

CHAPTER 10 Responses to Comments

10.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

In total, five comment letters regarding the Draft EIR were received from two State departments, two organizations, and one individual. In addition, verbal comments were received at The Village of Bella Terra Project Draft EIR Public Information Meeting that was held on July 30, 2008, including comments that were provided on a public comment form. Table 10-1 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 | | | |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------|-----------------------------------|
| <i>No.</i> | <i>Commenter/Organization</i> | <i>Abbreviation</i> | <i>Page Where Response Begins</i> |
| STATE DEPARTMENTS | | | |
| 1 | Department of Transportation, Ryan Chamberlain. August 25, 2008 | DOT | 10-28 |
| 2 | Department of Toxic Substances Control, Greg Holmes. August 27, 2008 | DTSC | 10-29 |
| ORGANIZATIONS | | | |
| 3 | Huntington Beach Environmental Board, David Guido. August 21, 2008 | HBEB | 10-34 |
| 4 | Huntington Beach Tomorrow, Ed Bush. August 25, 2008 | HBT | 10-41 |
| INDIVIDUALS | | | |
| Written Letters | | | |
| 5 | Jackle, Karen. August 27, 2008 | JACK | 10-44 |
| Verbal Comments | | | |
| | The Village at Bella Terra Draft EIR Public Meeting, Verbal Comments, July 30, 2008 | VERB | 10-49 |
| Public Comment Forms | | | |
| | Mootchnik, Bobbe, July 30, 2008 | MOOT | 10-55 |

This chapter of the Final EIR contains all comments received on the Draft EIR 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 Draft EIR.

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.

DOT

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2241
Fax: (949) 774-7592



Flex your power!
Be energy efficient!

FAX & MAIL

August 25, 2008

Jane James
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

| | | | | | |
|-------------------|--------------------------|---------|----------------------|------------|---|
| Post-it® Fax Note | 7671 | Date | 8/25/08 | # of pages | 2 |
| To | Jane James | From | Marlon Regisford | | |
| Co./Dept. | City of Huntington Beach | Co. | Caltrans District 12 | | |
| Phone # | (714) 536-5271 | Phone # | (949) 724-2241 | | |
| Fax # | (714) 374-1540 | Fax # | | | |

Subject: The Village at Bella Terra Project

Dear Ms. James,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (EIR)** for the **Village at Bella Terra Project**. The proposal is to amend the City's General Plan and zoning text to increase the total mixed-use building floor area (FAR) from 1.5 to 1.75 allowing an additional 172,606 square feet beyond the 1,035,639 square feet that is currently allowed. The maximum residential density would then increase from 25 dwelling units per acre to 45 dwelling units per acre. This increase would allow a maximum of 317 additional units on the site beyond the 396 units that are currently allowed. The total building area for the project would be no more than 818,700 square feet. The nearest State routes to the project are SR-39 and I-405.

DOT-1

The Department of Transportation (Department) is a responsible agency on this project and we have the following comments:

1. The Department considers Mitigation Measure 4.13-1 to be satisfactory. However, we believe that there would be much greater benefit to a fourth northbound through lane on Beach Boulevard rather than a third westbound through lane on Edinger Avenue. Since the mitigation measure would have an effect on State facilities, we would like to discuss mitigation implementation with the City (funding, mitigation agreements, permits, etc.)
2. On Page 4.13-44 of the DEIR where the Beach Boulevard collector/distributor (CD) roads are discussed, it states that "Mitigation measures would involve major regional improvements such as widening the freeway that are currently under evaluation as part of a Project Study Report/Project Development Support for the I-405 Freeway. However, the regional improvements are not currently funded at this time and are not feasible as part of the proposed project. Therefore, the addition of traffic to a projected deficiency on the I-405 in 2030 is considered significant and unavoidable."

DOT-2

DOT-3

The California Environmental Quality Act (CEQA), in general, states that the EIR must discuss feasible measures to avoid or substantially reduce the project's significant environmental effects. The Department believes that there are feasible mitigation measures that can reduce or minimize impacts to the CD. The Department has identified possible mitigation measures for minimizing environmental effects to the CD (realignment of on/off

ramps, widening segments of the CD, addition of auxiliary lanes, rideshare programs, transit programs, etc.), and is willing to meet with the City to discuss these mitigation measures.

DOT-3

3. As requested in our previous letter to the City dated 7/18/08, a side-by-side comparison of both calculations for fair share methodology should be provided to the Department. This should include a real-life example of the Caltrans fair share formula along with the formula developed by Austin Foust Associates, with detailed calculations shown.

DOT-4

Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Marlon Regisford at (949) 724-2241.

DOT-5

Sincerely,



Ryan Chamberlain, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

DTSC



Department of Toxic Substances Control



Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630

City of Huntington Beach Arnold Schwarzenegger
Governor

AUG 29 2008

August 27, 2008

Ms. Jane James
Senior Planner
Department of Planning
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648
jjames@surfcity-hb.org

NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT 07-03,
FOR THE VILLAGE AT BELLA TERRA PROJECT, 7777 EDINGER AVENUE,
HUNTINGTON BEACH (SCH#2008031066)

Dear Ms. James:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of an Environmental Impact Report (EIR), Environmental Assessment No. 07-04 and Appendices for the above-mentioned project. The following project description is stated in your document: "Implementation of the proposed project would result in a GPA to allow horizontally integrated mixed-use development in addition to the currently allowed vertical mixed-use development, to increase the total mixed use building FAR from 1.5 to 1.75, allowing an additional 172,606 square feet (sf) beyond the 1,035,639 sf that is currently allowed. Within this total building square footage limitation, the maximum residential density would increase from 25 dwelling units per acre (du/ac) to 45 du/ac. This increase would allow for a maximum 317 additional units on-the site, beyond the 396 units that are currently allowed."

DTSC-1

- 1) The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:

DTSC-2

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).

- Envirostor: 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.
 - 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.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): 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. Please see comment No.13 below for more information.
- 3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency 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 should be clearly summarized in a table. Your document states: "The auto repair facility is listed as a facility that had a release of petroleum hydrocarbons on the Leaking Underground Storage Tank (LUST) database. This listing stems from a fuel release that occurred from an underground storage tank some time prior to 1986 when the tank was removed. Assessment and remedial clean-up work occurred through the late

DTSC-2

DTSC-3

DTSC-4

1980s into the early 2000s. The clean-up work included excavation and treatment of contaminated soil, implementation of a groundwater pump and extraction wells. The assessment work culminated in 2004 when a Site Closure Report was submitted to the lead enforcement agency, the Orange County Health Care Agency (OCHCA). The report provides documentation that residual levels of gasoline hydrocarbons remain in both soil and groundwater beneath the project site. Though high levels of residual fuel hydrocarbons remain, the project site was recommended for low risk closure. The OCHCA issued a Remedial Action Completion Certificate, dated December 13, 2004, for the property. The Regional Water Quality Control Board-Santa Ana Region provided concurrence for closure. The closure letter indicated that "if redevelopment [of the site] occurs and shallow contaminated soil is encountered, the soil must be handled to current regulatory requirements." All existing Vertical Electrical Soundings (VES) and groundwater wells, piping and treatment system components require proper abandonment. Areas of additional hydrocarbon impacts in shallow soil beneath the northern portion of the facility would probably be identified... These areas should be mitigated as appropriate under the inspection of a qualified environmental consultant." To clarify, DTSC believes that "VES" probably refers to "vapor extraction system".

DTSC-4

- 4) Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the EIR.

DTSC-5

- 5) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a Border Zone Property. Your document states: "A number of nearby sites are also located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. These sites include the Levitz Furniture facility, located about 1,000 feet to the west, and the former JC Penny facility (now the Burlington Coat Factory), located about 300 feet to the east. In addition, the former Broadway Goodyear facility, located about 1,200 feet to the east, a former Chevron gas station, located about 2,000 feet to the east, and a former dry cleaner facility, located about 1,600 feet to the east-northeast of the project site were also listed; however, these have all been demolished. Based upon a review of the site assessment and clean-up data for these off-site properties, a review of data for the release that occurred on the project site and the subsurface testing, no evidence was found to indicate that these offsite facilities have or will impact the soil or groundwater beneath the project site. The EIR will include a more detailed analysis of potential impacts associated with the release of hazardous materials

DTSC-6

into the environment both on- and off-site. The former JC Penny facility, located about 300 feet to the east has a currently "open" case with the regulatory agency. This property was identified in the LUST database. According to documents available through the California Environmental Protection Agency (Cal EPA), State Water Resources Control Board, and GeoTracker Database, this facility is undergoing post-remediation verification monitoring. Based on the on-going post-remediation monitoring, agency status, and location relative to the project site, JC Penny's is not anticipated to have a negative environmental impact to the proposed project site. Impacted groundwater has migrated offsite."

DTSC-6

6) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints 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. Your document states: "The structures located on the project site were constructed during the 1960s and may have been built with materials containing friable asbestos. Therefore, demolition of the existing structures at the project site could result in the release of friable asbestos during the project's construction phase."

DTSC-7

7) 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-8

8) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted 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-9

9) 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

DTSC-10

- (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-10
- 10) If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB). DTSC-11
- 11) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. DTSC-12
- 12) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project. DTSC-13
- 13) EnviroStor is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, 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-14
- 14) In future CEQA documents please provide the contact person's email address. Also, if the project title changes, please provide historical project title(s). DTSC-15

If you have any questions regarding this letter, please contact Ms. Teresa Hom, Project Manager, at thom@dtsc.ca.gov or by phone at (714) 484-5477.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program - Cypress Office

cc: See next page.

Ms. Jane James
August 27, 2008
Page 6

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
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
gmoskat@dtsc.ca.gov

CEQA#2241



CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

August 21, 2008

City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, California 92648

Attention: Ms. Jane James, Senior Planner

Subject: THE VILLAGE AT BELLA TERRA, Environmental Impact Report dated July 11, 2008.

Dear Ms. James:

At the August 7, 2008 Environmental Board meeting, the members reviewed the subject Environmental Impact Report (EIR). The Board offers the following comments and recommendations for your consideration.

General Plan and Zoning Variance Justification

The Board notes the inherent assumption in the draft EIR that the required general plan and zoning changes are justified without significant analysis of alternatives that do not require such changes. Current mixed-use residential zoning for this property is limited to 20 units per acre, as opposed to the 45 units per acre being requested for the first alternative. The second alternative requires a dramatic change to the face of the overall project, with a ten-story hotel contemplated along with an increase to 513 residential units. The Board believes that such a major change in the general plan is not in keeping with the character of Huntington Beach, and demands the study of preserving the current 20 units per acre as a viable alternative, as well as a forthright explanation from the developer as to why the General Plan and Zoning Text Amendments are necessary and desirable. The Board is also concerned that once one developer is given a zoning variance for this high a density, the city will be pressured to allow additional future variances of this type, thus compounding the density situation. This concern is already coming to fruition with the adjacent *Ripcurl* project, and the Board awaits with interested concern the details of the forthcoming *Murdy Commons* project. Without a clearly demonstrated need for the granting of the requested amendments, and for the reasons discussed herein below, the Board recommends that the general plan and zoning variances not be permitted at this time. To put it plainly, the two main options should be rejected and a project developed within the density limitation of current General Plan and Zoning should be adopted.

HBEB-1

HBEB-2

Population Density and Future Blight Concerns

The first proposed alternative to the current project increases the residential capacity by 317 units, to a total of 713, allowing 45 units per acre. The draft EIR does not consider the possible long-term effects of dramatically increasing the population density of the proposed site, other than to admit in section 5.3 that the "alteration of the existing topographic character of the site" is a potential "significant irreversible environmental effect." The draft EIR also admits that "because all cumulative residential development would ultimately contribute to the substantial exceedance of SCAG population projections for the City for the 2015 timeframe, the proposed project would have a considerable contribution to the cumulative impact." The Board believes this is a gross understatement of the long-term danger of the project variances being considered in this draft EIR.

HBEB-3

The Board wishes to remind those involved that the project site is an antiquated commercial center whose ultimate failure blighted the Edinger Corridor for some time, and which even now requires this significant investment of community resources to correct. Yet redeveloping an old shopping mall is one thing; rehabilitating developments of over a thousand units of blighted housing in the future is another entirely. While the developer of this project will presumably make good on their investment, the City will potentially be left to struggle with the consequences of a densely packed and highly-stylized center which, when its appeal is lost, will create another form of blight. The Board urges appropriate consideration of the long-term consequences which will likely result from an approval of the General Plan and Zoning amendments, namely the proliferation of blight as the project ages over time.

HBEB-4

As with the Ripcurl project, the Board notes that the impact on crime was not considered in the EIR. High density complexes and mixed-use developments such as this would seem to have the potential to generate higher crime levels than other types of developments. The existence of nearby commercial developments with large transient pedestrian usage adds to the issue. Additionally, easy access to a freeway further increases the potential for crime. Recently, the AIA studied the effects of Architecture on Crime Control and specified Best Practice guidelines. The Board recommends that the EIR study the impacts this project will have on the city's law enforcement capability and look to reduce the impacts this project will create.

HBEB-5

Hotel Considerations

The second proposed alternative contemplates the addition of an "up-to" ten story hotel, located immediately adjacent to the commercial and residential sites. Along with this new hotel, the number of residential units increases to a maximum of 538. The Board's concerns regarding the hotel alternative are twofold. First, the Board notes that approval has already been given to the *Springhill Suites* project at Edinger Avenue and Parkside Lane. Considering that project and the existing Huntington Beach Hotel, the Board recommends a separate study be commissioned to determine the viability of yet another hotel in the immediate area. Second, the City should investigate whether a desirable tenant for the location can be identified **prior to** the granting of this alternative. It would be reasonable to assume that a publicly-held corporation would conduct a similar investigation before investing in such a project. The City owes its residents the same level of fiduciary duty when considering this option.

HBEB-6

Parks and Recreation Facilities

The draft EIR relies entirely on the payment of "in-lieu fees" to satisfy the code requirements of CR 4.12-1 and declares the impact of the proposed project "less than significant" upon existing parklands and recreation facilities available to future residents. The Board again observes that the current proposed project (Bella Terra II) must be examined together with the proposed *Ripcurl* and *Murdy Commons* projects when considering the true impact of the significantly increased population density upon the area in question. The draft EIR admits the nearest usable green space is almost a mile (0.8 miles) from Bella Terra, and will require transit across this high-density commercial project, past the Union Pacific Railroad right-of-way, across a bus terminal (the "Golden West Transportation Center"), and through Golden West College vehicle traffic.

HBEB-7

Because the draft EIR already relies on "in-lieu fees" to satisfy code requirements, the Board strongly recommends that these fees, together with similar fees obtained from adjacent projects, be used to establish a new active green space and park facility for the residents of the proposed projects in the immediate vicinity. The Board notes the existence of a large, vacant area of land located adjacent to the project, north of Center Avenue, between the Transportation Center and the railroad right-of-way, and urges the city to investigate this area as possible future parkland to sustain the area in question.

HBEB-8

Traffic Concerns

Either with or without the project, future traffic conditions at some intersections in the city will be rated at a Level of Service (LOS) E and LOS F in 2014 and 2030. The City's criteria for acceptability is LOS D. Therefore, the City's General Plan is not in compliance with its own criteria. The Board recommends that the city define the means to correct these intersections and update the General Plan before this or adjacent projects with as great a potential for affecting traffic flow be approved.

HBEB-9

The Board notes the city uses Level D as an acceptable level of service. LOS D is defined as, "Speed and freedom to maneuver are severely restricted and the driver experiences generally poor level of comfort and convenience." It seems such conditions should not be considered acceptable to the city. The Board recommends that the threshold for acceptable level of service be raised to LOS C and that all non-complying intersections be improved to this level before this or adjacent projects with as great a potential for affecting traffic flow be approved.

HBEB-10

Miscellaneous Comments

1. Table 4.2-21 D-17 states that "...low-water landscaping shall also be permitted, or even encourage." The Board believes this should be a mandatory requirement.
2. Section 17.05.310, first bullet does not give a unit of measure for "200 cubic".
3. Page 4.7-36, third bullet states that "If automated sprinklers are used, they shall be inspected at least quarterly and adjusted yearly..." The Board believes this should be changed so they are required to inspect and adjust quarterly.

HBEB-11

HBEB-12

HBEB-13

4. The report on page 4.11-8 acknowledges that police staffing is "currently below recommended staffing levels" before this project comes into play. The draft EIR gives no solutions for staffing issues after the influx of new residents occurs.

HBEB-14

We appreciate the opportunity of working with you on this project. Please don't hesitate to contact us with questions.

Very Truly Yours,
HB Environmental Board

David Guido
Chair

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HBT



HUNTINGTON BEACH TOMORROW

"Making a difference today for Huntington Beach tomorrow"

P. O. BOX 865, HUNTINGTON BEACH, CA 92648

PHONE: (714) 840-4015 E-MAIL: INFO@HBTOMORROW.ORG

www.hbtomorrow.org

August 25, 2008

Planning Department
City of Huntington Beach
2000 Main St.
Huntington Beach, California 92648

Reference: The Village at Bella Terra EIR

The board of directors of Huntington Beach Tomorrow has participated in the Edinger-Corridor scoping sessions, studied this EIR, and discussed the impacts of the subject project many times.

HBT-1

The Village at Bella Terra is predominantly a high-density residential project that would:

- Result in significant, unacceptable increases in population density.
- Produce significant, unavoidable traffic impacts that are unacceptable to the residents of Huntington Beach
- Set an unacceptable precedent for the city's remaining developable space
- Increase the city's population beyond the level that was planned for and can be supported
- Eliminate an opportunity to increase our commercial tax base which continues to be sorely deficient as compared to other cities, i.e. sales tax leakage
- Contributes no revenue to the city's general fund

HBT-2
HBT-3
HBT-4
HBT-5
HBT-6
HBT-7

The Beach-Edinger Corridor study is scheduled for completion in the spring of 2009. While criteria are being developed now, no one knows what will be specifically approved in 2009 and how that criteria would relate to the Village at Bella Terra project. Any resultant deviation would result in inadequate planning due to putting the cart before the horse. This could be disastrous for the city and its residents. The cumulative impact of allowable development in the Beach-Edinger corridor needs to be ascertained prior to approval of individual new projects.

HBT-8

These cumulative effects need to be evaluated, the changes to our community understood by its leaders and citizens and, only then, can fair and defensible decisions be made.

Huntington Beach Tomorrow recommends the Planning Commission and City Council gain the applicants concurrence to continue the project applications until the Beach-Edinger Corridor study criteria has been approved. Lacking the applicant's concurrence, we recommend denial of the application.

HBT-9

Ed Bush
President
Huntington Beach Tomorrow

Copies: City Council, Planning Commission

JACK

City of Huntington Beach

AUG 27 2008

Planning Department
City of Huntington Beach
2000 Main St.
Huntington Beach, California 92648

August 27, 2008

RE: Village at Bella Terra EIR

7/28/08 composed

This is sent in response to initial EIR for this project. The Edinger Corridor must be planned properly. As a member of a city citizen's infrastructure committee for 4 years I know that. I both live and co-own a business in this city and want to see a well planned use of this property.

JACK-1

The density of this development requires more parking than requested in the specific plan. In order to reduce the parking required, what would be the ongoing benefit to the taxpayers who would carry the burden of funding the residential component and as shoppers, have the overflow parking for guests at this development use spaces intended for shoppers? The specific plan does not take into consideration the adjoining uses and address mitigation of the impact of the increased density..

JACK-2

JACK-3

Requiring 16.7% increase in density allowed by zoning laws does not take into consideration the general plan for the City of Huntington Beach and the cost to the taxpayer to revise projected population at build out of this city along with the increased traffic impact of the additional residents. If a street such as Edinger is at maximum capacity this cannot be ignored nor can the effects currently on the bottlenecks to access the 405 freeway from Beach Blvd. Beach Blvd. is already too high capacity and it is a state highway and with decreased revenue from gasoline sales, how will the cost of the increased traffic on Beach Blvd. be addressed? Existing taxpayers should not have to subsidize future taxpayers so they can live at this location. Redevelopment money is taxpayer money so use of it should not benefit the developer with a reward of density bonus with affordable housing not located onsite according to existing zoning requirements because this is a specific plan attempting to override the current maximums.

JACK-4

JACK-5

JACK-6

While mixed use residential concept may be appropriate for this site, a hotel would increase the onsite density further and traffic. The offset might be it would generate income to the city through bed tax and tourist dollars, provided a feasibility study indicates occupancy rates would be high enough - since there are a number of other hotels currently planned for Huntington Beach and a 10 story unoccupied eyesore visible from the freeway would not provide a good window for Huntington Beach. It may not be here for 10 years so why should the current government of the city care about it? Amending our general plan would need to be done now to accommodate this sizeable change to Huntington Beach in addition to the Rip Curl Project.

JACK-7

If the beach is the draw to come to this city, would there be efficient shuttle service available to bring the people staying at the hotel to the beach? How does this fit into the general plan for transportation in this city with the increased transportation costs due to high oil prices and the lower revenue to government from gas tax? Who pays for the infrastructure needed to support this development?

JACK-8

Regarding fire and police, the private, not public road onsite needs to be wide enough to accommodate fire equipment and tall ladders for these tall buildings. Who is going to pay for that? A 27' wide road on the westerly boundary does not cut it as viable for public use or wide enough for fire fighting. Center Dr. and Edinger are accessible onsite for through traffic via the existing shopping center now. Taxpayers should not have to pay for a public road on this site in order for this development to be built. It should be a private road paid for by the people accessing

JACK-9

this site for its commercial/hotel use and the residents living onsite through an ongoing assessment for the maintenance for the onsite infrastructure. Roads should remain private on this property and the cost should not be subsidized for this road by Redevelopment Funds.

JACK-9

The adjoining shopping center parking garage is occupied on 5 of the 6 floors on weekends. In another 5 years the parking may be at capacity on weekends creating a negative impact on neighboring commercial especially on weekends. There needs to be enough onsite parking on this property so guests can park onsite as well as shoppers and the residents need to be provided with a minimum of 1 space for a studio, 1.5 spaces for a 1BR, 2 or more spaces for a 2BR and at least 3 spaces for a 3BR, especially if the residential component pricing is above the median for attached housing in the cities of Huntington Beach, Midway City and Westminster because there will have to be doubling up for people to afford to live in the residential units. The specific plan should not lower the number of guest spaces required to serve the size and density proposed for this development. . With subterranean parking for residential, will the residential parking portion be permanently assigned and will the garage area be by gated access for resident safety in the subterranean garage?

JACK-10

The required very low and low income housing should not be modified at any time by waiver because developers typically attempt to get modifications of it towards the end of the planning process and the taxpayer, as a result is stuck with no where in the city for the employees needed to support commercial, whether a hotel or commercial is built onsite. Subsidized low income housing offsite should not be allowed as part of the specific plan because we need the people who will work right in the Edinger corridor to have housing available to them accessible for use nearby and without it onsite, increases in commercial density of any amount cannot be justified.

JACK-12

If fees set up now for this development are used to project costs for infrastructure, what happens if the land value goes down when this project is ready to be built and they do what happened with Pacific City for the Senior Center money, get a judgment for 50% of the fees only so our parks and community facilities are not funded as planned? Where is the open space that will be provided for this high density development and what funds will be used to maintain it? It is a one shot deal. Pacific City assessed value for the land may increase but that does not increase the negotiated fees due to offset its effects.

JACK-13

We are near build-out in this city. To increase the density of this project is not offset by the effects it has on the rest of the city, especially the traffic and parking and infrastructure required to support it. Without a plan approved by the businesses within the Edinger Corridor area for assessment of the costs required as a result of increased density in this area, this development cannot be built at higher than the zoned and permitted density as shown in the current general plan for this area.

JACK-14

Finally, a rental feasibility study reflecting whether the rents projected to support this project can be achieved, must be done before any approvals or we will be left with housing that does not cover the costs to build it and a hotel that does not need minimum occupancy levels needed to carry its overhead. The Environmental Impact of vacant buildings will not be a good HB window.

JACK-15


Karen Jackle karen@pjackle.com
C/O: Paul Jackle & Assoc. Inc.
Real Estate Appraisers & Consultants
18652 Florida St. #300
Huntington Beach CA 92648

25 see how we can reduce maybe the overall traffic that is
0020

1 generated by the residential and retail uses.

2 After doing the thorough analysis of all three
3 alternatives and comparing them to the proposed project,
4 it was concluded that the Reduced General Plan
5 Amendment, Zoning Text Amendment Alternative, which
6 would allow for the 538 residential units and the
7 138,085 square feet of commercial units is actually what
8 CEQA calls the environmentally superior alternative.

9 We're required by CEQA to identify one
10 alternative, which after we analyze we make sure it's
11 the superior alternative. So that was the one that was
12 determined to meet the objectives of the project and as
13 many objectives as it can while reducing the impact.

14 With that, I think I'll turn it back to Jane
15 and I think we're ready for comments.

16 MS. JAMES: Thank you, Ruta.

17 So now we're on the comment portion of the
18 agenda, and I would welcome you to come up and use the
19 microphone. We do have a court reporter who is
20 recording everything today, so I would appreciate it if
21 you would state your name prior to making your comments.

22 Anyone who is interested in coming up?

23 MR. KAUFMAN: Jerry Kaufman from Goldenwest
24 College Estates, and I have looked at your plan and your
25 Option 1, which adds 317 additional units beyond the 396
0021

1 that are planned. If you go to Option 2 you have 538
2 units which is an additional 221 units over the plan.
3 Again, that is just too many units for the area.

4 You are also talking about the two buildings in
5 the five and six area of putting in a ten story
6 structure. I don't see anything in the plan that shows
7 how that is going to affect air flow or any quality of
8 going through, and I think it's going to be too bright
9 for the structures.

10 Again, if you look at the plan, I think that
11 Huntington Beach is, again, trying to put in low cost
12 housing because the Rip Curl property is barricaded west
13 of the project site, it is anticipated that future
14 student residents of the development under either option
15 would walk to their college campus.

16 Additionally, the Bella Terra Mall is located
17 directly adjacent to the property site, so it's also
18 within walking distance to the project site, so they are

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VERB-3



19 saying future student residents in both options.
20 And, again, for us that's low cost housing
21 because people at Golden West College are not going to
22 be living near the college, and we fought that when
23 Costco was going in.

24 And when you put in the Rip Curl with 44 units,
25 and as we pointed out at the last meeting, there was not
0022

1 adequate parking for that. Here, again, there isn't
2 adequate parking for this facility, and if you look
3 under the traffic control, we're talking Level D, which
4 says that you're willing to let us have adequate access
5 to the area because we're going to experience delays.

6 And, again, I think it's too big of a project
7 for the area and I think you need to scale it down. I
8 think the area is too developed, and I think you're
9 trying to put in low cost housing which we totally
10 disagree with. Thank you.

11 MS. JAMES: Thank you, sir.

12 MR. ROSS: Hi. My name is Richard Ross. I'm a
13 resident of Huntington Beach. I have a question.
14 There's a railroad near there. Does this border the
15 railroad?

16 MS. JAMES: Yes.

17 MR. ROSS: Is that an active railroad?

18 MS. JAMES: Yes.

19 MR. ROSS: Is the vibration considered when the
20 railroad goes by? I'm familiar with the railroad going
21 near a condo and it shakes the condo and it can be quite
22 disturbing. Was that taken into consideration?

23 MS. JAMES: That is analyzed in the EIR.

24 MR. ROSS: Okay. You can handle it then.

25 Okay.

0023

1 MS. JAMES: Thank you, sir.

2 MS. JAMES: Good evening. My name is Dave
3 Mootchnit. I'm a resident of Huntington Beach, and I'm
4 representing myself. I would like to make comments in
5 two areas.

6 The first has to do with the traffic analysis
7 that was performed. Most of the traffic analysis on the
8 streets were done by comparing what this project would
9 do compared to if the project wasn't there, but the
10 General Plan was applied, and the General Plan had, as
11 you mentioned, 300 and some odd units and 380,000
12 commercial.

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13 I think that is a flawed approach for making
14 the traffic and doing the traffic analysis. The reason
15 for that is the General Plan that is shown in the
16 studies does not meet the city's criteria a Level of
17 Service D.

18 In 2014, three intersections are shown to the
19 Level of Service E, and in 2033 are E, and three are
20 Level of Service F. The city's requirement is the Level
21 of Service D, which should be reduced to a Level of
22 Service C for proper consideration of the residents in
23 the area.

24 So comparing the amount of traffic that this
25 project does against a General Plan, which is already
0024

1 flawed and unacceptable, is an improper way of doing the
2 analysis.

3 The study shows that as a result of the General
4 Plan traffic will increase by over about 35 percent in
5 the area. Part of it is going to be due to this
6 project, and that should be taken into consideration
7 properly by looking and comparing the project to the no
8 project, not to the General Plan process.

9 The second comment I would like to make is I
10 was just up in Los Angeles a couple of days ago driving
11 around and doing some errands. I don't like Los
12 Angeles. Los Angeles is an overcrowded, very congested
13 city. As most of us have heard, it's the worse
14 congested city in the United States.

15 What this project is doing is directing this
16 city, Huntington Beach, to look like Los Angeles. I
17 don't want this area to look like Los Angeles. I want
18 it to look like Huntington Beach. I think the amount of
19 housing and commercial that you're putting in the area
20 is way overstated for the area.

21 And I agree with the previous gentleman that a
22 ten story unit is not consistent with what I believe
23 Huntington Beach and most residents of Huntington Beach
24 believe it should be. Thank you.

25 MS. JAMES: Thank you, sir. Anyone else
0025

1 wishing to make comments on the Draft EIR?

2 MR. STERNBERG: Good evening. My name is
3 Robert Sternberg and I'm a resident of Huntington Beach,
4 and I live over by the Grier Park, which is diagonally
5 opposite Golden West College by Goldenwest and McFadden.
6 I'm also president of the tract there. We have

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7 an association called the Golden West Neighborhood
8 Association, and when I brought this out to them they
9 asked me to come here and speak on their behalf to voice
10 some concerns.

11 So I just wanted to say I basically agree with
12 the gentlemen, the two gentlemen that spoke earlier
13 about the traffic.

14 I understand what you did and I understand that
15 each EIR stands by itself, but when you're looking at
16 the cumulative impact of this I think it's a flawed type
17 of analysis.

18 We already have -- within a mile of this
19 project we have a Fresh & Easy going in, and that's in
20 the City of Westminster. We also have a proposal for a
21 CVS Pharmacy that is going to add over a thousand cars
22 per day right at the corner of Golden West and McFadden
23 and it's one of the receiver streets into this complex.

24 We have the Rip Curl project, which is also
25 going to add a very high density. The Rip Curl is a
0026

1 much higher density than this is, but cumulatively I
2 think there's a flawed impact if you didn't give enough
3 weight to all of the construction being done at once
4 between the Rip Curl, which is right next to this
5 project, and also the impact on the cumulative traffic.

6 I also want to make the comment on the Public
7 Services, which I think was flawed and should have a
8 higher rating as significant impact because when you put
9 all of the people in this area you're going to have a
10 higher demand for fire services and police services, and
11 I don't see how that's going to be corrected. Maybe
12 code enforcement, whatever, but I don't see a substation
13 and since you're making what we consider here a mini
14 city, you need to appropriately staff up your public
15 facilities.

16 I see a couple of green areas, things like
17 that, but the last thing I wanted to comment on is the
18 ten story hotel or residential units.

19 Basically you're asking for a doubling of the
20 density from .25 to .45 per acre. So you're going to
21 increase the height not only from the current four
22 stories to six stories and now ten stories, but one of
23 the things that I did see in the EIR was the affect of
24 the shadowing of this high building over Old World
25 Village and the disruption of the air flow to the
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VERB-13

1 surrounding neighborhoods.
2 I didn't see any impact upon the Old World at
3 all or the neighboring -- I didn't see that noted. It
4 might be in there somewhere, but the ten story aspect of
5 this, that's where the density is really going to come
6 in. If you allow ten stories here then everyone else
7 that is close by is going to go up to six, maybe eight,
8 maybe ten.

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VERB-13

VERB-14

9 So I would say that the density part is what is
10 really of concern. You pack more people in you have
11 more traffic. The roads aren't getting bigger.

VERB-15

12 I see what you're doing on the EIR. You have
13 to take each one separately, but I think cumulatively
14 that there's a flaw that you didn't add up all of the
15 projects significantly because sometimes one and one
16 doesn't add into two. It adds into three because you
17 have so many more people that you have to figure out
18 what to do with that.

19 That's my comments. Thank you very much.

20 MS. KAUFMAN: My name is Diana Kaufman. I'm a
21 resident at Golden West College Estates. I was downtown
22 too the other day and looking up and you see all of
23 these high rise buildings and it just takes away from
24 our community to have that same type of thing happen to
25 us.

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1 It's going to cause a lot of commotion in our
2 neighborhood with the dump trucks trying to dump their
3 loads of dirt because they have to dig down to make
4 their parking structures, which will not be sufficient
5 if you put in all of these condominiums.

VERB-16

6 Where are they taking it? They are taking it
7 maybe on the freeways, down in front of Golden West
8 Street. McFadden is going to be a mess. And then not
9 only that, how are the people going to go to Bella Terra
10 to even go to the movies?

11 It's going to be a very bad traffic situation
12 when you have two developments happening at once, and I
13 know they all want to start because they are losing
14 money on their land, and it's just too much.

15 A Rip Curl, I think, is also over-stacked with
16 units. It's small for more -- they are going to squeeze
17 in more than one person and they don't have enough
18 parking, and I didn't hear anything on your report about
19 parking for all of these units, and you're going to
20 probably find a lot of water when you go down deep. We

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21 did with even an eight foot swimming pool, so good luck
22 on that score.

23 MS. STERN: My name is Margaret Stern from the
24 Golden West tract. I just wanted to say that we had
25 very short notice on this meeting. Normally our
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1 community is very well represented and could think of
2 more questions to ask and we weren't notified of this
3 meeting. It was only because a neighbor handed us a
4 notice about a day or two ago.

5 I don't think that too many people received any
6 notice, otherwise, you would have much more of a
7 turnout. And there is a lot to be discussed about this.
8 Nobody wants an impact of cars and smoke and other
9 problems in the neighborhood.

10 And regarding the train, yes, the train from
11 the time we moved here 39 years ago I said we have to
12 get rid of, and it's still here, and I guess it's not
13 moving out. And it's true that when you have a train
14 going by the building does shake.

15 I'm thinking back to Chicago when my uncle
16 lived right in back of a train track, and that's exactly
17 what happened. So I don't think anybody would be too
18 comfortable in that situation. Thank you.

19 MS. JAMES: Thank you.

20 MR. STERN: I'm John Stern. I'm my wife's
21 counterpart. I live in this area also. I have a couple
22 questions for you.

23 I notice that Huntington Beach only has one
24 high rise so far, namely at the corner of Warner and
25 Beach, and of course that's fine, no problem. Why
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1 aren't other areas being considered for high rises? Why
2 does it have to be this particular area?

3 Because it's so congested now that sometimes
4 you can't go down Gothard, and McFadden in particular is
5 a high traffic area. It's very difficult.

6 There is one other consideration. Has anyone
7 checked into the eventual plans of the Levitz building
8 that is now vacant? Because Levitz went out of
9 business, isn't that part of this whole situation?
10 Because chances are somebody else will want to build a
11 high rise apartment building there and that will really
12 pollute the area for the simple reason that right now if
13 your plan goes through there will be a thousand plus
14 vehicles for 1,200 units that will be in this area in

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15 addition to what is already there.
16 So it will not only double the traffic, it will
17 triple and maybe quadruple it. I don't think that's
18 fair to us.
19 We had a rough time with the Costco situation
20 and we certainly don't want more congestion in our area.
21 I hope you'll take that into account.
22 The pollution itself I'm worried about, the
23 carbon monoxide, because a thousand plus additional
24 vehicles are going to throw an awful lot of carbon
25 monoxide into this area.

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1 Whatever happened to Mr. Gore's Green Plan? We
2 have to think in those terms, don't you think?

3 Well, thank you very much for listening to me.

4 MS. JAMES: Thank you.

5 MR. NELSON: Andrew Nelson representing the
6 property owner to the west, Red Oak Investments of
7 Huntington Beach LLC.

8 We are encouraged by the plan we see. As far
9 as from what I have seen I find the EIR Draft sufficient
10 in its analysis of the impacts. I'm encouraged that the
11 overall traffic potential for this area under the
12 proposed plan actually goes down from what it could be.

13 It builds under current zoning to a max, and I
14 think we're lucky to have an owner who has made such an
15 investment in this site, which clearly is not
16 contributing anything to the community right now and is
17 making further investment necessary to develop it. So
18 we support the project.

19 MS. JAMES: Thank you. Are there any other
20 speakers? Then that wraps up our meeting for this
21 evening.

22 Again, I want to stress the document is
23 available for review here tonight and it's also
24 available here in the library if you want to come look
25 at it at a separate time. It's available in the City

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1 Hall, both in the Planning Department and in the City
2 Clerk's Office, and it's also available on-line.

3 So there is a number of different ways that you
4 can read the Draft Environment Impact Report and, again,
5 comments are due to me by August 25th. Thank you all
6 for coming.

7 MS. STERN: Is there any way of you sending
8 memos of this discussion to members of all of the

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VERB-26

9 addresses in the area?

10 MS. JAMES: The public meeting such as this and
11 the upcoming ones before The Planning Commissions, we
12 have noticed all of the property owners and tenants
13 within a thousand foot radius of the sites.

14 And tonight on the sign-in sheet I asked if you
15 received a copy of notice, and if you did not and would
16 like to be added to the notification list I will
17 certainly add you.

18 MS. STERN: I'm one person and I can't get
19 around to everyone else. I think there should be an
20 article in the newspaper. Where does it go?

21 MS. JAMES: They are published in the
22 Huntington Beach Independent.

23 MS. KAUFMAN: In the Westminster area nobody
24 gets that paper, so what you're doing is you're
25 excluding our section completely. A thousand feet

0033

1 barely gets you out of Bella Terra? How far is a
2 thousand feet?

3 MR. STERNBERG: It's a quarter of a mile.

4 MS. KAUFMAN: That's not even up to McFadden.
5 Within a thousand feet there is no one living near Bella
6 Terra, except if you go to the hotel or if you go across
7 the street to Old World. That's it.

8 MS. STERN: I want to say one more thing. We
9 were all happy with the new Bella Terra shopping center,
10 but it seemed like overnight that place became inundated
11 with young people and neighbors for shopping, and I
12 notice they were there often and we see a tremendous
13 number of young people. I hope it doesn't get to be a
14 gang area, and I think that should be checked into also.

15 MR. MOOTCHNIT: I would like to make another
16 comment. I also believe the EIR is faulty in its
17 Cumulative Impact Analysis. The Cumulative Impact
18 Analysis was done with this project plus Rip Curl, but
19 as people had mentioned, it did not include the
20 Beach/Edinger project. It didn't include what would
21 happen to Levitz or the Nurseryland Project or the
22 increase in residential on Goldenwest College or any
23 other projects that are planned in the area including
24 the CVS. The Cumulative Analysis should include all of
25 those. Thank you.

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1 MS. LONG: There is actually 23 different
2 projects in the Accumulative Analysis.

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3 MR. MOOTCHNIT: I know. I didn't list them
4 all. It did read that way. I'm just saying when you
5 add them up it didn't really count.

6 MR. STERNBERG: You have to add more than one
7 because if you put ten people in a room and then you put
8 a hundred people in a room and then you need security,
9 it's a whole different aspect when you take more
10 projects into consideration, so you just can't add
11 cumulatively because what happens is things get full and
12 you have to think about --

13 MR. MOOTCHNIT: The traffic analysis did not
14 include all of those analysis.

15 MS. JAMES: Thank you for your comments.

16 MR. STERNBERG: Was Old World notified of this
17 meeting and the impact? Because they are within a
18 thousand feet, I think.

19 MS. JAMES: Okay. Again, thank you for your
20 comments.

21 (6:00 p.m. to 7:05 p.m.)

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VERB-29



The Village at Bella Terra Project DRAFT EIR PUBLIC COMMENT FORM

If you would like to comment on the adequacy of the Draft Environmental Impact Report (EIR) for The Village at Bella Terra Project, please fill out the information below. Your comments will be included and addressed in the Final EIR. Please leave this comment form at the sign-in table before you leave tonight, or otherwise mail it in by Monday, August 25, 2008 to:

Jane James, Senior Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648
Phone: (714) 536-5596

Name Bobbe Mootchnik
Organization (optional) _____
Address 7202 Stonewood Dr
City HB State Ca Zip 92647
Phone _____ (optional) Fax _____ (optional)
E-mail b.mootchnik@verizon.net (optional)

Comments (attach additional pages if needed) Bella Terra, Nurseryland, etc.

- Too big a project for the area -> both in traffic in the area + freeway on-off access.] MOOT-1
- low cost housing will not be acceptable to people living in the larger, higher end units] MOOT-2
- Golden West College is a community college - not a university campus with need for housing] MOOT-3
- fire + police + park facilities have not been considered as well as other schools were severely under studied.] MOOT-4
- all the projects need to be looked @ together - studying them individually is inadequate] MOOT-5
- parking is very inadequate.] MOOT-6
- The project (all of them) need to be scaled way back.] MOOT-7
- I cannot enter the southbound 405 on Golden West or Beach + Magnolia is getting worse.] MOOT-8
- Air quality.] MOOT-9
- What about our quality of life!] MOOT-10

Note: All comments will become public information.

10.3 RESPONSES TO COMMENTS ON THE DRAFT EIR

10.3.1 State Departments

■ Department of Transportation (DOT), August 25, 2008

- DOT-1 The majority of this comment correctly reiterates some of the details of the proposed project. However, it incorrectly states that “The total building area for the project would be no more than 818,700 square feet.” As stated on page 3-8 (Project Description) of the Draft EIR, either of the potential development combinations of the proposed project could “result in a maximum total building area FAR of 1.75 or 1,208,245 sf of total commercial and residential development, which is an increase in overall square footage (by approximately 172,606 sf) compared to what is currently allowed on site.” Please refer to responses to specific comments and recommendations below.
- DOT-2 The fourth northbound through lane is shown to be an effective improvement, but as the comment notes, would have an effect on State facilities (the southbound I-405 loop off-ramp to northbound Beach Boulevard being an example). The City anticipates that discussions will be held with Caltrans on both of the potential mitigation measures so that an implementation plan can be agreed upon.
- DOT-3 The comment notes that the addition of project traffic to a projected deficiency on a State facility is significant and unavoidable. The EIR makes such a finding. The City is willing to meet with Caltrans to discuss impacts to the Collector-Distributor (CD) road, recognizing that Caltrans and the City will soon be participating in a major OCTA study to evaluate potential improvements along the I-405 Corridor including this CD road.
- DOT-4 The alternative project share calculations are as follows:

| 2030 Project Shares (Beach & Edinger)—PM Peak Hour | | |
|----------------------------------------------------|-------------------------|-----------------------------|
| | <i>City Methodology</i> | <i>Caltrans Methodology</i> |
| ICU Without Mitigation | 1.05 | 1.05 |
| Difference from 0.90 (City) | 0.15 | N/A |
| Difference from Existing (Caltrans) | N/A | 0.17 |
| Project ICU | .019 | 0.019 |
| Project Share | 13.7% | 11.2% |

In both cases, the ICU value is used here as the measure of the amount of traffic using the intersection. The Caltrans methodology uses the growth over existing (ICU

= 0.88) as the basis for calculating the share, whereas the City methodology uses the increase over 0.90 (level of service “D” threshold) as the basis.

DOT-5 This comment contains concluding or general information. It is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue.

■ Department of Toxic Substances Control (DTSC), August 25, 2008

DTSC-1 This comment contains introductory or general information, and correctly reiterates a summary of the proposed project. It is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue.

DTSC-2 Section 4.6 (Hazards and Hazardous Materials) of the Draft EIR identifies the current and historical uses at the project site and surrounding area, as well as potential contamination at the project site. As discussed, the project site has historically been used for retail and automotive repair purposes. Pages 4.6-5 through 4.6-10 of the Draft EIR identify the potential hazardous materials that could be located at the project site. In addition, Table 4.6-1 (Data Search Result) summarizes the information provided in the records search conducted by EDR Inc. for the project site. The records search is designed to meet the search requirements of the Environmental Protection Agency’s (EPA) Standards and Practices for All Appropriate Inquires and the American Society for Testing of Materials (ASTM) Standard Practice for Environmental Site Assessments. Therefore an adequate database records search for potentially hazardous materials was sufficiently conducted as part of the Draft EIR.

Additionally, Impacts 4.6-1 through 4.6-4 analyzed the potential impacts from hazards and hazardous materials at the site as a result of implementation of the proposed project. These analyses determined that compliance with identified mitigation measures and existing regulations would ensure that the proposed project would not pose a significant threat to human health or the environment.

DTSC-3 As discussed on page 4.6-24 of the Draft EIR:

The assessment has indicated evidence of historical recognized environmental conditions in connection with the project site. The residual gasoline fuel hydrocarbon impacts in both soil and groundwater beneath the site have been issued a Remedial Action Completion Certificate by the lead environmental agency, the OCHCA. However, as part of the HBFD project approval process, approval or final closure from the OCHCA and the RWQCB is required to be on file with the HBFD...

Mitigation measure MM4.6-3 requires the Applicant to submit for approval a soil testing work plan to the HBFD; all native and imported soils associated with the proposed project site shall meet the standards outlined under the City’s Specification

No. 431-92 prior to the approval of grading plans and building plans by the HBFD. In addition, in order to address the potential for encountering unknown contamination within the project area, mitigation measure MM4.6-1 would minimize the potential risk of contamination by implementing investigation and remediation efforts at the project site prior to development of either option of the proposed project, and provides supplemental procedures in the event of unanticipated discoveries of contaminants. Mitigation measure MM4.6-2 would reduce impacts associated with methane gas by ensuring that appropriate testing and methods of gas detection are impacted at the project site, as required by the HBFD.

Therefore, mitigation measures MM4.6-1, MM4.6-2, and MM4.6-3 represent the requested “mechanisms” that would initiate any required investigation and/or remediation activities at the project site. Implementation of these measures would ensure that remediation of contaminated soils occurs prior to development in the project area. In fact, development of either Option 1 or Option 2 of the proposed project could result in an overall project benefit since development of the site could require clean-up of the project site if contamination is identified as a result of implementation of the above mitigation measures.

DTSC-4

As indicated in the Draft EIR, the City of Huntington Beach Fire Department is the local oversight agency for this project. All activities carried out to determine the presence of hazardous substances on site and to remediate any contamination that could exist would be completed in accordance with applicable local and State laws, regulations, and policies.

Section 4.6 (Hazards and Hazardous Materials) of the Draft EIR clearly summarizes the findings that were presented in the Preliminary Environmental Site Assessment—Phase I Update and the Subsurface Assessment—Phase II that were prepared for the project site.

Additionally, this comment references information that was provided in the Initial Study prepared for the proposed project rather than the Draft EIR. The referenced term, VES, was originally misstated as “vertical electrical soundings” in the Initial Study. Subsequently however, the term was clarified in the Draft EIR as “vapor extraction system.” Specifically, page 4.6-7 of the Draft EIR states:

About ten vapor extraction system (VES) wells were also noted beneath the southwest corner of the property. Several areas of horizontal VES wells and horizontal interceptor trenches were located beneath the southwest portion of the auto repair facility during the site reconnaissance.

The term “VES” was therefore identified correctly throughout the Draft EIR.

DTSC-5

Construction and demolition activities related to the proposed project would be required to comply with all applicable health and safety regulations. In addition, as

required by mitigation measure MM4.6-1, a Risk Management Plan shall be prepared and implemented if any contamination is encountered. Depending on the nature of contamination, appropriate agencies shall be notified (e.g., Huntington Beach Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area. In addition, as part of the HBFD approval process, approval or final closure from the OCHCA and the RWQCB is required to be on file with the HBFD.

Commencement of these activities as part of the proposed project would first require project approval. The EIR is intended to provide decision-makers and the public with information that enables them to consider the environmental consequences of the proposed project. Therefore, closure, certification and other remediation approval by these agencies would be conducted prior to construction/demolition activities (if the project is ultimately approved) and are not required to be included in the EIR.

DTSC-6 This comment references information that was provided in the Initial Study prepared for the proposed project rather than the Draft EIR. As stated on page 4.6-5 of the Draft EIR:

According to the preliminary ESA, based upon review of the site assessment and clean-up data for the off-site properties, no evidence was found to indicate that these off-site facilities have impacted, or will impact, the soil or groundwater beneath the project site.

Impact 4.6-2 of the Draft EIR included a detailed analysis of potential impacts associated with the release of hazardous materials into the environment. As discussed, implementation of mitigation measure MM4.6-1 and adherence to all local, State and federal regulations would ensure that any necessary remediation of contaminated soils containing hazardous materials occurs prior to development of either Option 1 or Option 2 of the proposed project, and provides supplemental procedures in the event of unanticipated discoveries of contaminants. Therefore, appropriate cautions have been identified in the Draft EIR.

DTSC-7 This comment references information that was provided in the Initial Study prepared for the proposed project rather than the Draft EIR. Page 4.6-7 through 4.6-9 provide detailed information associated with the existing setting in reference to asbestos and lead on the project site. In addition, Impact 4.6-2 analyzes the potential impact associated with the release of hazardous materials into the environment, including asbestos and lead-based paints. As discussed on page 4.6-20:

Demolition of existing structures in preparation for the construction of development under either Option 1 or Option 2 of the proposed project could result in exposure of construction personnel and the public to hazardous substances such as asbestos or lead-based paints. Federal and State regulations

govern the renovation and demolition of structures where materials containing lead and asbestos are present. These requirements include: SCAQMD Rules and Regulations pertaining to asbestos abatement (including Rule 1403), Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead) from Title 8 of the California Code of Regulations, Part 61, Subpart M of the Code of Federal Regulations (pertaining to asbestos), and lead exposure guidelines provided by the U.S. Department of Housing and Urban Development (HUD). Asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the State Department of Health Services. In addition, Cal-OSHA has regulations concerning the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation. Cal-OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous materials, describing the hazards of chemicals, and documenting employee training programs.

Implementation of mitigation measure MM4.6-1 and adherence to all local, State and federal regulations would ensure that any necessary remediation occurs prior to development of either Option 1 or Option 2 of the proposed project, and provides supplemental procedures in the event of unanticipated discoveries of contaminants. Therefore, the Draft EIR adequately analyzes the potential impacts associated with such contaminants.

- DTSC-8 As required by mitigation measure MM4.6-3, the Applicant is required to submit a soil testing work plan to the HBFD for approval prior to project implementation. All native and imported soils associated with the proposed project site are required to meet the standards outlined under the City's Specification No. 431-92 prior to the approval of grading plans and building plans by the HBFD. Any contaminated soil would be properly disposed of, as required by existing regulations.
- DTSC-9 As described on page 4.6-20 of the Draft EIR, construction and demolition activities of the proposed project would comply with all applicable health and safety regulations. If contamination is encountered, a Risk Management Plan shall be prepared and implemented. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., Huntington Beach Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.
- DTSC-10 As analyzed in Impact 4.6-1 of the Draft EIR, implementation of the proposed project could involve the routine use, storage, transport, or disposal of hazardous materials, but no significant hazard to the public or the environment is anticipated to occur. Hazardous materials would consist mostly of typical household cleaning products, maintenance products, and grounds and landscape maintenance products formulated with hazardous substances, including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides. 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 federal and State laws to eliminate or reduce the consequence of hazardous materials accidents resulting from routine use, disposal, and storage of hazardous materials on the project site. Adherence to existing hazardous materials regulations would ensure that proper safety standards are followed, and would reduce the risk of project-induced upset from hazardous materials.

- DTSC-11 Section 4.7 (Hydrology and Water Quality) of the Draft EIR thoroughly analyzed potential discharges to a storm drain. As identified in Impact 4.7-1, “While the proposed project would not result in any point-source discharge subject to an individual permit (WDR), [the project] would be subject to the Construction General Permit, Stormwater NPDES Permit, and the De Minimum Threat General Permit for construction dewatering.”
- DTSC-12 See Response to Comment DTSC-5 and DTSC-9. The proposed project would comply with all local, State and Federal requirements and procedures regarding potential groundwater contamination. Appropriate health and safety requirements and procedures shall be followed.
- DTSC-13 As identified on page 4.6-2 of the Draft EIR, “the project site was in agricultural use beginning sometime prior to 1938. The initial mall development commenced during the mid-1960s. Montgomery Ward and the auto service building were constructed approximately in 1966. Currently, the proposed project site remains occupied by a vacant retail building and a vacant auto service building surrounded by commercial properties.” Therefore, it is highly unlikely that hazardous materials related to agricultural or livestock uses would be identified on the project site. However, adherence to mitigation measure MM4.6-1 would reduce potentially significant impacts associated with the potential exposure to unknown hazardous materials (including agricultural or livestock, among many others) by ensuring remediation of contaminated soils containing hazardous materials prior to development. In addition, the proposed project would be required to adhere to all local, State, and federal regulations associated with hazardous materials.
- DTSC-14 See Response to Comment DTSC-2. Appropriate databases were consulted in preparation of the Draft EIR, and identified mitigation measures would ensure that the correct oversight agencies would be involved in any necessary remediation efforts on the project site.
- DTSC-15 Comment noted. Future CEQA documents will include a contact email address and historical project titles, if relevant.

10.3.2 Organizations

■ Huntington Beach Environmental Board (HBEB), August 21, 2008

HBEB-1 The comment is incorrect in stating that the existing zoning for the project site includes mixed use residential zoning at 20 units per acre. As discussed in Section 3.0 (Project Description) of the Draft EIR,

The project site has a General Plan Land Use designation of CR-F2-sp-mu-(F9) (Regional Commercial). The F2 designation permits a floor-to-area ratio (FAR) of 0.5 for commercial uses while the F9 designation permits a maximum overall FAR of 1.5, with a commercial FAR of 0.5 and 25 residential units per net acre for vertically integrated mixed-use projects consisting of commercial and residential components...

Additionally, it is unclear which alternative the commenter is referencing in the following statement: “The second alternative requires a dramatic change to the face of the overall project, with a ten-story hotel being contemplated along with an increase to 513 residential units.” It is assumed that the commenter is referring to Option 2 of the proposed project, which would allow increased commercial uses. The Village at Bella Terra Project is not a development project; rather, the proposed project consists of a General Plan Amendment (GPA) and Zoning Text Amendment (ZTA) that would facilitate the development of a mixed-use project. As identified in Chapter 3 (Project Description) of the Draft EIR, the maximum commercial and residential density of the GPA would be limited to only one of two identified options (Option 1 [Increased Residential] or Option 2 [Increased Commercial]). Approval of either option would satisfy the proposed changes to the General Plan to allow a mixed-use development. With Option 2 of the proposed project, which is separate and apart from the alternatives to the proposed project, a 162-room hotel could be developed as a result of the increased commercial uses in this option. Both options are analyzed in detail throughout Sections 4.1 through 4.14 of the Draft EIR, as both options represent the development potential of implementation of the proposed project.

The commenter “demands the study of the current 20 units per acre in the EIR as a viable alternative, as well as a forthright explanation from the developer as to why the General Plan and Zoning Text Amendments are necessary and desirable.” CEQA Guidelines Section 15126.6 states that the Alternatives evaluated in the Draft EIR should:

...feasibly attain most of the basic objectives of the project but would substantially lessen any of the significant effects of the project...

Chapter 6 (Alternatives) of the Draft EIR analyzes three different alternatives to the proposed project, including two No Project Alternatives (No Development and Reasonably Foreseeable Development under the Current General Plan) in order to

reduce the identified significant impacts of the proposed project. The No Project/No Development Alternative must be analyzed pursuant to Section 15126.6(e) of the CEQA Guidelines to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

Alternative 2 assumes the development level articulated by the existing General Plan designation. However, as the existing land use and zoning designations are not currently consistent with one another, this alternative would also include a Zoning Text Amendment in order to amend Specific Plan No. 13 to allow residential uses on site as well as a GPA to increase stories from four to six. Therefore, under this alternative, a total of 396 residential units and 345,213 sf of commercial space would be developed, as this is the largest amount allowed under the current General Plan. As discussed in the Alternatives analysis, implementation of this alternative would result in a greater number of daily traffic volumes, which would result in slightly greater impacts to air quality, noise, and traffic when compared to the proposed project. Although this Alternative would fulfill the project objectives, it would not reduce significant impacts to a less-than-significant level, and in the case of traffic, impacts could increase.

Alternative 3 analyzed a reduced GPA alternative, which assumes development of the lower development potential of commercial and residential uses under each Option of the proposed project. Therefore, a total of 538 residential units and 138,085 sf of commercial space would be developed under this alternative. It was determined that Alternative 4 would obtain all project objectives but would not reduce significant impacts to less-than-significant levels. However, because the severity of some of the impacts would be slightly reduced, Alternative 3 would be considered the environmentally superior alternative.

As stated in CEQA Guidelines Section 15126.6,

An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

Per CEQA, there is no evidence in the record to indicate it necessary to evaluate an alternative that would reduce the density to 20 units per acre, which is below what is currently permitted. The Alternatives analysis analyzed the potential environmental impacts against those of the proposed project in two different scenarios that involved no change to the current maximum of 25 dwelling units per acre on site. A reasonable range of alternatives was selected, and such alternatives were adequately analyzed in the Draft EIR.

HBEB-2

The comment expresses concerns “that once one developer is given a zoning variance for this high a density, the city will be pressured to allow additional future

variances of this type...” The environmental effects of the proposed GPA and ZTA are adequately analyzed in Section 4.8 (Land Use and Planning) of the Draft EIR. As discussed in that analysis and throughout the Draft EIR, the City is currently in the process of redeveloping the area to permit more high density mixed uses, and the project conforms to this overall vision.

Also worth noting is that the commenter references The Ripcurl project and the Murdy Commons project in terms of increasing density in the area. Murdy Commons is one of four specific development projects identified in the Beach-Edinger Specific Plan. Both projects (The Ripcurl and the Beach/Edinger Corridor Study) are identified on the cumulative projects list (Table 3-3 of the Draft EIR). The cumulative projects are analyzed in combination with the proposed project in each resource area of the Draft EIR. Specifically, the Draft EIR identified four cumulative impacts that would occur in the resources areas of air quality, noise, population and housing, and traffic. Therefore, the Draft EIR adequately analyzes the potential effects (including increased density) of such projects.

The commenter opines that the proposed project should be rejected and Alternative 2 (No Project/ Reasonably Foreseeable Development under the Current General Plan) should be adopted. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HBEB-3

This comment inadequately expresses the detailed analysis presented in Sections 4.1 through 4.14 of the Draft EIR by stating that “The Draft EIR does not consider the possible long-term effects of dramatically increasing the population density of the proposed site, other than to admit...” The comment only references the brief summary of significant environmental effects identified in Chapter 5 (Other CEQA Considerations). The comment implies that the impacts to population and housing were only vaguely addressed in this particular section, where in actuality, the detailed discussion of this entire impact analysis is located in Section 4.10 (Population and Housing). Because population and housing was ultimately determined to be a significant and unavoidable cumulative impact, it is unclear why the commenter “believes this is a gross understatement of the long-term danger of the project variances being considered in this draft EIR.” The proposed project as a whole *is* a GPA and ZTA, as opposed to a specific development proposal; thus, the purpose of the Draft EIR is to analyze the potential environmental effects of implementation of such changes in land use designations.

Additionally, as opposed to being labeled as a “potential” significant irreversible environmental effect, page 5-3 of the Draft EIR states:

In summary, implementation of the proposed project would involve the following irreversible environmental changes to existing on-site natural resources:

- Commitment of energy and water resources as a result of the operation and maintenance of future mixed use development that would be permitted
- Alteration of the existing topographic character of the site

These environmental effects are not considered “potential” impacts. Instead, these are significant irreversible environmental effects. However, the commenter is referred to the entirety of Chapter 4 (Environmental Analysis) of the Draft EIR for a detailed discussion of the environmental impacts associated with the proposed project. For a concise summary, the commenter is referred to Table 2-1 (Summary of Environmental Effects and Code Requirements/Mitigation Measures) of the Draft EIR.

HBEB-4 In general, this comment presents an opinion that the project will create another form of blight on the Edinger Corridor through approval of dense housing opportunities. This is a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HBEB-5 The comment contends that the density of the project and its proximity to shopping areas and the freeway would increase crime in the area, but provides no source for the statement. CEQA states that “an economic or social change by itself shall not be considered a significant effect on the environment” (Cal. Code Regs., tit. 14, Section 15382). Increased crime rates falls into that category of economic or social change. For that reason, the courts have made clear that “[i]ncreased crime ... is not a proper subject of CEQA inquiry” (*Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464, 1469-1470, fn.2).

Notwithstanding the above CEQA standard, Section 4.11 (Public Services) of the Draft EIR does include an analysis regarding police services. In addition to other public service providers, the Huntington Beach Police Department (HBPD) was contacted during preparation of the Draft EIR to solicit their input on the potential effects of the project as well as any potential mitigation measures deemed necessary. The Police Department did not indicate that any impacts would result.

Security concerns related to the proposed uses would be addressed through the permit process, at which time the HBPD would have the opportunity to review the site plan and provide input on necessary security measures. The City actively employs Crime Prevention Through Environmental Design (CPTED) recommendations in projects and has projects reviewed by a specialist in this field. Additionally, as requested by the HBPD, mitigation measure MM4.11-1 would require the installation of radio antenna receivers in all underground parking structures in order

to allow emergency responders to use their radio systems. Police protection services were adequately addressed in the Draft EIR.

HBE6-6 The commenter recommends that a “study be commissioned to determine the viability of another hotel in the area,” and states that the “City should investigate whether a desirable tenant for the location can be identified...” The Village at Bella Terra project is not a development proposal of the City of Huntington Beach. Rather, the project is proposed by the current property owner (BTDJM Phase II Associates, LLC), a private developer. The City is required by law to review and act on a development application (even if such a development application includes amendments to the GPA and ZTA) and must do so in accordance with the Permit Streamlining Act (Government Code section 65920 et. seq.). It is not the responsibility of the City or of CEQA (and consequently, the Draft EIR) to include or require such recommended studies. This is considered a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HBE6-7 The nearest existing dedicated parkland to the project site is approximately 0.8-mile away; however, the recreational fields associated with Golden West College are the closest recreational areas to the project site. As discussed in Impact 4.12-1 of the Draft EIR:

There would be no changes to the permitted uses or availability of the fields as a result of project implementation. However, the direct increase in population as a result of future development that would be permitted under the GPA/ZTA would result in an increase in the general use of local and regional recreational facilities. Additional use also increases wear and tear to facilities, which in turn adds to the maintenance costs and shortens some timelines for facility renovations. Increased demand for recreational programs is also created with a higher population on site, along with the overall cost to deliver those services.

The proposed project does not include dedicated open space or parklands because a specific development project is not proposed as part of the GPA/ZTA. Future development would include private and common open space areas through onsite amenities, as would be required by the architectural and design guidelines in the ZTA. However, because the proposed project is a GPA/ZTA, specific open space and recreational amenities for future development are not yet known.

Future development on the project site would be required to satisfy Section 230.20 and/or Section 254.08 of the City’s Zoning Ordinance, which implements the provisions of the Quimby Act. Specifically, Section 230.20 requires payment of a park fee for all new commercial and industrial development and all new residential development, such as apartments, not covered by Chapter 254. For new residential subdivisions, Chapter 254 requires that five acres of property for each 1,000

residents be devoted to local parks and recreational purposes. This could be met through land dedication or payment of park fees, or a combination of both. While dedicated parkland directly increases the available recreation space within the City for residents, the payment of park fees from new development could be allocated to fund the acquisition and/or development of future parks or facility renovations associated with increased use of public facilities. Because the City considers payment of fees and/or land dedication full mitigation for impacts on parks, this is considered a less-than-significant impact in the Draft EIR.

Additionally, the cumulative impacts to recreation were evaluated in Section 4.12.4 of the Draft EIR. As identified on page 4.12-10:

Project development, in combination with other cumulative residential development such as The Ripcurl Mixed-Use Development, Seawind Village Apartments, Parkside Estates, Plaza Buccella Townhomes, Pearce St. Subdivision, and Bayview Residential Development would directly increase the population. Increases in population would generate a higher demand for recreational facilities and programs, and reduce the number of existing parkland per resident. Chapter 254.08 of the City's Zoning Code requires that five acres of property for each 1,000 residents be devoted to local park and recreational purposes. This standard could be provided through park fees, land dedication, or a combination of both. Therefore, similar to the proposed project, cumulative projects in the City would not likely result in impacts to recreation opportunities because new development projects are required to either provide adequate parkland onsite or pay applicable in-lieu park fees. Because there are mechanisms in place (e.g., the *Quimby Act* through enforcement of the City's Zoning Ordinance) to ensure that new residential development provides its fair-share of park and recreational opportunities for future residents, the cumulative impact would be less than significant. The proposed project's contribution would not be cumulatively considerable and would also be less than significant.

Therefore, both project-specific and cumulative impacts to recreational facilities were evaluated in the Draft EIR and were found to be less than significant because the City considers payment of fees and/or land dedication full mitigation for such impacts to parks. Impacts to recreational resources are adequately analyzed in the Draft EIR.

HBEB-8 This comment recommends that the City investigate a particular vacant parcel in the nearby vicinity to acquire as parkland for the future residents of the proposed project and cumulative residential development in the area. This is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HBEB-9 The comment correctly reiterates information presented in Section 4.13 (Transportation/Traffic) of the Draft EIR regarding the future LOS with and without the proposed project in Year 2014 and Year 2030. The comment also states that the "City's General Plan is not in compliance with its own criteria." This

statement is slightly misleading. Among other purposes, the City's General Plan is a policy document that provides the framework for land use management. In this case, the General Plan provides the appropriate LOS standards throughout the City that are deemed acceptable. It is the existing and future roadway conditions within the City (as opposed to the General Plan itself) that, in some cases, do not meet the minimum LOS criteria as defined in the General Plan. However, CEQA does not mandate compliance with the General Plan; rather CEQA requires feasible mitigation of impacts that are considered significant where possible. The General Plan provides the framework for the determination of what impacts are deemed to be significant.

As identified in the Draft EIR, a mitigation measure was identified to reduce the project's impact to 2014 and 2030 traffic conditions at Beach Boulevard and Edinger Avenue. With the implementation of this mitigation measure (MM4.13-1), the impact to study area intersections from operation of future development under the proposed project would be reduced to a less-than-significant level. However, implementation of the proposed project would still contribute to projected regional freeway deficiencies in 2014 and 2030. There are no mitigation measures feasible to reduce such an impact because the measures themselves require substantial infrastructure changes in the interchange and on the freeway which cannot be reasonably completed concurrent with development of a project. Currently, there are no standard thresholds to evaluate the significance of freeway and interchange impacts; thus, this is considered a significant and unavoidable impact.

Thus, the Draft EIR adequately analyzed the projected traffic increases that could result from the proposed project against existing City standards, and identified mitigation measures, where feasible. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HBEB-10 The comment opines that the level of service (LOS) standard contained in the Huntington Beach General Plan and used in the Draft EIR (LOS D) is unacceptable. However, the General Plan standard is the appropriate standard to use for this EIR and is the standard against which all projects in the City are evaluated. Moreover, CEQA vests discretion in the lead agency, in this case the City, to determine the threshold of significance. An amendment to the General Plan would be required to change the LOS standard. This is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HBEB-11 This comment suggests that the landscaping measure of the California Air Pollution Control Officers Association's (CAPCOA) be a mandatory requirement. Page 4.2-44 of the Draft EIR states "The proposed project would adhere to the following measures during construction and operation. These mitigation measures would further ensure that construction and operational impacts from the proposed project

remain less than significant with respect to climate change.” Consequently, the landscaping measure identified would be implemented by the proposed project. No text changes are required to further ensure such compliance.

- HBEB-12 The referenced sentence on Page 4.7-30 has been revised accordingly. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes.
- HBEB-13 This comment requests a text edit to the frequency of inspection of potential automated sprinkler use. The comment is noted; however the City’s Public Works Department considers the existing language in the mitigation measure to be adequate.
- HBEB-14 See Response to Comment HBEB-5. The HBPD was contacted during preparation of the Draft EIR to solicit their input on the potential effects of the project as well as any potential mitigation measures deemed necessary. The Police Department did not indicate that any impacts would result. The staffing level information cited on page 4.11-8 of the Draft EIR is in reference to the Growth Management Element of the General Plan, which establishes a target ratio of 1.2 officers per 1,000 residents. However, as also noted on the same page, the HBPD does not use a police officer per population ratio to determine their staffing needs. Thus, the information is included in the Draft EIR for purposes of full disclosure; however, the ultimate impact significance is weighted more heavily on whether the existing HBPD concludes that their staffing levels would be impacted by the proposed project. Because, the HBPD did not indicate that any impacts would result from project implementation, it is not necessary to provide any additional mitigation measures with respect to future staffing levels.

■ Huntington Beach Tomorrow (HBT), August 25, 2008

- HBT-1 This comment provides introductory or general information regarding the project, and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue.
- HBT-2 The term “unacceptable” is a subjective comment; however, the intent of the comment is correct in noting that implementation of the proposed project would result in a significant and unavoidable [cumulative] impact associated with population and housing. As thoroughly discussed in the cumulative discussion within Section 4.10 (Population and Housing) of the Draft EIR, implementation of the Option 1 or Option 2 would directly increase population growth; however, the population growth would not cause exceedance of current growth projections established by the City. Rather, the exceedance is due to implementation of all of the 23 cumulative projects identified in Table 3-3 (Cumulative Projects) of the Draft EIR prior to 2015.

- HBT-3 Again, the term “unacceptable” is a subjective comment. However, the intent of the comment is correct in noting that implementation of the proposed project would result in significant and unavoidable impacts associated with traffic. As discussed in Section 4.13 (Transportation/Traffic) of the Draft EIR, the project-specific and cumulative traffic impacts are the result of future contributions to projected regional deficiencies on the I-405 freeway and on Beach Boulevard. Currently, there are no standard thresholds to evaluate the significance of freeway and interchange impacts; thus, this is considered a significant and unavoidable impact.
- HBT-4 It is unclear what the commenter is suggesting by stating that the project would “set an unacceptable precedent for the city’s remaining developable space.” This is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- HBT-5 This comment is not entirely accurate by stating that the project would “increase the City’s population beyond the level that was planned for and can be supported.” As thoroughly discussed in the cumulative discussion within Section 4.10 (Population and Housing) of the Draft EIR, the majority of the anticipated growth is the result of future development that could be accommodated under the Beach-Edinger Specific Plan. Development of either Option 1 or Option 2 of The Village at Bella Terra project alone would not result in an exceedance of SCAG projections. Rather, the exceedance is due to implementation of all of the 23 cumulative projects identified in Table 3-3 (Cumulative Projects) of the Draft EIR prior to 2015. Moreover, the amount of cumulative growth is still below the level anticipated in the City’s General Plan.
- HBT-6 The project site is currently occupied by vacant commercial uses (former Montgomery Ward store and auto repair facility). These uses are not presently providing any revenue stream for the City. This is an economic project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. Worth noting, however, is that future development permitted under the proposed project would include mixed-use development, which offers an opportunity to provide substantially new revenue to the City through commercial sales taxes and property taxes. All comments will be forwarded to the decision-makers prior to their consideration of whether to approve the project.
- HBT-7 See Response to Comment HBT-6.
- HBT-8 The commenter recommends a comprehensive planning approach for the Edinger Corridor and suggests, short of such an approach, the cumulative effect cannot be determined. The Beach-Edinger Corridor Study is identified throughout the Draft

EIR environmental analysis, where appropriate. For example, on page 4.1-22 of the Draft EIR, Impact 4.1-2 states:

...The proposed project is located in an area of the City that is currently undergoing revitalization. The Beach-Edinger Corridor Plan is simultaneously underway, and is intended to present a clear and comprehensive vision for growth and change along Beach Boulevard and Edinger Avenue. The area north of Warner Avenue along Beach Boulevard, and including the Edinger segment, is generally planned for more intensive mixed-use development. In particular, this northern segment is intended to act as a Town Center, or hub, providing a destination and live/work center for the City, with primarily retail and residential development. Although the Corridor Study is still in the early planning stages, The Village at Bella Terra project has taken into account the intended concept for the area in order to present a project that would fit into the overall visual scheme of anticipated development.

Page 4.8-7 of the Draft EIR includes a similar passage with respect to the Corridor Study to introduce the concept within the Land Use and Planning discussion. The summary of Impact 4.8-1 on page 4.8-18 states:

...The proposed redesignation of the site to allow increased density of mixed uses would not in itself result in environmental impacts related to land use and planning. Given the relationship with the revitalization efforts currently underway along the Edinger Avenue Commercial Corridor, including the existing Bella Terra Mall and The Ripcurl project proposed immediately adjacent to The Village at Bella Terra site, and the high density land uses that are envisioned within this area in the future (as evidenced by the Beach-Edinger Corridor Study), the proposed project would not conflict with existing City policies or regulations that were adopted for the purpose of mitigating an environmental effect. Instead, the proposed project would provide the City with redevelopment in an area that could support high density uses without contributing to adverse effects to the City's existing population base. The project would provide a new mix of residential opportunities to complement the high proportion of single-family uses in the City. Consequently, this is considered a less-than-significant impact.

In addition, the cumulative Land Use discussion on page 4.8-19 of the Draft EIR states:

... with respect to the known cumulative projects identified in Table 3-3 (Cumulative Projects), the Beach-Edinger Corridor Study is currently underway to determine a new vision and new zoning for properties along Beach Boulevard and Edinger Avenue. The study will assess development opportunities as well as specifications to guide land use and development intensity, site layout, building design, site landscaping and signage along the corridor. Due to the significant influence this Corridor Study would have on land uses in the surrounding area, it is feasible that the identified cumulative projects may not be in compliance with the future guidelines envisioned for the area. Thus, this is considered a significant cumulative land use impact.

However, because the proposed project is subject to Specific Plan No. 13, The Village at Bella Terra is not included in the Beach-Edinger Corridor boundary. Rather, the Corridor Study is being developed to expand upon the synergy that would be created between the existing Bella Terra Mall and the proposed project.

Therefore, the project's contribution to this significant cumulative impact is not cumulatively considerable and would be less than significant.

Further, as discussed in the cumulative Population and Housing analysis on page 4.10-13:

Although full occupancy of all cumulative residential development would fall below the General Plan buildout numbers, the City's General Plan did not account for the proposed increase in residential growth within the project site as well as the Beach-Edinger Corridor boundary as these projects require GPAs. Additionally, it is beyond the scope of this document to assume a buildout year beyond 2015 for all residential projects under the Beach-Edinger Corridor Study since a time frame has not yet been established for that project. Therefore, because full occupancy of all cumulative development could potentially occur by 2015, the overall residential population that could occur would substantially exceed the SCAG population projections.

The proposed project would, in combination with cumulative development, provide additional housing opportunities. This growth would serve the existing population and help to meet anticipated housing demand in the City and County. However, because all cumulative residential development would ultimately contribute to the substantial exceedance of SCAG population projections for the City for the 2015 timeframe, both Option 1 and Option 2 under the proposed project would have a considerable contribution to the cumulative impact. Therefore, this cumulative impact is considered significant and unavoidable.

In conclusion, while the Draft EIR does not include a project-specific analysis of the entire Corridor Study, comprehensive analyses of all cumulative projects, including the Beach-Edinger Corridor Study, were included in each of the 14 environmental issue areas. The Draft EIR identified four significant cumulative impacts, including Air Quality, Noise, Population and Housing, and Traffic. Contrary to the implied opinion, the Draft EIR adequately analyzed all project-specific and cumulative impacts associated with The Village at Bella Terra project.

HBT-9 This is a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

10.3.3 Individuals

■ Jackle, Karen (JACK), August 27, 2008

JACK-1 This comment contains introductory or general information and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue.

- JACK-2 The comment states that “The density of this development requires more parking than requested in the Specific Plan.” The proposed project consists of a General Plan Amendment and Zoning Text Amendment that would facilitate the development of a mixed-use project. However, because a specific development proposal is not currently proposed as part of the project, the specific parking requirements of such an unknown development are also not known at this time. Therefore, as discussed in Impact 4.13-8, parking needs for the proposed project would be adequately supplied for the project based on a shared parking analysis. Future development under Option 1 or Option 2 of the proposed project would be required to meet the minimum requirements set forth for both the commercial and residential components of the proposed project.
- JACK-3 The commenter states that [the EIR] did not address “the adjoining uses and address mitigation of the impact of the increased density” related to the proposed project. The intent of the stated comment is unclear. However, the proposed project in and of itself represents the potential for a future high-density mixed use project. Therefore, each of the 14 environmental issue areas addressed in the Draft EIR analyzes the potential impacts of such increased density. For example, a cumulative impact was identified for Population and Housing due to the cumulative exceedance of SCAG’s population projections for the City. Similarly, each issue area identified the surrounding uses adjacent to the project site, and included any potential impacts to off-site uses, where applicable. Therefore, surrounding uses and the increased density of the project were analyzed adequately throughout the Draft EIR.
- JACK-4 The comment states that the increased density proposed by the project does not take into consideration the Huntington Beach General Plan, taxpayer costs, and increased traffic. This intent of this comment is unclear because implementation of the proposed project *is* a General Plan Amendment and Zoning Text Amendment. The entirety of the Draft EIR analyzes the potential environmental impacts associated with such land use designation changes. Implementation of the proposed project would not require the City or the taxpayers of Huntington Beach to “revise projected population at build out of this City...” Rather, the analysis in Section 4.10 (Population and Housing) provides a concise explanation of how the project and cumulative projects compare to existing population projections from SCAG, as well as comparisons to the City’s residential buildout limitations in the General Plan. As discussed on page 4.10-13:
- ...Full buildout of the cumulative residential units would still fall below the City’s General Plan policy of limiting growth to 18,500 units....
- In addition, the proposed re-designation of the site to allow increased density of mixed uses would not in itself result in environmental impacts related to land use and planning, including impacts related to the General Plan. Given the relationship with the revitalization efforts currently underway along the Edinger Avenue Commercial

Corridor, including the existing Bella Terra Mall and The Ripcurl project proposed immediately adjacent to The Village at Bella Terra site, and the high density land uses that are envisioned within this area in the future (as evidenced by the Beach-Edinger Corridor Study), the proposed project would not conflict with existing City policies or regulations that were adopted for the purpose of mitigating an environmental effect. Further, Section 4.13 (Transportation/Traffic) provides a detailed analysis of the environmental impacts associated with traffic as a result of the proposed project.

JACK-5 The existing traffic information in the EIR recognizes that the intersection of Beach Boulevard and Edinger Avenue is currently at capacity. Mitigation measures for future conditions are proposed along with project shares for the mitigation. It is anticipated that mitigation fees for projects such as The Village at Bella Terra will be used to fund such improvements rather than Gas Tax revenues.

JACK-6 The City's Zoning and Subdivision Ordinance (Title 23, Chapter 230, Section 230.26) implements the goals and policies of the City's Housing Element. They are intended to encourage very low-, low-, and median-income housing that is integrated, compatible with and complements adjacent uses, and is located in close proximity to public and commercial uses. These regulations are used by the City to meet its commitment to provide housing that is affordable to all economic sectors, and to meet its regional fair-share requirements for construction of affordable housing.

New residential projects containing three or more units within a Redevelopment Project area are required to provide a minimum of 15 percent of total units as affordable housing, either on- or off-site. Rental units included in a project shall be made available to very low- or low-income households and for-sale units included in the project shall be made available to very low-, low-, or median-income level households. The eligibility of households for the affordable units is based on the Orange County Median Income, adjusted for appropriate family size, as published by the HUD or established by California, pursuant to Health and Safety Code Section 50093, or a successor statute.

Implementation of Option 1 could consist of up to 713 residential units, while Option 2 could result in 538 residential units. Although a specific development project is not proposed as part of the project, any future development as permitted under implementation of either Option 1 or Option 2 would be required to provide adequate affordable housing opportunities, consistent with the City's Zoning and Subdivision Ordinance requirements.

The inclusion of the affordable housing discussion in the Draft EIR provides an opportunity to disclose how the project is in conformance with City requirements. However, the commenter's concerns regarding subsidized housing is a project-related comment associated with City standards and is not a direct comment on the

content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

JACK-7

This comment opines that development of a hotel on the project site would not be a suitable use for various reasons and states that “amending our general plan would need to be done now to accommodate this sizeable change to Huntington Beach in addition to the Rip Curl Project.” As discussed previously, the proposed project does not consist of a specific development proposal; rather, the proposed project consists of a General Plan Amendment and Zoning Text Amendment to facilitate the future development of a mixed-use project. In addition, The Ripcurl project also consists of a General Plan Amendment and Zoning Text Amendment. The increased densities of both Options of the proposed project as well as the resulting increases in traffic are analyzed adequately throughout the Draft EIR. This is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration on whether to approve the proposed project.

JACK-8

While these comments are not related to the content or adequacy of the Draft EIR, an attempt has been made to address the comments, where feasible. Potential shuttle service from the project site to the beach is not part of the proposed project. In addition, because the proposed project consists of changes to existing land use designations for the project site, and does not consist of a specific development project, the description of shuttle services would not be appropriate for the proposed entitlements.

It is unclear what the commenter is referring to in the following question: “How does this fit into the general plan for transportation in this city with the increased transportation costs due to high oil prices and the lower revenue to government from gas tax?” It is assumed that this question is associated with the shuttle service question to the beach, and whether this would be the responsibility of the City in some regard. As discussed above, shuttle service to and from the beach is not a part of the proposed changes to the land use designations.

Infrastructure construction costs associated with the proposed project are the responsibility of the Applicant, BTDJM Phase II Associates, LLC, a private developer. Ongoing infrastructure maintenance costs of the proposed project would be the responsibility of future tenants/owners of the residential and commercial properties.

JACK-9

The commenter expresses the opinion that the proposed emergency access lane on the western boundary of the project site is not adequate for emergency vehicles. As discussed in Impact 4.13-7:

...As part of standard development procedures, plans would be submitted to the City for review and approval to ensure that all new development has adequate

emergency access, including turning radius, in compliance with existing regulations...

Access to the project site would continue to be provided from Edinger Avenue and Center Avenue, both of which are primary arterial streets. In addition, although this is not a comment on the content or adequacy of the Draft EIR, the construction of infrastructure improvements on the project site would be the responsibility of the project Applicant.

- JACK-10 See Response to Comment JACK-2 for a discussion of parking. Additionally, as discussed in more detail in Impact 4.13-8 of the Draft EIR, a primary objective of the proposed project is to promote alternative modes of transportation, specifically to promote an active pedestrian environment and the use of public transit. In consideration of the project site's proximity to the OCTA transit center, Bella Terra Mall, and Golden West College, it is reasonable to assume that visitors and residents of the proposed development would require fewer parking spaces than anticipated under existing City ordinance requirements, as they would be using alternate modes of transportation (i.e., walking, public transit, etc.). All comments will be forwarded to the decision-makers prior to their consideration of whether to approve the proposed project.
- JACK-11 The commenter asks if a portion of the residential parking would be permanently assigned and if the garage area would be gated. These are not direct comments on the content or adequacy of the Draft EIR, and do not raise any specific environmental issue. The details of the parking garage would be determined when a specific development project is proposed.
- JACK-12 See Response to Comment JACK-6 for a discussion of affordable housing. This is a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- JACK-13 This is a rhetorical economic question related to land values and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. See Response to Comment HBEB-7 for a discussion of park requirements. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- JACK-14 This comment opines that the proposed project should not be built without a plan being first approved by the businesses located within the Edinger Corridor area. This is a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

JACK-15 The commenter expresses the need for a rental feasibility study of the residential units proposed as part of future development that would be permitted under the project. This is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

10.3.4 Verbal Comments

■ The Village at Bella Terra Draft EIR Public Meeting (VERB), July 30, 2008

VERB-1 The commenter opines that either Option 1 or Option 2 of the proposed project would add too many units to the area, but does not refer to any specific physical environmental effects of the proposed project. The physical environmental effects of both options are analyzed throughout the Draft EIR. As discussed under Impact 4.8-1 of the Draft EIR, the proposed project would redesignate the site to allow for a higher density of mixed uses. The proposed project would provide for redevelopment in an area that could support high density uses without jeopardizing the City's existing population base. In addition, the development standards for commercial uses, including but not limited to, parking, setbacks, and building height would be included as part of the Specific Plan.

VERB-2 The comment refers to the potential impacts of Option 2 on air flow. While a ten-story structure under Option 2 of the proposed project could alter wind patterns on a micro scale (in the immediate project vicinity), the potential minor alteration in local wind patterns would not be considered a negative physical impact, nor is there evidence that the potential change would result in a negative physical impact on the environment. It is unclear what is meant by the commenter's reference to "quality of going through" or being "too bright for the structures." Overall, these comments are project-related comments and are not direct comments on the content or adequacy of the Draft EIR, and do not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

VERB-3 The comment correctly states that "Huntington Beach is... trying to put in low cost housing." As stated in Chapter 3 (Project Description), page 3-14 of The Village at Bella Terra Draft EIR, one of the City's objectives for the proposed project is to "Ensure the proposed residential development complies with the City's affordable housing requirements and includes an affordable housing component." Please refer to response to comment JACK-6.

The commenter also provides an opinion regarding the likelihood of Golden West College students living near the college campus. This is not a direct comment on the

content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

- VERB-4 The comment refers to the inadequate parking provided by The Ripcurl project. The Ripcurl project is independent of The Village at Bella Terra project, and was the subject of its own EIR. The adequacy of parking for The Ripcurl project, therefore, is not a subject of The Village at Bella Terra EIR.
- VERB-5 The commenter opines that there isn't adequate parking for the proposed project. As discussed under Impact 4.13-8 on page 4.13-48 of the Draft EIR, parking needs for the proposed project would be adequately supplied based on a shared parking analysis, and future development under either Option 1 or Option 2 would meet the minimum requirements set forth for both the commercial and residential components of the proposed project.
- The commenter makes a general reference to the proposed project causing traffic at Level of Service "D" and further states that drivers would experience delays. As shown in Tables 4.13-8 and 4.13-9 (Draft EIR pages 4.13-30 and 4.13-31), the proposed project would result in changes to intersection capacity under both the 2014 and 2030 scenarios. Therefore, the proposed project would substantially contribute to delays.
- VERB-6 The commenter opines that the project is too big for the area and should be scaled down, but does not refer to any specific physical effects of the proposed project. The physical effects of the project, as described for both options, are analyzed throughout the Draft EIR. The commenter further opines that the area is already too developed and disagrees with including low cost housing as part of the proposed project. Overall, these comments are not direct comments on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.
- VERB-7 The comment contains an exchange about vibration from the railroad tracks and whether that issue is addressed in the Draft EIR. Operational vibration is addressed in Section 4.9, Noise, on pages 4.9-22 through 4.9-24. The commenter was concerned about the vibration effects of trains traveling along the adjacent rail line on future occupants of the proposed project. As discussed under Impact 4.9-2 on pages 4.9-23 and 4.9-24, freight trains are not anticipated to generate vibration levels that would exceed the Federal Transportation Authority's (FTA) threshold of 85 VdB, which is considered acceptable for residences and other sensitive land uses. Thus, construction and operation activities associated with the proposed project would not generate or expose people off-site to excessive groundborne vibration.
- VERB-8 The commenter opines that the traffic analysis prepared for the project is flawed because the existing conditions already exceed the General Plan build out scenario of

Level of Service D in some areas. Since build out under the General Plan does not completely meet a Level of Service D, the commenter states that the proposed project should be compared to the No Project Alternative rather than the General Plan build out scenario. The Huntington Beach General Plan has a goal for Level of Service on its roadways, but acknowledges that some roadways currently do not attain that goal (see Huntington Beach General Plan, page III-CE-5). Because some roadways currently exceed LOS D, the traffic analysis prepared for The Village at Bella Terra project includes a threshold to evaluate potential impacts at those intersections: an impact is considered significant at an intersection currently operating at LOS E or F if the intersection capacity utilization (ICU) value changes by 0.01 or more. The comment also refers to traffic that is attributable to development of the General Plan; however, the proposed project cannot be evaluated based upon traffic generated by other development, but must be evaluated based upon the project's contribution to traffic, whether in the near-term or for a cumulative scenario. The methodology used to prepare the traffic analysis for the proposed project adequately analyzes potential impacts.

VERB-9 The comment opines that the amount of development proposed as part of the project will result in congestion making Huntington Beach more like Los Angeles. The analyses presented in Section 4.13 (Transportation/Traffic) of the Draft EIR indicates that the proposed project would result in increases at intersections relative to the current capacity, therefore, substantially contributing to traffic delays. However, the commenter's reference to the proposed project causing the City of Huntington Beach to be more like Los Angeles is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

VERB-10 The commenter opines that the placement of a 10-story building at the project site as part of Option 2 is not consistent with what he and most residents of the City believe Huntington Beach should be. The Draft EIR addresses the physical effects, visual consistency and shadow of a 10-story building on the character of the area. As discussed on page 4.1-23 of the Draft EIR, existing structures at the Bella Terra Mall generally range from 33 to 90 feet, and include tower elements up to approximately 104 feet; northeast of the site, the Towers at Bella Terra buildings range in height from five to twelve stories. Therefore, the project would not be out of character from other buildings in the vicinity. With regards to shadow, a shadow analysis was performed for the project for the summer and winter solstices (see Figures 4.1-8 and 4.1-9, respectively). As demonstrated in the shadow analysis, during the winter solstice, afternoon shadows could extend onto small portions of the adjacent Mervyn's building east of the project, but this structure is not considered a light-sensitive use. Shadows would remain within the project site during the summer solstice. Therefore, the impact was considered less than significant.

- VERB-11 The commenter opines that the cumulative traffic analysis is flawed and provides specific projects that should have been considered in the Draft EIR. As discussed on page 4.13-49 of the Draft EIR, the cumulative analysis considered area projects identified to occur within the vicinity of the project site (specific projects considered in the cumulative context for the Draft EIR are listed in Table 3-3 on pages 3-17 through 3-19), in addition to General Plan build-out conditions identified to Year 2030. Thus, the Draft EIR provides a conservative analysis for the cumulative context. The Draft EIR found, due to projected regional freeway deficiencies in both 2014 and 2030, the cumulative traffic impact would be significant and the increase in traffic generated by the project would be cumulatively considerable.
- VERB-12 The comment states the project understates the demand for police and fire services. Because we cannot predict actual demand rates for police and fire services, the Draft EIR analysis relies upon staffing ratios to determine the impact of the proposed project on public services. The staffing ratios are based upon each department's historical calls per population, and therefore, represents an accurate estimate of future demand for fire and police protection services. The analysis in the Draft EIR is adequate.
- VERB-13 The comment refers to the project affecting air flow at the Old World Village, but does not specify what the effect would be. While the proposed project could alter wind patterns on a micro scale, any minor alteration in local wind patterns would not be considered a negative physical impact, nor is there evidence that the potential change would result in a negative physical impact on the environment. The commenter also refers to the project creating shadows at Old World Village. Please refer to response to comment VERB-10.
- VERB-14 The commenter opines that the height of the project under Option 2 (up to ten stories) would result in other future projects being built higher. Any future project that is proposed would be evaluated based upon its specific characteristics, including, but not limited to, height. The Draft EIR cannot speculate on the height of future development beyond that which is known from currently proposed or planned projects. Therefore, the EIR is not required to evaluate an increase in height of future buildings.
- VERB-15 The commenter questions the adequacy of the cumulative discussion, but provides no specific inadequacies in the Draft EIR analyses. The environmental analysis provided in Chapter 4 (Environmental Analysis) of the Draft EIR includes a cumulative analysis of each issue area studied. The cumulative analysis considers the proposed project in conjunction with other area projects as listed in Table 3-3 on pages 3-17 to 3-19 of Chapter 3 (Project Description).
- VERB-16 The comment refers to construction traffic and the combination of The Village at Bella Terra construction traffic combined with The Ripcurl construction traffic.

Construction-related traffic for The Village at Bella Terra project will not reach the level of traffic that would be generated during project operation; therefore, the traffic analysis adequately addresses the level of traffic during construction. Similarly, the combined traffic from construction of The Ripcurl project, if approved, and the proposed project would not exceed the traffic analyzed for the 2014 scenario. Consequently, the traffic analysis is adequate.

- VERB-17 The commenter opines about the overcrowding of The Ripcurl project. The Ripcurl project is independent of The Village at Bella Terra project, and was the subject of its own EIR. The density and adequacy of parking for The Ripcurl project, therefore, is not a subject of The Village at Bella Terra EIR. The commenter also indicates that she didn't have information on the adequacy of parking for the proposed project. Please refer to response to comment VERB-5 for a discussion about parking adequacy.
- VERB-18 The comment refers to encountering groundwater during excavation. As stated on page 4.7-17 of the Draft EIR, it is anticipated that development of the proposed project could require groundwater dewatering during construction and/or operation. The Draft EIR found any potential dewatering impacts would be temporary. The project would be required to comply with applicable regulations, including the De Minimus Threat General Permit, which would include discharge quantity and quality limitations based on site and groundwater characteristics. Consequently, potential impacts associated with construction dewatering on the local groundwater table and water supplies was determined to be less than significant.
- VERB-19 The comment refers to public notification. See Response to Comment VERB-26.
- VERB-20 The comment refers to "cars and smoke," but does not refer to any specific physical environmental effects of the proposed project. The commenter is referred to Section 4.2 (Air Quality) of the Draft EIR which addresses the potential impacts of auto emissions associated with the project.
- VERB-21 The commenter states that buildings shake when a train goes by. As discussed on page 4.9-21 of the Draft EIR, the City of Huntington Beach General Plan Noise Element states that the nearby Union Pacific Railroad right-of-way is used once daily; however, two trains were observed along the right-of-way during the noise monitoring site survey for the EIR. As concluded on page 4.9-24 of the Draft EIR, because the tracks are in good condition and of continuous weld throughout the project vicinity, the occasional freight train passing by is not anticipated to generate vibration levels that would exceed the established 85 VdB threshold for the future occupants of the proposed project.
- VERB-22 The commenter remarks about the project's height and the project area's already-congested traffic conditions, both of which refer to the intensity of the project. The

intensity of the project is considered throughout the Draft EIR analysis. The population-related impact discussions (utilities, public services, traffic, traffic-related air and noise, and recreation) are based on full build-out of the project (for both Options) as described in Chapter 3 (Project Description). Therefore, the impacts of the full intensity of the project in the vicinity of the project site are adequately addressed in the Draft EIR.

VERB-23

The commenter opines about the amount of development that could occur on the former Levitz site and states that this would result in additional traffic. It is too speculative to determine what may be developed in the future on the former Levitz property. However, the Levitz site is part of the Beach Edinger Specific Plan totals and is therefore, included in cumulative analysis in the Draft EIR. The environmental analysis provided in Chapter 4 (Environmental Analysis) of the Draft EIR includes a cumulative analysis of each issue area studied. The cumulative analysis considers the proposed project in conjunction with other area projects as listed in Table 3-3 on pages 3-17 to 3-19 of Chapter 3 (Project Description).

Furthermore, as discussed in Section 4.13 (Transportation/Traffic) of the Draft EIR, implementation of the proposed project would result in significant and unavoidable impacts associated with traffic. The project-specific and cumulative traffic impacts are the result of future contributions to projected regional deficiencies on the I-405 freeway. There are no mitigation measures feasible to reduce such an impact because the measures themselves require substantial infrastructure changes in the interchange and on the freeway which cannot be reasonably completed concurrent with development of a project. Currently, there are no standard thresholds to evaluate the significance of freeway and interchange impacts; thus, this is considered a significant and unavoidable impact

VERB-24

The commenter expresses concern about the carbon monoxide generated by the proposed project. As discussed on page 4.2-35 of the Draft EIR, future CO concentrations near intersections projected to operate at LOS D or worse in 2030 would not exceed national or State ambient air quality standards. Therefore, the contribution of project traffic-related CO would not exceed established thresholds.

VERB-25

The commenter expresses support for the project. No response is required.

VERB-26

The comment questions the notification process for the Draft EIR. For notification of a Draft EIR, CEQA Guidelines section 15087a requires:

(1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(2) Posting of notice by the public agency on and off the site in the area where the project is to be located.

(3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

As disclosed in the commenter's exchange with Jane James, Huntington Beach Senior Planner, the Notice of Availability for the Draft EIR was published in the Huntington Beach Independent and was also noticed to all property owners and tenants within one thousand feet of the project area. Thus, the project notification complies with the CEQA requirements.

- VERB-27 The comment expresses concern about the project attracting gang activity. The connection of "young people" with gangs expressed in the comment is unsupported. This is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- VERB-28 The comment incorrectly states that the cumulative analysis in the Draft EIR did not include a number of projects (i.e., Beach/Edinger Corridor, Golden West College, CVS, etc.). The environmental analysis provided in Chapter 4 (Environmental Analysis) of the Draft EIR includes a cumulative analysis of each issue area studied. The cumulative analysis considered the proposed project in conjunction with other area projects as listed in Table 3-3 on pages 3-17 to 3-19 of Chapter 3 (Project Description) which includes The Ripcurl project, the Beach/Edinger Corridor project, the Golden West College Master Plan, and the CVS Pharmacy.
- VERB-29 The commenter asked if Old World [Village] was notified of the Draft EIR hearing and the impacts of the project. As discussed in Response to Comment VERB-26, the Notice of Availability for the Draft EIR was published in the Huntington Beach Independent and was also noticed to all property owners and tenants within one thousand feet of the project area. Thus, owners and tenants of the Old World Village were notified of the availability of the EIR.

10.3.5 Public Comment Forms (The Village at Bella Terra Draft EIR Public Meeting), July 30, 2008

■ Mootchnik, Bobble (Moot)

- MOOT-1 See response JACK-5 for local traffic impacts. With respect to the freeway, the Measure M renewal includes funds for widening the freeway and a detailed design and environmental study funded by OCTA is about to commence. That study will address both freeway widening and freeway access.

MOOT-2 The comment opines that the low-cost housing proposed as part of the project will not be acceptable to people living in the larger, higher-end, units. This is a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

MOOT-3 The commenter states that Golden West College is a community college, and not a University campus with the need for housing. As stated in Chapter 3 (Project Description), Section 3.6, page 3-14, the City's objectives, specifically with regards to the residential portion of the proposed project are as follows:

- Expand residential opportunities in the Edinger Corridor to provide a greater number and variety of housing options and a stronger base for the commercial sector of the Edinger Corridor.
- Ensure the proposed residential development complies with the City's affordable housing requirements and includes an affordable housing component.

Similarly, on page 3-14, the Applicant's objectives with regards to the residential portion of either Option 1 or Option 2 of The Village at Bella Terra project are as follows:

- **Housing:** Provide an economically viable mixed use residential element to Bella Terra in order to assist the city in meeting its housing goals and to expand the client base for retail and restaurant uses at Bella Terra.
- **Commercial Phasing and Residential Density:** Maintain ability to build commercial and residential area in phases to provide a population base to help support the commercial, residential, and office uses consistent with the purpose of Bella Terra.

The objectives of the proposed project do not specifically target Golden West College. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

MOOT-4 Sections 4.11 and 4.12 of the Draft EIR include an analysis of the impacts the proposed project would have on the City's fire protection and police services, parks and open space areas, as well as schools. See responses to comments HBEB-5, HBEB-7, and VERB-12 regarding fire protection and police services, as well as parks and open space. As discussed on pages 4.11-18 and 4.11-19 of the Draft EIR, the Huntington Beach Union High School District (HBUHSD) and the Ocean View School District (OVSD) anticipate that high school and elementary school enrollment will be lower in upcoming years and will continue to decline in the future. Due to declining enrollment within each District, new students generated as a result of development under either Option of the proposed project would not result in

overcrowding and would likely help offset the current declining population. With the implementation of the City requirements identified on page 4.11-19 of the Draft EIR (CR4.11-1 and CR4.11-2), fees collected under the authority of SB50 would offset any additional 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.

- MOOT-5 The commenter indicates that all proposed projects in the area should be studied together and that studying them only on an individual basis is inadequate. The environmental analysis provided in Chapter 4 (Environmental Analysis) of the Draft EIR includes a cumulative analysis of each issue area studied. The cumulative analysis considers the proposed project in conjunction with other area projects as listed in Table 3-3 on pages 3-17 to 3-19 of Chapter 3 (Project Description).
- MOOT-6 See response to comment JACK-2.
- MOOT-7 This comment opines that the proposed project, along with other projects proposed in the area, should be scaled “way back.” This is a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- MOOT-8 See responses to JACK-5 and MOOT-1.
- MOOT-9 The commenter has indicated “air quality” as a comment, but has not included a specific question or comment regarding air quality. It is unclear as to what the commenter is referring to with respect to air quality. The Draft EIR has concluded significant and unavoidable air quality impacts as a result of constructing and operating the proposed project.
- MOOT-10 The commenter opines about our quality of life. This is a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.