating the staffing numbers. Implementation of code requirement BECSP CR4.11-4 would be required to ensure that residents of the project would not notably affect the current ratio of staff per resident or items per capita. Pursuant to BECSP CR4.11-4, the Applicant of future individual development projects shall pay required library and community enrichment impact fees per Chapter 17.66 of the City's Municipal Code (Library Development Fee), prior to issuance of building permits. In addition, Commissioner Bixby asked if it was possible to have more current data for Table 4.11-2 Average Police Response Times in the Specific Plan Area from 7/01/07 to 6/30/08. As stated in Section 4.11.6 Environmental Setting, the City is divided into 13 beat areas (Attachment No. 3). The proposed project is located in Beat 9. This beat response system allows for quick response time and specific beat coverage unless officers are called upon by nearby beat officers for backup. The Police Department is in the process of updating Table 4.11.2 to reflect only the Specific Plan project area. However, Beat 9 data

for 2010 is presented below. It should be noted that the project area is a small portion of Beat 9 as illustrated in Attachment No. 4.

	Response Time
Year	**2010**
Beat	**9**
Priority	**Resp Time(mm:ss)**
1	5:41
2	10:53
3	11:46
4	26:49
5	25:57

At the Study Session, Commissioner Peterson asked if this project would have a negative impact on school enrollment. Ocean View School District (OVSD) currently operates 11 elementary schools, 4 middle schools, and 2 preschools and serves the subject property. The OVSD has a current enrollment of approximately 9,503 students. The site would be served by Oak View Elementary School (grades K-5) and Mesa View School (grades 6, 7, and 8). Oak View has a current enrollment of 796 students and a capacity of 848 students. Mesa Middle School has a current enrollment of 748 students and capacity of 840 students. Implementation of code requirements BECSP CR4.11-1-2 would be required to ensure that new development pay required development impact fees at the time of issuance of building permits. Fees collected pursuant to State law would offset any increase in educational demand at the elementary school, middle school, and high school serving the project site. As proposed, the project would be consistent with applicable policies of the Public Facilities and Public Services Element of the General Plan. Therefore, implementation of the proposed project would not require any new or physically altered school facilities to serve the project, the construction of which could result in significant environmental impacts. This impact would be less than significant.

- *Recreation*

The EIR analyzes the potential for adverse impacts on existing recreational facilities and opportunities and the expansion of recreational facilities resulting from implementation of the proposed project. The City's parkland ratio could be affected by increased demands for recreational areas due to the increase in residential development. The impact to the ratio of parkland to population of 5 acres per 1,000 persons is considered to be less than significant with payment of required park fees pursuant to Project CR4.12-1.

- *Transportation/Traffic*

The EIR analyzes the potential for adverse impacts on existing transportation and traffic conditions resulting from implementation of the proposed project. The traffic study was conducted by Austin-Foust Associates and analyzed potential adverse traffic impacts on the immediate area surrounding the project site and the intersections of Beach Boulevard and Warner Avenue, and Beach Boulevard and Slater Avenue as well as the BECSP study area. Intersections will operate at acceptable levels of service with the implementation of the BECSP mitigation measures including those within the immediate vicinity of the project site. The project may contribute to the cumulative impacts identified within the BECSP Program EIR. However, deficiencies can be mitigated to acceptable levels through the mitigation measures adopted for the BECSP.

Due to the nature of transportation and traffic issues, the project study area as it relates to this EIR section is larger than the project site. As part of the environmental analysis of the BECSP, intersection capacity utilization (ICU) analysis was performed at intersections throughout the overall BECSP area. ICU values are used to determine levels of service at study area intersection locations and provide a means to quantitatively estimate incremental traffic impacts. When compared to the existing conditions, the proposed project would result in a 13 percent increase in the AM peak hours, an 8 percent decrease in the PM peak hours, and an overall 7 percent trip reduction for average daily trips (ADT). The proposed project would result in a reduced ADT at the project site, would not exceed overall ADT within the BECSP area in 2030, and would not result in a change to the LOS at intersections in the vicinity of the project site. Mitigation Measures MM4.13-1 through MM4.13-18 require mitigation of the project's contribution to intersections and freeway ramp determined to be significantly impacted as a result of implementation of the BECSP through payment of fees that would provide the project's fair share toward improving those intersections.

Although traffic impacts as a result of the proposed project would be less than significant, cumulative impacts would be significant and unavoidable for four BECSP study area intersections, including two Caltrans intersections, and one I-405 freeway ramp. The proposed project may contribute traffic to these intersections, the effects of which would result in a cumulatively significant impact when combined with development anticipated within the BECSP and surrounding areas. However, the proposed project's impacts on those intersections and freeway ramp determined to be deficient can be mitigated through payment of fees that would contribute the project's fair share to improving those intersections. The EIR also analyzes the project's potential to create adverse impacts from inadequate parking capacity, alternative transportation policies and emergency access. With implementation of existing code requirements, and mitigation measures adopted for the BECSP all project-related traffic impacts would be mitigated to a less than significant level.

At the April 12, 2011 Planning Commission meeting, Commissioner Bixby asked several questions related to traffic:

Question: Does the new driveway on Warner Avenue closest to Beach Boulevard create the potential for accidents?
Response: The new driveway proposed on Warner Avenue is a right turn in/right turn out only driveway located approximately 220 feet west of the Beach/Warner crosswalk. The City would not expect there to be any appreciable difference in accidents with the new driveway. In fact, the new driveway would serve as a bit of a relief of demand at the adjacent driveway to the west. The westernmost driveway is expected to have the higher traffic volumes and activity. During peak times, reducing the demand at that driveway may result in less frustration and fewer aggressive maneuvers from motorists, though that effect is probably marginal. The proposed new driveway will provide very limited access and is not expected to serve any large traffic volumes. The study also looked at accident history in the area and found relatively few incidents of conflicts with right turn driveway entries and right turn driveway exits along Warner. While the new driveway will be closer to Beach Boulevard and fewer gaps in traffic might be available at busy times, low volumes are projected for that location, and motorists from that location would also have the option to use the driveway further west.

Question: How will the helipad at the top of the Comerica Building be used in the future?
Response: The property owner has indicated that the helipad is only used by the Fire Department for life and safety incidents and is not available for private use. Conditional Use Permit No. 84-2 entitled the

helipad to be used by Mola Development for business purposes. The operational use of the helistop would allow for a maximum of three trips per day. Environmental Impact Report 81-1 documented the related noise issues and flight patterns. Over the years, the usage has been voluntarily reduced by the owner. However, when a formal development proposal is submitted to the City pursuant to C13 of the BECSP permitting six stories in height for new construction through the conditional use permit process, the use of the helipad could be a topic of discussion and restricted as part of that approval.

Question: Why is the top level of the parking structure not available to the public? Does the EIR analysis include the entire structure as available parking or was this area removed from the analysis?
Response: The property owner informed staff that the two upper levels of the parking structure are blocked off at this time because of the recession, which has caused a decrease in occupancy and parking demand. Therefore, it is more cost effective to not have to maintain these two levels. As part of the project approval these two levels will be re-opened for use. The use of the entire parking structure would be required to ensure adequate parking for the proposed project, and a condition of approval would be placed on the project requiring a parking management plan to ensure that the parking structure remain open and accessible to maintain adequate parking supply for the project.

Question: How does the blocked off parking area adjacent to Chile's affect the project?
Response: The parking area separating Chile's from the south property is a separate parcel and as such provides parking for their tenant and customers. The property owner of the southern parcel has an arrangement with Chile's for the use of the parking after 6:00 PM.

- Utilities

The EIR analyzes potential impacts to water, wastewater, solid waste and other utility systems. The water lines associated with future development permitted under the proposed project are required to be sized appropriately for the anticipated design average day demand and appropriate peaking factors. It is anticipated that the increase in water demand would not result in necessary upgrades to the water treatment plants. The Water Supply Assessment concluded that under the worst case scenario to meet demand from projected population growth up to the year 2030, aggressive water conservation of up to 13.4 percent could balance supply and demand. Although the City has demonstrated significant water conservation over the last 10 years at approximately 8.6 percent, MM4.14-1 requires that projects include water conservation practices, until such time that additional savings from water conservation can be demonstrated or the water supply situation improves. The proposed project would have less than significant impacts.

Implementation of the proposed project would require new sewer connections and construction of new or expanded wastewater conveyance systems pursuant to MM4.14-2. Construction or expansion of wastewater treatment facilities is not anticipated to be necessary to serve the proposed project's needs. The OCSD has adequate treatment capacity available over the long term to serve the proposed BECSP, including the proposed project.

Alternatives to the Proposed Project

CEQA guidelines require that an EIR describe a range of reasonable Alternatives to the project or the location of the project that could meet the objectives of the project and potentially reduce significant impacts of the project. Of note is that every conceivable Alternative scenario is not required but rather a range of feasible Alternatives must be included in the EIR so that the project can be adequately evaluated.

An EIR need not consider an alternative whose effects could not be reasonably identified, and whose implementation is remote or speculative. The Alternatives are evaluated to see how well they can achieve the project objectives. Two Alternatives were evaluated in the Draft EIR and described below:

> **Alternative No. 1 No Project/No Development Alternative** — The "no project" alternative would serve as a "no development" alternative with the site remaining in its existing condition. Under this alternative all existing development and uses would remain. The undeveloped portion of the project site would remain in its existing condition.
>
> **Alternative No. 2 Reduced Project Alternative** — This alternative assumes a reduced intensity of the project elements at the same project site. Under the reduced project alternative, approximately 137 residential units, 17,600 square feet of retail uses and 1,000 square feet of restaurant uses including 50,000 square feet of public open space would be developed. The 9,200 square foot commercial building at the corner of Beach and Cypress would be demolished including the 26,730 square foot movie theater. All other structures would remain. Heights would vary from one to six stories on the 9.4 acre site.

Other alternatives such as alternative locations and an all commercial development alternative were considered but rejected as infeasible because they would not achieve the project objectives and/or would not lessen significant impacts identified for the proposed project.

No Project/No Development Alternative Impacts

Under this alternative, the mixed-use project would not be constructed and the project site would remain in its existing state. As such, this alternative would result in the continuation of the existing commercial uses on the site and no improvements would be constructed. Selection of this alternative would not meet any of the BECSP objectives or the objectives of the property owners to revitalize the properties.

The No Project Alternative would effectively eliminate all potential impacts associated with the proposed project but would not address the needs of the community including improvements to circulation, increased open space, and utility upgrades. The site would remain largely auto-oriented, and no new development that could contribute to the visual transformation of Beach Boulevard into an iconic gateway or introduce new public open spaces would occur. While the No Project Alternative would eliminate all environmental impacts associated with the proposed project, it would not satisfy the identified project objectives.

Reduced Project Alternative Impacts

Similar to the proposed project, the majority of impacts associated with the Reduced Project Alternative would be less than significant with the incorporation of mitigation measures and code requirements. Short-term construction related air quality impacts will remain similar to but reduced from what would occur with development of the proposed project. Alternative 2 would reduce the amount of units from 279 to 137 units, retail uses from 35,600 to 17,600 including restaurant uses from 6,000 square feet to 1,000 square feet and public open space from 75,000 square feet to 50,000 square feet. However, Alternative 2 would result in the development of commercial and residential uses in a built-out portion of Huntington Beach and would be complimentary not only to the existing uses on the project site but to the surrounding area. The significant adverse impacts are as follows:

- **Air Quality**
  - > **Project Specific and Cumulative**—Construction of the proposed project would generate emissions that expose sensitive receptors to substantial pollutant concentrations and exceed the thresholds of significance recommended by the South Coast Air Quality Management District (SCAQMD) for Fine Particulate Matter ($PM_{2.5}$) and Respirable Particulate Matter (PM_{10}).

- **Transportation/Traffic**
  - > **Cumulative**—Operation of the proposed project would cumulatively contribute to an unacceptable Level of Service at two BECSP study area intersections (Brookhurst St./Adams Ave. & Beach Blvd./Bolsa Ave.).
  - > **Cumulative**—Operation of the proposed project would cumulatively contribute to an increase in delay at two Caltrans intersections (Beach Blvd./Warner Ave. & Beach Blvd./Garfield Ave.) and would increase traffic to the I-405 northbound loop ramp, which is currently deficient.

The Draft EIR identifies that the No Project/No Development Alternative would be the environmentally superior alternative to the proposed project on the basis of the minimization or avoidance of physical environmental impacts. However, CEQA Guidelines require that if the No Project Alternative is the environmentally superior alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. While Alternative 2 would result in construction related criteria pollutant emissions that would exceed the SCAQMD thresholds, similar to, but reduced from that which would occur with development of the proposed project, this impact would be temporary in nature, lasting for approximately 20 days, and upon completion of grading activities no other thresholds would be exceeded. During operation of Alternative 2 the amount of air pollutant emissions (i.e., CO, VOC, NO_x, So_x, and PM_{10}) generated by motor vehicles and daily operation of Alternative 2 would be reduced from that analyzed for the proposed project. Therefore, Alternative 2 would be considered the environmentally superior alternative and is summarized in the EIR on Table 6-11.

Certification of Final EIR

The role of the Planning Commission at this time is to certify the adequacy of the Beach and Warner Mixed Use Project Environmental Impact Report. A development project is not before the Planning Commission for consideration at this time but once submitted the project will be evaluated against the certified EIR pursuant to CEQA Guidelines.

Public Comments on the Draft EIR and Errata Changes

During the public review period, the City of Huntington Beach received a total of nine comment letters: two from state agencies, three from organizations including the Environmental Board, and four from the general public. Three verbal comments were received at the public meeting held during the comment period. In response to the comments received, the final EIR includes text changes for the purpose of clarification or correction. The Errata do not change the conclusions of the EIR analysis. All of the other comments are adequately addressed in the Response to Comments.

Of note, comments were received related to school district impacts and traffic. The impacts related to school enrollment capacity and potential overcrowding of schools was discussed in a comment letter received from the Ocean View School District (OVSD). Implementation of a BECSP Code Requirement provides the mechanism to collect school district fees to cover additional facilities required by new

development and offset any increase in educational demand at the schools serving the project site. The Response to Comments documents that adequate analysis was completed based on data provided by the District.

Another comment from OVSD suggests that a more recent traffic analysis is needed to consider the impacts to District schools. The most recent traffic study is dated December 21, 2010 and is included as Appendix D of the DEIR. The traffic study looked at the expected changes to traffic volumes and distribution at intersections local to the proposed project, specifically Beach Boulevard/Warner Avenue and Beach Boulevard/Slater Avenue. It was determined that these intersections currently operate at acceptable LOS and would continue to do so under the development of the proposed project. No significant traffic impacts to school operations are expected.

The Final EIR was distributed to the commenting agencies 10 days prior to the Planning Commission meeting. Any written communication received subsequent to the preparation of this staff report will be forwarded to the Planning Commission under separate cover.

SUMMARY:

Environmental Impact Report No. 10-003 serves as an informational document with the sole purpose of identifying potential environmental impacts associated with the Beach and Warner Mixed Use Project, alternatives that minimize those impacts, and appropriate mitigation measures.

Staff recommends that the Planning Commission certify EIR No. 10-003 because:

- The EIR has been prepared in accordance with the California Environmental Quality Act;
- The EIR adequately addresses the environmental impacts associated with the proposed project; and
- The EIR identifies project alternatives and mitigation measures to lessen the project's impacts consistent with the BECSP Program EIR and General Plan policies.

ATTACHMENTS:

1. Planning Commission Resolution No. 1654 – Certifying Final EIR No. 10-003
2. Location and Site Map
3. Final EIR No. 10-003, includes Draft EIR, EIR Appendices, Response To Comments and Text Changes **(Not Attached - Available for Public Review at the Planning and Zoning Counter – 3rd Floor, City Hall)**
4. Police Department – Beat Map

SH:MBB:rm

RESOLUTION NO. 1654

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2011011015) FOR THE BEACH AND WARNER MIXED USE PROJECT

WHEREAS, Environmental Impact Report No. 10-003, State Clearinghouse # 2011011015 ("EIR") was prepared by the City of Huntington Beach ("City") to address the environmental implications of the Beach and Warner Mixed Use Project (the "Project"); and

- On July 31, 2009, a Notice of Preparation/Initial Study for the Project was prepared in conjunction with the Beach and Edinger Corridors Specific Plan ("BECSP") Program EIR and distributed to the State Clearinghouse, other responsible agencies, trustee agencies and interested parties; and

- After obtaining comments received in response to the Notice of Preparation, and comments received at the public scoping meeting held on August 21, 2009, the City completed preparation of the BECSP Program EIR, which was adopted on December 8, 2009; and

- As development on the project site was included in the Notice of Preparation for the BECSP EIR and analyzed as part of the larger scope of development contemplated in the BECSP EIR (Program EIR No. 08-008), which anticipated approximately 272 dwelling units and 35,600 square feet of commercial area on the project site, Draft EIR No. 10-003 is tiered from the BECSP Program EIR; and

- The City filed a Notice of Completion with the State Clearinghouse on January 3, 2011, and the Draft EIR was circulated for public review and comment from January 6, 2011 to February 22, 2011, and was available for review at several locations including City Hall Planning and Building Department, City Clerk's Office, Central Library and the City's website; and

WHEREAS, Public comments have been received on the Draft EIR, and responses to those comments have been prepared and provided to the Planning Commission as a section within a separately bound document entitled "Beach and Warner Mixed Use Project Environmental Impact Report Volume III: Final EIR" (the "Responses to Comments"), dated January 2011; and

WHEREAS, Public Resources Code 21092.5(a) requires that the City of Huntington Beach provide a written proposed response to any public agency that commented on the Environmental Impact Report, and the Response to Comments included in the Final Environmental Impact Report satisfies this provision; and

WHEREAS, the Planning Commission held a public meeting on the EIR on April 26, 2011 and received and considered public testimony.

ATTACHMENT NO. 1.1

NOW, THEREFORE, the Planning Commission of the City of Huntington Beach

DOES HEREBY RESOLVE as follows:

SECTION 1. Consistent with CEQA Guidelines Section 15132, the Final EIR for the Project is comprised of the Draft EIR and Appendices, the comments received on the Draft EIR, the Responses to Comments (including a list of persons, organizations, and public agencies commenting on the Draft EIR), the Text Changes to the Draft EIR (bound together with the Responses to Comments) and all Planning and Building Department Staff Reports to the Planning Commission, including all minutes, transcripts, attachments and references. All of the above information has been and will be on file with the City of Huntington Beach Department of Planning and Building, 2000 Main Street, Huntington Beach, California 92648.

SECTION 2. The Planning Commission finds and certifies that the Final EIR is complete and adequate in that it has identified all significant environmental effects of the Project and that there are no known potential environmental impacts not addressed in the Final EIR.

SECTION 3. The Planning Commission finds that all significant effects of the Project are set forth in the Final EIR.

SECTION 4. The Planning Commission finds that although the Final EIR identifies certain significant environmental effects that will result if the Project is approved, all significant effects which can feasibly be mitigated or avoided have been mitigated or avoided by the incorporation of standard conditions and requirements, and by the imposition of mitigation measures on the approved Project. All mitigation measures are included in the "Mitigation Monitoring and Reporting Checklist" (also referred to as the "Mitigation Monitoring Program") attached as Exhibit "A" to this Resolution and incorporated herein by this reference.

SECTION 5. The Planning Commission finds that the Final EIR has described reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project (including the "No Project" Alternative), even when these alternatives might impede the attainment of Project objectives. Further, the Planning Commission finds that a good faith effort was made to incorporate alternatives in the preparation of the Draft EIR and that a reasonable range of alternatives was considered in the review process of the Final EIR and ultimate decisions on the Project.

SECTION 6. The Planning Commission finds that no "substantial evidence" (as that term is defined pursuant to CEQA Guidelines Section 15384) has been presented that would call to question the facts and conclusions in the EIR.

SECTION 7. The Planning Commission finds that no "significant new information" (as that term is defined pursuant to CEQA Guidelines Section 15088.5) has been added to the Final EIR after circulation of the Draft EIR. The Planning Commission finds that the minor refinements that have been made in the Project as a result of clarifications in the mitigation measures and EIR text do not amount to significant new information concerning the Project, nor has any significant new information concerning the Project become known to the Planning Commission through the public hearings held on the Project, or through the comments on the Draft EIR and Responses to Comments.

SECTION 8. The Planning Commission finds that the Mitigation Monitoring Program establishes a mechanism and procedures for implementing and verifying the mitigations pursuant to Public Resources Code 2108.6 and hereby adopts the Mitigation Monitoring Program. The mitigation measures shall be incorporated into the Project prior to or concurrent with Project implementation as defined in each mitigation measure.

SECTION 9. The Planning Commission finds that the Final EIR reflects the independent review and judgment of the City of Huntington Beach Planning Commission, that the Final EIR was presented to the Planning Commission, and that the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving a project located on the subject property.

SECTION 10. The Planning Commission finds that the Final EIR serves as adequate and appropriate environmental documentation for the Project. The Planning Commission certifies that the Final EIR prepared for the Project is complete, and that it has been prepared in compliance with the requirements of the California Environmental Quality Act and CEQA Guidelines.

PASSED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting thereof held on the Twenty-Sixth day of April, 2011.

AYES: Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

Scott Hess, Secretary

Chairperson, Planning Commission

Exhibit A: Mitigation Monitoring and Reporting Program

ATTACHMENT NO. 1-3

CITY OF HUNTINGTON BEACH
BEACH AND WARNER MIXED-USE PROJECT

Environmental Impact Report

SCH No. 2011011015
EIR No. 2010-003

Final EIR

Prepared for
City of Huntington Beach
Planning and Building Department
2000 Main Street, Third Floor
Huntington Beach, California 92648

Prepared by
Atkins, formerly PBS&J
12301 Wilshire Boulevard, Suite 430
Los Angeles, California 90025

April 2011

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CHAPTER 8 Introduction to the Final EIR

8.1 CEQA REQUIREMENTS

Before approving a project, the California Environmental Quality Act (CEQA) requires the Lead Agency to prepare and certify a Final Environmental Impact Report (Final EIR). The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which states that:

> The Final EIR shall consist of:
> (a) The Draft EIR or a revision of the Draft EIR.
> (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
> (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
> (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
> (e) Any other information added by the Lead Agency.

The Lead Agency (the City of Huntington Beach) must also provide each public agency that commented on the Draft EIR (DEIR) with a copy of the City's response to those comments at least ten days before certifying the Final EIR. In addition, the City may also provide an opportunity for members of the public to review the Final EIR prior to certification, though this is not a requirement of CEQA.

8.2 PUBLIC REVIEW PROCESS

The DEIR for the Beach and Warner Mixed-Use Project was circulated for review and comment by the public, agencies, and organizations for a 45-day public review period that began on January 6, 2011, and concluded on February 22, 2011. A public information meeting was held on February 2, 2011, to receive comments on the adequacy of the DEIR. In addition to the three verbal comments that were received at the public meeting, nine written letters were received during the review period.

8.3 CONTENTS AND ORGANIZATION OF THE FINAL EIR

This Final EIR is composed of three volumes. They are as follows:

Volume I — **Draft EIR**—This volume describes the existing environmental conditions in the project area and in the vicinity of the project, and analyzes potential impacts on those conditions due to the proposed project; identifies mitigation measures that could avoid or reduce the magnitude of significant impacts; evaluates cumulative impacts that would be caused by the project in combination with other future projects or growth that could occur in the region; analyzes growth-inducing impacts; and provides a full evaluation of the alternatives to the proposed project that could eliminate, reduce, or avoid project-related impacts. Text revisions to the Draft EIR

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resulting from corrections of minor errors and/or clarification of items are identified in Volume III, as described below. The Draft EIR is incorporated by reference into the Final EIR.

Volume II — **Draft EIR Appendices**—This volume includes supporting technical data used in the preparation of the Draft EIR. No text changes were made to the Technical Appendices in preparation of the Final EIR.

Volume III — **Final EIR (Text Changes and Responses to Comments)**—This volume contains an explanation of the format and content of the Final EIR; all text changes to the DEIR; a complete list of all persons, organizations, and public agencies that commented on the DEIR; copies of the comment letters received by the City of Huntington Beach on the proposed project; and the Lead Agency's responses to these comments. As stated above, the DEIR is incorporated by reference into the Final EIR.

8.4 USE OF THE FINAL EIR

Pursuant to Sections 15088(a) and 15088(b) of the CEQA Guidelines, the lead agency must evaluate comments on environmental issues received from persons who reviewed the DEIR and must prepare written responses. The Final EIR allows the public and the City of Huntington Beach an opportunity to review the response to comments, revisions to the DEIR, and other components of the EIR, such as the Mitigation Monitoring and Reporting Program (MMRP), prior to the City's decision on the project. The Final EIR serves as the environmental document to support approval of the proposed project, either in whole or in part.

After completing the Final EIR, and before approving the project, the Lead Agency must make the following three certifications as required by Section 15090 of the CEQA Guidelines:

- That the Final EIR has been completed in compliance with CEQA
- That the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the project
- That the Final EIR reflects the Lead Agency's independent judgment and analysis

Pursuant to Section 15091(a) of the CEQA Guidelines, if an EIR that has been certified for a project identifies one or more significant environmental effects, the lead agency must adopt "Findings of Fact." For each significant impact, the lead agency must make one of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

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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.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, pursuant to Section 15091(d) of the CEQA Guidelines, the agency must adopt, in conjunction with the findings, a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the Mitigation Monitoring and Reporting Program.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant, unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing its reasons for supporting the approved action. This Statement of Overriding Considerations is supported by substantial information in the record, which includes this Final EIR. Since the project could result in six significant and unavoidable impacts (two project-specific and four cumulative), the City of Huntington Beach would be required to adopt a Statement of Overriding Considerations if it approves the proposed project.

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CHAPTER 9 Changes to the Draft EIR

9.1 FORMAT OF TEXT CHANGES

Text changes are intended to clarify or correct information in the DEIR in response to comments received on the document, or as initiated by Lead Agency staff. Revisions are shown in Section 9.2 (Text Changes) below as excerpts from the DEIR text, with a ~~line through~~ deleted text and a double underline beneath inserted text. In order to indicate the location in the DEIR where text has been changed, the reader is referred to the page number of the DEIR.

9.2 TEXT CHANGES

This section includes revisions to text, by DEIR section, that were initiated either by Lead Agency staff or in response to public comments. In addition, there were a fair number of text changes initiated in an effort to achieve editorial consistency throughout the document with respect to how both BECSP and project-specific mitigation measures and code requirements were referenced. Where text changes are identified to rectify this inconsistency, the heading of the text change will show "*[editorial-only change]*." All changes appear in order of their location in the DEIR.

Page 1-2, second full paragraph

The proposed mixed-use building along Warner Avenue (Warner Mixed-Use building) would be bound by Warner Avenue to the north, the internal roadway to the east, the existing six-story parking structure to the south, and ~~Sycamore Avenue~~Ash Street to the west. …

Page 1-3, Section 1.2, second paragraph

The City prepared a Program EIR for the BECSP, and the Final Program EIR was certified by the City of Huntington Beach in December 2009 [State Clearinghouse (SCH) No. 2008071143, City of Huntington Beach EIR No. 08-008]. Although this document is organized in such a manner as to be a thorough project-level analysis, where appropriate, information is supplementary to or tiered from the BECSP Program EIR. …

Page 1-5, third full paragraph

All documents incorporated by reference in this EIR are available for review at the City, inclusive of the BECSP EIR.

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Page 2-3, Section 2.5, first paragraph

The following significant, unavoidable impacts would result from future developments as permitted under the proposed project. A detailed discussion of these impacts can be found in Section 4.2 (Air Quality) and Section 4.13 (Transportation/Traffic) of this document.

Pages 2-8 through 2-28, Table 2-1

Impact(s)	*Level of Significance Prior to Mitigation*	*Mitigation Measure(s) and/or Code Requirements*	*Level of Significance After Mitigation*
...			
Impact 4.2-4 Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations. This would be a potentially significant impact. Implementation of mitigation measures Project MM4.2-15 and Project MM4.2-16 would reduce this impact, but not to a less than significant level. Therefore, this would be a *significant and unavoidable* impact.	PS	**BECSP MM4.2-1 through BECSP MM4.2-11** would also apply. **Project MM4.2-15** Project applicants shall require by contract specifications that ~~all paving be completed as soon as possible to reduce fugitive dust emissions~~ additional waterings (in excess of the three watering per day indicated in MM4.2-5) be applied to all disturbed areas and unpaved roads throughout the demolition and grading phases. **Project MM4.2-16** Project applicants shall require by contract specifications that all paving be completed as soon as possible to reduce fugitive dust emissions.	SU
...			
Impact 4.7 Construction and operation of the proposed project could increase stormwater runoff and alter existing land use such that stormwater pollutant loads or concentrations, including erosion and sediment, are increased. These processes could result in a violation of waste discharge requirements or water quality standards and provide substantial additional sources of polluted runoff. Additionally, increases in stormwater runoff could potentially exceed the capacity of existing or planned stormwater drainage systems, and cause on- or off-site flooding. However, with implementation of mitigation measures, this impact is considered *less than significant.*	LTS	... *Mitigation measure BECSP MM4.7-3 has been modified to reflect the existing and proposed site characteristics, as well as the specific hydrologic conditions of the proposed project site and the ~~Huntington Beach~~Ocean View Channel.* ... The City Department of Public Works shall review the Hydrology and Hydraulic Study and determine required corrective action(s) or if a waiver of corrective action is applicable. The site-specific development Applicant shall incorporate required corrective actions into their project design and/or plan. Prior to receiving a Certificate of Occupancy or final inspection, the City Department of Public Works shall ensure that required corrective action has been implemented. **BECSP CR4.7-1** Prior to receiving any grading or building permit, the Applicant for a specific development project shall prepare a Precise Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering, as well as for surface drainage.	LTS
...			

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s) and/or Code Requirements	Level of Significance After Mitigation
Impact 4.11-3 Implementation of the proposed project would not require new or physically altered facilities to accommodate additional students and would be *less than significant*.	LTS	**BECSP CR4.11-~~1~~2** The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. These fees are currently $1.~~37~~60 per square foot (sf) of accessible interior space for any new residential unit and $0.~~22~~26 per sf of covered floor space for new commercial/retail development. **BECSP CR4.11-~~2~~3** The Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Huntington Beach Union High School District to cover additional school services required by the new development. These fees are currently $2.97 per square foot (sf) of accessible interior space for any new residential unit and $0.47 per sf of covered floor space for new commercial/retail development.	LTS
...			
Impact 4.13-1 Under Year 2030 conditions, implementation of the proposed project could conflict with the City's acceptable LOS of service standard of D or better identified in Policy CE 2.1.1 of the General Plan for the performance of the project area roadway system. However, with the incorporation of BECSP mitigation, this would be a *less than significant* impact.	PS	... **BECSP MM4.13-11** For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a third westbound through lane to the intersection of Beach Boulevard at Edinger Avenue. Implementation of this improvement would require Caltrans approval. **BECSP MM4.13-12** For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at Bolsa Avenue. Implementation of this improvement would require Caltrans approval. **BECSP MM4.13-13** For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a second westbound left-turn lane to the intersection of Beach Boulevard at Talbert Avenue. Implementation of this improvement would require Caltrans approval. **BECSP MM4.13-14** For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a de facto westbound right-turn lane to the intersection of Beach Boulevard at Talbert Avenue. Implementation of this improvement would require Caltrans approval. **BECSP MM4.13-~~12~~15** For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the conversion of a separate westbound right-turn lane to a de facto right-turn lane at the intersection of Newland Street at Warner Avenue. **BECSP MM4.13-~~13~~16** For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a third westbound through lane to the intersection of Newland Street at Warner Avenue. ~~**BECSP MM4.13-14** For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share~~	LTS

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s) and/or Code Requirements	Level of Significance After Mitigation
		~~contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at Bolsa Avenue. Implementation of this improvement would require Caltrans approval.~~ **BECSP MM4.13-17** For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at McFadden Avenue. Implementation of this improvement would require Caltrans and City of Westminster approvals. **BECSP MM4.13-18** For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate northbound right-turn lane to the intersection of Beach Boulevard at McFadden Avenue. Implementation of this improvement would require Caltrans and City of Westminster approvals.	
...			
Impact 4.14-4 Implementation of the proposed project would require new sewer connections, and could require or result in the construction of new or expanded wastewater conveyance systems. With implementation of code requirements BECSP CR4.14-3 ~~and~~, BECSP CR4.14-4, ~~as well as~~ and ~~p~~Project ~~code requirement~~ CR4.14-5, this impact would be reduced to a *less than significant* levels.	PS	**BECSP CR4.14-3** Prior to issuance of a Precise Grading or Building Permit, the Applicants shall prepare a sewer analysis and submit it to the Department of Public Works for review and approval. Data from a 14-day or longer flow test shall be included in the analysis. This analysis shall specifically identify constraints and system deficiencies, including requirements for new connections or upgrades to existing stubout connections, associated with development of the proposed project. In addition, OCSD shall confirm that there is capacity in the existing main and trunk sewer lines serving the proposed project. ...	LTS
...			

Page 4.2-21, Impact 4.2-24 *[editorial-only change]*

Impact 4.2-4 **Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations. This would be a potentially significant impact. Implementation of mitigation measures Project MM4.2-15 and Project MM4.2-16 would reduce this impact, but not to a less than significant level. Therefore, this would be a *significant and unavoidable* impact.**

Page 4.2-21, third paragraph following Impact 4.2-24 *[editorial-only change]*

LSTs have been developed by the SCAQMD to determine maximum allowable concentrations of criteria air pollutants during construction. Localized concentrations were estimated, as discussed above in the Analytic Method section and assume implementation of mitigation measures BECSP MM4.2-1 through

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BECSP MM4.2-11 as well as mitigation measures Project MM4.2-15 and Project MM4.2-16. Total LST construction emissions are included in Table 4.2-6 (Total Construction Emissions and Localized Significance Thresholds CO and NO_X) and Table 4.2-7 (Total Construction Emissions and Localized Significance Thresholds PM_{10} and $PM_{2.5}$). The maximum modeled concentrations are presented as measured at each sensitive receptor.

Page 4.2-24, first two paragraphs

With the implementation of mitigation measures BECSP MM4.2-1 through BECSP MM4.2-11, as well as mitigation measures Project MM4.2-15 and Project MM4.2-16, the emissions of PM_{10} and $PM_{2.5}$ will be reduced during construction. However, even with the inclusion of mitigation measures Project MM4.2-15 and Project MM4.2-16, emissions of PM_{10} and $PM_{2.5}$ are anticipated to remain above the SCAQMD LST thresholds. Therefore, even after the implementation of mitigation, impacts to localized sensitive receptors will remain ***significant and unavoidable*** during construction.

Project MM4.2-15 *Project applicants shall require by contract specifications that ~~all paving be completed as soon as possible to reduce fugitive dust emissions~~ additional waterings (in excess of the three watering per day indicated in MM4.2-5) be applied to all disturbed areas and unpaved roads throughout the demolition and grading phases.*

Page 4.6-2, "Asbestos" section, first paragraph

Asbestos, a naturally occurring fibrous material, was used in many building materials for fireproofing and insulating properties before many of its most common construction-related uses were banned by the USEPA between the early 1970s and 1991 under the authority of the California Clean Air Act (CCAA) and the Toxic Substances Control Act (TSCA). … The structures located on the project site were constructed during the 1980s and therefore were not likely built with asbestos containing materials.

Page 4.7-1, Section 4.7.1

The proposed project site is relatively flat with no distinct changes in elevation. The site is almost entirely impervious, with the exception of the undeveloped portion of the project site located on the corner of Cypress Avenue and Elm Street that is currently graded. According to BECSP EIR Figure 4.7-1(a), the proposed project site currently drains via sheet flow to existing underground storm-drain pipelines within Sycamore Avenue, Ash Street, and Beach Boulevard. From the project site, runoff travels north ~~or northwesterly in~~to the existing ~~East Garden Grove-Wintersburg~~Ocean View Channel, which is approximately 700 feet north of and ~~parallels~~ parallel to Warner Avenue~~ to the north~~. The ~~runoff is then conveyed via~~ Ocean View Channel flows westerly to its confluence with the East Garden Grove-Wintersburg Channel~~ into Orange County Flood Control District (OCFCD) facilities~~, which ultimately flows to Bolsa Chica Wetlands and to Huntington Harbour/Anaheim Bay.

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Page 4.7-2, "Regional Hydrology and Drainage" section, second paragraph

The project site is located within the ~~Talbert/Greenville Banning Channel~~Anaheim Bay-Huntington Harbour Watershed of the SARB~~ and covers 21.4 square miles~~. ~~The Talbert/Greenville Banning Watershed straddles the mouth of the Santa Ana River and has two main tributaries that drain into it. On the western side, the Talbert and Huntington Beach Channels drain through the Talbert Marsh before emptying into the Pacific Ocean. On the eastern side, the Greenville Banning Channel empties into the Santa Ana River.~~ The Anaheim Bay-Huntington Harbour covers an area of 80.35 square miles in the northwest corner of Orange County. It includes portions of the City of Anaheim, Cypress, Fountain Valley, Garden Grove, Huntington Beach, Los Alamitos, Santa Ana, Seal Beach, Stanton, and Westminster. Its main tributaries are Bolsa Chica Channel, East-Garden Grove Wintersburg Channel, and the Westminster Channel. The project site is within the ~~Huntington Beach~~Ocean View Channel drainage area~~ of the Talbert/Greenville Banning Channel Watershed~~. The Ocean View Channel flows westerly to its confluence with the East Garden Grove-Wintersburg Channel, which ultimately flows to Bolsa Chica Wetlands and to Huntington Harbour/Anaheim Bay.

Page 4.7-5, "Stormwater Drainage, Runoff, Erosion, and Water Quality" section, first paragraph

The proposed project site is relatively flat with no distinct changes in elevation. The site is almost entirely impervious, with the exception of the undeveloped portion of the project site located on the corner of Cypress Avenue and Elm Street. Pursuant to information in the BECSP EIR, the proposed project site currently drains via sheet flow to an existing storm drain within Sycamore Avenue which ultimately routes runoff into Orange County Flood Control District (OCFCD) facilities. From the project site, runoff travels north~~westerly~~ into the existing ~~East Garden Grove-Wintersburg~~Ocean View Channel.

Pages 4.7-6 to 4.7-7, "Deplete Groundwater Supplies or Interfere with Groundwater Recharge" section, first paragraph

As shown in Figure EH-3 of the City of Huntington Beach General Plan, depth to groundwater at the proposed project site is approximately 10 to 30 feet bgs, which is consistent with the findings of a Foundation Investigation prepared for the proposed project site in 1981 by Lerdy Crandall and Associates, which encountered groundwater was at depths of 19 to 27 feet bgs.[19] As such, the proposed subterranean parking could be located below the local groundwater table. In the event that permanent dewatering activities are necessary on the project site, the proposed project would require coverage under the De Minimus Threat General Permit or an individual WDR/ NPDES Permit, and consequently would be subject to discharge quantity limitations, groundwater dewatering, and surface drainage. Additionally, the proposed project would be subject to code requirement BECSP CR4.7-1, which requires the preparation of a Precise Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering, as well as for surface drainage, and mitigation measure BECSP MM4.7-2, which requires the preparation of a Groundwater Hydrology Study to determine if dewatering activities would interfere with nearby water supplies. This study shall also include recommendations on whether permanent groundwater dewatering

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is feasible. Implementation of mitigation measure BECSP MM4.7-2 and compliance with existing regulatory requirements, including code requirement BECSP CR4.7-1, would ensure that permanent groundwater dewatering does not cause or contribute to a lowering of the local groundwater table that would affect nearby water supply wells, such that impacts would be ***less than significant***.

Page 4.7-7, "Flood Hazard Areas and Flooding" section, second paragraph

The City of Huntington Beach is located in the lower basin of the Santa Ana River Basin. The lower basin is protected from flooding by Prado Dam, which is located 27 miles northeast of the City in Riverside County. The northern portion of the ~~Corridor~~ basin is located within the inundation area of the Prado Dam. Recently completed channel modifications along the Santa Ana River from Prado Dam to the Pacific Ocean would provide protection from inundation in the event of dam failure. Therefore, the possibility of significant risk of loss, injury, or death from flooding would be negligible and impacts would be ***less than significant***.

Page 4.7-12, first full paragraph

Mitigation measure BECSP MM4.7-3 has been modified to reflect the existing and proposed site characteristics, as well as the specific hydrologic conditions of the proposed project site and the ~~Huntington Beach~~Ocean View Channel.

Page 4.7-13, new mitigation measure added before Section 4.7.4

BECSP CR4.7-1 Prior to receiving any grading or building permit, the Applicant for a specific development project shall prepare a Precise Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering, as well as for surface drainage.

Page 4.10-2, last paragraph

The City's Zoning Code, as well as ~~Section~~ BECSP Section 2.2.3 (Affordable Housing Requirements) requires 10 percent of all new residential construction consisting of three or more units to be affordable housing units. However, for projects located within a redevelopment project area, BECSP Section 2.2.3 requires that 15 percent of all new residential construction be affordable. With the required affordable housing component, the project would allow for the development of housing that meets the needs of the community, consistent with Policies 2.2 and 3.1 of the City's General Plan Housing Element. Consequently, the proposed project would not conflict with any of the applicable General Plan policies.

Page 4.11-13, first paragraph

The OVSD currently operates 11 elementary schools, 4 middle schools, and 2 preschools.[53] The OVSD has a current enrollment of approximately 9,503 students.[54] The project site would be served by Oak View Elementary School (grades K–5) and Mesa View Middle School (grades 6, 7, and 8). Oak View Elementary School has a current enrollment of ~~829~~ 796 students and a capacity of 848 students.[55] Mesa

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View Middle School has a current enrollment of ~~744~~748 students and a capacity of 840 students.[56] As such, n~~N~~either school located within the OVSD that serves the project site is overcrowded at this time. Per OVSD, the current level of enrollment within the school district has been declining in recent years and this decline is expected to continue for the next several years. The OVSD does not anticipate an immediate change in the enrollment patterns. Due to the expected declining enrollment, new students from this development would not result in overcrowding and would likely help offset the current declining enrollment.[57] There are currently no plans for the addition of new schools within the District.

[55] ~~Education Data Partnership, Schools Reports, Oak View Elementary School, http://www.ed-data.k12.ca.us/Navigation/fsTwoPanel.asp?bottom=%2Fprofile%2Easp%3Flevel%3D07%26reportNumber%3D16 (accessed October 20, 2010).~~ William V. Loose, written correspondence from Assistant Superintendent, Administrative Services, Ocean View School District, Response to Draft Environmental Impact Report for the Beach and Warner Mixed-Use Project (Report 10-003) (February 16, 2011).

[56] ~~Education Data Partnership, Schools Reports, Oak View Elementary School, http://www.ed-data.k12.ca.us/Navigation/fsTwoPanel.asp?bottom=%2Fprofile%2Easp%3Flevel%3D07%26reportNumber%3D16 (accessed October 20, 2010).~~ William V. Loose, written correspondence from Assistant Superintendent, Administrative Services, Ocean View School District, Response to Draft Environmental Impact Report for the Beach and Warner Mixed-Use Project (Report 10-003) (February 16, 2011).

Pages 4.11-15 to 4.11-16, last three paragraphs (Code requirement number change is editorial only)

BECSP CR4.11-~~1~~2 The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. These fees are currently $1.~~37~~60 per square foot (sf) of accessible interior space for any new residential unit and $0.~~22~~26 per sf of covered floor space for new commercial/retail development.

BECSP CR4.11-~~2~~3 The Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Huntington Beach Union High School District to cover additional school services required by the new development. These fees are currently $2.97 per square foot (sf) of accessible interior space for any new residential unit and $0.47 per sf of covered floor space for new commercial/retail development.

As discussed above, both the HBUHSD and the OVSD have capacity to serve students generated by the proposed project. With implementation of code requirements BECSP CR4.11-~~1~~2 and BECSP CR4.11-~~2~~3, fees collected under the authority of SB 50 would offset any increase in educational demand at the elementary school, middle school, and high school serving the project site. Therefore, implementation of the proposed project would not require any new or physically altered school facilities to serve the project, the construction of which could result in significant environmental impacts. This impact would be ***less than significant***.

Page 4.11-18, second paragraph

The Huntington Beach Public Library system currently has a full-time staff of ~~37~~26 (with potential to fill up to three existing vacancies) and approximately 100 part-time staff members (volunteers).[61] The City does not have a library service ratio standard and uses the state's standard to determine the level of

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service for libraries. According to the State of California, there should be an average service ratio of approximately 0.00036 full-time employees per ~~resident~~ resident.[62] This equates to ~~(or~~ 73 full-time library staff members in the Huntington Beach Public Library system based on resident population~~)~~.[63] As part-time staff members work on a volunteer basis, there is no full-time employee equivalent to their hours spent, and the approximate, 100 part-time staff members are not considered when determining the need for full-time library staff members. Therefore, to currently meet the state standard of 73 full-time library staff members, the City of Huntington Beach would need to hire an additional ~~36~~ 47 full-time employees to serve the current population of 203,484. Implementation of the proposed project ~~would add~~could result in 745 additional residents to the City increasing the population to 204,229. This would require 74 full-time library staff according to the state standards and the City of Huntington Beach would need to hire an additional ~~37~~ 48 full-time employees to serve the ~~current~~ population of ~~203,484~~204,299.

[61] ~~City of Huntington Beach, Section 4.11 (Public Services), Beach and Edinger Corridors Specific Plan Environmental Impact Report (August 2009).~~Stephanie Beverage, written communication from Library Services Director (January 31, 2011).
[62] California Libraries. Based on average service ratios of ten cities in California.
[63] ~~California Libraries. Based on average service ratios of ten cities in California. Full-time employees required for total population: 0.00036 full-time staff/resident x 203,484 residents = 73 full-time staff required.~~Based on 2010 California Department of Finance population estimate of 203,484 for the City of Huntington Beach. Full-time employees required for total population: 0.00036 full-time staff/resident x 203,484 residents = 73 full-time staff required.

Page 4.11-20, first paragraph following Impact 4.11-4

The closest library to the project site is the Oak View Branch Library approximately 0.29 southwest from the site and the Central Library and Cultural Center is located 1.8 southwest of the project site. The two libraries have an extensive collection which can meet the demands of future residents of the proposed project. Additionally, the project site, like all areas of the City, is served by all five branches of the Huntington Beach Public Library system. Combined, these libraries have a collection of 431,304 items. According to California Library Statistics, there should be an average service ratio of about 0.00036 full-time employees per resident. The Huntington Beach Public Library currently has a staff of ~~37~~26, which does not meet this ratio. Based on the City's ~~current~~ 2010 population of 203,484 residents, an additional ~~36~~ 47 full-time staff members would need to be hired in order to meet to this standard. The proposed project would increase the population of Huntington Beach by ~~a maximum of~~ approximately 745 residents increasing total population to 204,229. This increase in population associated with the proposed project would result in the need for ~~just under~~ 1 additional staff member over the existing need for 47 full-time staff members to meet state standards, and, therefore, would not be substantial.

Page 4.12-8, first full paragraph *[editorial-only change]*

Future development on the project site would be required to satisfy Chapter 230.20 of the City's Zoning and Subdivision Ordinance, which requires the payment of a park fee. … Additionally, the provision of public open space and the payment of the park fee required by ~~project~~ code requirement Project CR4.12-1 would reduce a potential impact to recreation and would ensure that requirements of the BECSP and the General Plan are satisfied. Therefore, the City would have adequate parkland to serve the needs of existing and future residents, and the proposed project would not result in the increased use of

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existing parks such that substantial physical deterioration of the facility would occur or be accelerated. This impact is considered ***less than significant***.

Pages 4.12-8 to 4.12-9, last paragraph *[editorial-only change]*

Implementation of the proposed project would result in the development of a residential mixed-use community, which includes a total of 75,000 sf of public open space and 15,800 sf of private open space. Construction of these recreational amenities would occur as part of the project, the direct physical effects of which are included as part of the overall construction scenario. The construction impacts anticipated from implementation of the proposed project have been analyzed throughout the technical sections of this EIR. Implementation of ~~project~~ code requirement Project CR4.12-1 and mitigation measures described throughout other sections of this EIR would reduce construction impacts. As such, effects of construction activities associated with development of recreational facilities under the proposed project would be ***less than significant***.

Page 4.13-1, first paragraph

… Data used to prepare this section were taken from the City's General Plan Circulation Element, *Beach-Edinger Corridors Specific Plan Area Traffic Analysis for Beach-Warner Project* dated December ~~8~~21, 2010 (Appendix D), and the *Beach Boulevard and Edinger Avenue Corridors Specific Plan Traffic Study* dated August 2009. …

Page 4.13-12, third and fourth full paragraphs

Although mitigation is not a project responsibility, as required by mitigation measures BECSP MM4.13-1 through BECSP MM4.13-~~14~~18, the proposed project will be subject to its fair-share contribution towards future improvements to the area roadway system. This contribution, and therefore satisfaction of mitigation, would reduce the project's impacts on the area roadway system to a less than significant level as determined in the certified BECSP Program EIR. As the proposed project is substantially consistent with the project contemplated in the BECSP EIR and would not result in additional ADT above that in the BECSP EIR, the proposed project is considered consistent with the analysis in the BECSP EIR and would result in less than significant impacts.

Therefore, impacts from the proposed project are considered ***less than significant*** with the implementation of mitigation measures BECSP MM4.13-1 through BECSP MM4.13-~~14~~18.

Page 4.13-13, following mitigation measure BECSP MM4.13-11

BECSP MM4.13-11 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a third westbound through lane to the intersection of Beach Boulevard at Edinger Avenue. Implementation of this improvement would require Caltrans approval.

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BECSP MM4.13-12 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at Bolsa Avenue. Implementation of this improvement would require Caltrans approval.

BECSP MM4.13-13 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a second westbound left-turn lane to the intersection of Beach Boulevard at Talbert Avenue. Implementation of this improvement would require Caltrans approval.

BECSP MM4.13-14 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a de facto westbound right-turn lane to the intersection of Beach Boulevard at Talbert Avenue. Implementation of this improvement would require Caltrans approval.

BECSP MM4.13-~~14~~15 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the conversion of a separate westbound right-turn lane to a de facto right-turn lane at the intersection of Newland Street at Warner Avenue.

BECSP MM4.13-~~13~~6 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a third westbound through lane to the intersection of Newland Street at Warner Avenue.

~~*BECSP MM4.13-14 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at Bolsa Avenue. Implementation of this improvement would require Caltrans approval.*~~

BECSP MM4.13-17 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at McFadden Avenue. Implementation of this improvement would require Caltrans and City of Westminster approvals.

BECSP MM4.13-18 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate northbound right-turn lane to the intersection of Beach Boulevard at McFadden Avenue. Implementation of this improvement would require Caltrans and City of Westminster approvals.

Page 4.13-19, second paragraph following threshold

Under 2030 conditions, implementation of the mitigation measures BECSP MM4.13-1 through BECSP MM4.13-~~14~~18 would ensure that five of the seven impacted intersections (as identified in the BECSP EIR) have acceptable ICU values (LOS C or LOS D). The improvements for the remaining two locations, Brookhurst Street at Adams Avenue and Beach Boulevard at Bolsa Avenue, would mitigate the project impact at these locations but not achieve an acceptable LOS. Even with implementation of mitigation measures BECSP MM4.13-3 through BECSP MM4.13-9 and BECSP MM4.13-~~14~~12, the Brookhurst Street at Adams Avenue intersection would remain at LOS E in the AM peak hour and the Beach Boulevard at Bolsa Avenue intersection would remain at LOS F in the PM peak hour. At both of these intersections, with the incorporation of mitigation measures, the impact to the intersection would be mitigated to a less than significant level, even though the LOS would not be considered acceptable. However, while these intersections are located within the cumulative study area of the BECSP, they are

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outside City jurisdiction to ensure mitigation completion. Therefore, the impact remains ***significant and unavoidable***.

Page 4.14-26, Impact 4.14-4 *[editorial-only change]*

Impact 4.14-4 **Implementation of the proposed project would require new sewer connections, and could require or result in the construction of new or expanded wastewater conveyance systems. With implementation of code requirements BECSP CR4.14-3~~ and~~, BECSP CR4.14-4, ~~as well as~~ and ~~p~~Project ~~code requirement~~ CR4.14-5, this impact would be reduced to a *less than significant* level~~s~~.**

Page 4.14-28, third and fifth paragraphs *[editorial-only change]*

Because the proposed project would require or result in the construction of new or expanded wastewater conveyance infrastructure, ~~Project~~ code requirement Project CR4.14-5 requires the developer to pay full mitigation fees of all impacts of the proposed project on utilities, including wastewater. These fees are designed to represent the fair share of the new development toward the cost of planned (future) utilities. The following ~~Project~~ code requirement Project CR4.14-5 shall be implemented, as required by statute, ordinance, or code:

Project CR4.14-5 *The project developer(s) shall pay all applicable impact fees for wastewater and other utilities as established by the City of Huntington Beach.*

Construction of the wastewater collection systems would adhere to existing laws and regulations, and the infrastructure would be sized appropriately for the proposed project. Individual water and wastewater connections would occur as part of the proposed project site. In addition, code requirements BECSP CR4.14-3~~ and~~, BECSP CR4.14-4, and ~~p~~Project ~~code requirement~~ CR4.14-5 would ensure that proper sewer connections are provided for at the proposed project site. Therefore, this impact is considered ***less than significant***.

Pages 4.14-29 to 4.14-30, last paragraph *[editorial-only change]*

Cumulative impacts from future growth within the City regarding sewer line capacity (sewage treatment capacity is addressed above) is mitigated on a project-by-project basis (existing sewer lines adequate for existing development). … Implementation of code requirements BECSP CR4.14-3~~ and~~, BECSP CR4.14-4, and Project ~~code requirement~~ CR4.14-5 would ensure that capacity constraints at the time of development are accurately identified and sewer connections are provided for at the proposed project site. The proposed project and future proposed in the surrounding area would not make a cumulatively considerable contribution to the overall impact. Future projects would be required to pay fees and develop construction schedules that would reduce the overall impacts to current and future residents in the area. The cumulative impact of the proposed project would be ***less than significant***.

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Page 6-5, Table 6-1

Table 6-1 Summary of Alternative 2

Use	Reduced Beach Mixed-Use Building	Warner Mixed-Use Building	Corner Retail Buildings	Total Alternative 2 Build-Out	Existing Development to Remain on Site with Alternative 2
Residential	60 du	77 du	NA	***137 du***	0
Retail	3,600 sf	3,000 sf	11,000 sf	***17,600***	13,414 sf
Offices	N/A	N/A	N/A	***NA***	211,000 sf
Restaurants	0	1,000 sf	0	***1,000 sf***	18,322 sf
Common Area	N/A	1,600 sf	0	***1,600 sf***	N/A
Public Open Space	0	6,000 sf	44,000 sf	***50,000 sf***	N/A
Private Open Space	N/A	4,800 sf	0	***15,800 sf***	N/A
Parking Spaces	91	55*	99**	***245***	863~~+?~~

SOURCE: Studio One Eleven at Perkowitz and Ruth Architects. Warner and Beach Boulevard Program Summary. June 2010.

du = dwelling unit

* Parking structure

** Surface parking

Page 6-5, first partial paragraph

through 5 accessible via an internal corridor. A shared courtyard space would be provided on level 3. Parking would be provided in an internal three-level (one level below grade, one at grade, and one above grade) ~~81~~91-stall parking garage accessed from Cypress Avenue.

Page 6-8, third paragraph

Residential uses in the reduced Beach Mixed-Use building would be reduced from 202 residential units under the proposed project to 60 dwelling units. Of the 60 residential units, 7 (would be) two-story town houses oriented towards Cypress Avenue and Elm Street with direct access from the street. Additionally, 2 one-bedroom flats would be located at ground level fronting Cypress Avenue, and 39 one-bedroom and 12 two-bedroom units located on levels 3 through 5 accessible via an internal corridor. A shared courtyard space would be provided on level 3. Parking would be provided in an internal three-level (one level below grade, one level at grade, and one level above grade) ~~81~~91-stall parking garage accessed from Cypress Avenue.

Pages 6-15 to 6-17, last two paragraphs *[editorial-only change]*

Localized concentrations were estimated and assume implementation of mitigation measures BECSP MM4.2-1 through BECSP MM4.2-11, as well as ~~project~~ mitigation measures Project MM4.2-15 and Project MM4.2-16. It should be noted that due to the reduced project footprint, construction activities would take place in an area of less than five acres; therefore, consistent with SCAQMD LST recommendations, the LST Screening Tables were determined appropriate for determining if the LST threshold would be exceeded. As shown in Table 6-4 (Alternative 2 Total Construction Emissions and

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Localized Significance Thresholds), emissions would not exceed SCAQMD thresholds during Alternative 2 construction at any of the identified sensitive receptors for CO and NO_2.

However, PM_{10} and $PM_{2.5}$ exceed the SCAQMD thresholds at all sensitive receptors. This impact would be significant for PM_{10} and $PM_{2.5}$ during the mass grading phase of the project. With the implementation of mitigation measures BECSP MM4.2-1 through BECSP MM4.2-11, and ~~project~~ mitigation measures Project MM4.2-15 and Project MM4.2-16, the emissions of PM_{10} and $PM_{2.5}$ will be reduced during construction. However, even with the inclusion of these mitigation measures, emissions of PM_{10} and $PM_{2.5}$ are anticipated to remain above the SCAQMD LST thresholds. Therefore, even with mitigation, impacts to localized sensitive receptors will remain ***significant and unavoidable*** during construction, similar to the proposed project.

Page 6-24, fourth full paragraph

The amount of parking provided on the site would be designed to comply with the Parking Regulations established in BECSP Section 2.1.5 for the Neighborhood Center designation. Parking would be provided at varying ratios dependant on the land use. Parking for the proposed retail uses at the corner of Beach Boulevard and Warner Avenue, and the Warner Mixed-Use building would remain the same as the proposed project Parking for the Beach Mixed-Use building would be provided in an internal three-level (one level below grade, one at grade, and one above grade) ~~81~~91-stall parking garage accessed from Cypress Avenue. This would meet the parking requirements of the City of Huntington Beach based on approved parking ratios established in the BECSP for the project area. This impact is considered less than significant, similar to the proposed project.

9.3 FIGURE CHANGES

There were no figure changes to the DEIR.

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CHAPTER 10 Responses to Comments

10.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

In total, nine comment letters regarding the DEIR were received from two state departments, three organizations, and four individuals. Table 10-1 (Comment Letters Received during the Draft EIR Comment Period) provides a comprehensive list of commenters in the order that they are presented in this section.

Table 10-1 Comment Letters Received during the Draft EIR Comment Period

No.	Commenter/Organization	Abbreviation	Page Where Comment Begins	Page Where Response Begins
	STATE DEPARTMENTS			
1	Department of Toxic Substances Control, Al Shami, February 22, 2011	DTSC	10-3	10-30
2	Department of Transportation, Christopher Herre, February 17, 2011	DOT	10-7	10-32
	ORGANIZATIONS			
3	Huntington Beach, Environmental Board, Robert Schaaf, February 20, 2011	HBEB	10-9	10-34
4	The Kennedy Commission, Cesar Covarrubias, February 22, 2011	KC	10-11	10-35
5	Ocean View School District, William Loose, February 16, 2011	OVSD	10-16	10-37
	INDIVIDUALS			
6	Bonnie Weberg, January 20, 2011 (letter via email)	BW	10-24	10-49
7	Gayle Kirkhuff, January 15, 2011 (email)	GK	10-25	10-50
8	Greg Ryan, February 22, 2011 (email)	GR	10-26	10-50
9	Karl Kistner, January 16, 2011 (email)	KK	10-28	10-51

In addition to the written comments noted above, three verbal comments were received at the Beach and Warner Mixed-Use Project Draft EIR Public Information Meeting held on February 2, 2011, as outlined below.

Table 10-2 Verbal Comments Received at the Draft EIR Public Information Meeting

Commenter	Abbreviation	Page Where Comment Begins	Page Where Response Begins
PUBLIC TESTIMONY (DEIR MEETING)			
Barbara DelGleize, February 2, 2011 (verbal)	BG	10-29	10-51
Al Brown, February 2, 2011 (verbal)	AB	10-29	10-52
Dan Kalmick, February 2, 2011 (verbal)	DK	10-29	10-52

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This chapter of the Final EIR contains all comments received on the DEIR during the public review period, as well as the Lead Agency's responses to these comments. Reasoned, factual responses have been provided to all comments received, with a particular emphasis on significant environmental issues. Detailed responses have been provided where a comment raises a specific issue; however, a general response has been provided where the comment is relatively general. Although some letters may raise legal or planning issues, these issues do not always constitute significant environmental issues. Therefore, the comment has been noted, but no response has been provided. Generally, the responses to comments provide explanation or amplification of information contained in the DEIR.

10.2 COMMENTS ON THE DRAFT EIR

This section contains the original comment letters, which have been bracketed to isolate the individual comments, followed by a section with the responses to the comments within the letter. As noted above, and stated in Sections 15088(a) and 15088(b) of the CEQA Guidelines, comments that raise significant environmental issues are provided with responses. Comments that are outside of the scope of CEQA review will be forwarded for consideration to the decision makers as part of the project approval process. In some cases, a response may refer the reader to a previous response, if that previous response substantively addressed the same issues.

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10.2.1 State Departments

■ Department of Toxic Substances Control (DTSC), February 22, 2011

DTSC

Department of Toxic Substances Control

Linda S. Adams
Acting Secretary for
Environmental Protection

Leonard E. Robinson
Acting Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

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FEB 24 2011
Dept. of Planning & Building

February 22, 2011

Ms. Rosemary Medel
City of Huntington Beach
Planning and Building Department
2000 Main Street, Third Floor
Huntington Beach, California 92648

NOTICE OF COMPLETION & ENVIRONMENTAL IMPACT REPORT (EIR) FOR BEACH AND WARNER MIXED USE PROJECT (SCH# 2011011015)

Dear Ms. Medel:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The project includes the construction of two new retail buildings at the corner of Warner Avenue and Beach Boulevard, new mixed-use buildings along both Warner and Beach Boulevards, and two new parking structures. Under the proposed project, the existing fifteen-story 196,000-square-foot (sf) office building; the 18,531 sf retail/restaurant building along Warner Avenue; the 7,205 sf restaurant on Beach Boulevard; and the six-story, 863 stall parking structure located on the northeast corner of Sycamore Avenue and Ash Street would remain. All other existing buildings on the project site would be demolished and replaced with new development. The proposed mixed-use building along Beach Boulevard (Beach Mixed-Use building) would be bound by Beach Boulevard to the east, Cypress Avenue to the south, Elm Street to the west, and the internal roadway to the north. The Beach Mixed-Use building would include a total of 247,421 sf of building area, including 15,600 sf of retail uses, 5,000 sf of restaurant uses, and 202 residential units (totaling approximately 221,420 sf), as well as 5,400 sf of residential common area. Parking for all uses would be provided in an internal three-level, 481-stall parking structure (one level below grade, one level at grade, one level above grade). The proposed building would surround the parking structure on all four sides. Retail and restaurants uses would front Beach Boulevard, while residential uses would be located along Elm Street and Cypress Avenue. Residential uses also would be located on levels 3 through 6 of the building, above the commercial uses and the parking podium". DTSC-1

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Ms. Rosemary Medel
February 22, 2011
Page 2

Based on the review of the submitted document DTSC has the following comments:

1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA. DTSC-2
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. DTSC-3

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency DTSC-4

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Ms. Rosemary Medel
February 22, 2011
Page 3

that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR. DTSC-4 Cont.

4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. DTSC-5

5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. DTSC-6

6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. DTSC-7

7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. DTSC-8

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Ms. Rosemary Medel
February 22, 2011
Page 4

8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489. DTSC-9

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,

Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 3124

ATTACHMENT NO. 1.28

Department of Transportation (DOT), February 17, 2011

DOT

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY Edmund G. Brown Jr., Governor

DEPARTMENT OF TRANSPORTATION
District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2000
Fax: (949) 724-2592

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Dept. of Planning & Building

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FAX & MAIL

February 17, 2011

Ms. Rosemary Medel
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH#: 2011011015
Log #: 2643
SR-39 and I-405

Subject: Beach and Warner Mixed Use Project

Dear Ms, Medel,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Beach and Warner Mixed Use Project.** The proposed project includes 2 new 5,500 sf retail buildings (Beach MU and Warner MU buildings) with associated parking. The Beach MU building includes 202 dwelling units, 15,600 sf retail uses, 5,000 sf restaurant uses, and 5,400 sf residential common areas. The Warner MU building includes 77 dwelling units, 3,000 sf retail uses, 1,600 sf commercial associated with 4 live/work units, 1,000 sf restaurant uses, and 1,600 sf residential common areas. The nearest State routes to the project are SR-39 and I-405. DOT-1

The California Department of Transportation (Department), District 12 is a responsible agency on this project and has the following comments:

1. The Department requests to participate in the process to establish and implement "fair share" mitigation for project impacts at the following intersections:

   - SR-39 at Edinger Avenue
   - SR-39 at Warner Avenue
   - SR-39 at Garfield Avenue
   - SR-39 at Bolsa Avenue
   - SR-39 at Brookhurst Street/Adams Avenue
   - SR-39 at I-405 ramps and ramp intersections

   The Department has an established methodology used to calculate equitable project "fair share" mitigation contribution. This can be found in Appendix B of the Department's Guide for the Preparation of Traffic Impact Studies which is available at: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf. DOT-2

"Caltrans improves mobility across California"

ATTACHMENT NO. 1.29

2. The Department's Traffic Operations Branch requests all applicants to use the method outlined in the latest version of the Highway Capacity Manual (HCM) when analyzing traffic impacts on State Transportation Facilities. The use of HCM is preferred by the Department because it is an operational analysis as opposed to the Intersection Capacity Utilization (ICU) method, which is a planning analysis. In the case of projects that have direct impacts on State Facilities, the Department recommends that the traffic impact analysis be based on HCM method. Should the project require an encroachment permit, Traffic Operations may find the Traffic Impact Study based on ICU methodology inadequate resulting in possible delay or denial of a permit by the Department. All input sheets, assumptions and volumes on State Facilities including ramps and intersection analysis should be submitted to the Department for review and approval. The EIR should include appropriate mitigation measures to offset any potential impacts. **DOT-3**

   The traffic impact on the state transportation system should be evaluated based on the Department's Guide for the Preparation of Traffic Impact Studies which is available at: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf.

3. If any project work (e.g. storage of materials, street widening, emergency access improvements, sewer connections, sound walls, storm drain construction, street connections, etc.) will occur in the vicinity of the Department's Right-of-Way, an encroachment permit is required prior to commencement of work. Please allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for an Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, Right-of-Way certification and all relevant design details for any design exception approvals. For specific details on the Department's Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual. The latest edition of the manual is available on the web site: http://www.dot.ca.gov/hq/traffops/developserv/permits/ **DOT-4**

4. All work performed within the Department's Right-of-Way shall be in accordance with the Department's Standard Specifications, Standard Plans, Encroachment Permit manual, and the California MUTCD.

5. No additional surface run-off is allowed to drain onto Department Right-of-Way.

6. Please submit final Hydrology/hydraulic report to the Department for review and comment **DOT-5**

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Damon Davis at (949) 440-3487.

Sincerely,

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

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10.2.2 Organizations

■ Huntington Beach Environmental Board (HBEB), February 20, 2011

HBEB

CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

February 20, 2011

Rosemary Medel
City of Huntington Beach
Department of Planning and Building
2000 Main St
Huntington Beach, CA 92648

Subject: Beach and Warner Mixed Use Draft EIR No. 10-003

Dear Ms. Medel,

At the February 3, 2011 Environmental Board meeting, the members reviewed the draft EIR No. 10-0003. The Board offers the following comments for your consideration. **HBEB-1**

General:

1. We are pleased to see the bold general objectives stated in section 3.3-12, and are interested in seeing the sustainable community objectives actually implemented in the plans, the final construction, and in the potential continuous commissioning. To motivate attention and to reinforce these verifiable ideals, we point to AB1103[1] – Commercial Benchmarking requirements during sale/leasing/refinancing, effective July 1, 2011, and recent Green Leasing trends. In terms of sustainable profitability of leased property, recent studies show a 5-10% premium for Energy Star rated commercial property. **HBEB-2**

Land Use / Planning:

1. In terms of transit oriented development, the trends reinforced by SB 375[2] offer specific advantages for further enhancements of mobility plans and their actual execution. Best Practices in design and construction, as described by McGraw-Hill Smart Market report, use Building Information Modeling (BIM)[3] early in the design stage in order to capture and leverage data and the required knowledge to implement high profit and high sustainability objectives throughout the building's total life cycle. **HBEB-3**

Aesthetic:

1. Since this is a project EIR, (and not a program EIR) there should be photographic simulations, or artistic renderings to determine the aesthetic impact. **HBEB-4**

Utilities / Water:

1. Section 4.14-17 contains the project conditions for water efficiency (BECSP MM4.14-1). Are there a similar set of conditions in the Beach and Edinger Corridors Specific Plan for energy efficiency? If so these conditions should be incorporated into this project in the same manner as the water efficiency conditions. **HBEB-5**

2. The table used for the projected electricity usage cites the CEQA handbook from 1993. According to the U.S. Energy Information Administration, 2009 Electric Annual Power Annual, **HBEB-6**

[1]AB1103 & AB532 http://www.ab1103.com/
[2]SB 375 http://www.arb.ca.gov/cc/sb375/sb375.htm
[3]BIM http://www.bim.construction.com/research/pdfs/2009_BIM_SmartMarket_Report.pdf

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residential usage is nearly twice the amount reflected in the EIR. It shows 10,900 kWh per unit per year, compared to the 5,626.5 kWh per unit per year within the EIR. Although the report does not differentiate between densities, it reflects a significant discrepancy in usage[1].

a. The same report also shows commercial usage. There is not as large of a gap between residential usage and commercial as we show in the EIR. Residential and commercial are almost equal in electricity usage in the 2009 Electric Annual Report[1].

HBEB-6 Cont.

We appreciate the opportunity of reviewing this project. Please contact us with any questions or concerns.

Sincerely,

Robert Schaaf
Chairman, Huntington Beach Environmental Board

[1]Electric Power Annual 2009, U.S. Energy Information Administration http://www.eia.gov/FTPROOT/electricity/034809.pdf (November 2010) 17.

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The Kennedy Commission (KC), February 22, 2011

KC

Kennedy COMMISSION

www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909
fax 949 263 0647

February 22, 2011

Ms. Rosemary Medel, Associate Planner
City of Huntington Beach
Planning & Building
2000 Main Street
Huntington Beach, CA 92648

RE: Beach and Warner Mixed-Use Project Environmental Impact Report

Dear Ms. Medel:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than $20,000 annually in Orange County. Formed in 1999, the Commission has been successful in partnering and working with jurisdictions in Orange County to create strategic and effective housing and land-use policies that has led to new construction of homes affordable to lower income working families.

The Commission would like to commend the City for taking steps to ensure public participation by providing the community an opportunity to submit comments on the Beach and Warner Mixed-Use Project Environmental Impact Report (EIR). As the City begins to evaluate and address the potential environmental effects of the proposed project, the Commission would like to take this opportunity to address a few concerns regarding the proposed project and provide recommendations that should be taken into consideration. KC-1

Effective Public Participation

The Commission would like to emphasize the importance of seeking out and considering public input from residents, community members and stakeholders (i.e. affordable housing, health, transportation and environmental advocates etc.). Public participation at all stages of development planning and decision-making process for the proposed project should be conducted with meaningful and effective outreach. Public input also needs to be reflected and incorporated in the EIR to ensure the goals and objectives of the Beach and Warner Mixed-Use Project are implemented and achieved. KC-2

Lack of Affordable Homes for Lower Income Households

The City's demographic composition and housing market conditions demonstrate a growing need for homes that people can afford, especially for lower-income renter households. According to the Housing Needs Assessment in the City's 2008-2014 Housing Element, 43% of KC-3

Working for systemic change resulting in the production of housing for Orange County's extremely low income households.

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renters in the City were lower income households[1] and almost "85% of overpaying renters earned lower incomes.[2]" The 2007 median apartment rents in the City for a 2-bedroom apartment was $1,599 a month; however, the maximum affordable rent for a low-income household would be $957 a month and $780 for very low-income households.[3]

The proposed project is planning for the construction of 279 new one- and two-bedroom apartment homes in two mixed-use buildings. The Beach Mixed-Use building will include 202 residential apartments while the Warner Mixed-Use building will include 77 residential apartments.[4] To support the vision of the Beach and Warner Mixed-Use Project, applicant objectives for the community have been outlined to include:

> "...housing that will address the unmet demands for a class-A rental-housing alternative of market rate and affordable housing that is centrally located to a variety of retail and office uses along Beach Boulevard."[5]

The EIR does not specify the affordability levels of the apartment homes; however, the planning, development and rezoning of the proposed project provides an opportunity for the City to count the proposed homes towards its allocated regional housing needs assessment (RHNA), especially for the lower income categories. In the City's certified 2008-2014 Housing Element, it identifies the Beach and Edinger Corridor Specific Plan (BECSP), in which the Beach and Warner Mixed-Use Project is located in, as a housing opportunity site to address the City's RHNA shortfall of 704 lower income homes.[6] In particular, a letter dated July 29, 2008 from the Department of Housing and Community Development (HCD) to the City states:

KC-3 Cont.

> "In addition to significant effort to preserve the existing housing stock, the City's commitment to promote higher density multifamily housing in the Beach/Edinger Specific Plan and the development of the 2.7 acre redevelopment agency owned McFadden site will effectively address the housing needs of the community, particularly for the local workforce and lower income families... Pursuant to Program 9, the City must monitor development within the specific plan areas and take appropriate actions to ensure the specific plan polices and strategies are, in practice acting to facilitate the development of housing affordable to lower-income households throughout the planning period."[7]

The development of affordable homes for lower income families on the Warner Mixed-Use Project will be an important opportunity in addressing the RHNA shortfall. The agency-owned McFadden site was initially identified in the Housing Element as an opportunity site for the

[1] City of Huntington Beach 2008-2014 Housing Element, page II-9, Adopted June 16, 2008
[2] City of Huntington Beach 2008-2014 Housing Element, page II-42, Adopted June 16, 2008
[3] City of Huntington Beach 2008-2014 Housing Element, page II-35, Adopted June 16, 2008
[4] City of Huntington Beach- Beach and Warner Mixed-Use Project Environmental Impact Report, p.1-2, Jan. 2011
[5] City of Huntington Beach- Beach and Warner Mixed-Use Project Environmental Impact Report, p.3-12, Jan. 2011
[6] City of Huntington Beach 2008-2014 Housing Element, page IV-12, Adopted June 16, 2008
[7] Letter from Department of Housing and Community Development to City of Huntington Beach, July 2008.

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development of 175 affordable homes.[8] Last month, the City Council entered an exclusive lease agreement with Vans to propose the McFadden site as a skate park.[9] Because the McFadden site is no longer set-aside for the development of affordable homes and there has been no identified alternative site, the number of identified opportunity sites in the Housing Element has decreased. KC-3 Cont.

Addressing and Mitigating Environmental Impacts

With high housing costs and significant lack of affordable homes, many workers and families, especially those who earn lower wages, struggle financially to live in the city they work in. These impacts not only hurt workers and families but may also impact the city's economic competitiveness and attractiveness to major employers to provide jobs. Locating homes, specifically affordable homes, near transit, job centers and neighborhood services will decrease travel costs and allow individuals to save money and spend it elsewhere in the City. In particular, the environmental impacts of a development are especially less drastic when a person can afford to live and spend their money in the same community in which they work in.

In 2008, the average commute time to work for Orange County residents was approximately 26 minutes and approximately 77% of commuters drove alone.[10] Improving location accessibility and connectivity reduces the dependency for residents, especially for lower income households and workers, to drive their automobiles. This will lead to decreased environmental impacts, such as vehicles miles traveled (VMT) and greenhouse gas emissions, which will contribute to the project's overall purpose and intent to create a sustainable transit oriented neighborhood. The project will also align with the Sustainable Communities and Climate Protection Act of 2008 (SB 375) and help the City implement and comply with SB 375 goals of reducing VMT and greenhouse gas emissions. KC-4

The proposed project anticipates a total development capacity of 29,600 s.f. of retail uses and 6,000 s.f. of restaurant uses.[11] The new development allows for increased economic opportunities but the number and types of jobs and wages are not analyzed in the EIR. These opportunities may produce low-wage service sector jobs that are not reflective on housing opportunities for all economic segments of the community. With low wages and high housing costs, many workers live in other cities and become dependant on their automobile to commute to and from work and other destinations. These trips may increase traffic congestion that not only negatively impacts the environment but also the quality of life for the community.

To ensure the impacts are identified and mitigated, the Commission would like the draft EIR to also address the City's jobs-housing "fit." Different from jobs-housing balance, which evaluates

[8] City of Huntington Beach 2008-2014 Housing Element, page IV-18, Adopted June 16, 2008
[9] "Surf City to get 'World Class' Vans Skate Park, The Orange County Register, January 19, 2011
[10] Orange County 2010 Community Indicators, p. 31, 2010
[11] City of Huntington Beach- Beach and Warner Mixed-Use Project Environmental Impact Report, p.1-2, Jan. 2011

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the number of jobs to the number of homes in a specific geographic location, the jobs-housing fit provides a more detailed analysis. The jobs-housing fit analyzes the discrepancies between the types of jobs and wages (especially for low-wage jobs) that will be generated in a City and the housing costs and opportunities that are available in the City. Simply stated, will an individual working at a new job that has been generated from a development be able to afford to live in the City that he/she is working in? The Commission is deeply concerned that the project could fail to address affordable housing needs as a key factor to reducing vehicle trips and commutes that will create more sustainable communities in Orange County. KC-4 Cont.

Recommendation

The proposed variety of residential, office and commercial mixed-use developments in the Beach and Warner Mixed-Use Project will create a unique, vibrant and sustainable community in the overall vision of the BECSP. The proposed project represents the first of four individual projects to be analyzed on a "project specific level."[12] The Commission believes the proposed project should develop and implement an environmentally sustainable, economically competitive and opportunity rich community that will set the standard for the remaining projects in the BECSP. The effectiveness and success of the project will also be dependent on the City's leadership to thoroughly analyze and address the environmental impacts of the proposed project.

The Commission recommends the draft EIR analysis to: KC-5

1) Not exclude affordable homes and employment issues from detailed analysis in the EIR.
2) Conduct an analysis of how many jobs and what types of jobs and wages will be generated from the proposed project.
3) Provide a detailed jobs-housing "fit" analysis.
4) Identify trip reducing measures (i.e. location of affordable homes near transit, job centers and neighborhood services that would reduce VMT, greenhouse gas emissions and other traffic impacts).
5) Create programs and policies that encourage and facilitate the development of affordable homes for lower income families in the Beach and Warner Mixed-Use Project and BECSP.
6) Continue with meaningful outreach and incorporate public comments in the Beach and Warner Mixed-Use Project planning process.

[12] City of Huntington Beach- Beach and Warner Mixed-Use Project Environmental Impact Report, p.4.10-3, Jan. 2011

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The Commission looks forward to hearing the City's response to our concerns and partnering with the City to achieve our mutually beneficially goals in creating more livable and economically competitive communities to all working families in the City. The Commission also welcomes the opportunity to continue our dialogue that will result in the production of new homes affordable to extremely low, very low and low-income working families. KC-6

Please keep us informed of any changes in the EIR, upcoming meetings and proposed developments in the Beach and Warner Mixed-Use Project. If you have any questions, feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,

Cesar Covarrubias
Executive Director

cc: Cathy Creswell, State Department of Housing and Community Development
Sidney Stone, City of Huntington Beach
Ezequiel Gutierrez, Public Law Center
Pauline Chow, Public Law Center

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Ocean View School District (OVSD), February 16, 2011

OVSD

Ocean View School District

17200 Pinehurst Lane
Huntington Beach
California 92647-5569
714/847-2551
Fax: 714/847-1430
Web: www.ovsd.org

Superintendent
Alan G. Rasmussen, Ed.D.

Board of Trustees
Debbie Cotton, President
Tracy Pellman, Clerk
John Briscoe, Member
John Ortiz, Member
Norm Westwell, Member

"Equity and Excellence"

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Huntington Beach
PLANNING DEPT.

February 16, 2011

Rosemary Medel, Associate Planner
City of Huntington Beach
Department of Planning and Building
2000 Main Street
Huntington Beach CA 92648

RE: RESPONSE TO DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BEACH AND WARNER MIXED-USE PROJECT (REPORT 10-003)

Dear Ms. Medel:

The purpose of this letter is to respond to Draft Environmental Impact Report 10-003 ("DEIR") for the Beach and Warner Mixed-Use Project ("Project"). Pursuant to the provisions of Section 1.2 of the DEIR, this DEIR is purportedly a tiered response to the Beach and Edinger Corridor Specific Plan, which was certified by the City of Huntington Beach ("City") in December 2009 ("Prior EIR").

The Project is located at the corner of Warner Avenue and Beach Boulevard, within the City. The Ocean View School District ("District") has several schools located within close proximity to the Project namely: (i) Oak View Elementary School, 17241 Oak Lane, Huntington Beach, California 92647 ("Oak View"), (ii) Lake View Elementary School, 17451 Zeider Lane, Huntington Beach, California 92647 ("Lake View"), (iii) Sun View Elementary School, 7721 Juliette Low Drive, Huntington Beach, California 92647 ("Sun View"), (iv) Westmont Elementary School, 8251 Heil Avenue, Huntington Beach, California 92647 ("Westmont"), and (v) Mesa View Middle School, 17601 Avilla Lane, Huntington Beach, California 92647 ("Mesa View"). In addition, the Project could have a substantial impact on the Park View School, 16666 Tunstall Lane, Huntington Beach, California 92647 ("Park View"), which is located within close proximity of the Project and is currently a closed school site. Oak View, Lake View, Sun View, Westmont, Mesa View and Park View shall be referred to herein collectively as the "District Schools". In addition, the District has its bus depot and maintenance and operations facility located at 8291 Warner Avenue, Huntington Beach, California 92647 ("Bus Facility"). The Bus Facility is located in very close proximity to the Project. OVSD-1

The District believes the Project will have significant adverse impacts on the District Schools environment and operations. The District has prepared the following comments to the DEIR regarding issues concerning the staff, students and parents of the District. References to sections in this letter shall be references to the sections of the DEIR. Furthermore, the DEIR does not properly address the cumulative impacts this Project along with other projects, such at The Village at Bella Terra ("Bella Terra Project"), will have upon the District and the community.

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Although this letter specifically addresses the significant adverse impacts to the District, it is important that the City keep in mind the significant impacts that the Project will have to the quality of life in the neighborhood surrounding the Project. Many of the impacts to the District discussed in this letter including, but not limited to, noise, dust, and traffic will also be significant adverse impacts to the neighborhood surrounding the Project. The Ocean View Little League ("League") currently practices and plays its games at Park View School. If Park View School has to be reopened, the Little League will have to be relocated, which will cause disharmony and disruption to the children, and their parents, involved in the Little League.

In approximately 1990, the District signed an agreement with the Office of Civil Rights Resolution ("OCR Resolution"), agreeing not to take any actions that would impact the Oak View community. It is clear, that as discussed in this letter below, that the Project and the effects it would have on the District would have a substantial impact on the Oak View community in potential violation of the OCR Resolution. **OVSD-1 Cont.**

In general, the referral in the DEIR to the Prior EIR or a section of the Prior EIR is not sufficient incorporation by reference as allowed by California Public Resources Code §21061 and 14 California Code of Regulations §15150(a), as the DEIR fails to comply with the required provisions of California Public Resources Code §21061 and 14 California Code of Regulations §15150(a), relating to incorporating the provisions of a prior document.

I. Section 3.2.1 Beach Mixed-Use Building-Paragraph 1

The DEIR indicates that the mixed use building on Beach Boulevard ("Beach Mixed-Use Building") will have two hundred and two (202) residential units. The two hundred and two (202) residential units would consist of: (i) nineteen (19) 2 bedroom townhomes, (ii) one hundred nineteen (119) 1 bedroom flats, and (iii) sixty four (64) 2 bedroom flats.

The Oak View School currently has seven hundred ninety six (796) students enrolled. The projected capacity of the Oak View School is eight hundred and forty eight (848) students. Due to its current student enrollment figures, Oak View School is currently considered a "closed" site for the 2011-2012 school year for both intra-district and inter-district transfers. Adding as few as fifty (50) students to the Oak View School would eliminate the use of portables at the school for: (i) the school psychologist, (ii) Title I resource teachers, (iii) physical education teachers, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students. **OVSD-2**

The Mesa View School currently has seven hundred forty eight (748) students enrolled. The projected capacity of the Mesa View School is eight hundred and forty (840) students. Adding as few as fifty (50) students to the Mesa View School would eliminate the use of portables at the school for: (i) resource, (ii) library, (iii) music, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

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Section 3.2.1 of the DEIR provides no information on the number of residents that would live in the Beach Mixed-Use Building and potentially have an impact on the District Schools. Without an analysis of the Beach Mixed-Use Building's effect on District Schools, the DEIR insufficiently analyzes the Project's effect on Public Services. Specifically, without this analysis, the District is unaware of the potential impact of the Beach Mixed-Use Building on the District and the potential to: (i) be required to re-draw boundary lines to accommodate new students, (ii) the possibility of having to reopen the Park View School which could cost the District in excess of one million dollars ($1,000,000.00) to reopen and ongoing operational and maintenance costs to keep Park View School open, and (iii) have a substantial density impact upon the Oak View School and Mesa View School which are already reaching their respective maximum point of enrollment. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. **OVSD-2 Cont.** **OVSD-3**

II. Section 3.2.2 Warner Mixed-Use Building-Paragraph 1

The DEIR indicates that the mixed use building on Warner Avenue ("Warner Mixed-Use Building") will have seventy seven (77) residential units. The seventy seven (77) residential units would consist of: (i) forty one (41) 1 bedroom apartments, (ii) thirty six (36) 2 bedroom apartments, and (iii) four (4) 2 bedroom live/work units.

The Oak View School currently has seven hundred ninety six (796) students enrolled. The projected capacity of the Oak View School is eight hundred and forty eight (848) students. Due to its current student enrollment figures, Oak View School is currently considered a "closed" site for the 2011-2012 school year for both intra-district and inter-district transfers. Adding as few as fifty (50) students to the Oak View School would eliminate the use of portables at the school for: (i) the school psychologist, (ii) Title I resource teachers, (iii) physical education teachers, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

OVSD-4

The Mesa View School currently has seven hundred forty eight (748) students enrolled. The projected capacity of the Mesa View School is eight hundred and forty (840) students. Adding as few as fifty (50) students to the Mesa View School would eliminate the use of portables at the school for: (i) resource, (ii) library, (iii) music, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

Section 3.2.1 of the DEIR provides no information on the number of residents that would live in the Warner Mixed-Use Building and potentially have an impact on the District Schools. Without an analysis of the Warner Mixed-Use Building's effect on District Schools, the DEIR insufficiently analyzes the Project's effect on Public Services. Specifically, without this analysis, the District is unaware of the potential impact of the Warner Mixed-Use Building on the District and the potential to: (i) be required to re-draw boundary lines to accommodate new students, (ii) the possibility of having to reopen the Park View School which could cost the District in excess of one million dollars ($1,000,000.00) to reopen and ongoing operational and maintenance costs to keep Park View School open, and (iii) have a substantial density impact

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upon the Oak View School and Mesa View School which are already reaching their respective maximum point of enrollment. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. OVSD-4 Cont. OVSD-5

III. Section 3.2.4 Vehicular Access, Circulation, and Parking- Access and Circulation- Paragraph 1

The DEIR discusses the traffic for the Project, but does not include an up to date traffic study that analyzes the Project's effect on District Schools. The District Schools in the area of the Project have a start time between 7:45 a.m. and 8:30 a.m., with drop off times between 7:30 a.m. and 8:30 a.m. The District Schools have dismissal times between 1:50 p.m. and 3:20 p.m., with pick-up times between 1:30 p.m. and 3:30 p.m. Traffic volumes in the area of the Project are already severe and the Project will cause additional traffic volumes to impact the District Schools. Many of the students walk to the District Schools. Any additional vehicle traffic along the routes of students walking to District Schools is of great concern to the District as safety for pedestrians is critical. OVSD-6

The DEIR also fails to take into account the facts that: (i) Rainbow Disposal has a dumping facility ("Rainbow Facility") across the street from Oak View School and that there are approximately 400 vehicle trips (mainly trucks) using the Rainbow Facility per day, (ii) due to the population volume in the Oak View neighborhood students are bussed out of this neighborhood every day using thirteen (13) busses, and (iii) the District's Bus Facility which is located within close proximity to the Project has approximately 80 vehicle trips per day. The traffic impact from the Project will have a significant adverse effect on the District in that the increased traffic will: (i) increase the time it takes busses to enter and exit the Oak View neighborhood, (ii) increase the time it takes busses to enter and exit the Bus Facility. The increased time it will take busses and other vehicles to enter and exit the Bus Facility and the Oak View neighborhood will substantially impact the District by increasing the costs to the District as this additional time will cost the District additional payroll for the drivers as well as additional wear and tear on the busses and increased operating costs for the busses. The District, being one of the entities most likely affected by the construction of the Project as well as operational and construction traffic, needs a definitive up to date traffic plan to review in order to adequately comment on the sufficiency of the DEIR. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. OVSD-7 OVSD-8

IV. Section 3.2.4 Vehicular Access, Circulation, and Parking- Construction Schedule- Paragraph 4

The DEIR discusses a construction schedule lasting approximately five (5) years. The DEIR does not mention any mitigating factors that will be utilized to control the flow of traffic in the area of the Project. With the existing traffic in the area already being severe, the construction traffic and/or lane closures could have a cumulative impact which would be very significant. The DEIR contains no specific construction related traffic mitigation measures. OVSD-9

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Page 5

The DEIR also fails to take into account the facts that: (i) the Rainbow Facility across the street from Oak View School, has approximately 400 vehicle trips (mainly trucks) using the Rainbow Facility per day, (ii) due to the population volume in the Oak View neighborhood students are bussed out of this neighborhood every day using thirteen (13) busses, and (iii) the District's Bus Facility which is located within close proximity to the Project has approximately 80 vehicle trips per day. The traffic impact from the Project will have a significant adverse effect on the District in that the increased traffic will: (i) increase the time it takes busses to enter and exit the Oak View neighborhood, (ii) increase the time it takes busses to enter and exit the Bus Facility. The increased time it will take busses and other vehicles to enter and exit the Bus Facility and the Oak View neighborhood will substantially impact the District by increasing the costs to the District as this additional time will cost the District additional payroll for the drivers as well as additional wear and tear on the busses and increased operating costs for the busses. The District, being one of the entities most likely affected by the construction of the Project as well as operational and construction traffic, needs a definitive up to date traffic plan to review in order to adequately comment on the sufficiency of the DEIR. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. **OVSD-10**

V. Section 4.2.3 Impact 4.2-2

Construction related air quality impacts on the adjacent District Schools, including, but not limited to fugitive dust, can be very significant. To mitigate this potentially significant effect the applicant should prepare an AQMD approved dust plan in conjunction with other mitigation measures. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. **OVSD-11**

VI. Section 4.14.3 Impact 4.14-2

The DEIR provides that the new Project impact on the water supply for the City is "less than significant" although the DEIR also provides that "California has endured a significant water crisis". The DEIR does not provide sufficient information for the District to determine how the Project can have a less than significant impact on the water supply for the City and potentially the District when the State of California has endured a significant water crisis. The District, being one of the entities most likely affected by the construction of the Project as well as appropriate water supply, needs a definitive up to water supply study to review in order to adequately comment on the sufficiency of the DEIR. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. **OVSD-12**

VII. Section 4.9.3 Impact 4.9-1, 4.9-2 and 4.9-3

Construction related noise at the adjacent District Schools can be very significant. While the DEIR provides mitigation measures, the District requests a more detailed plan of how **OVSD-13**

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February 16, 2011
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mitigation will keep the noise levels at the District Schools to levels that will not affect the learning environment at each school. The DEIR does not provide sufficient information for the District to determine how noise levels will be mitigated for the District Schools, some of which are located within a few blocks of the Project. The mitigation plan should provide for regularly scheduled periodic monitoring to ensure that the learning environment at each school is not impacted by the construction noise. The District also requests a more detailed plan of how mitigation will keep noise levels outside of the buildings to acceptable levels for students and staff.

With an estimated construction schedule of almost five (5) years for the Project, construction noise, both inside and outside the classrooms, may be very significant and damaging to students and faculty, and protecting and maintaining the learning environment for the students of the District is of paramount importance to the District. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD-13 Cont.

VIII. Section 4.11.11-Environmental Setting-paragraph 2

The DEIR provides that neither the Oak View School nor the Mesa View School is crowded at this time. District enrollment has been minimally declining. However, as discussed in more detail Section II, above, the housing provided at the Project will have a significant impact on the Oak View School and Mesa View School and most likely will result in overcrowding at both of these schools. In addition, the housing provided at the Project could cause the District to have to open the Park View School which is currently closed. The reopening of the Park View School would have a significant financial impact on the District. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD-14

IX. Section 4.11.12-Regulatory Framework-General Plan and BECSP Consistency Analysis-paragraph 3

The DEIR provides that an applicant for the Project would pay the District all relevant school impact fees as required by state and or local laws. The DEIR further provides that the school impact fees would provide the funds for any additional school facilities as a result of the development at the Project. The DEIR further provides that the Project would not result in overcrowding for the District. Section 4.11.12 of the DEIR provides no information on the number of residents that would live in the Project and would have a potential impact on the District Schools. The District, being one of the entities most likely affected by the construction of the Project, needs a definitive plan to review in order to adequately comment on the sufficiency of the DEIR as to the overcrowding issue as well as the sufficiency of school impact fees covering any additional costs to the District. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD-15

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X. Section 4.11.13-Project Impacts and Mitigation-Impact 4.11-3

The DEIR provides that "[i]mplementation of the proposed project would not require new or physically altered school facilities to accommodate additional students." The DEIR provides that the Project would generate at least one hundred eighty five (185) students at the elementary school level and at least thirty four (34) students at the middle school level. As previously stated, the Oak View School and Mesa View School are reaching their maximum capacity. The factors used in the DEIR to determine the number of students per household do not take into account the fact that in that area multiple families reside in units that are meant to be occupied by only one family. Accordingly, the number of projected students is actually much higher than the numbers projected in the DEIR. OVSD-16

As discussed in more detail in Section II, above, the addition of one hundred eighty five (185) students at the elementary school level would have significant impacts to the facilities at the District's elementary schools. At the very least, the addition of one hundred eighty five (185) students would cause severe overcrowding at Oak View School, and would most likely require the reopening of the Park View school at a cost to the District of at least one million dollars ($1,000,000.00) to reopen the school and continuing operating and maintenance costs to keep the Park View School open. Adding as little as fifty (50) students to the Oak View School would eliminate the use of portables at the school for: (i) the school psychologist, (ii) Title I resource teachers, (iii) physical education teachers, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

As discussed in more detail in Section II, above, the addition of thirty four (34) students at the middle school level would have significant impacts to the facilities at the District's middle schools. At the very least, the addition of thirty four (34) students would cause severe overcrowding at Mesa View School. Adding as little as fifty (50) students to the Mesa View School would eliminate the use of portables at the school for: (i) resource, (ii) library, (iii) music, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students. OVSD-17

BECSP CR4.11-1 provides for the Project Applicant to pay all required development impact fees. The fees discussed in the DEIR to be paid to the District are not enough to offset the cost to the District for the additional students. Although the DEIR provides a conclusion that these fees are sufficient, the District, being one of the entities most likely affected by the construction of the Project, needs a plan to review in order to adequately comment on the sufficiency of the DEIR as to the adequacy of the impact fees offsetting the increased costs to the District. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

XI. Section 4.13-Transporation/Traffic

As discussed in more detail in section III, above, a more up to date traffic study is required for the District to properly evaluate. The District, being one of the entities most likely OVSD-18

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February 16, 2011
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affected by the construction of the Project as well as operational and construction traffic, needs a more thorough up to date traffic plan to review in order to adequately comment on the sufficiency of the DEIR as to the impact on the District Schools as well as mitigation measures. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. **OVSD-18 Cont.**

XII. Chapter 6-Alternatives to the Proposed Project

The DEIR alternatives section does not adequately address or describe the effect of each project alternative on the District Schools affected by the Project. The District cannot make this determination without additional analysis of the alternatives impact on the District Schools in the "Alternatives to the Proposed Project" section. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. **OVSD-19**

Conclusion

In closing, the proposed Project will have significant impacts on the District Schools due to impact on the District having to: (i) be required to re-draw boundary lines to accommodate new students, (ii) the possibility of having to reopen the Park View School which could cost the District in excess of one million dollars ($1,000,000.00) to reopen and ongoing operational and maintenance costs to keep Park View School open, and (iii) have a substantial density impact upon the Oak View School and Mesa View School which are already reaching their respective maximum point of enrollment. In addition, there must be mitigation measures in place to protect each school's learning environment. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. **OVSD-20**

The District reserves its rights to provide additional comments to the DEIR and/or the final environmental impact report, including, but not limited to expert analysis of the Project's impact to the District and the community, as well as the cumulative impact of this Project along with other projects.

The District appreciates the City's anticipated responsiveness to the District's financial concerns as well as environmental concerns in identifying appropriate mitigation measures for the school and the community. If you have any questions regarding this information, please do not hesitate to contact me at (714) 847-2551.

Sincerely,

William V. Loose

William V. Loose, Ed.D.
Assistant Superintendent, Administrative Services

ATTACHMENT NO. 1.45

10.2.3 Individuals

■ Bonnie Weberg (BW), January 20, 2011

BW

JANUARY 20, 2011

CITY OF HUNTINGTON BEACH

PLANNING DEPARTMENT

Re: Warner/Beach Proposed Development

I was completely dismayed to read about the proposed development at Warner and Beach.

A perfectly lovely, inviting plaza will be destroyed to make way for this project. BW-1

The proposal also gives the appearance of selective elimination of existing businesses in that it preserves some at the expense of others.

On the Beach Blvd. front a 202 unit apartment complex is proposed along with 20,600 square feet of restaurant/retail space. A parking structure with 481 stalls will be a tight squeeze to say the least, as you can generally assume two cars for each apartment in today's world, and restaurant parking is always a premium. One cannot assume that the spaces will be open in the daytime for businesses and available for residents at night since restaurant business will be taking those spaces in the evening. BW-2

The Warner Avenue front will have an additional 77 apartments – the article says, "with a two-level parking structure." However, on the Warner side there will be an additional 5,600 square feet of commercial space.

As if this is not enough: two more 5,500 square foot commercial buildings are also proposed for the, "corner of the project next to Comerica Bank." This is a combined total of 37,200 square feet of commercial space. This really makes me wonder how much space is currently vacant in the Comerica Bank building. BW-3

Financially speaking this proposal is completely irresponsible in that the building pad is not contiguous because of the selective saving of some buildings, and the existing parking structure. BW-4

Finally – the traffic speaks for itself! Please STOP trying to make this lovely town into the massive traffic snarl that exists around us! BW-5

Bonnie Weberg

Bonnie W. Weberg, 8485 Basin Circle, Huntington Beach, CA 92646 - 714-848-0976

ATTACHMENT NO. 1.46

Gayle Kirkhuff (GK), January 15, 2011

GK

09 FW Warner Ave Beach Blvd Project SW corner - DEIR Comment (rcvd from city via email 1 18 11).txt

From: Medel, Rosemary [rmedel@surfcity-hb.org]
Sent: Tuesday, January 18, 2011 9:34 AM
To: Garlett, Carrie R
Cc: Broeren, Mary Beth
Subject: FW: Warner Ave/ Beach Blvd. Project SW corner - DEIR Comment

FYI

Rosemary Medel, Associate Planner
City of Huntington Beach, CA 92648
Office (714) 374-1684
Fax (714) 374-1540
email: rmedel@surfcity-hb.org

-----Original Message-----
From: Gayle Kirkhuff [mailto:gayle@gaylekirkhuff.com]
Sent: Saturday, January 15, 2011 11:51 PM
To: Medel, Rosemary
Subject: Warner Ave/ Beach Blvd. Project SW corner

Dear Rosemary,
I am a life time resident and am usually in favor of change and progress.
When I read of the proposed project on Warner Ave.@ Beach Blvd. my first reaction was NO.
My reason is simple,
The Charter Theater is like a land mark and where many folks go now for entertainment. The costs are
low and affordable in this difficult economy. I was proud that H.B. provided a low cost theater for it's residence and
surrounding area, showed you cared. I was always telling people about it. The city has already taken away two other
theaters in HB. Now we are only left with Bella Terra, where the cost of a movie it just to much. GK-1
My question is why are you building apartments which will only congest the area, traffic and
parking even more, causing more auto accidents and people getting upset. HB doesn't need more people stacked upon
one another, especially in this area which is already crowded. Please don't take away some of the enjoyment that
we can afford without replacing another low cost theater. If not, please reconsider
your plans. Also, Chili's is another place that we and many friends frequent.
I sure hope that the city will NOT be taking away this restaurant.
Thank you,
Gayle

Attention!!
Record my NEW Email Address Gayle@GayleKirkhuff.com
look me up on Facebook

Page 1

ATTACHMENT NO. 1.47

Greg Ryan (GR), February 22, 2011

 GR

From: Medel, Rosemary [rmedel@surfcity-hb.org]
Sent: Tuesday, February 22, 2011 7:39 AM
To: Garlett, Carrie R
Cc: Broeren, Mary Beth
Subject: FW: Regarding the Draft EIR No 10-003 Beach and Warner Mixed Used Project

Carrie, please confirm receipt of this DEIR comment.

Thanks,

Rosemary Medel, Associate Planner
City of Huntington Beach, CA 92648
Office (714) 374-1684
Fax (714) 374-1540
email: rmedel@surfcity-hb.org

From: Greg Ryan [mailto:gryan3@socal.rr.com]
Sent: Tuesday, February 22, 2011 12:27 AM
To: Medel, Rosemary
Subject: Regarding the Draf EIR No 10-003 Beach and Warner Mixed Used Project

Hello Rosemary,

Will this email be sufficient for public comment? I'm sorry I am writing this at the 11th hour, I have been unable to comment prior to this. **GR-1**

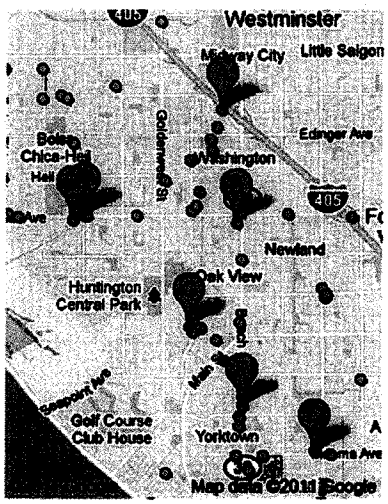
After reviewing the information on the web site, I have several concerns about this new project and the impact it will have in the area.

First, I feel that the traffic will increase greatly in the morning. If I have read the report correctly, it is estimating a 13% increase in traffic at the intersection. There are already periods when the traffic backs up completely from Beach blvd west past the Millstream entrance, and the delay is several cycles long before we are able to get through, resulting in a 8-10 minute delay just to get through that one intersection. With a large additional volume coming from that area, I would imagine this would get much worse than a simple 13% increase. **GR-2**

Secondly, I am very concerned about the viability of all the retail shops that are being proposed. With the lack of easy access parking, I don't know how those shops are supposed to survive, which would likely mean either many empty storefronts, which will lower the appeal of the area, or low rent stores, which also would not be very appealing. **GR-3**

Third, the loss of Bally's would have a very negative impact on the area, there are no other fitness clubs close by, please see below, the "B" is the Bally's, which is centered in the middle of an otherwise empty area. The other large clubs are quite far away as shown below. **GR-4**

ATTACHMENT NO. 1.48



Thank you for your time in this matter, and if you can advise the status of the project and if the public will have further opportunity to comment prior to the project being approved. GR-5

Gregory Ryan
7911 Woodlake Drive #73
Huntington Beach, CA
92647
Homeowner
714-375-5360

ATTACHMENT NO. 1.49

Karl Kistner (KK), January 16, 2011

From: Medel, Rosemary [rmedel@surfcity-hb.org]
Sent: Tuesday, January 18, 2011 9:36 AM
To: Garlett, Carrie R
Cc: Broeren, Mary Beth
Subject: FW: Beach Warner Project - DEIR Comment

FYI

Rosemary Medel, Associate Planner
City of Huntington Beach, CA 92648
Office (714) 374-1684
Fax (714) 374-1540
email: rmedel@surfcity-hb.org

From: DAN KISTNER [mailto:KDKISTNER@YAHOO.COM]
Sent: Sunday, January 16, 2011 6:18 PM
To: Medel, Rosemary
Subject: Beach Warner Project

Dear Rosemary,
I read with great disapproval about the proposed plan for Beach and Warner Project. The demolition of Ballys would be a tremendous hardship to the residents of Huntington Beach as well as surrounding communities. That particular Ballys location is by far the best state of the art training facility in Huntington Beach. It is also the most affordable. I would guess that over a thousand people visit that location on a daily basis. The movie theatre, Chilies and Todai are also part of the fabric that makes the entire center an enjoyable place to gather. I do not understand why this corner of Huntington Beach would even be considered for redevelopment. It is a nice clean safe area that is used by many. I can think of many other retail strip malls in our city that should be considered long before Beach and Warner. Our city has far too many "eyesore" strip malls and stores that I would hope would be addressed before Beach/Warner. Example: Beach and Atlanta. Magnolia and Adams. Beach blvd (both sides of street) from Talbert to Slater. These are just a few examples. I respectfully request that the Planning Commission reconsider this project, which I believe would be a tragedy to many. Everyone at the Ballys is already talking about it and voicing their displeasure. KK-1
Regards,
Karl Kistner
20092 Bayfront Lane #102
Huntington Beach,CA 92646
714-969-0232
kdkistner@yahoo.com

ATTACHMENT NO. 1.50

10.2.4 Public Testimony (DEIR Meeting)

■ Barbara DelGleize (BG), Al Brown (AB), and Dan Kalmick (DK), February 2, 2011

BG-AB-DK

Beach and Warner Mixed-Use Project

Draft EIR Public Comments

February 2, 2011

People: 12

Submitted written comments: 0

Public Comments: 3

1. Barbara DelGleize: What type of unit product is envisioned for the site; apartments or condos? Chile's will it be demolished? Also, traveling east bound on Warner approaching Beach Blvd then making a right turn onto Beach Blvd traveling south bound: is it possible for Cal Trans to create a dedicated right-turn lane on Warner to make traffic flow better? BG-1 BG-2
2. Al Brown: What is the tentative time frame for construction? Will there be another street for residents to use to exit the development to detour Warner to Beach Blvd.? Will there be any parks developed as a result of this development in the immediate area south of Warner, west of Beach Blvd? AB-1 AB-2 AB-3
3. Dan Kalmick: Vacant lot not considered in overall traffic analysis per footnote in the DEIR. The vacant lot should be brought into the analysis. The document states that a 7% decrease in overall traffic would occur. Given the vacant lot and current vacancy rate of the tower building, it is hard to believe that developing two parking structures and this amount of square footage would result in a net decrease in traffic. Concerning the east bound flow of traffic on Warner to south bound Beach Blvd, was that analyzed for a dedicated right turn lane; is it needed? DK-1

ATTACHMENT NO. 1.51

10.3 RESPONSES TO COMMENTS ON THE DRAFT EIR

10.3.1 State Departments

■ Department of Toxic Substances Control (DTSC), February 22, 2011

DTSC-1 This comment contains introductory or general information, and correctly provides a summary of the proposed project. Please refer to responses to specific comments and recommendations below. No further response is required.

DTSC-2 As indicated beginning on DEIR page 4.6-2, a review of federal and state regulatory agency databases was conducted. In addition, as stated on DEIR page 4.6-7, prior to issuance of a grading permit for the proposed project, a preliminary environmental site assessment (ESA) would be prepared for the proposed project as required by mitigation measure BECSP MM4.6-1 to determine if the proposed project site has a record of hazardous material contamination and is included on a list of hazardous materials sites. Databases of regulatory agencies referenced in this comment would be reviewed as part of the ESA.

DTSC-3 This comment request that the mechanism to initiate site investigation be identified. On DEIR pages 4.6-8 and 4.6-9, mitigation measures BECSP MM4.6-1 and BECSP MM4.6-2 identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, as well as the government agency to provide appropriate regulatory oversight. As required by mitigation measure BECSP MM4.6-1, an ESA would be prepared prior to issuance of a grading permit for the proposed project. In the event that contamination is found, the ESA would identify the nature and extent of contamination, and determine the need for further investigation and/or remediation of the soils conditions on the project site. At the time of preparation of an ESA, the agency responsible for regulatory oversight would be identified. Mitigation measure BECSP MM4.6-2 requires that, in the event previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction of the proposed project, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during both construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards.

DTSC-4 In general, this comment suggest that all environmental work shall be conducted under a work plan approved by the City, and states that results of any testing done

ATTACHMENT NO. 1.52

on a site should be summarized in this work plan. Implementation of mitigation measure BECSP MM4.6-1 addresses all aspects of this comment. For example, no grading permit for the proposed project would be issued prior to the approval of an ESA by the City. Further, all closure documents shall be reviewed and approved by the City of Huntington Beach Fire Department. As such, the requests of this comment were considered in the DEIR and no changes are required.

DTSC-5 As discussed on DEIR page 4.6-2, structures located on the project site were constructed during the 1980s. Due to the age of the existing buildings, it is less likely that buildings were built using asbestos containing materials or lead-based paint. However, the potential exists that asbestos containing materials (ACMs), lead based paint (LBP), or other hazardous chemicals may be encountered during investigation of the project site as required by mitigation measure BECSP MM4.6-1. In the event that ACMs, LBP or other hazardous chemicals are encountered during preparation of an ESA, remediation would occur prior to construction of the project, in accordance with Federal and state regulations. Additionally, mitigation measure BECSP MM4.6-2 requires that, in the event unknown contamination is encountered during construction, construction activities in the immediate vicinity of the contamination shall cease and a Risk Management Plan would be prepared and implemented, and appropriate agencies notified. No further response is required.

DTSC-6 Mitigation measure BECSP MM4.6-1 requires that remediation of any contaminated soils be completed in a manner that reduces risk to below applicable standards and shall be completed prior to issuance of a grading permit for the proposed project. In the event that previously unknown contaminated soils are encountered during the construction phase of the project during import or export of soils, mitigation measure BECSP MM4.6-2 would be implemented, as described under Response DTSC-3. Additionally, implementation of mitigation measure BECSP MM4.6-3 would reduce any impacts associated with methane gas by ensuring that appropriate testing and methods of gas detection are implemented at the project site, as required by the HBFD City Specification No. 429, Methane District Building Permit Requirement. As such, any soils imported to or exported from the site would be free of contamination, per the commenter's statement. No further response is required.

DTSC-7 The commenter states that the health of sensitive receptors should be protected during construction and demolition. As discussed in DEIR Section 4.6, construction activities would involve the utilization of diesel-powered trucks and equipment, which would result in temporary diesel emissions that have been determined to be a potential health hazard. As discussed under Response DTSC-3, contamination identified on the project site would be remediated prior to construction of the project, and in the event that previously unknown contaminated soils are encountered during construction activities, mitigation measure BECSP MM4.6-2 would be implemented, establishing a Risk Management Plan. Compliance with all applicable local, state, and federal laws and regulations would control hazardous

ATTACHMENT NO. 1.53

waste, transport, disposal, or clean-up to ensure that hazardous materials do not pose a significant risk to nearby sensitive receptors. As such, a health risk assessment is not anticipated to be required for the proposed project.

Although hazards to human health resulting from exposure to hazardous materials would not occur during project construction, construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations, as described under Impact 4.2-4, beginning on DEIR page 4.2-21. This impact has been determined to be significant and unavoidable.

DTSC-8 The commenter states that all hazardous materials generated on the project site must be compliant with state law. The proposed project includes residential and commercial retail uses and would generally not require the handling of hazardous or other materials that would result in the production of large amounts of hazardous waste. Additionally, as discussed beginning on DEIR page 4.6-4 hazardous materials associated with the occupancy of the residential component of the proposed project would include typical household cleaning products as well as typical maintenance supplies. Hazardous materials associated with operation of the proposed retail uses could include typical maintenance products as well as maintenance products for upkeep of the grounds and landscape formulated with hazardous substances, including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides. All of these would be used in limited quantities. As further discussed in DEIR Section 4.6, should the use and/or storage of hazardous materials at the project site rise to a level subject to regulation, those uses would be required to comply with all applicable federal and state laws. No further response is required.

DTSC-9 Comment noted. The comment states that DTSC can provide guidance for cleanup oversight through future agreement. It is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.

California Department of Transportation (DOT), February 17, 2011

DOT-1 This comment contains introductory or general information, and correctly summarizes characteristics of the proposed project. Please refer to responses to specific comments and recommendations below. No further response is required.

DOT-2 Comment noted. Caltrans identifies their facilities in the City and requests to participate in the process of establishing and implementing a "fair share" mitigation program for project impacts at these identified facilities. The City is in the process of preparing the fair share contribution program.

ATTACHMENT NO. 1.54

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

DOT-3 The commenter requests that the Highway Capacity Manual (HCM) should be utilized to identify any impacts to State Transportation Facilities. This methodology was used as documented in the BECSP Program EIR, from which the subject project EIR is tiered.

Impacts to traffic and State Transportation Facilities are discussed in DEIR Section 4.13-3. Mitigation measures BECSP MM4.13-1, BECSP MM4.13-2, BECSP MM4.13-10, BECSP MM4.13-11, BECSP MM4.13-12, BECSP MM4.13-13, BECSP MM4.13-14, BECSP MM4.13-17, and BECSP MM4.13-18 address impacts to State Transportation Facilities in the area (primarily addressing SR-39 [Beach Boulevard]) and require the applicant to make a fair share contribution toward the identified improvements that would reducing project-related impacts to a less than significant level. However, the proposed project would contribute to a cumulative impact on a currently deficient Caltrans system, resulting in a significant and unavoidable cumulative impact, as discussed on DEIR page 4.13-19.

The *Beach-Edinger Corridors Specific Plan Area Traffic Analysis for Beach-Warner Project* dated December 8, 2010, is included as DEIR Appendix D. Refer also to the *Beach Boulevard and Edinger Avenue Corridors Specific Plan Traffic Study* dated August 2009.

DOT-4 The proposed project site is located at the intersection of Beach Boulevard (SR-39) and Warner Avenue which is a Caltrans facility. As such, the proposed project would occur in the vicinity of Caltrans right-of-way (ROW) and could require an encroachment permit from Caltrans prior to commencement of work. As appropriate, all work performed would be subject to Caltrans Standard Specifications, Standard Plans, Encroachment Permit manual, and the California MUTCD.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

DOT-5 The commenter states that no additional surface runoff is allowed to drain into a Caltrans ROW and then requests that the Hydrology and Hydraulic Study prepared for the proposed project be submitted to Caltrans for review and comment. As required by mitigation measure BECSP MM4.7-3, a hydrology and hydraulic study will be prepared for the proposed project. This study will identify proposed surface run-off and will ensure that no additional runoff enters the Caltrans ROW. This

ATTACHMENT NO. 1.55

comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

10.3.2 Organizations

■ Huntington Beach Environmental Board (HBEB), February 20, 2011

HBEB-1 This comment contains introductory or general information. Please refer to responses to specific comments and recommendations below. No further response is required.

HBEB-2 Comment noted. The commenter generally emphasizes the profitability of sustainable development. This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

HBEB-3 Comment noted. The commenter suggests that Building Information Modeling be used early in the design stage of the proposed project to enhance mobility plans and their execution in a community. This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

HBEB-4 Comment noted. The commenter suggests that photographic simulations or artistic renderings be utilized to determine the aesthetic impact of the proposed project. As discussed in DEIR Section 4.1, aesthetic impacts of the proposed project were determined to be less-than-significant based on the proposed design, incorporation of mitigation measures, and the incorporation of BECSP development standards and design guidelines. However, at this time, project design has not progressed to a level such that photo renderings or simulations would be appropriately accurate or useful for analytical purposes. During the project-approval process (as compared to the EIR certification process), it may be prudent to have photo renderings or simulations prepared. As such, this comment will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

HBEB-5 This comment poses the question as to whether the BECSP contained specific conditions regarding energy efficiency. The proposed project would be subject to BECSP Section 2.8.2-3 (Sustainability Requirements) which requires that all proposed new structures and/or site improvements incorporate sustainable building practices. In addition to these requirements, application of "Green Building" techniques such as those found in, but not limited to, the Leadership in Energy and

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Environmental Design (LEED) Green Building Rating System, the National Association of Homebuilders Model Green Home Building Guidelines and future "green building" ordinances and guidelines may be used. To ensure that the proposed project complies with the BECSP, the proposed project would be subject to site plan review. As such, mitigation measures addressing energy efficiency would not be necessary to ensure that sustainable building practices are incorporated into the proposed project and were not included as part of the BECSP EIR or this DEIR. No further response is required.

HBEB-6 Table 4.14-18 (Projected Electricity Demand) on DEIR page 4.14-30 identified the anticipated electricity demand of the proposed project. This table is based on electricity demand rates included in the 1993 *CEQA Air Quality Handbook*, per standard CEQA practice. The commenter states that the U.S. Energy Information Administration (2009 Electric Annual Power Manual) provides a residential demand rate higher than the rate utilized in the DEIR. While estimated demand or consumption rates may vary by agency, impacts relating to electricity demand would remain less than significant because the proposed project would comply with the provisions of Title 24 of the CCR. Furthermore, Southern California Edison (SCE) is currently in the process of upgrading its transmission systems and electricity demand generated by future development (including the proposed project) could be supplied without the need for additional construction or expansion of energy facilities beyond that which was previously planned. SCE operates as a "reactive" organization, meaning that their facilities would be scaled to meet anticipated future demand on their system and the estimated project electricity demand would be met. As such, no changes are proposed and no further response is required.

■ The Kennedy Commission (KC), February 22, 2011

KC-1 This comment contains introductory or general information. Please refer to responses to specific comments and recommendations below. No further response is required.

KC-2 The commenter emphasizes the importance of public input and participation in the development process, including the proposed project. The public has had several opportunities to participate in the planning and decision-making process for the proposed project, as well as the underlying BECSP. Multiple meetings and workshops were held during preparation of the BECSP (which contemplated the proposed project) in 2009. Additionally, a public meeting and two hearings (Planning Commission and City Council) were held specific to the EIR that was prepared and certified for the BECSP. Further, the Beach and Warner Mixed-Use Project DEIR was circulated for review and comment by the public, agencies, and organizations for a 45-day public review period from January 6, 2011, to February 22, 2011. A public information meeting was held on February 2, 2011, to receive comments on the

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adequacy of the DEIR. Individual responses to all comments received on the DEIR, including this comment letter, have been provided throughout this section.

This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. No further response is required.

KC-3 This comment begins with a discussion of the City's Housing Element, a summary of the proposed project characteristics, and the need for affordable housing opportunities. The commenter finishes by providing information on recent actions by the City Council that may have reduced the opportunity sites for the development of affordable housing and the increased importance of providing affordable housing units at the proposed project site. As a point of clarification regarding the McFadden site, the City has begun processing the application for a Vans Skate Park for the McFadden site but has not yet taken action on the project. The project requires amendments to the BECSP and General Plan Housing Element to identify alternative affordable housing sites, as well as environmental review.

As discussed in DEIR Chapter 3, one of the objectives of the proposed project is to provide a mix of market rate and affordable housing opportunities. Further, BECSP Section 2.2.3 (Affordable Housing Requirements) requires that a minimum of 10 percent of all new residential construction shall be affordable housing units, unless the project is within the redevelopment project area, in which case the equivalent of 15 percent of all new residential construction shall be affordable housing units. As the proposed project site is located within a redevelopment area 15 percent or 42 units of the 279 housing units proposed would be affordable housing units. These affordable housing units may be provided off site, but if located outside of the redevelopment area, affordable units would be provided at a ratio of 2:1. Compliance with the affordable housing requirement for the proposed project, as well as for future development within the BECSP area, would contribute to the City meeting its RHNA.

KC-4 The commenter requests that the DEIR include a job-housing fit analysis to determine if individuals working at jobs created by new development could afford to live in the community in which they work. However, the DEIR analysis is limited to those socioeconomic issues that could result in a direct change on the physical environment (CEQA Guidelines Section 15131), and is not required to provide the requested analysis. Further, the proposed project design has not progressed to a level at which a market study could be prepared to understand the retail tenant potential. As such, additional analysis related to jobs-housing fit will not be provided.

Additionally, as discussed in DEIR Chapter 3, a portion of the existing development on the project site will remain. This development includes a range of office and commercial uses that provide ample employment opportunities and job variation for future residents of the proposed project and existing nearby residents. Future

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development occurring within the BECSP area would result in the creation of a range of job types and housing units to accommodate all income levels of the population. As required by BECSP Section 2.2.3, described under Response KC-3, a minimum of 15 percent of all new residential construction shall be affordable housing due to the project's location within a redevelopment plan area. The creation of a range of job types in close proximity to both affordable and market-rate housing units, as well as to public transportation, would serve to reduce vehicle trips and commutes that will create a more sustainable community, as suggested by the commenter. No further response is required.

KC-5 This comment includes a summary of the Commission's recommendations that have been addressed in Responses KC-1 through KC-4. Trip-reducing measures have been addressed throughout the DEIR, including in Section 4.2 (Air Quality), Section 4.13 (Transportation/Traffic), and Section 4.15 (Climate Change). Affordable housing has been discussed in Section 4.8 (Land Use/Planning) and Section 4.10 (Population/Housing).This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

KC-6 Comment noted. The comment states that the Commission welcomes the opportunity to continue the dialogue related to affordable housing with the City. This is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.

■ Ocean View School District (OVSD), February 16, 2011

OVSD-1 This comment contains introductory or general information, or is repetitive comment addressed later in the comment letter. The commenter begins by summarizing the Ocean View School District (District) facilities within "close proximity" to the proposed project site. No response is required.

The commenter suggests that the proposed project will have significant adverse impacts on the District schools but does not provide specific examples or environmental impacts that would result from the proposed project, nor do they provide a direct critique of the analysis provided in the DEIR. No further response is required to this point.

However, the commenter finishes this paragraph by stating that the DEIR did not properly address the cumulative impacts that this project and other projects will have on the District. Specifically, the comment states that The Village at Bella Terra was not addressed. DEIR Table 3-5 (page 3-16) identifies all of the cumulative projects that were included and considered both as part of the BECSP EIR and this DEIR. Contradictory to the commenter's statement, included in this table are both The

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Village at Bella Terra and The Revised Village at Bella Terra projects (as updated for the project-level analysis prepared for this DEIR). As such, again contradictory to the commenter's statement, the DEIR did adequately and sufficiently address cumulative impacts of the proposed project, inclusive of The Village at Bella Terra/The Revised Village at Bella Terra as requested by the commenter. Additionally, it should be noted that during the respective public review periods for The Village at Bella Terra EIR and BECSP EIR, no comments were received from the District.

The commenter goes on to state that impacts identified by the commenter "...including, but not limited to noise dust and traffic..." to the District would also pertain to the neighborhood surrounding the project and Ocean View Little League that practices at Park View School, a District facility that is currently closed. The issues of noise, dust, and traffic are addressed further in, at a minimum, Responses OVSD-13, OVSD-11, and OVSD-6 through OVSD-10, respectively.

The commenter continues by stating that if Park View School would have to be reopened and the Little League team relocated, "...disharmony and disruption to the children..." would result. The commenter does not address specific environmental impacts or reasons that Park View School might have to be reopened, or does not provide the direct, project-related reason that the Little League would have to be relocated. No further response is required.

The commenter references an agreement signed in approximately 1990 between the District and the Office of Civil Rights Resolution (OCRR) in which the District agreed "...not to take any actions that would impact the Oak View community." The commenter does not provide specific information as to the environmental impact that they infer the proposed project would cause to the District nor do they provide specific information as to the cause of the referenced violation of the agreement with the OCRR. No further response is required.

The final portion of this introductory comment states that, in summary, the referral in the DEIR to the Prior EIR or a section of the Prior EIR is not sufficient and the DEIR does not comply with the required provisions of California Public Resources Code Section 21061 and 14 California Code of Regulations Section 15150(a). The commenter is not specific as to why or how the incorporation by reference to the Prior EIR is not sufficient. It is assumed that the document the commenter is referring to is the Beach and Edinger Corridors Specific Plan Environmental Impact Report (BECSP EIR) that is referenced, in whole and in part, in the Beach and Warner Mixed-Use Project EIR. However, California Code of Regulations Section 15150(a) through (e) are outlined below with a brief explanation as to how the proposed project DEIR is compliant with these sections:

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15150. Incorporation by Reference

(a) An EIR or Negative Declaration may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR or Negative Declaration.

Explanation:
DEIR Sections 1.2 and 1.3 outline the steps taken by the City of Huntington Beach during preparation of the BECSP EIR, including approval and certification. These sections of the DEIR also outline the structure of the DEIR

(b) Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR or Negative Declaration shall state where the incorporated documents will be available for inspection. At a minimum, the incorporated document shall be made available to the public in an office of the Lead Agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the Lead Agency does not have an office in the county.

Explanation:
As discussed in DEIR Section 1.3 on page 1-5, "All documents incorporated by reference in this EIR are available for review at the City." As such, the proposed project did meet the letter and intent of this requirement. However, as a result of this comment, for complete clarity, a text change has been made to reflect the following:

> All documents incorporated by reference in this EIR are available for review at the City, inclusive of the BECSP EIR.

(c) Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.

Explanation:
On DEIR page 1-3, Section 1.2 discusses the incorporation by reference of the BECSP, as well as the structure of the DEIR with respect to this incorporation of a Program EIR and full analysis of all project-related impacts.

(d) Where an agency incorporates information from an EIR that has previously been reviewed through the state review system, the state identification number of the incorporated document should be included in the summary or designation described in subdivision (c).

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Explanation:
While DEIR Section 1.2 outlines the previous EIR that is incorporated by reference, for clarity, per 14 California Code of Regulations Section 15150(d), the State Clearinghouse and City of Huntington Beach EIR numbers for the BECSP EIR have been added to DEIR page 1-3.

(e) Examples of materials that may be incorporated by reference include but are not limited to:

(1) A description of the environmental setting from another EIR.

(2) A description of the air pollution problems prepared by an air pollution control agency concerning a process involved in the project.

(3) A description of the city or county general plan that applies to the location of the project.

Explanation:
DEIR Chapter 4 incorporates by reference and by summary information from the BECSP EIR, consistent with, but not limited to, these examples.

(f) Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand

Explanation:
DEIR Chapter 4 incorporates by reference and by summary information from the BECSP EIR, consistent with, but not limited to, this example.

Additionally, please refer to responses to specific comments and recommendations below.

OVSD-2 This comment begins with a correct summary of the Beach Mixed-Use building portion of the proposed project. However, it should be noted that the proposed project was analyzed as a whole (i.e., not broken down by segment, component or use), to address the project as a whole, as defined and required by CEQA. This ensures that all project impacts are analyzed at a conservative or "worst-case" level. As such, the student generation information provided in the DEIR and discussed below is for the project as a whole, and not just the Beach- or Warner-Mixed use buildings as broken down by the commenter in OVSD-2 and OVSD-4, respectively.

The commenter goes on to provide existing enrollment and capacity of both schools serving the proposed project site; Oak View Elementary School and Mesa View Middle School. The following text has been revised accordingly.

DEIR page 4.11-13:

... Oak View Elementary School has a current enrollment of ~~829~~ 796 students and a capacity of 848 students.[55] Mesa View Middle School has a current enrollment of ~~744~~ 748 students and a capacity of 840 students.[56] As such, n~~N~~either school

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located within the OVSD that serves the project site is overcrowded at this time. . . .

[55] ~~Education Data Partnership, Schools Reports, Oak View Elementary School, http://www.ed-data.k12.ca.us/Navigation/fsTwoPanel.asp?bottom=%2Fprofile%2Easp%3Flevel%3D07%26reportNumber%3D16 (accessed October 20, 2010).~~ William V. Loose, written correspondence from Assistant Superintendent, Administrative Services, Ocean View School District, Response to Draft Environmental Impact Report for the Beach and Warner Mixed-Use Project (Report 10-003) (February 16, 2011).

[56] ~~Education Data Partnership, Schools Reports, Oak View Elementary School, http://www.ed-data.k12.ca.us/Navigation/fsTwoPanel.asp?bottom=%2Fprofile%2Easp%3Flevel%3D07%26reportNumber%3D16 (accessed October 20, 2010).~~ William V. Loose, written correspondence from Assistant Superintendent, Administrative Services, Ocean View School District, Response to Draft Environmental Impact Report for the Beach and Warner Mixed-Use Project (Report 10-003) (February 16, 2011).

The commenter goes on to state that adding as few as fifty students to each of the referenced schools would require the use of existing portable classrooms to house new students, displacing existing uses. The commenter continues stating that the DEIR did not provide information on the number of residents that would be generated by the proposed project that would potentially have an impact on District schools. This information is provided on DEIR page 4.11-15. However, as stated above, the text has been modified to reflect the enrollment information provided by this comment. Per the discussion on DEIR pages 4.11-14 through 4.11-16, based on a student generation rate of 0.66 student per housing unit for elementary school students and 0.12 student per housing unit for middle school students, the proposed project is anticipated to generate approximately 185 additional elementary school students and 34 middle school students. Based on enrollment capacity provided as part of this comment and the anticipated student generation, the proposed project could result in overcrowding at Oak View Elementary School, but would be within enrollment capacity at Mesa View Middle School. Although the proposed project could result in overcrowding at one of the schools serving the project site, implementation of code requirement BECSP CR4.11-1, which requires the collection of fees under the authority of SB 50 (considered full mitigation under CEQA) would offset any increase in educational demand at the elementary and middle schools serving the project site. Further, although not requested in the commenter's letter, code requirement BECSP CR4.11-1 has been updated to reflect school fee amounts documented in the 2006 Ocean View School District Fee Justification Report for New Residential and Commercial/Industrial Development, the most recent of such reports that has been provided to the City.

Code requirement BECSP CR4.11-1 (now BECSP CR4.11-2), DEIR page 4.11-15:

BECSP CR4.11-~~1~~2 *The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. These fees are currently $1.~~37~~60 per square foot (sf) of accessible interior space for any new residential unit and $0.~~22~~26 per sf of covered floor space for new commercial/ retail development.*

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It is important to note that as provided in the 2006 Ocean View School District Fee Justification Report for New Residential and Commercial/Industrial Development, the student generation rate for elementary schools is 0.22 student per dwelling unit and for middle schools is 0.12 student per dwelling unit. While the middle school generation rate is equivalent to that utilized in the analysis of school impacts in the BECSP EIR and this DEIR, the elementary school generation rate identified by the District is considerably lower than that utilized for analysis in the BECSP EIR and this DEIR. In an effort to determine the most conservative or "worst case" impacts to the District facilities, the higher generation rate was retained in this DEIR and was not altered to reflect the information available from the 2006 District report. As such, impacts to schools have been analyzed adequately.

OVSD-3 The commenter suggests that cumulative impacts to the District have not been addressed, including the effects of the Bella Terra project. This comment was provided in OVSD-1, without specific information as to what cumulative impacts had not been addressed or what was inadequate about the cumulative analysis provided in the DEIR. As discussed in Response OVSD-1, cumulative impacts to schools are analyzed on DEIR page 4.11-16. Further, DEIR Table 3-5 (beginning on page 3-15) identifies all of the cumulative projects that were included and considered both as part of the BECSP EIR and this DEIR. Contradictory to the commenter's statement, included in this table are both The Village at Bella Terra and The Revised Village at Bella Terra projects (as updated for the project-level analysis prepared for this DEIR). As such, again contradictory to the commenter's statement, the DEIR did adequately and sufficiently address cumulative impacts of the proposed project, inclusive of The Village at Bella Terra/The Revised Village at Bella Terra as requested by the commenter. As all new private sector development, including the proposed project, is required to pay statutory impact fees to school districts to help fund construction of additional classrooms, the cumulative impact of future development, including the proposed project, on the District would be less than significant, as identified in the DEIR.

Additionally, it should be noted that during the respective public review periods for The Village at Bella Terra EIR and BECSP EIR, no comments were received from the District.

OVSD-4 This comment begins with a correct summary of the Warner Mixed-Use building portion of the proposed project. However, as discussed in Response OVSD-2, it should be noted that the proposed project was analyzed as a whole (i.e., not broken down by segment, component or use), to address the project as a whole, as defined and required by CEQA. This ensures that all project impacts are analyzed at a conservative or "worst-case" level. As such, the student generation information provided in the DEIR and discussed below is for the project as a whole, and not just the Beach- or Warner-Mixed use buildings as broken down by the commenter in OVSD-2 and OVSD-4, respectively.

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The remainder of this comment is repetitive of OVSD-2. As such, refer to Response OVSD-2. No further response is required.

OVSD-5 Refer to Response OVSD-3. No further response is required.

OVSD-6 The comment acknowledges that traffic related issues were analyzed in the DEIR but goes on to suggest that a current traffic study should be prepared to analyze impacts to District schools. A traffic study, dated December 21, 2010 (and included as Appendix D of the DEIR), was prepared for the proposed project to address any updated conditions in the immediate area of the project site since preparation of the BECSP traffic study. The commenter also asserts that traffic conditions within proximity to the school are "severe" and "the Project will cause additional traffic volumes to impact the District Schools." These conclusions are not supported with facts or analysis, but rather appear to be generalized observations. Based on the information provided in the project-specific traffic study, it appears the District's opinion is greatly influenced by the heavy peaking of traffic related to school activities at arrival and dismissal times and not due to general street operations in the area. The school activity is an existing condition and the proposed project is not expected to significantly alter the amount or pattern of traffic associated with the school. The traffic study prepared for the proposed project adequately presents the project related traffic conditions in accordance with typical industry standards and City policies related to transportation.

The following includes the technical approach and findings presented in the DEIR and related traffic study. The traffic study looked at the expected changes to traffic volumes and distribution at intersections local to the proposed project, specifically Beach Boulevard/Warner Avenue and Beach Boulevard/Slater Avenue. It was determined that the Beach Boulevard/Slater Avenue intersection currently operates at an acceptable LOS and would continue to do so under the proposed project. Additionally, it was determined that because the reduction in ADT with the proposed project is too small to result in a change, the anticipated LOS at both intersections would not change as a result of the proposed project. As discussed throughout DEIR Section 4.13 (Transportation/Traffic) and specifically in Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project) beginning on DEIR page 4.13-7, the proposed project would result in a decrease in ADT (a 7 percent reduction) and PM peak hour trips (an 8 percent reduction) as compared to existing conditions. While overall ADT and PM peak hour trip generation would decrease, the proposed project would result in an increase of 88 outbound trips in the AM peak hour when compared to the existing conditions. However the impact of these additional trips will not change the LOS for this time period. As such, the deficiency identified at Beach Boulevard and Warner Avenue in the BECSP EIR and traffic analysis would require mitigation as part of the overall BECSP development, but the mitigation is not a direct project responsibility since the proposed project would result in a decrease in PM peak hour trip generation. Furthermore, the

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proposed project is consistent with the project contemplated for the project site in the BECSP, BECSP EIR, and BECSP EIR traffic study and would result in similar impacts identified in those documents, as discussed in the DEIR. As the proposed project would result in an overall decrease of ADT and PM peak hour trips, would not result in a change in the LOS during the AM peak hour at the local intersections, and was determined result in a less than significant impact due to an increase in trips that would result in an unacceptable LOS as defined by the General Plan. As the schools identified by the commenter are located within an approximately two mile radius of the proposed project site, traffic impacts in this area would be similar to those reflected at the local intersections studied (Beach Boulevard/Warner Avenue, Beach Boulevard/Slater Avenue) and would be less than significant. Further, impacts to schools are analyzed beginning on DEIR page 4.11-12.

The commenter continues by providing anecdotal information or opinion regarding the start and dismissal times of the District schools, how traffic volumes in the area are already severe, and that the safety of pedestrians (including District students) in the vicinity of schools is a concern of the District. The commenter does not provide specific additional information or concern, nor is this a direct comment on the content or adequacy of the DEIR. No further response is required.

OVSD-7 This commenter begins by providing anecdotal information on select properties or uses in the vicinity of their facilities. These include the Rainbow Disposal dumping facility located across the street from Oak View School, some information on the District buses that currently operate in the Oak View neighborhood, as well as the District Bus Facility located "in proximity to" the project. The commenter goes on to suggest that "increased traffic" from the proposed project will somehow impact these facilities and thereby, the District, by way of increased cost for staffing and "wear and tear" on District buses. The opinions expressed in this comment are not supported with any facts, data, or analysis. Nor is there any suggestion as to how the assertions could be analyzed and a determination made regarding the significance of any potential impact. The activity associated with Rainbow Disposal and OVSD operations are background conditions that are not expected to change significantly as a result of the project. OVSD buses have several options for ingress and egress to the neighborhood and the choice of routes is solely the discretion of the Ocean View School District. Two signal controlled access points to Warner Avenue are available to Ocean View School District traffic in this area including Warner Avenue/Nichols Street and Warner Avenue/Ash Street. Both intersections are forecast to continue operating at acceptable levels of service with and without the proposed project, as discussed in the BECSP EIR and traffic study.

As discussed throughout DEIR Section 4.13 (Transportation/Traffic) and specifically in Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project) beginning on DEIR page 4.13-7, the proposed project would result in a decrease in ADT (a 7 percent reduction) and PM peak hour trips (an 8 percent

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reduction) as compared to existing conditions. As discussed in Response OVSD-6, the proposed project would generate approximately 88 additional outbound trips in the AM peak hour when compared to the existing conditions. However the impact of these additional trips would not change the LOS for this time period. As discussed in Response OVSD-6, the proposed project would not change the LOS at intersections local to the project, per the traffic study prepared for the proposed project (dated December 21, 2010 and included as Appendix D of the DEIR). As such, the proposed project will not result in significant impacts to the operation of the signal controlled access points to the Oak View neighborhood or significantly affect the amount and character of traffic generated by Ocean View School District operations or the identified Rainbow Disposal facility. Refer to Response OVSD-9 regarding construction traffic information.

OVSD-8 Refer to Response OVSD-3. No further response is required.

OVSD-9 The commenter suggests that the DEIR does not include any construction-related traffic mitigation measures. Construction-related traffic impacts are discussed under Impact 4.13-2 beginning on DEIR page 4.13-13. Though not included in DEIR Section 4.13, the DEIR does include several mitigation measures intended to reduce impacts to traffic resulting from construction activities. Refer to mitigation measures BECSP MM4.2-8, BECSP MM4.2-9, and BECSP MM4.2-10 included in DEIR Section 4.2 (Air Quality). These mitigation measures would ensure that construction traffic does not block the free flow of traffic, as stated by the commenter.

OVSD-10 Refer to Responses OVSD-7 and OVSD-8. No further response is required.

OVSD-11 The comment expresses concern that construction related air quality impacts, including fugitive dust, can be significant on adjacent District Schools. Air quality impacts during construction are discussed at length in DEIR Section 4.2 (Air Quality). Table 4.2-6 (Total Construction Emissions and Localized Significance Thresholds CO and NO_X) and Table 4.2-7 (Total Construction Emissions and Localized Significance Thresholds PM_{10} and $PM_{2.5}$) identify impacts to sensitive receptors including Oak View Elementary School, Liberty Christian, and Ocean View High School, which are nearby though not adjacent to the project site. As discussed under Impact 4.2-4, beginning on DEIR page 4.2-21, although the proposed project includes mitigation measures BECSP MM4.2-1 through BECSP MM4.2-11 intended to reduce emissions during construction, as well as mitigation measures Project MM4.2-15 and Project MM4.2-16, which specifically address fugitive dust emissions$_5$ emissions of PM_{10} and $PM_{2.5}$ are anticipated to remain above the SCAQMD LST thresholds. Therefore, even after the implementation of mitigation, impacts to localized sensitive receptors, including Oak View Elementary School will remain significant and unavoidable during construction. The proposed project would also result in a cumulative significant and unavoidable impact relating to the exposure of sensitive receptors to substantial pollutant concentrations, as

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disclosed on DEIR page 4.2-26. Refer also to Response OVSD-3 regarding cumulative impacts. Therefore, construction-related air quality impacts have been adequately addressed.

OVSD-12 Implementation of the proposed project would generate an additional demand for water but would not require water supplies in excess of existing entitlements and resources, or result in the need for new or expanded entitlements. Refer to the discussion provided under Impact 4.14-2 on DEIR page 4.14-16. As shown in Table 4.14-11(Proposed Project Land Use and Water Demand) on DEIR page 4.14-13, the proposed project would contribute approximately 77.5 afy of new water demand based on proposed land uses. According to Table 4.14-9 and Table 4.14-10, the City of Huntington Beach has an adequate supply of water to meet the estimated 77.5 afy demand of the proposed project. The analysis as provided in the DEIR is adequate to address this comment. As discussed in DEIR Section 4.14, this analysis is based on an extensive Water Supply Assessment (WSA) undertaken by the City of Huntington Beach to address potential impacts of the BECSP. This WSA was included in the BECSP EIR and included the proposed project, as contemplated under the BECSP and BECSP EIR. No further response is required.

Cumulative impacts relating to water supply are analyzed beginning on DEIR page 4.14-19. Refer also to Response OVSD-3 relating to cumulative impacts. No further response is required.

OVSD-13 As discussed under Impact 4.9-1, beginning on DEIR page 4.9-9, the closest noise sensitive receptors to the project site would be the residential uses located approximately 75 feet from the project site. To reduce the noise levels resulting from construction of the proposed project on these nearby residences, mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3 would be implemented, reducing construction noise impacts to a less-than-significant level. As district schools are located at a distance greater than the nearest residential (sensitive) receptors discussed above and in DEIR Section 4.9, and noise impacts have been determined to be less than significant with implementation of mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3, noise impacts at nearby schools would also be considered less than significant. Further, it is anticipated that this less-than-significant impact would be to an even lesser degree as the distance between the project site and the receptor increases, as is the case with District schools. No additional noise analysis or mitigation plan (as requested by the commenter) is required at this time, and no further response is required.

Cumulative impacts relating to noise sensitive receptors are disclosed beginning on DEIR page 4.9-19. Refer also to Response OVSD-3 relating to cumulative impacts. No further response is required.

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OVSD-14 Refer to Response OVSD-2 regarding impacts to District schools serving the project site. Refer to Response OVSD-3 regarding cumulative impacts.

OVSD-15 The commenter correctly summarizes portions of the DEIR where impacts to schools are addressed. The commenter also states that DEIR Section 4.11.12 "... provides no information on the number of residents that would live in the Project and would have a potential impact on District Schools." As discussed in Response OVSD-2 and summarized by the commenter in this comment, DEIR pages 4.11-14 through 4.11-16 discuss the anticipated generation of school-age children as a result of the project, addressing the information that the commenter is seeking in this comment. While not directly relevant to the issue of school impacts, Section 4.10 (Population/Housing) addresses the potential increase in general population (not all school age) as a result of the proposed project.

Refer to Response OVSD-2 regarding impacts to District schools serving the project site. Refer to Response OVSD-3 regarding cumulative impacts.

OVSD-16 The commenter states that the factors used in the DEIR to determine the number of students per household do not accurately reflect the actual number of students per household because "... multiple families reside in units that are meant to be occupied by only one family." Student generation rates reflect number of students per dwelling unit regardless of the type of occupancy a unit may have been intended for, thus capturing situations as described by the commenter. Student generation rates are calculated for each school district, including Ocean View School District, by each district. The student generation rates used in the BECSP EIR and the subject project DEIR were provided by the District and the commenter does not offer data substantiating the use of different rates.

As discussed in Response OVSD-2, it is important to note that as provided in the 2006 Ocean View School District Fee Justification Report for New Residential and Commercial/Industrial Development, the student generation rate for elementary schools is 0.22 student per dwelling unit and for middle schools is 0.12 student per dwelling unit. While the middle school generation rate is equivalent to that utilized in the analysis of school impacts in the BECSP EIR and this DEIR, the elementary school generation rate identified by the District is considerably lower than that utilized for analysis in the BECSP EIR and this DEIR. In an effort to determine the most conservative or "worst case" impacts to the District facilities, the higher generation rate was retained in this DEIR and was not altered to reflect the information available from the 2006 District report. As such, this would address or compensate for conditions suggested by the commenter.

OVSD-17 Refer to Response OVSD-2 regarding impacts to District schools serving the project area. With implementation of code requirement BECSP CR4.11-1 fees collected under the authority of SB 50 would offset any increase in educational demand at the

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elementary school, middle school, and high school serving the project site. This is considered full mitigation under CEQA. As indicated in the mitigation measure, the project is subject to the school fees in effect at the time of building permit issuance. Thus, should the District update its Fee Report and justify higher tier fees, as allowed by state law, those would be applicable to the project. As such, no further additional analysis or response is required.

Refer also to Response OVSD-3 regarding cumulative impacts.

OVSD-18 The commenter suggests that "... a more up to date traffic study ..." is required. Traffic impacts are fully analyzed in DEIR Section 4.13. The analysis contained in Section 4.13 is based on *Beach-Edinger Corridors Specific Plan Area Traffic Analysis for Beach-Warner Project* dated December 8, 2010, included as DEIR Appendix D, and the *Beach Boulevard and Edinger Avenue Corridors Specific Plan Traffic Study* dated August 2009. Refer to these traffic studies for additional information related to traffic resulting from the proposed project.

As discussed in Response OVSD-9, impacts to traffic during construction were analyzed in both Section 4.2 (Air Quality) and Section 4.13 (Transportation/Traffic). Mitigation measures BECSP MM4.2-8, BECSP MM4.2-9, and BECSP MM4.2-10 would maintain free-flowing traffic and ensure construction impacts are reduced to a less than significant level.

Refer also to Response OVSD-3 regarding cumulative impacts.

OVSD-19 DEIR Chapter 6 (Alternatives) included analysis of the No Project Alternative and a Reduced Project Alternative. As discussed in DEIR Section 4.11, impacts to schools would be less than significant, as payment of the required school fees under SB 50 would offset any costs experienced by the District. The same would be true under the Reduced Project Alternative (the No Project Alternative would not generate school-aged children). As such, the Reduced Project Alternative would result in a less than significant impact to schools, but to a lesser extent than the proposed project as less residential dwelling units would be proposed and therefore, less school-aged children generated. Similarly, cumulative impacts of the Reduced Project Alternative would be less severe than the proposed project. No further response is required.

Refer to Response OVSD-3 regarding cumulative impacts, as appropriate.

OVSD-20 Refer to Responses OVSD-2 through OVSD-19 addressing the District's concerns and comments included in this comment letter. It is not the responsibility of this EIR to evaluate and mitigate impacts to each of the school's learning environments, but rather to evaluate if the proposed project would result in substantial adverse physical impacts associated with the provision of, or need for, new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other

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performance objectives for schools. Although the most conservative analysis of the proposed project (using the BECSP and this DEIR's student generation rates) could result in overcrowding at Oak View Elementary School, payment of school fees to OVSD as required by code requirement BECSP CR4.11-1 would be considered full mitigation under CEQA and no additional analysis or mitigation is required.

Refer to Response OVSD-3 regarding cumulative impacts.

All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

10.3.3 Individuals

■ Bonnie Weberg (BW), January 20, 2011

BW-1 Comment noted. This is a summary of the commenter's opinion on the proposed project and is not a direct comment on the content or adequacy of the DEIR. Additionally, the comment does not raise any specific environmental issue. No further response is required.

BW-2 Comment noted. The commenter correctly summarizes the project characteristics and then suggests that parking will not be adequate on the project site. Refer to the discussion under Impact 4.13-6 beginning on DEIR page 4.13-17 relating to the provision of parking on the project site. The amount of parking provided on the project site would meet the parking requirements established for the project area in the BECSP by the City of Huntington Beach. It should be noted that, as discussed in Impact 4.13-7, the proposed project site is served by multiple OCTA bus lines, running immediately adjacent to the site. This would encourage a portion of the future residents and employees to use transit, thereby reducing the number of cars parked on site. This is not a direct comment on the content or adequacy of the analysis provided in DEIR, however, and no further response is required.

BW-3 Comment noted. The commenter correctly summarizes the project characteristics. This is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.

BW-4 Comment noted. The commenter suggests that the proposed project is not financially responsible and that the proposal includes the "selective saving of some buildings, and the existing parking structure." This is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.

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BW-5 Comment noted. The commenter generally suggests that the proposed project would result in impacts to traffic. Refer to Section 4.13 (Transportation/Traffic) of this for a discussion of traffic related impacts. As shown in Table 4.13-3 on DEIR page 4.13-7, implementation of the proposed project would result in a 7 percent reduction in average daily trips (ADT) compared to existing conditions, thereby reducing traffic in the immediate vicinity of the project site. No further response is required.

■ Gayle Kirkhuff (GK), January 15, 2011

GK-1 Comment noted. The commenter suggests that the proposed project would result in additional traffic in the area, limited parking, and additional accidents. However, as discussed in DEIR Impact 4.13-1, the proposed project would result in an overall reduction in ADT compared to existing conditions, reducing traffic in the immediate vicinity of the project site. Further, as discussed in Impact 4.13-4, the proposed project would meet the parking requirements established by the BECSP for the project area. Finally, as discussed in Impact 4.13-4, the proposed project would not be the source of accidents above existing conditions.

With regard to comments relating to the existing movie theater and the Chili's restaurant on the project site, this is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. However, both uses are proposed to be removed as part of the proposed project. No further response is required.

■ Greg Ryan (GR), February 22, 2011

GR-1 This comment contains introductory or general information, Please refer to responses to specific comments and recommendations below. No further response is required.

GR-2 The commenter correctly summarizes the data put forth in DEIR Section 4.13 (Transportation/Traffic). As shown in Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project) on DEIR page 4.13-7, the proposed project would result in a 13 percent increase in AM peak hour trips, an 8 percent decrease in PM peak hour trips, and a 7 percent decrease in ADT compared to existing conditions. However, the impact of these additional trips during the AM peak hour will not change the LOS for this time period. Additionally, it is important to understand the change in trip distribution due to the proposed change in land use. Discussion of this information among other traffic-related impacts resulting from the proposed project is provided in DEIR Section 4.13 (Transportation/Traffic).

GR-3 Comment noted. The commenter is concerned with the viability of the proposed retail uses based on the location of proposed parking. This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental

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issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. No further response is required.

GR-4 Comment noted. The commenter provides a listing/map of fitness clubs in the vicinity of the proposed project site. Further, the commenter believes the loss of Bally's Total Fitness from the project site would have a negative impact on the area. This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. No further response is required.

GR-5 Comment noted. The commenter requests that he be informed of any additional opportunity to provide input prior to the project being approved. This comment will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

■ Karl Kistner (KK), January 16, 2011

KK-1 Comment noted. The commenter generally provides their opinion on development in the area. The commenter first suggests that the existing Bally's Total Fitness is a "state of the art" training facility that is heavily patronized. Further, the commenter does not understand why the proposed project site would be slated for development, recognizing in their opinion, the need for redevelopment of other strip malls in the area. The commenter finishes by requesting that the project be reconsidered by the Planning Commission. These points are not direct comments on the content or adequacy of the DEIR. Additionally, no specific environmental issue is raised. As such, no further response is required. However, all comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

10.3.4 Public Testimony (DEIR Meeting)

Although the comments/letters are typically provided in alphabetical order, in this section, comments are organized in the order in which testimony was received at the DEIR meeting on February 2, 2011.

■ Barbara DelGleize (BG), February 2, 2011

BDG-1 The commenter asked whether the proposed project would be apartment or condominium units and whether the Chili's restaurant would be demolished. The residential component of the proposed project would consist entirely of rental apartment units.

With regard to comments relating to the existing Chili's restaurant on the project site, this is not a direct comment on the content or adequacy of the DEIR, and does

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not raise any specific environmental issue. However, the Chili's restaurant is proposed to be removed as part of the proposed project. No further response is required.

BDG-2 Implementation of mitigation measure BECSP MM4.13-1 would result in the addition of a separate westbound right-turn lane to the intersection of Beach Boulevard at Warner Avenue. The traffic study prepared for the BECSP EIR did not determine that a dedicated southbound right-turn lane along Warner Avenue at Beach Boulevard was required to mitigate potential impacts resulting from build-out of the BECSP.

■ Al Brown (AB), February 2, 2011

AB-1 Refer to page 3-10 of this EIR. Construction of the proposed project would occur in two phases. It is anticipated that the entirety of the project (start of Phase 1 to completion of Phase 2) would take approximately 59 months.

AB-2 With implementation of the project, access to the project site would be redesigned and would be provided from a total of eight driveways, including two limited access driveways on Beach Boulevard, two limited access driveways on Warner Avenue, two full access driveways on Cypress Street and two full access driveways on Ash Street, as shown in Figure 4.13-3 on DEIR page 3-7. Direct access to the existing and proposed parking structures would be available from two driveways on Ash Street and two driveways on Cypress Avenue. These driveways would allow residents to access Beach Boulevard without utilizing Warner Avenue, per the commenter's question.

AB-3 The commenter asked if any parks would be developed as a result of the proposed project. Approximately 75,000 sf of open space would be provided as part of the proposed project. Proposed public open space would be designed in conformance with BECSP Section 2.6.4, which identifies guidelines for design of the various types of public open space. As such, several types of public open space would be provided, including a plaza on the corner of Beach Boulevard and Warner Avenue, a courtyard plaza located in the center of the project site, and several pedestrian paseos. No parks or open space located off-site would be developed as part of the proposed project.

■ Dan Kalmick (DK), February 2, 2011

DK-1 The commenter asked two questions regarding traffic: (1) was the currently vacant lot considered in the traffic analysis and (2) was a dedicated right-turn lane analyzed on east bound Warner Avenue at the Beach Boulevard intersection?

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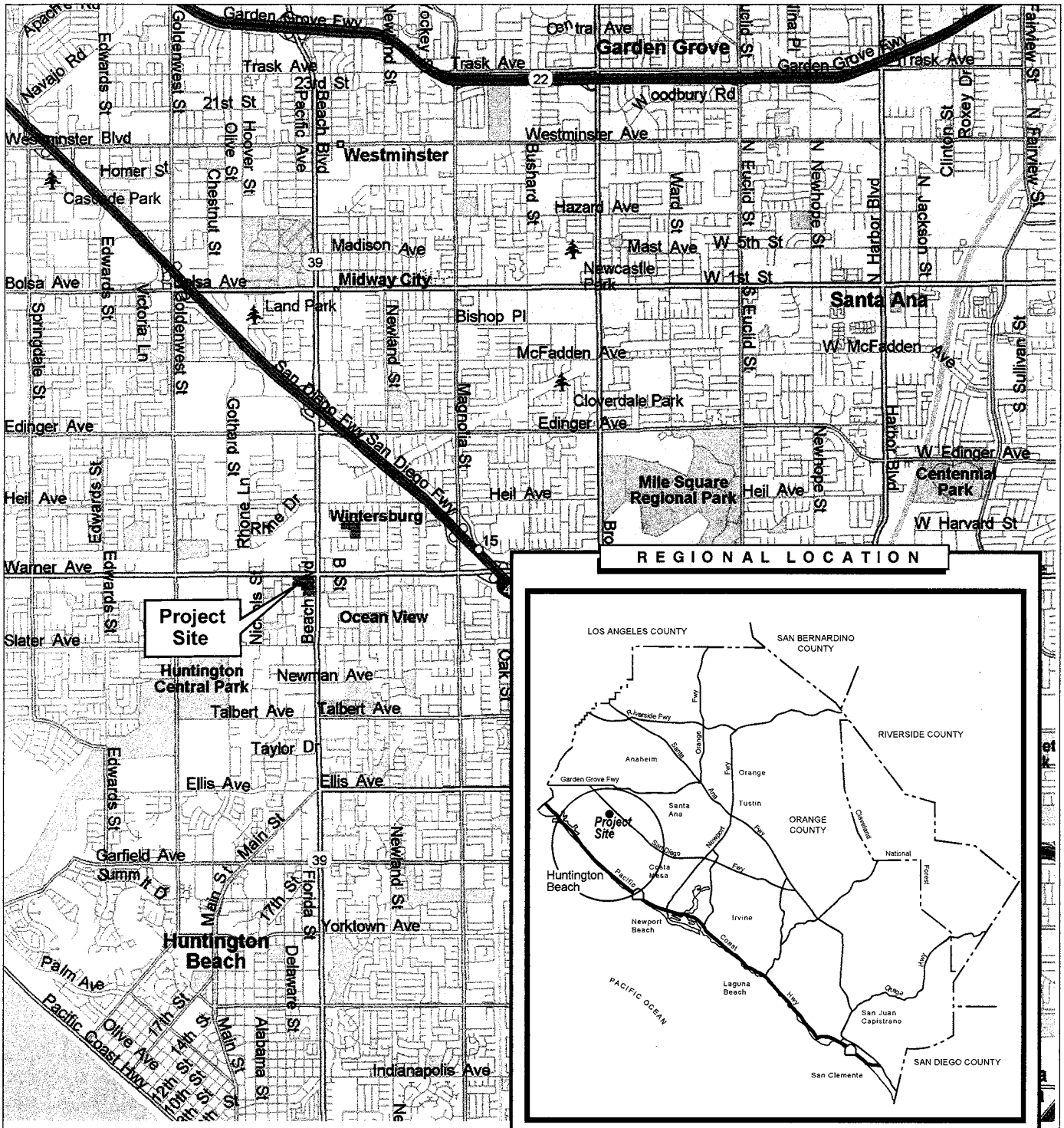
As shown in Table 4.13-3 on DEIR page 4.13-7, trip generation for both existing conditions and the proposed project are based on the type and amount of uses on the project site. Standard practice regarding trip generation does not consider vacancy rates or undeveloped lots. Based on the type and amount of uses proposed, the proposed project would result in a 13 percent increase in AM peak hour trips, an 8 percent decrease in PM peak hour trips, and a 7 percent decrease in ADT compared to existing conditions.

The traffic study prepared for the BECSP EIR did not determine that a dedicated southbound right-turn lane along Warner Avenue at Beach Boulevard was required to mitigate potential impacts resulting from build-out of the BECSP. As such, it was not studied as part of the proposed project.

ATTACHMENT NO. 1.75



0 0.5 1 1.5 2 2.5

NORTH
SCALE IN MILES

Source: Microsoft Streets and Trips, 2010.

PBSJ

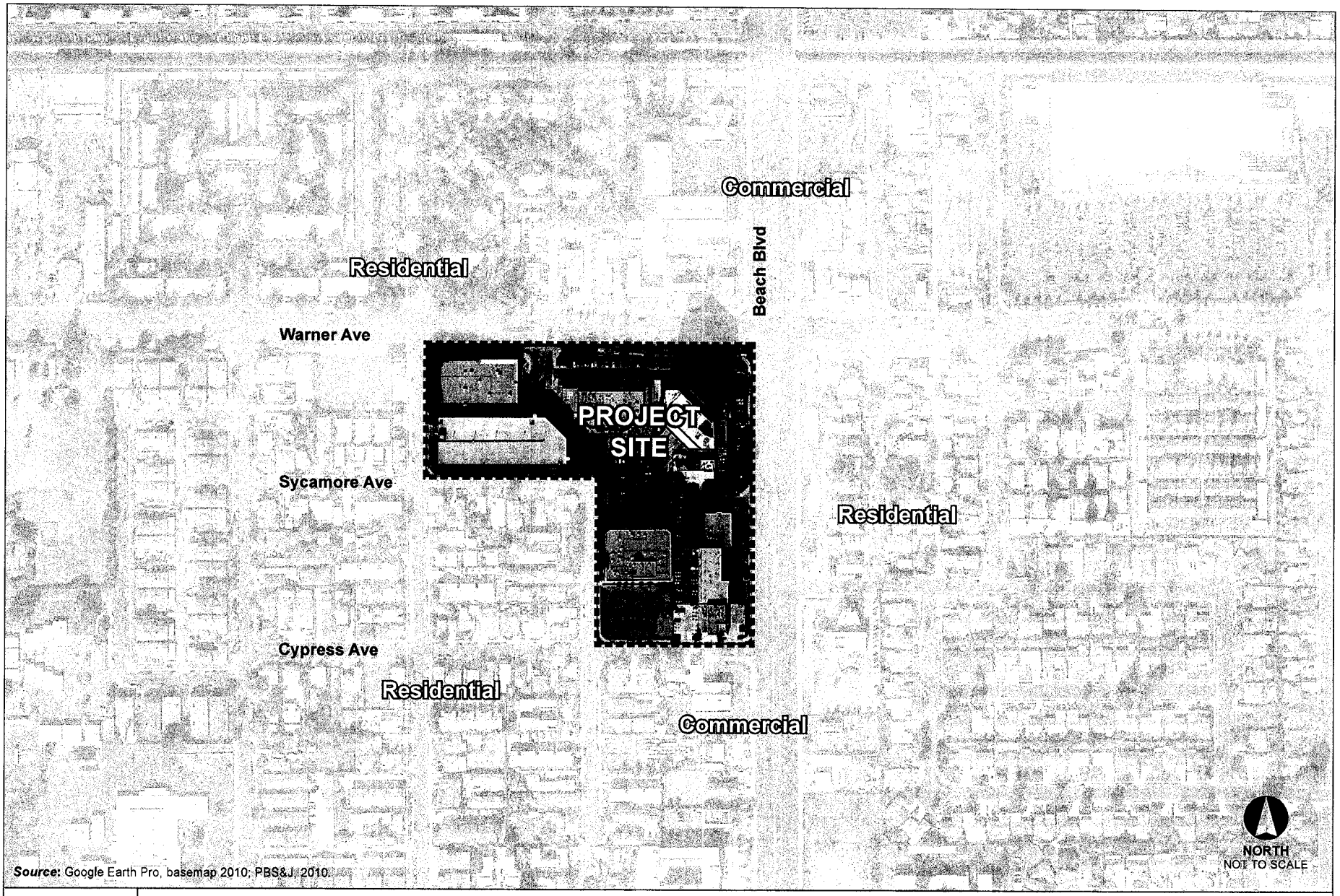
FIGURE **3-1**

Project Vicinity and Regional Location Map

100000407

Beach and Warner Mixed-Use Project

ATTACHMENT NO. 2.1



Source: Google Earth Pro, basemap 2010; PBS&J, 2010.

PBS&J

FIGURE **3-2**

Project Site and Surrounding Land Uses

100000407

Beach and Warner Mixed-Use Project

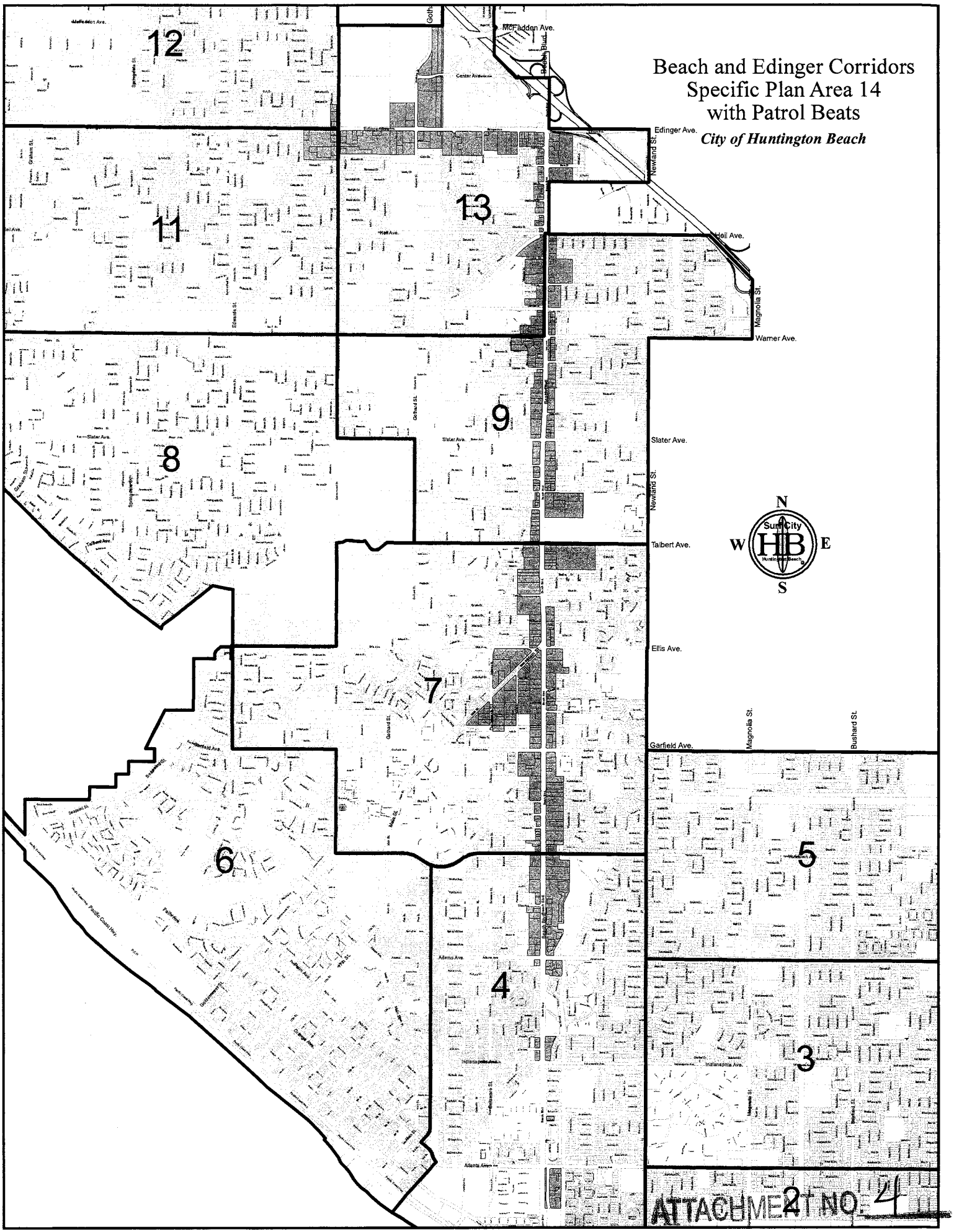
ATTACHMENT NO. 2.2

ATTACHMENT NO. 3

Draft EIR, EIR Appendices, Response to Comments and Text Changes

(Not Attached – Available for Public Review at the Planning and Zoning Counter, 3rd Floor, City Hall)

ATTACHMENT NO. 3



ATTACHMENT NO. 4