

OCTOBER 2013

FINAL

Brookhurst Street/ Adams Avenue Intersection Improvements Project ENVIRONMENTAL IMPACT REPORT



PREPARED FOR:
City of Huntington Beach

PREPARED BY:
RBF Consulting

**FINAL
ENVIRONMENTAL IMPACT REPORT**

**BROOKHURST STREET/
ADAMS AVENUE INTERSECTION
IMPROVEMENTS PROJECT**

SCH NO. 2013011057

Lead Agency:



CITY OF HUNTINGTON BEACH
2000 Main Street
Huntington Beach, CA 92648
Contact: Ms. Mary Beth Broeren, AICP
714.536.5550

Prepared by:



14725 Alton Parkway
Irvine, California 92618-2027

Contacts:
Mr. Glenn Lajoie, AICP
Mr. Alan Ashimine
949.472.3505

October 2013

JN 10-107799



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1.0 Introduction



1.0 INTRODUCTION

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Huntington Beach, as the lead agency, has evaluated the comments received on the Brookhurst Street/Adams Avenue Intersection Improvements Project Draft Environmental Impact Report (Draft EIR).

The Draft EIR for the proposed Brookhurst Street/Adams Avenue Intersection Improvements Project (herein referenced as the project) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR (established by the CEQA Guidelines) commenced on July 12, 2013 and ended on August 26, 2013.

The Final EIR consists of the following components:

- Section 2.0 – Responses to Comments on the Draft EIR
- Section 3.0 – Errata
- Section 4.0 – Mitigation Monitoring and Reporting Program

Due to its length, the text of the Draft EIR is not included with this document; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes “significant new information” pursuant to Section 15088.5 of the CEQA Guidelines. As a result, a recirculation of the Draft EIR is not required.



2.0 Response to Comments



2.0 RESPONSE TO COMMENTS

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Huntington Beach, as the lead agency, evaluated the written and oral comments received on the Draft Environmental Impact Report (EIR) (State Clearinghouse No. 2013011057) for the Brookhurst Street/Adams Avenue Intersection Improvements Project (herein referenced as the project) and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a letter number. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response. Written responses to oral comments received at the Public Comment Meeting conducted by the City of Huntington Beach on July 31, 2013 are also provided as part of Response 14.

Numerous comments received on the Draft EIR in both written and spoken form pertain to similar environmental issues. As such, “topical responses” have been provided as part of Section 2.1, *Topical Responses* in order to avoid redundancy within the responses.

Commenter	Letter Number
<u>Agencies</u>	
State Clearinghouse – Scott Morgan, Director (August 27, 2013)	1
California Department of Transportation – Maureen El Harake (July 27, 2013)	2
Native American Heritage Commission – Dave Singleton (July 30, 2013)	3
Orange County Water District – Greg Woodside (August 13, 2013)	4
City of Fountain Valley – (August 26, 2013)	5
<u>Organizations</u>	
Huntington Bay Homeowners’ Association – Paul Haussler (July 31, 2013)	6
<u>Public</u>	
Ronald Borghetti - (August 12, 2013)	7
Betty Wickersham - (August 12, 2013)	8
Paul and Elise Haussler – (August 19, 2013)	9
Michael Nguyen – (August 22, 2013)	10
John and Leslie Riasanovsky – (August 22, 2013)	11
L&M Center, LLC – (August 26, 2013)	12
Towne House Plaza, LP – (August 26, 2013)	13
<u>Public Comment Meeting</u>	
Oral Comments from Public Comment Meeting (July 31, 2013)	14



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

August 27, 2013

Mary Beth Broeren
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Subject: Brookhurst Street and Adams Avenue Intersection Improvements Project
SCH#: 2013071046

Dear Mary Beth Broeren:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 26, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

1-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013071046
Project Title Brookhurst Street and Adams Avenue Intersection Improvements Project
Lead Agency Huntington Beach, City of

Type EIR Draft EIR
Description The City of Huntington Beach proposes to widen the Brookhurst Street/Adams Avenue intersection in all directions. The proposed project would add travel lanes on both roadways. The following new travel lanes are proposed: two additional northbound right-turn lanes (Brookhurst Street); one additional eastbound through lane (Adams Avenue); and one additional westbound through lane (Adams Avenue).

Lead Agency Contact

Name Mary Beth Broeren
Agency City of Huntington Beach
Phone 714 536 5550 **Fax**
email
Address 2000 Main Street
City Huntington Beach **State** CA **Zip** 92648

Project Location

County Orange
City Huntington Beach
Region
Lat / Long 33° 40' 20" N / 117° 57' 13" W
Cross Streets Brookhurst Street/Adams Avenue
Parcel No. Various
Township 6S **Range** 10W **Section** 5-8 **Base** SBB&M

Proximity to:

Highways I-405
Airports
Railways
Waterways Santa Ana River, Talbert Channel
Schools Various
Land Use Z: Right-of-Way, Commercial General, Residential Low Density / GP: Right-of-Way, Commercial General, Residential Low Density

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

Date Received 07/12/2013 **Start of Review** 07/12/2013 **End of Review** 08/26/2013



1. RESPONSES TO COMMENTS FROM STATE OF CALIFORNIA OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE, AUGUST 27, 2013.

- 1-1 This comment indicates that the State Clearinghouse submitted the Draft EIR to selected State agencies for review and that the comment period for the Draft EIR concluded on August 26, 2013. The comment states that the lead agency complied with the public review requirements for draft environmental documents pursuant to CEQA. As such, the comment does not provide specific comments regarding information presented in the Draft EIR, and no further response is necessary.

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
3347 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612-8894
PHONE (949) 724-2000
FAX (949) 724-2019
TTY 711
www.dot.ca.gov



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AUG 02 2013

Dept. of Planning
& Building

July 27, 2013

Mary Beth Broeren, AICP
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH#: 2013071046
Log #: 3153C
I-405

Subject: Brookhurst Street and Adams Avenue Intersection Improvements Project

Dear Ms. Broeren,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Brookhurst Street and Adams Avenue Intersection Improvements**. The City of Huntington Beach proposes to widen the Brookhurst Street/ Adams Avenue intersection in all directions by adding travel lanes on both roadways. The following new travel lanes are proposed: two additional northbound right-turn lanes (Brookhurst Street); one additional southbound right-turn lane (Brookhurst Street); one additional eastbound through lane (Adams Avenue); and one additional westbound through lane (Adams Avenue). This project site is located at the intersection of Brookhurst Street and Adams Avenue in the City of Huntington Beach. The nearest State route to the project site is I-405.

2-1

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

- 1. A Traffic Management Plan (TMP) for construction vehicles should be submitted to Caltrans in order to minimize the impacts to State highway facilities, particularly SR I-405. Coordination of this project with other construction activities on SR I-405 may be needed. Any hauling of materials should not occur during A.M and P.M peak periods of travel on State facilities during demolition and construction of the proposed project. All vehicle loads should be covered so that materials do not blow over or onto the Department's Right-of-Way

2-2

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 Miya Edmonson at (949)724-2228.

2-3

Sincerely,

Maureen El Harake, Branch Chief
Local Development/Intergovernmental Review

C: Scott Morgan, Office of Planning and Research



2. RESPONSES TO COMMENTS FROM CALIFORNIA DEPARTMENT OF TRANSPORTATION, DATED JULY 27, 2013.

- 2-1 The comment is an introductory statement and does not raise comments pertaining to analysis within the Draft EIR. No response is required.
- 2-2 The Draft EIR has incorporated Mitigation TR-1, which would require preparation of a Traffic Management Plan (TMP) to minimize traffic impacts during the temporary construction process. The California Department of Transportation (Caltrans) has requested that the TMP be submitted for review in order to minimize impacts to State Highway facilities. Prior to initiation of construction activities, the City of Huntington Beach would coordinate the proposed project with any Caltrans construction activities on Interstate 405 (I-405).

As such, Draft EIR page 5.2-12 would be revised in the Final EIR, as follows:

TR-1 Prior to commencement of any construction activities, the City of Huntington Beach shall prepare a Traffic Management Plan (TMP) to address temporary safety and traffic concerns at and surrounding the Brookhurst Street/Adams Avenue intersection. At a minimum, the TMP shall include plans clearly denoting any proposed lane closures, proposed vehicle/bicyclist/pedestrian rerouting plans, and a traffic signage plan to ensure adequate circulation during the short-term construction process. The TMP shall be subject to review and approval by the City of Huntington Beach City Engineer. In addition, road/lane closure notification shall be provided to the Huntington Beach Fire Department and Police Department. The City of Huntington Beach shall also consult with the California Department of Transportation (Caltrans) prior to construction to coordinate the proposed project with any Caltrans construction activities on Interstate 405.

In addition, Mitigation Measure AQ-1 of the Draft EIR requires that all materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust generation prior to leaving the site.

- 2-3 This comment requests that the City of Huntington Beach keep Caltrans informed of future developments that may affect State Highway facilities. This comment is noted.

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard
West Sacramento, CA 95691
(916) 373-3715
(916) 373-5471 – FAX
e-mail: ds_nahc@pacbell.net

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Dept. of Planning
& Building

July 30, 2013

Ms. Mary Beth Broeren, AICP

City of Huntington Beach Planning Department

2000 Main Street
Huntington Beach, CA 92648

RE: SCH#2013071046 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "**Brookhurst Street and Adams Avenue Intersection Improvements Project;**" located in the City of Huntington Beach; Orange County, California

Dear Ms. Broeren:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

3-1

Contact the appropriate Information Center for a record search to determine if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native

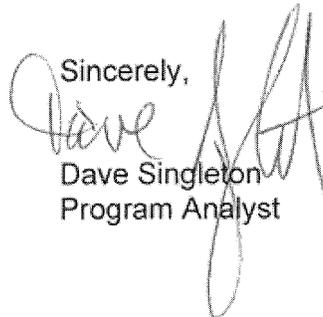
American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

3-1

Sincerely,



Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

**Native American Contacts
Orange County
July 30, 2013**

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675 m
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva

tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013071046; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Brookhurst Street and Adams Avenue Intersection Improvements Project; located in the City of Huntington beach; Orange County, California.

**Native American Contacts
Orange County
July 30, 2013**

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebroles1@gmail.com
(949) 573-3138

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
gabrielenoindians@yahoo.
(626) 926-4131

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
(619) 294-6660-work
(310) 428-5690 - cell
(760) 636-0854- FAX
bacuna1@gabrielinotribe.org

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall , CA 92003

760-636-0854 - FAX

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
kaamalam@gmail.com
949-293-8522

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013071046; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Brookhurst Street and Adams Avenue Intersection Improvements Project; located in the City of Huntington beach; Orange County, California.



3. RESPONSES TO COMMENTS FROM NATIVE AMERICAN HERITAGE COMMISSION, DATED JULY 30, 2013.

- 3-1 The proposed project site has been highly disturbed and is occupied by roadway facilities and commercial/residential uses. As discussed on pages 10-4 and 10-5 of Section 10.0, *Effects Found Not to be Significant*, of the Draft EIR, the proposed project would not result in any significant impacts resulting in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5, nor would the project result in significant impacts pertaining to the disturbance of any human remains, including those interred outside of formal cemeteries. Given the highly disturbed nature of the project site and low potential for encountering cultural resources, Native American consultation is not required for the proposed project.

DIRECTORS

PHILIP L. ANTHONY
KATHRYN L. BARR
DENIS R. BILODEAU, P.E.
SHAWN DEWANE
CATHY GREEN
VINCENT F. SARMIENTO, ESQ.
STEPHEN R. SHELDON
HARRY S. SIDHU, P.E.
BRUCE WHITAKER
ROGER C. YOH, P.E.



SINCE 1923
Celebrating 80 Years

ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY'S GROUNDWATER AUTHORITY

OFFICERS

President
SHAWN DEWANE

First Vice President
CATHY GREEN

Second Vice President
ROGER C. YOH, P.E.

General Manager
MICHAEL R. MARKUS, P.E., D.WRE

August 13, 2013

Ms. Mary Beth Broeren
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: Brookhurst Street and Adams Avenue Intersection Improvement Project, State
Clearinghouse No. 2013071046

Dear Ms. Broeren:

Please accept the following comment on the proposed project to widen the Brookhurst Street/Adams Avenue intersection in all directions. According to Orange County Water District (OCWD) records, there are three wells located in the vicinity of the proposed project. Wells OCWD-SA5, OCWD-M26, and OCWD-M26A are active groundwater monitoring wells. Attached is a map showing the approximate location of these wells.

4-1

If you would like additional information concerning these wells please contact Marsha Westropp at 714-378-8248 or mwestropp@ocwd.com.

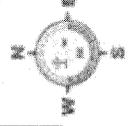
Sincerely,

Greg Woodside, P.G., C.Hg.
Executive Director of Planning and Natural Resources



OCWD Monitoring Well Locations

Monitoring Well





**4. RESPONSES TO COMMENTS FROM ORANGE COUNTY WATER DISTRICT,
DATED AUGUST 13, 2013.**

- 4-1 Page 5.6-9 of the Draft EIR acknowledges the existence of monitoring wells within the boundaries of the project site as a result of existing on-site soil and/or groundwater contamination from the former gas station facilities in the vicinity. Per Mitigation Measure HAZ-1 of the Draft EIR, the City of Huntington Beach would be required to contact the Orange County Health Care Agency prior to construction in order to inform the Agency that site disturbance activities would be conducted in the vicinity of 20001 Brookhurst Street (former Shell Station), and 9971 Adams Avenue (former Chevron Station). The City is also required to coordinate with the Orange County Health Care Agency in order to confirm the exact locations of on-site wells prior to site disturbance.



CITY OF FOUNTAIN VALLEY

www.fountainvalley.org

10200 SLATER AVENUE • FOUNTAIN VALLEY, CA 92708-4736 • (714) 593-4400, FAX (714) 593-4498

August 26, 2013

Ms. Mary Beth Broern, AICP
Planning Manager
City of Huntington Beach
2000 Main Street (P.O. Box 190)
Huntington Beach, CA 92648

RE: I-405 SDEIR-EIS Comment Period

Dear Ms. Broern:

The City has concluded its review of the EIR for the Brookhurst/Adams Intersection Improvement project dated July 2013. The EIR outlines a list of proposed improvements for Brookhurst/Adams which include two northbound right-turn lanes, one southbound right-turn lane along Brookhurst Street, one westbound through lane along Adams Street and one eastbound through lane along Adams Street. The EIR also calls for the addition of one bus turnout in the northbound direction on Brookhurst Street. These proposed improvements differ from the list of improvements identified in the Garfield/Gisler MOU C-6-0834 approved in December 2006. Improvements that are identified in the MOU which are not included in the proposed project are as follows:

- One southbound bus turnout on Brookhurst Street;
- Fourth through lane in the northbound direction on Brookhurst Street; and,
- Fourth through lane in the southbound direction on Brookhurst Street.

5-1

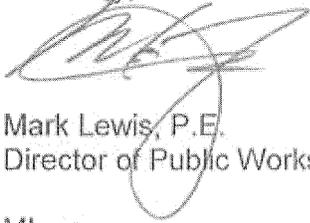
Although the proposed improvements differ from those outlined in the original MOU, the City of Fountain Valley recognizes that the proposed project stays consistent with the MOU primarily because the improvements identified in the MOU are defined as "not meant to be prescriptive." The MOU specifically states that "If a city is able to identify an alternative traffic flow improvement which meets the overall objective of achieving and/or maintaining LOS D at any location within the study area, then that improvement shall be considered an acceptable alternative and shall be implemented as a substitute solution to the original recommendation."

In summary, the City of Fountain Valley believes that the proposed Brookhurst/Adams improvements identified in the EIR dated July 2013 are consistent with the Garfield/Gisler MOU No. C-6-0834 approved December 2006.

5-1

The City maintains that the Garfield/Gisler Bridge is the superior improvement for providing adequate capacity to balance regional transportation demands.

Sincerely,



Mark Lewis, P.E.
Director of Public Works/City Engineer

ML:gr

Attachment

c: City Manager
Planning Director
Deputy City Engineer



**5. RESPONSES TO COMMENTS FROM THE CITY OF FOUNTAIN VALLEY,
DATED AUGUST 26, 2013.**

- 5-1 The Commenter does not raise any issues pertaining to environmental analysis within the Draft EIR. This comment is noted and no further response is required.

RECEIVED

AUG 02 2013

Dept. of Planning
& Building

HUNTINGTON BAY

10199 Holburn Drive
Huntington Beach, CA 92646

(714) 962-2951

e-mail: huntingtonBay@roadrunner.com

July 31, 2013

Mary Beth Broeren
Planning Manager
City of Huntington Beach
Planning and Building Department
P.O. Box 190
Huntington Beach, CA 92648

RE: Brookhurst Street and Adams Avenue
Intersection Improvements Project

Dear Ms. Broeren:

We are writing again on behalf of the Huntington Bay Homeowners Association a 253 home planned development located at 10199 Holburn Drive. The southern edge of the development borders Adams Avenue between Ranger Lane and Beachmont Plaza. The board of directors of Huntington Bay has reviewed the Draft EIR for the project and we continue to be opposed to implementation.

Enclosed is a copy of a flyer distributed to Huntington Bay residents. I believe you received an e-mail with the same information. We consider the project a really bad idea for Huntington Bay and the neighborhood. It would be even more dangerous than the current roadways. We all learned a lesson with the completion of the sewage lift station project and the addition of the right turn pocket for westbound Adams Avenue. Westbound traffic does flow quicker as well as faster (i.e. in excess of the posted speed limit). However egress from Huntington Bay is more restricted. Left hand turns from Piccadilly Lane are basically suicide missions. In any case please take this and the enclosed information into consideration before implementing a well intended, but seriously dangerous project.

6-1

Thanks for your consideration of our concerns. If there are any questions, please let us know.

Sincerely,



Paul Haussler,
President
Huntington Bay Homeowners' Association

cc: Huntington Bay
Mayor Connie Boardman

HUNTINGTON BAY

10199 Holburn Drive
Huntington Beach, CA 92646

(714) 962-2951

huntingtonbay@roadrunner.com

Dear Friends and Residents of Huntington Bay:

Huntington Bay residents received a public notice regarding the Brookhurst Street and Adams Avenue Intersection Improvements Project yesterday. The Draft EIR (Environmental Impact Report) may be reviewed here:

<http://www.huntingtonbeachca.gov/Government/Departments/planning/Environmentalreports.cfm>

Scroll down to: Brookhurst Street and Adams Avenue Intersection Improvements Project. There are numerous links that describe the scope of the proposed project.

Basically the proposal involves widening Brookhurst Street and Adams Avenue, "The limits of construction on Brookhurst Street will be approximately 1,000 feet north of Adams Avenue and 800 feet to the south. The limits of construction along Adams Avenue will be approximately 1,300 feet to the west of Brookhurst Street and 1,200 feet to the east."

6-2

There will be a meeting to take comments Wednesday July 31, 2013, at 6:30 PM at the Huntington Beach Central Library in the Talbert Room at 7111 Talbert Avenue. I plan to attend and encourage all interested Huntington Bay friends and residents to participate. Written comments about the Draft EIR must be submitted no later than Monday August 26, 2013 by 5:00 PM to:

Mary Beth Broeren
Planning Manager
City of Huntington Beach Planning and Building Department
2000 Main Street
Huntington Beach, CA 92646

So what impact would there be to Huntington Bay if the project were funded and proceeds??? The divider between the Adams Avenue frontage road and Adams Avenue west of Piccadilly Lane would be reduced to practically nothing. The commercial building at Beachmont Plaza between Adams Avenue and Ralphs would be razed. The addition of westbound and eastbound lanes on Adams Avenue would make exiting Piccadilly Lane even more dangerous than it already is. The project could not be good for property values.

With respect to our neighbors, they will certainly suffer. The developers of Beachmont Plaza spent years acquiring multiple properties to build a modern shopping center. They acquired everything but the area now occupied by Starbucks. They took a financial hit in order to build the commercial structure between Adams Avenue and Ralphs due to city requirements. They took another financial hit when the city took over land to add the right turn lane on westbound Adams Avenue. Now they are faced with a proposal that would require demolition of the new building.

6-3

Our neighbor on the corner of Adams Avenue and Lawson Lane (Meredith Gardens) would have the side yard shaved to almost nothing. Chase Bank might be able to offer truly drive through banking, right through the lobby. Perhaps this is a bit of an overstatement, but one wonders if the brand new building would have been designed as it was with the proposed project in mind. The shopping centers anchored by Stater Brothers, Target, and Kohl's would all be forced to give away land. From this Huntington Bay resident's perspective, it does not make any sense.

6-4

So what would be gained if the project were funded and goes through? Obviously the intent is to speed the flow of traffic through the Brookhurst Street and Adams Avenue intersection. So where would it go? The answer is also obvious, 800 to 1300 feet depending on the direction of travel. Even I have to admit the right turn lanes that were implemented recently have helped. The backup at Brookhurst for westbound Adams Avenue is shorter. However, exiting Piccadilly Lane is more problematic, significantly so. Fortunately it is only for an hour or less five days per week. Once again, from this Huntington Bay resident's perspective, good intentions notwithstanding, this plan is not a good one for our neighborhood or quality of life.

6-5

Please review the Draft EIR, forward comments to the Planning Manager (above), and attend the meeting Wednesday July 31, 2013. This is our chance to be heard so please let's take advantage of it.

Paul Haussler
Huntington Bay
(714) 962-2951



6. RESPONSES TO COMMENTS FROM HUNTINGTON BAY HOMEOWNER'S ASSOCIATION, DATED JULY 31, 2013.

6-1 Refer to Topical Response A pertaining to traffic safety concerns within Section 2.1, *Topical Responses*.

6-2 The majority of this comment provides an overview of the proposed project and information regarding the submittal of comments during the 45-day Draft EIR public review period.

As clarification, the proposed project would have a minimal impact on the divider between Adams Avenue and the frontage road. As shown on Exhibit 3-4b, *Proposed Geometric Plan (Sheet 2)*, of the Draft EIR, only the westerly-most portion of the divider would be affected by the project. Of the approximately 1,500 linear feet of the existing divider along the frontage road, only approximately 235 feet would be affected by the project through a narrowing of the divider. The width of the frontage road would not be affected by the project.

In addition, it has not been determined whether the commercial building at Beachmont Plaza (Comerica Bank) would require demolition as part of the project. For the purposes of analysis within the Draft EIR, it is assumed that the building would be demolished to provide a worst-case analysis of project impacts. However, all or a portion of this building may be unaffected by the project, subject to negotiation with the property owner. In addition, the "Reduced Right-of-Way" Alternative analyzed as part of Section 7, *Alternatives to the Proposed Project*, identifies modifications to the project that would eliminate impacts to the Comerica Bank building. This Alternative may be selected by the City as part of the project approval process.

Traffic safety impacts are discussed as part of Topical Response A within Section 2.1, *Topical Responses*.

6-3 The Commenter does not raise any issues pertaining to environmental analysis within the Draft EIR. This comment is noted and no further response is required.

6-4 The impacts related to property acquisition at 20011 Lawson Lane have been adequately analyzed within the Draft EIR. In addition, the "Reduced Right-of-Way" Alternative analyzed as part of Section 7, *Alternatives to the Proposed Project* identifies modifications to the project that would eliminate right-of-way (ROW) acquisition at this property. This Alternative may be selected by the City as part of the project approval process.

The recently-constructed Chase Bank within the southwest quadrant of the intersection has been constructed to accommodate potential future widening of the intersection, and no ROW impacts to this facility would occur. All other impacts related to ROW acquisition within other areas of the project site have been adequately analyzed within the Draft EIR.

6-5 Refer to Topical Response B pertaining to the project's purpose and need within Section 2.1, *Topical Responses*.

RECEIVED

8/4/13

AUG 12 2013

10208 DISNEY CA
H.B. CAL 92646Dept. of Planning
& Building

I

PLANNING DEPT:

RE: BROOKHURST/ADAMS AVE. PROJECT IDEA.

CITY OF H.B. HAS TO DO WHAT WERE TOLD BY THE COUNTY. THE COUNTY NEVER WANTED OR PLANNED TO ADD A THROUGH WAY AT GARFIELD & GISLER NOR AT BANNING EITHER. THE CITIES OF H.B., COSTA MESA, & FOUNTAIN VALLEY AND THE COUNTY JUST SPENT, ARE SPENDING MONEY, TO TALK ABOUT IT AND DO SURVEYS, CHARTS, GRAPHS, TRAFFIC SURVEYS FOR YEARS TO FINALLY DECIDE THAT BROOKHURST & ADAMS WAS THE PLACE TO DUMP MORE TRAFFIC PROBLEMS. CITIZENS DON'T REALLY HAVE A SAY IN THIS MATTER. YOU TRYING TO ACT LIKE WE DO WHEN YOU REALLY KNOW WE DON'T!

THE PLANS WERE HASHED OVER FOR YEARS. GISLER & GARFIELD WAS NEVER GOING TO HAPPEN. ~~NEITHER~~ ^{NEITHER} WAS BANNING. IT WAS ALWAYS GOING TO BE BROOKHURST & ADAMS EVENTUALLY. BOTH OTHER LOCATIONS WERE REALLY OFF THE COUNTY MAP. IT WAS VERY CHEER TO VOTE ON THE OTHERS (NOT IN MY BACKYARD) LOCATIONS FIRST AND NOW AS A LAST RESORT PUT IT IN OUR AREA. HA!

THE TRAFFIC, TO AVOID ADAMS & BROOKHURST, WILL SPILL INTO RESIDENTIAL AREAS ON ALL 4 CORNERS ALSO ON ALL 4 PARKING LOTS AND SIDE STREETS. PARKING LOTS ARE OFTEN FULL & DON'T NEED THRU TRAFFIC.

7-1

7-2

II

THE PROJECT, IF & WHEN COMPLETED, WILL ENDANGER MANY SMALL CHILDREN IN ALL 4 RESIDENTIAL LOCALS BEHIND THE 4 SHOPPING CENTERS TRAFFIC IS ALREADY GOING THRU BOTH GLEN MAR TRACTS MANY CARS ARE COMMING DOWN PICADILLY LN IN HUNTINGTON BAY TUNNS ONLY TO TURN AROUND BECAUSE THERE IS NO OUTLET.

SUCCESSFULL BUSINESSES WILL BE REMOVED ON ADAMS AND PARKING AND SIDEWALKS GONE BEAUTIFUL LANDSCAPING REPLACED WITH MORE MACADAM & CARS TRUCKS & BUSES.

THE EXPENSE OF THE PROJECT WOULD BE PROHIBITIVE. ALL THE TELEPHONE, LIGHTS, BUILDINGS WALLS, SIDEWALKS STREET LIGHTS (SIGNAL LIGHTS), PARKING FOR CARS FROM TUNNS, ON ADAMS FROM HUNTINGTON BAY TUNNS, DEPERATHY NEEDED WOULD HAVE TO GO, PUTTING PRESSURE ON ALL RESIDENTS. THE NEWLY BUILT CHASE BANK WOULD BE ON THE CURB. PROPERTY VALUE (TAXES) WOULD PROBABLY GO DOWN AND QUALITY OF LIFE ALSO.

ADAMS AVE NARROWS DOWN TO THRU TRAFFIC AT BEACH BLVD WHICH WILL CAUSE A BOTTLE NECK THRU TO MAIN ST & BEYOND. THE ROADS WOULD NEED TO BE WIDEND ALL THE WAY THRU.

BUSINESSES, RESIDENTS, PATRONS OF STORES ALL WOULD HAVE GREAT PROBLEMS.

7-2

7-3

7-4

7-5

III

MAKING THE BRIDGE OVER THE SANTA ANA RIVER
WOULD HAVE TO BE WIDENED AGAIN, A STOP LIGHT
AT PICADILLY LN ADDED, I DON'T THINK THE
CITY OF FOUNTAIN VALLEY, COSTA MESA ALSO THE
COUNTY OF ORANGE REALIZE THE PROBLEMS WE
AS HUNTINGTON BEACH HAVE AT THIS INTERSECTION.

INSURANCE COMPANIES HAVE GRADED THIS
INTERSECTION AS I BELIEVE #1 OR 2 FOR
ACCIDENTS IN THE NATION, AT LEAST IN THE VERY
TOP REGION. THIS PROJECT COULD ONLY CAUSE
MORE PROBLEMS HERE AND IN ALL 4 DIRECTIONS
FROM IT. INSURANCE WILL INCREASE AS WILL ACCIDENTS ETC.

I'M SURE THE MONEY IS NOT THERE TO FUND
THE PROJECT, WHERE IS IT ^{COMING} FROM?
CITY, COUNTY, STATE, FED'S, AND AT WHAT EXPENSE
TO US CITIZENS, BONDS, GRANT, STIMULUS OR
THE TOOTH FAIRY! HB IS ALREADY IN TROUBLE
LET'S NOT HAVE ANOTHER COUNTY BANKRUPTCY,
OR DETROIT HERE IN HUNTINGTON BEACH,
PLEASE THINK RATIONALLY ABOUT THIS,
THANKS!

Yours Truly
Paul P. Boylston
10208 Disney Cr.
HB CAL. 92646

7-5

7-6



7. RESPONSES TO COMMENTS FROM RONALD BORGHETTI, DATED AUGUST 4, 2013.

7-1 Refer to Topical Response B pertaining to the project's purpose and need within Section 2.1, *Topical Responses*. This comment does not raise any issues pertaining to environmental analysis within the Draft EIR and no further response is required.

7-2 With implementation of the proposed project, traffic flow through the intersection of Brookhurst Street and Adams Avenue would improve. Thus, alteration of traffic patterns (including traffic spillover onto adjacent streets) to avoid this intersection is not anticipated to result from the project.

Impacts related to ROW acquisition and associated effects on businesses and parking have been adequately analyzed within the Draft EIR. In addition, refer to Topical Response A pertaining to traffic safety concerns and sidewalk replacement within Section 2.1, *Topical Responses*.

7-3 Impacts related to ROW acquisition and utility relocation have been adequately analyzed within the Draft EIR. The recently-constructed Chase Bank within the southwest quadrant of the intersection has been constructed to accommodate potential future widening of the intersection, and no ROW impacts to this facility would occur.

7-4 This comment pertains to the intersection of Adams Avenue and Beach Boulevard. The proposed project does not involve improvements to this intersection or result in impacts to this location. The City's recently updated Circulation Element does not identify a need for improvements at this intersection, or west along Adams Avenue, through the year 2030.

7-5 The proposed project involves improvements at and surrounding the existing intersection of Brookhurst Street and Adams Avenue. Additional improvements to the Adams Avenue bridge over the Santa Ana River or at Picadilly Lane are not proposed nor are they required. In addition, refer to Topical Response A pertaining to traffic safety concerns within Section 2.1, *Topical Responses*.

7-6 The Commenter does not raise any issues pertaining to environmental analysis within the Draft EIR. This comment is noted and no further response is required.

August 12, 2013

RECEIVED

AUG 14 2013

Dept. of Planning
& Building

Mary Beth Broeren, Planning Manager
City of Huntington Beach Planning & Bldg Dept.
2000 Main Street
Huntington Beach, CA 92648

Dear Ms Broeren,

I am writing about the proposed widening of the Brookhurst Street and Adams Avenue intersection in all directions. I do understand the reason for the widening but I am surprised that the intent is to take a certain amount of the property of the house that sits at the entrance of Adams and Lawson Lane.

These homes have been here since the mid 1960s and much has been built around this tract over the years. It appears to me that the design is to take the same amount of land from all 4 corners of the intersection. I do not find that is justifiable in the case of the house at Adams & Lawson Lane.

There is plenty of space, from my perspective, to have the intersection widened at the southeast corner but end the widening at a point that allows this house to remain intact. I do not see why this corner has to match exactly the same as all the other corners. The owner of this house has lived there for a very long time and I certainly believe that the amount of land necessary to do the widening does not have to require a portion of his yard.

I will appreciate your review of this design and see if you can keep his yard as it is now.

Regards,


Betty Wickersham
20092 Viva Circle
Huntington Beach, CA 92646
714-962-3562

8-1



8. RESPONSES TO COMMENTS FROM BETTY WICKERSHAM, DATED AUGUST 12, 2013.

8-1 The project description analyzed within the Draft EIR was developed as part of the *Project Report* (Harris & Associates, March 12, 2013) that analyzed numerous design alternatives taking into consideration factors such as the project's purpose and need, safety, traffic volumes, environmental impacts, accessibility, and ROW acquisition. The alternative selected for consideration in the Draft EIR was the preferred alternative that accomplished the project objectives, provided for modes of travel of vehicles/bicyclists/pedestrians, and minimized impacts to adjacent properties to the maximum extent practicable.

However, as discussed in Section 7.0, *Alternatives to the Proposed Project*, of the Draft EIR, an Alternative ("Reduced Right of Way" Alternative) was considered that avoided ROW acquisition at the residential property located at 20011 Lawson Lane. Under this Alternative, the proposed sidewalk along the residential property at 20011 Lawson Lane would be reduced in width in order to eliminate the need to acquire ROW at this residential property. The existing block wall at 20011 Lawson Lane would remain in place. This narrowed right-of-way would reduce the proposed project's 7.2-foot sidewalk to approximately 5.7 feet at this location. The vehicular travel way would remain unchanged from the proposed project and a narrowed sidewalk segment of approximately 5.7 feet in width is acceptable under City standards. This Alternative may be selected by the City as part of the project approval process. Also refer to Response 10-2, below.

Paul & Elise Haussler
10170 Holburn Drive
Huntington Beach, CA 92646
(714) 964-1873
e-mail: phaussler@roadrunner.com

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AUG 22 2013
Dept. of Planning
& Building

August 19, 2013

Mary Beth Broeren
Planning Manager
City of Huntington Beach
Planning and Building Department
P.O. Box 190
Huntington Beach, CA 92648

RE: Brookhurst Street and Adams Avenue
Intersection Improvements Project

Dear Ms. Broeren:

This time I am writing as a citizen of Huntington Beach rather than as president of the Huntington Bay Homeowners Association. As you know I am opposed to the Brookhurst Street and Adams Avenue Intersection Improvements Project. It seems to be a solution in search of a problem. No one in Huntington Bay is happy about it.

If I have to consider what I most dislike about the project, it is the way it will look and what it will do to the neighborhood and Huntington Bay. I think it will look terrible. One of the features I like about Huntington Bay is the offset from Adams Avenue. The frontage road and islands make for a nice transition. They are carried on along Adams Avenue west of Brookhurst Street at Huntington Continental and Village Townhomes. It looks attractive and has a certain style. The designer(s) did a fine job. Please, let's not mess with it.

9-1

The next issue is traffic and safety. The current right hand turn pocket on westbound Adams Avenue is an improvement. However another westbound lane is not going to help with traffic. In fact it might make matters worse. With three westbound lanes and a right turn pocket expanding to four westbound lanes and a right turn pocket, there will be even more merging and confusion. It may be like bowling for pedestrians. In fact, Adams Avenue at Brookhurst would be 11 lanes wide considering east and westbound traffic lanes, right turn pockets, and left turn lanes. It is too much.

9-2

Of course noise, exhaust, dust, dirt, and fumes, etc. would be even more of a problem. There are eighteen homes facing Adams Avenue west of Piccadilly Lane. At least one of the residents has severe allergies, or so I'm told. The unit involved is right at the frontage road.

9-3

The project to replace an aging sewage lift station on Adams Avenue was a real lesson. It took a lot longer than expected. The new traffic signal on Ranger Lane is a mixed blessing. I used to exit Piccadilly Lane turning left onto the frontage road. I rarely do that now. With traffic backed up at the Ranger Lane signal there is no way to cross. One can venture out to try a left turn, but it is completely blind to westbound Adams Avenue traffic turning right onto Ranger Lane. Making left turns from Huntington Bay is risky. I may do it on an early Sunday morning. Otherwise forget it. I turn right on Adams Avenue and proceed west until it is safe enough to merge left and make a U-turn.

9-4

I understand the abandoned school on Yorktown Avenue will be demolished to make room for high-density housing and two-story homes. That certainly would increase traffic, but a bridge between Garfield Avenue and Gisler Avenue would better serve that neighborhood. I remember reading about that proposal being taken off the Orange County Master Plan. At the time I thought apparently it was not needed. Now I know the neighbors of Huntington Beach and Costa Mesa simply despised it and now we are faced with an Adams Avenue Apocalypse.

9-5

Presently traffic on westbound Adams Avenue moves quite well. Even during rush hour I rarely get stuck behind traffic waiting for a green light at Brookhurst. That used to be routine, but not anymore.

9-6

I appreciate that at least four cities and the county want the Brookhurst Street and Adams Avenue Intersection Improvements Project to proceed. It may be well intended, but it is bad news for this neighborhood.

Sincerely,



Paul Haussler

cc: Connie Boardman
Bill Janusz



9. RESPONSES TO COMMENTS FROM PAUL AND ELISE HAUSSLER, DATED AUGUST 19, 2013.

9-1 The proposed project would have a minimal impact on the divider between Adams Avenue and the frontage road in front of the Huntington Bay development. As shown on Exhibit 3-4b, *Proposed Geometric Plan (Sheet 2)* of the Draft EIR, only the westerly-most portion of the divider would be affected by the project. Of the approximately 1,500 linear feet of the existing divider along the frontage road, only approximately 235 feet would be affected by the project through narrowing of the divider. The width of the frontage road would not be affected by the project. The divider and frontage road along Adams Avenue west of Brookhurst Street would be minimally affected by the proposed project. A 90-foot long segment of this divider, between Sulton Lane and the Towne House Plaza property (Kohl's Center), would be narrowed by up to four feet.

In addition, as noted within Section 5.1, *Land Use and Relevant Planning*, of the Draft EIR, impacts related to alterations to visual character as a result of the project would be less than significant.

9-2 Refer to Topical Response A pertaining to traffic safety concerns within Section 2.1, *Topical Responses*.

9-3 The Commenter identifies concerns related to noise, exhaust, dust, dirt, and fumes but does not provide specifics related to analysis provided within the Draft EIR. The project's impacts related to air quality, greenhouse gases, and noise have been analyzed in detail in accordance with CEQA within the Draft EIR. These impacts were determined to be less than significant.

9-4 Refer to Topical Response A pertaining to traffic safety concerns within Section 2.1, *Topical Responses*.

9-5 Refer to Topical Response B pertaining to the project's purpose and need within Section 2.1, *Topical Responses*. The former Lamb School Site on Yorktown is approved for a Planned Unit Development with small lots; however, the overall density of the project is less than seven units per acre, which is consistent with the City's Residential Low Density land use designation. Traffic impacts associated with this project were analyzed by the City in Mitigated Negative Declaration No. 08-013.

9-6 Refer to Topical Response B pertaining to the project's purpose and need within Section 2.1, *Topical Responses*.

Date: 8/22/2013

To: Mary Beth Broeren, Planning Manager
 2000 Main Street.
 Huntington Beach, CA 92684

From: Michael Nguyen
 20011 Lawson Lane
 Huntington Beach, CA 92646
 (714) 962-9622

**Subject: Concerns and comments on the proposed widening of
 the Brookhurst and Adams intersection project EIR.**

1. POTENTIAL ACCIDENTS:

The proposal of adding a new 4th lane at Adams and Lawson may create a safety concern. The Meredith Garden Association, surrounding neighbors, pedestrians, handicap people on wheel chairs, bicyclists, roller skates all utilize the walkway often. Per Alternative on page 2-17, the current 96 inches sidewalk will be reduced down to 64 inches to support the new 4th lane along Adams Ave.

10-1

Our measurements do not agree with H. Beach record. The sidewalk's dimension varies between 70 to 88 inches. At 70 inches, after reducing 2.8 ft, the sidewalk will be left with 38 inches, not 64 inches wide. With 38 inches wide sidewalk, two average wheel chairs (32" each) cannot cross each other, not to mention the biggest wheel chair is 39" wide. At 88 inches, the sidewalk would only be 56 inches. A narrow sidewalk may cause an object or person to fall into the new 4th traffic lane.

10-2

Another unsafe concern is making left and right turns from Lawson lane to Adams Ave during peak hours. At golden ages, our reactions are not as quick as 21. To get to Brookhurst, we go south rather than north. Because of the blind spots on Adams, we have to back up our car safely and quickly. Risk of an accident is high, when a car tries to make a right turn onto Lawson lane at 45 Mph, as the same time we back up our car.

10-3

Since both cars are roughly 34 ft apart, If car 1 travels 17 ft and car 2 backups 17 ft, at 45 Mph or 0.6818 foot per second, a driver has less than 4 seconds to prevent an accident. If the sidewalk is taken away 2.8 ft, the distance is shorter and therefore more accidents.

2. NOISE LEVEL:

In February 2013, City of H. Beach did a Long Term Noise Measures at our property. Per table 5.5-4 on page 5.5-9, the peak noise level was 100.4 dBA which is typical for working day traffic.

10-4

A 50 to 60 dBA is considered as "Normally Acceptable" under State of California Guidelines per table 5.5-6. The attached documents "Decibel Scale" and the "Noise Dose Chart: Noise Exposures Limits" stated that the sound intensity increases 10 times at 70 dBA, 100 times at 80 dBA, 1,000 times at 90 dBA and 10,000 times at 100 dBA. At the peak noise level of 100 dBA, hearing damage can occur in 15 minutes of constant exposure.

10-4

We are very concerned about hearing lost caused by day after day at this noise level. Also, we cannot predict the impact of the 2.8 ft closer to our house.

3. ADDITIONAL CONCERNS:

The Brookhurst and Adams intersections improvements affect us in multiple ways:

10-5

- The Concern and comments dated Feb 28, 2013 are still active.
- The proposed lane addition on Adams could create more accidents due to sudden merging from 4 to 3 lanes right in front of our house.
- The new sidewalk is 32 inches closer to our house. It will impact the value of our property due to a louder noise level, difficulty in making left and right turn from Lawson to Adams and a much higher risk of potential accidents.
- Increase vehicle traffic will create more air pollution, dirt and exhaust fumes. We are at an age where our health is easily impacted by dirty air and loud noise levels.
- Take away our enjoyment from living at our house during construction project.
- We would like to know the followings:
 - How does the city repair and replace of damages during and after the construction?
 - What are the loss commitments from the city of Huntington Beach?
 - What is the plan, if the alternatives are not approved?
 - What is the population increase since 1993?

10-6

10-7

10-8

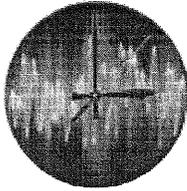
10-9

10-10

Noise Dose Chart: Noise Exposure Limits

The risk to your hearing from noise exposure depends on how loud it is and how long you're exposed to it. This noise dose chart shows the acceptable safety limits.

How Loud and How Long



One way that noise can permanently damage your hearing is by a single brief exposure to a high noise level, such as a firecracker going off near your ear. But hearing damage can also occur gradually at much lower levels of noise, if there is enough exposure over time. To protect your hearing, you'll want to limit your exposure to these moderately high noise levels as well, and give your ears a chance to recover after any period of noise exposure.

For example:

- At 91 decibels, your ears can tolerate up to two hours of exposure.
- At 100 decibels, damage can occur with 15 minutes of exposure.
- At 112 decibels, damage can occur with only *one minute* of exposure.
- At 140 decibels, *immediate nerve damage can occur*.

Firearms, firecrackers, and jet engines taking off are all louder than 140 dB. If you find yourself near any of these without hearing protection, use your fingers and plug your ears! And at the same time, move away from the noise – even a few extra feet can reduce the loudness significantly.

Noise Dose Formula

The generally accepted standard to minimize hearing risk is based on an exposure to 85 dBA for a maximum limit of eight hours per day, followed by at least ten hours of recovery time at 70 dBA or lower (at which the risk of harm to healthy ears is negligible). Then a "3-dB exchange rate" formula is applied, which means that for every 3 dB above 85 dBA, the maximum exposure time is cut in half.

Noise levels above 140 dB are not considered safe for any period of time, however brief. For children, the World Health Organization recommends no exposure above 120 dB.

Maximum Recommended Noise Dose Exposure Levels

Noise Level (dBA)	Maximum Exposure Time per 24 Hours
85	8 hours
88	4 hours
91	2 hours

94	1 hour
97	30 minutes
100	15 minutes
103	7.5 minutes
106	3.7 minutes
109	112 seconds
112	56 seconds
115	28 seconds
118	14 seconds
121	7 seconds
124	3 seconds
127	1 second
130-140	less than 1 second
140	NO EXPOSURE

[Click here for an explanation of dBA, dB, and other sound units.](#)

Using the Chart

* If you want to monitor your total noise exposure without having to keep a time log of readings from a sound level meter, then you want a device called a **noise dosimeter**. These are normally used only for occupational noise monitoring, since they can be quite expensive and complicated to use. However, Etymotic has developed a noise dosimeter for personal use with a more affordable price. You can buy it at their website or on Amazon.com.

Each line by itself represents 100% of the allowable noise dose per 24-hour day. In other words, if you've already experienced 15 minutes at 100 dBA, you're "done for the day," and the remainder of your 24-hour period should have NO exposure above 85 dBA, and preferably should be below 70 dBA. If you spend a lot of time in environments with varying noise levels above 85 dBA, you can wear a **noise dosimeter** * and let it monitor the noise levels and exposure times and calculate the noise dose you're getting.

What kinds of sounds do the different decibel levels represent? [Check the decibel chart](#) to see examples of sounds across a wide range of decibel levels.

How were these time limits derived? Clearly, it would be unethical to perform controlled experiments on humans to determine what levels of noise and lengths of exposure cause permanent hearing damage. Instead, data have been compiled from cases of hearing loss due to accidental noise exposure, or exposures that occurred before the dangers were well understood, and have been supplemented with known principles of the physics of sound and the physiology of the human ear. Various safety groups and regulatory bodies worldwide have been converging on the above safe noise limits over the past few decades.†

Protecting Your Hearing

Because different people's ears differ in their degree of vulnerability to noise, noise exposure levels that are well tolerated by some people may cause harm in others. If after you've been exposed to noise your ears have a rushing, roaring, or ringing sensation, or you notice that ordinary sounds seem muffled or quieter than normal, you know now that that level of noise is damaging and hearing protection is needed in that situation in the future. If this happens to you, rest your ears (which means no noise above 70 dBA) for 24 hours.

The Decibel Scale

An explanation of the decibel scale and related units for measuring sound and loudness.

Decibels (dB)

The ear has the remarkable ability to handle an enormous range of sound levels. In order to express levels of sound meaningfully in numbers that are more manageable, a logarithmic scale is used, rather than a linear one. This scale is the decibel scale.

What is a decibel? Zero decibels (0 dB) is the quietest sound audible to a healthy human ear. From there, every increase of 3 dB represents a doubling of sound intensity, or acoustic power.

Loudness and Sound Intensity (Power)

The relative loudness that we perceive is a subjective psychological phenomenon, not something that can be objectively measured. Most of us perceive one sound to be twice as loud as another one when they are about 10 dB apart; for instance, a 60-dB air conditioner will sound twice as loud as a 50-dB refrigerator. Yet that 10-dB difference represents a tenfold increase in intensity. A 70-dB dishwasher will sound about four times as loud as the 50-dB refrigerator, but in terms of acoustic intensity, the sound it makes is 100 times as powerful.

Here's another way of looking at it: If the sound from one typewriter registers 60 dB, then ten typewriters clacking away would register 70 dB (not 600 dB!), and they would sound only twice as loud as one typewriter. You would need 100 typewriters to reach a noise level of 80 dB, and together they would sound only four times as loud as a single typewriter.

Sound Level	Sound Intensity (Power)	Perceived Loudness
60 dB	1x	1y
70 dB	10x	2y
80 dB	100x	4y

The potential for a sound to damage our hearing is proportional to its intensity, not its loudness. That's why it's misleading to rely on our subjective perception of loudness as an indication of the risk to our hearing. [See this chart for safe noise exposure limits.](#)

A-weighting (dBA) and C-weighting (dBC)

You will often see noise levels given in dBA (A-weighted sound levels) instead of dB. Measurements in dBA, or dB(A) as it is sometimes written, are decibel scale readings that have been adjusted to attempt to take into account the varying sensitivity of the human ear to different frequencies of sound. (The main effect of the adjustment is that low and very high frequencies are given less weight than on the standard decibel scale.) Many regulatory noise limits are specified in terms of dBA, based on the belief that dBA is better correlated with the relative risk of noise-induced hearing loss.

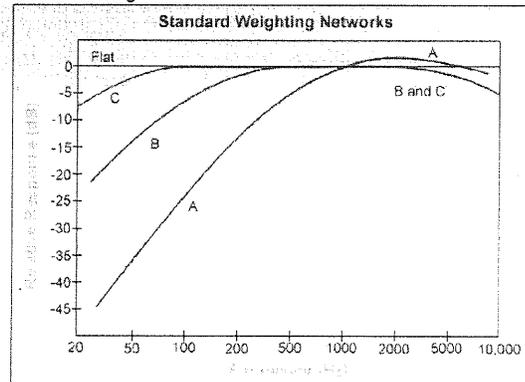


Image courtesy of US Department of Labor

Compared with dB, A-weighted measurements underestimate the perceived loudness, annoyance factor, and stress-inducing capability of noises with low frequency components, especially at moderate and high volumes of noise.*

Another system of adjustment is C-weighting, the dBC scale. dBC is sometimes used for specifying peak or impact noise levels, such as gunfire. Unweighted dB readings are also used for this purpose; there is usually not much difference between the two.

Phons and Sones

The phon is a non-standard noise unit that is designed to reflect perceived loudness, and is based on psychoacoustic experiments in which volunteers were asked to adjust the decibel level of a reference tone of 1 kHz until it was the same loudness as the signal being measured. So for example, if a sound is 70 phons, that means it sounds as loud as a 70-dB, 1-kHz tone. The dBA scale is now widely used instead of phons.

The sone is another non-standard, psychoacoustic unit of loudness. By definition, 1 sone = 40 phons, and from there upward, the sone measurement doubles for every increase of 10 phons:

Phons	40	50	60	70	80	90	100	110	120
Sones	1	2	4	8	16	32	64	128	256

The sone is a more intuitive measure of loudness, because a doubling in the number of sones represents a doubling in perceived loudness (unlike the logarithmic phon scale). Noise levels of household fans are often measured in sones.

Measuring Sound Levels

A sound level meter is the instrument normally used to measure noise levels on the decibel scale. Several factors affect the noise level reading:

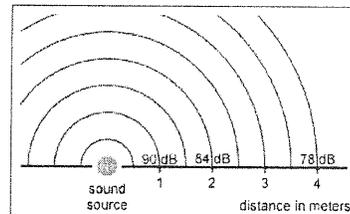


Image courtesy of US Department of Labor



10. RESPONSES TO COMMENTS FROM MICHAEL NGUYEN, DATED AUGUST 22, 2013.

- 10-1 This comment includes concerns related to traffic safety in addition to an overview of improvements under the “Reduced Right-of-Way” Alternative. Refer to Topical Response A pertaining to traffic safety concerns within Section 2.1, *Topical Responses*.
- 10-2 Based on additional field verification performed by the City, Draft EIR page 7-6 would be revised in the Final EIR, as follows:

- The proposed sidewalk along the residential property at 20011 Lawson Lane would be reduced in width in order to eliminate the need to acquire ROW at this residential property. The existing block wall at 20011 Lawson Lane would remain in place. This narrowed ROW would reduce the proposed project’s 87.2-foot sidewalk to approximately 5.47 feet at this location; refer to Exhibit 7-1b, *Reduced ROW Alternative*, for an illustration of this location. The vehicular travel way would remain unchanged from the proposed project and a narrowed sidewalk segment of 5.47 feet in width is acceptable under City standards.

Exhibit 7-1b, *Reduced ROW Alternative*, of the Draft EIR, would also be revised in the Final EIR and has been included as Attachment A of this Response to Comments document.

As noted in the Draft EIR, the sidewalk in this location under the Reduced Right-of-Way Alternative would be fully compliant with the Americans with Disabilities Act (ADA) requirements.

- 10-3 Refer to Topical Response A pertaining to traffic safety concerns within Section 2.1, *Topical Responses*. In addition, neither the proposed project nor the Reduced Right-of Way Alternative would result in a substantial change in roadway geometry at the Adams Avenue/Lawson Lane intersection. The project design was developed through preparation of the *Project Report* (Harris & Associates, March 12, 2013), which considered adequate factors of safety for all modes of transportation. The accident risk described within this comment would occur with or without the project, and the project is not anticipated to result in an appreciable increase in the potential for a hazard to occur.
- 10-4 The Commenter states that according to the Draft EIR, the existing peak noise level measured in February 2013 at 20011 Lawson Lane was 100.4 dBA. For clarification purposes, peak noise levels are a maximum absolute value of the instantaneous sound pressure in a specific time interval. It should be noted that the equivalent sound level (L_{eq}), or the average sound level over a given time, of the same noise measurement was 59.0 dBA, which is considered as “Normally Acceptable” under State of California Guidelines.

As seen in Table 5.5-9 of the Draft EIR, implementation of the proposed project would result in Future (2030) Noise Levels of 68.1 dBA CNEL, a 0.1 dBA CNEL increase over existing levels at the nearest sensitive receptor. An increase of 0.1 dBA is not discernible



- and impacts were found to be less than significant (see page 5.5-24 of the Draft EIR). Also note that the noise levels at all other modeled receptors did not increase with existing plus project conditions.
- 10-5 The Commenter refers to an earlier letter received by the City on February 28, 2013 as part of the Initial Study (IS)/Notice of Preparation (NOP). The environmental concerns expressed within the February 28, 2013 comment letter pertain to noise, vibration, traffic safety, and human health. The Draft EIR includes a detailed analysis of impacts related to noise, vibration, traffic safety, air quality, and greenhouse gases in accordance with CEQA. These impacts were determined to be less than significant. Other comments provided within the February 28, 2013 IS/NOP comment letter do not pertain to environmental issues and do not require a response.
- 10-6 Refer to Topical Response A pertaining to traffic safety concerns within Section 2.1, *Topical Responses*.
- 10-7 Implementation of the proposed project would slightly decrease the distance between the roadway and the 20011 Lawson Lane property. As noted above in Response 10-4, implementation of the proposed project would result in Future (2030) Noise Levels of 68.1 dBA CNEL, a 0.1 dBA CNEL increase over existing levels at the nearest sensitive receptor. An increase of 0.1 dBA is not discernible and impacts were found to be less than significant (see page 5.5-24 of the Draft EIR). Also note that the noise levels at all other modeled receptors did not increase with existing plus project conditions. In addition, refer to Topical Response A pertaining to traffic safety concerns within Section 2.1, *Topical Responses*.
- 10-8 The Commenter identifies concerns related to air pollution, dirt, and exhaust fumes but does not provide specifics related to analysis provided within the Draft EIR. The project's impacts related to air quality and greenhouse gases have been analyzed in detail in accordance with CEQA within the Draft EIR. These impacts were determined to be less than significant.
- 10-9 The Commenter identifies concerns related to project construction but does not provide specifics related to analysis provided within the Draft EIR. The Draft EIR provides detailed, quantified analyses of temporary air quality, noise, and vibration impacts and also provides an analysis of potential short-term construction related traffic impacts. These impacts were determined to be less than significant.
- 10-10 The Commenter does not raise any issues pertaining to environmental analysis within the Draft EIR. In the event it is determined that impacts to the 20011 Lawson Lane property would be required, it is not anticipated that any repairs or damages would occur beyond replacement of features affected by the project (i.e., the existing block wall and landscaping). Conditions prior to and after construction would be documented and the City and/or City's contractor would be responsible for repairs caused by project construction. The purpose of the Draft EIR is to analyze the project and reasonable alternatives to the project in order to determine the environmentally superior alternative. Under CEQA, the Draft EIR is required to serve as an informational document that discloses the environmental impacts of the proposed project. Any information regarding the selection of the project/alternative that could be implemented is beyond the scope of the EIR.

John & Leslie Riasanovsky
10145 Disney Circle
Huntington Beach, California 92646
Telephone: (714) 963-3458
Email address: lriasanovsky@verizon.net

RECEIVED

AUG 22 2013

Dept. of Planning
& Building

August 22, 2013

BY HAND DELIVERY

Ms. Mary Beth Broeren, Planning
Manager 2000 Main Street
City of Huntington Beach, CA 92648

Re: Draft Environmental Impact Report for Brookhurst Street and Adams Avenue
Intersection Improvements Project

Dear Ms. Broeren:

We have reviewed the draft Environmental Impact Report (EIR) for the Brookhurst and Adams Avenue intersection improvements project. Generally speaking, we believe the EIR is extremely long and difficult to read. Because we believe that the Planning Commission and/or City Council will focus on Section 2.0 (Executive Summary) and Section 10.0 (Effects Found Not To Be Significant) of the EIR, our comments are directed primarily to those sections.

1. The Executive Summary, Section 2.2, states that "... the Brookhurst Street/Adams Avenue intersection is forecast to operate at a deficient Level of Service (LOS F) during both the AM and PM peak hours according to City of Huntington Beach performance criteria."

11-1

a. Section 2.2 should be revised to clarify that the intersection is currently operating at an acceptable LOS (see Traffic and Circulation, page 5.202) and that the forecast is only for the year 2030.

b. Section 2.2 should include a statement that no forecast was made for any time period between the present and 2030 and explain why those forecasts were not made. Please note that the traffic study done in connection with the Lamb School site project indicates that the Brookhurst and Adams intersection will continue to operate at an acceptable LOS through 2015. Section 2.2 should explain why that information was not included in the EIR. Moreover, the California Supreme Court's recent decision in *Neighbors for Smart Rail v. Exposition Metroline Construction Authority, et al*, __ Cal.4th __, 2013 WL 3970107, states: "Even when a project is intended and expected to improve conditions in the long term – 20 or 30 years after the EIR is prepared – decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental cost of achieving that desirable improvement." Thus, we think the

11-2

- EIR should include forecasts for several time periods between the present and 2030. 11-2
- c. Section 2.2 should explain the assumptions underlying the 2030 forecast and discuss the continued reliability of those assumptions. In this regard, please note that the traffic study done in connection with the Lamb School site project indicates that the number of vehicle trips in the surrounding area was actually slightly lower in 2012 than in 2009. This causes us to question if and when the improvements at the intersection will actually be needed and, if the improvements will not be needed until 2030, why millions of dollars of the taxpayers' money should be spent on those improvements now or in the near future. Frankly, based on the information provided in the EIR, the project seems premature. 11-3
- d. Section 2.2 should also explain what is meant by the "AM and PM peak hours" and explain why no discussion is made of the other hours during the day. The Planning Commission and City Council should have this information when they are evaluating the costs, benefits, and drawbacks of the project. 11-4
2. The Executive Summary, Section 2.2, states that the proposed project would add one eastbound and one westbound lane on Adams Avenue. Although Section 5 of the EIR concludes that the project is consistent with the City's land use plans, the EIR does not appear to discuss whether the additions of these lanes is consistent with the Orange County Master Plan of Arterial Highways (MPAH). Based on our review of the MPAH, it is our understanding that Adams Avenue is classified as a Major arterial highway. According to OCTA, "a Major arterial highway is a six-lane (raised or painted) roadway," and "the standard MFI [Maximum Feasible Intersection] for a Major arterial may consist of three through lanes, two left turn lanes and a dedicated right turn lane. An optional free right-turn lane may be allowed if warranted by traffic demand." See OCTA Guidance for Administration of the Orange County Master Plan of Arterial Highways, Section 3.3. Unless we are misinterpreting those statements, it would appear that Adams Avenue already has six lanes and the Maximum Feasible Intersection. Clarification of this issue would be appreciated. We would like to know what limits, if any, exist on the City's ability to widen Adams Avenue (*e.g.*, Does the City have the right to turn Adams Avenue into another Beach Boulevard, despite the designation of Adams Avenue as a Major arterial highway on the MPAH?). 11-5
3. The Executive Summary, Section 2.2, indicates that the City plans on taking a portion of a residential lot in Meredith Gardens that borders Adams. Section 5 of the EIR indicates that Building E on the northeast quadrant of Brookhurst and Adams will also be taken. It is our understanding that the Planning Department has dropped both of those ideas. If that is correct, the EIR should be revised to reflect that fact. 11-6
4. The Executive Summary, Section 2.3, at paragraph 4 indicates that one of the objectives of the proposed project is to alleviate "existing and forecast traffic congestion." This 11-7

- statement should be revised to clarify that the intersection is currently operating at an acceptable LOS and that the objective is to alleviate traffic congestion in the year 2030. 11-7
5. The Executive Summary, Section 2.5, does not consider a number of possible alternatives that might relieve traffic congestion and avoid the need for the project, such as:
- a. Building the Garfield-Gisler bridge. Our understanding is that the Garfield-Gisler bridge remains a 'Right-of-Way Reserve' corridor at the present time pursuant to Memorandum of Understanding C-6-0834 (MOU). If this is correct, we believe the bridge needs to be considered as an alternative to the project in the EIR. 11-8
 - b. Installing a movable center divider on Adams so that the number of through lanes going in one direction could be increased to handle the traffic flow during peak AM and PM hours (*e.g.*, as is apparently done in other locations in California, as well as in other countries in order to avoid the cost and other problems associated by simply continuing to widen roadways). The City might want to consider a trial study to see if the movable lanes concept, which would appear to be far less costly than increasing the number of lanes, would work. The trial study would also allow the City to determine whether increasing the number of lanes will actually improve the traffic flow or whether, as a number of local residents contend, the traffic will still bottleneck on the bridge over the Santa Ana river. 11-9
 - c. Improving the coordination of traffic signals. 11-10
 - d. Improving the OCTA bus system, so that people could make reasonable bus connections and take express buses to work centers, schools, and other locations in Costa Mesa, Irvine and elsewhere (*e.g.*, as is done in the San Francisco Bay Area. 11-11
6. We would like to see the Executive Summary's description of the project include an estimate of the construction cost of the project and a statement that additional costs would be incurred to compensate property owners for the value of their land that the City takes in connection with the project. 11-12
7. We would also like to see the Executive Summary address how the proposed project will impact the ability of pedestrians, especially the elderly and people with disabilities (*e.g.*, wheelchair users) to cross Adams Avenue. This would seem to be particularly important in light of the number of people who will be entering old age prior to 2030. 11-13
8. Section 10 of the EIR, Effects Found Not To Be Significant.
- a. We disagree with the EIR's conclusion that the project will have no impact on aesthetics. The project proposes to remove the landscaping near the Ralph's commercial site, which adds to the attractiveness of that site. The City could mitigate this impact somewhat by installing landscaping (*e.g.*, a hedge) in the divider separating the frontage road and Adams Avenue. 11-14

- b. We disagree with the EIR's conclusion that the project will have less than a significant impact on air quality. Even though the project will not create more road trips, the project is likely to draw traffic away from other areas, thereby increasing the traffic and air pollution on Adams. 11-15

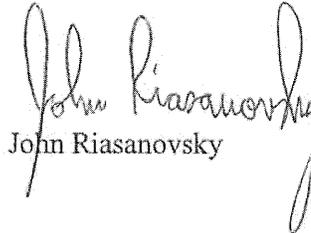
- c. With respect to the impact on storm water drainage, we would appreciate clarification as to whether the City intends to install storm water drainage improvements in connection with the project. 11-16

We continue to believe that the project is misguided. Rather than spending the taxpayers' money to increase the width of streets like Adams Avenue, the City and OCTA should be using those funds to diminish the number of vehicles on the streets (*e.g.*, by improving bus routes and travel times, providing express bus routes, offering incentives to encourage bus ridership, adding crosswalks and making the streets more pedestrian friendly, etc.). Moreover, it is simply not right to burden those residents who live near Adams Avenue by shifting traffic to that street, while benefiting residents who live near Garfield Avenue by eliminating the Garfield-Gisler bridge. 11-17

Thank you for your consideration of this letter.

Sincerely,


Leslie T. Riasanovsky


John Riasanovsky



11. RESPONSES TO COMMENTS FROM JOHN AND LESLIE RIASANOVSKY, DATED AUGUST 22, 2013.

11-1 Draft EIR pages 2-1 and 3-7 would be revised in the Final EIR, as follows:

In order to provide a long-term benefit in regards to traffic and circulation at the intersection, the City proposes to widen the Brookhurst Street/Adams Avenue intersection in all directions. As further discussed in Section 5.2, *Traffic and Circulation*, the Brookhurst Street/Adams Avenue intersection is forecast to operate at a deficient LOS (LOS F) during both the AM and PM peak hours according to City of Huntington Beach performance criteria under forecast year 2030 conditions. However, with the proposed project intersection improvements, the Brookhurst Street/Adams Avenue intersection is forecast to operate at an acceptable LOS (LOS D or better) according to City of Huntington Beach performance criteria under forecast year 2030 conditions. As such, the project is anticipated to result in a beneficial impact in regards to traffic and circulation in the area.

11-2 As discussed on page 5.2-2 of the Draft EIR, the traffic analysis utilizes existing and forecast future year 2030 traffic volumes at the study intersection contained in the *Brookhurst Street and Adams Avenue Intersection Improvements, CC-1377 Project Report (Project Report)* (prepared by Harris & Associates, March 12, 2013) (included as Appendix 13.7, *Project Report*, of the Draft EIR). Additionally, LOS results for existing conditions, forecast year 2030 without project conditions, and forecast year 2030 with project conditions are also from the *Project Report*. As discussed on page 10 of Appendix 13.7 of the Draft EIR, per MOU C-6-0834, initial forecasts for Year 2030 travel demand data for the project area were generated using the regional model Orange County Transportation Analysis Model (OCTAM), developed by the Orange County Transportation Authority (OCTA), using the Southern California Association of Governments (SCAG) model as a basis for the OCTAM model. These results were further refined utilizing the City's certified subarea traffic model. These traffic models consider long-range projections for growth and associated traffic on a regional basis, taking into account land use and development projections from various agencies and municipalities (including the *City of Huntington Beach General Plan*).

The Commenter refers to the recent California Supreme Court decision in *Neighbors for Smart Rail v. Exposition Metroline Construction Authority, et al*, _Cal.4th_ , 2013 WL 3970107. While this case does require that EIRs identify the short- and medium-term impacts of a proposed project, the Court also determined that lead agencies can use future predicted conditions as an environmental baseline in assessing the impacts of a proposed project. The court held that in order for an agency to omit the normally required existing conditions baseline analysis and rely solely on a predicted conditions baseline, it must first demonstrate that the existing conditions analysis would be uninformative or misleading. In doing so, the court disapproved of the holdings in *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council (2010) 190 Cal.App.4th 1351* (Sunnyvale) and the Fifth Appellate District's decision in *Madera Oversight Coalition, Inc. v. County of Madera (2011) 199 Cal.App.4th 48* (MOC).



The California Supreme Court case referenced by the Commenter is not relevant to the Brookhurst Street/Adams Avenue Intersection Improvements Project since the Draft EIR provides a detailed analysis of traffic impacts under both a “forecast existing plus project” scenario in addition to a “forecast year 2030 with project” scenario. This provides the reader with a disclosure of impacts under both a near-term and long-term basis. Performing an additional interim analysis would not disclose any new impacts not already discussed in the Draft EIR. The proposed project has been designed to accommodate long-range buildout and growth anticipated under the City’s *General Plan*; thus, 2030 represents an appropriate forecast year for the traffic analysis.

- 11-3 This comment pertains to the traffic analysis prepared for the Lamb School Site (Garland Associates, May 2012). The fact that traffic volumes for the Lamb School Site study area were lower in 2012 versus 2009 can be attributed to various factors, including economic conditions, development trends in the project area, and circulation improvements in the project area, among others. The proposed project has been designed to accommodate long-range volumes projected by regional traffic models utilized by the City and OCTA (i.e., the City’s certified subarea traffic model and OCTAM, respectively). These models are not based solely upon existing traffic counts or development projects; rather, they are based upon regional growth as a result of long-range land use projections, including the *City of Huntington Beach General Plan*. Also refer to Topical Response B pertaining to the project’s purpose and need within Section 2.1, *Topical Responses*.
- 11-4 The AM and PM peak hours are defined as 7:00 to 9:00 AM and 4:00 to 6:00 PM, respectively. The peak hours are utilized within the traffic analysis as they represent a worst case analysis of the proposed project’s impacts (i.e., during the periods of the day with the most traffic congestion).
- 11-5 The Commenter notes that Adams Avenue is classified as a Major Arterial Highway in the Orange County Master Plan of Arterial Highways (MPAH). Project improvements along Adams Avenue would be limited to its intersection with Brookhurst Street and would not add through lanes along the roadway corridor that would alter its functional classification within the MPAH. In addition, based on the City’s consultation with OCTA, additional through lanes at the intersection for a Major Arterial Highway are allowed.
- 11-6 The proposed project could involve the acquisition of ROW that may affect one wall structure at 20011 Lawson Lane and could potentially involve the demolition of the Comerica Bank building within the northeastern quadrant of the intersection. The Draft EIR also considered an Alternative (the “Reduced Right-of-Way” Alternative) that avoids the demolition of both of these structures through modifications to the project’s design. As part of the City’s consideration of project approval, the City would consider implementation of the proposed project or the Reduced Right-of-Way Alternative. The Draft EIR simply discloses the impacts of the proposed project and alternatives in accordance with CEQA in order to provide adequate information to the City’s decision makers. The Alternatives are discussed in Section 2.5, *Summary of Project Alternatives*, and Section 7.0, *Alternatives to the Proposed Project*, of the Draft EIR (pages 2-16 and 7-1, respectively).
- 11-7 Revision of the project’s objectives is not required. Though the intersection currently operates at an acceptable LOS under City thresholds of significance, it operates at LOS D. According to the Transportation Review Board’s *Highway Capacity Manual*, LOS D is defined



- as “approaching unstable flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding”). Thus, there is both existing and forecast congestion that the project is intended to alleviate.
- 11-8 Pursuant to Section 15126.6 of the CEQA Guidelines, CEQA does not require analysis of every conceivable alternative to a project; rather, it requires analysis of a reasonable range of alternatives which would feasibly attain most of the project objectives but would avoid or substantially lessen the significant effects of the project. Implementation of the Garfield-Gisler Bridge would not attain the main project objectives regarding alleviating traffic congestion, as the project would not provide traffic improvements at the Brookhurst Street/Adams Avenue intersection consistent with the City’s *Circulation Element* (Objective #1) nor would it alleviate existing and forecast traffic congestion at the Brookhurst Street/Adams Avenue intersection and improve mobility for travelers within the City and surrounding areas (Objective #4). Thus, consideration of this alternative is not required.
- 11-9 As noted above, CEQA does not require analysis of every conceivable alternative to a project. Such an alternative would only provide increased roadway capacity in a single direction at any time, and the configuration of additional turn lanes would not be possible. This alternative would likely result in its own environmental impacts, such as prohibiting access to various properties surrounding the intersection, removal of existing medians and existing landscaping, and traffic safety impacts. Thus, the consideration of this alternative is not required.
- 11-10 Signals along Adams Avenue and Brookhurst Street are currently synchronized and an alternative consisting of additional coordination of traffic signals would not accomplish the identified project objectives. Thus, the consideration of this alternative is not required.
- 11-11 OCTA currently provides bus service to the project area via numerous bus stops on various legs of the Brookhurst Street/Adams Avenue intersection. Any improvement of the bus system would be the responsibility of OCTA, and the timing and effectiveness of improvements would be speculative in terms of any congestion relief at the existing project site. Thus, the consideration of this alternative is not required.
- 11-12 CEQA does not require the analysis of project costs and/or the potential requirement for compensation to other parties. Thus, no further response is necessary.
- 11-13 As stated within Section 5.2, *Traffic and Circulation*, of the Draft EIR, sidewalks would be restored to meet existing City and ADA requirements. Crosswalks within the project site (which are limited to the Brookhurst Street/Adams Avenue intersection) would be maintained. Since widening of the intersection would occur, pedestrian signal timing would be adjusted as necessary to meet Manual of Uniform Traffic Control Devices (MUTCD) recommendations to ensure adequate time for pedestrians crossing the intersection. Impacts in this regard were determined to be less than significant.
- 11-14 The Commenter refers to Section 10, *Effects Found Not To Be Significant*, of the Draft EIR. The impact analysis within this section relates to scenic vistas, scenic resources within a State scenic highway, and light and glare, which were all determined to be less than significant.



The impact analysis of the loss of landscaping is provided within Section 5.1, *Land Use and Relevant Planning*, of the Draft EIR.

Although the project would result in the removal of landscaping that contributes to the aesthetic appeal of the vicinity, the removal of this landscaping would not represent a substantial degradation of the existing visual character or quality of the site and its surroundings. While landscaping would be removed (primarily in the form of narrow landscape planters) along the Brookhurst Street and Adams Avenue frontages, landscaping at three of the four corners (which are most visible to travelers on the roadway) would be largely unaffected. Moreover, existing landscaping within raised center medians within Brookhurst Street and Adams Avenue to be affected by the project would be replaced in accordance with City standards. Further, the analysis of visual character impacts in this section is conservative since it assumes that no landscaping would be replaced as part of the project; rather, it is likely that the City would be able to reach agreement with one or more property owners to establish replacement landscaping to minimize any project impacts. Even in the absence of replacement landscaping, impacts related to visual character would be less than significant, and no mitigation is required.

- 11-15 Impacts related to air quality are analyzed in detail within Section 5.3, *Air Quality*. Operational air quality impacts are modeled based upon existing and forecast traffic volumes as identified in the Traffic Impact Analysis. Any assumption regarding the project's ability to draw traffic away from other roadways in the City would be speculative and quantitative analysis of such a potential impact is not feasible (refer to CEQA Guidelines Section 15145).
- 11-16 As noted on page 10-17 of the Draft EIR, the proposed project would result in a widening of the Brookhurst Street/Adams Avenue intersection, and would require modifications to existing storm water drainage infrastructure in the project area (e.g., realignment of curbs, gutters, inlets, catch basins, and connections to existing drainage infrastructure). Although the project would result in minor increase in impervious area in comparison to existing conditions, the project would include bioretention sidewalk planters and vegetated swales such that no expansion of existing facilities would be required. The existing stormdrain and catch basin system is adequately sized and would be utilized by the proposed project.
- 11-17 The Commenter does not raise any issues pertaining to environmental analysis within the Draft EIR. This comment is noted and no further response is required.



Michael Rubin
Direct Dial: (714) 641-3423
E-mail: mrubin@rutan.com

August 26, 2013

**VIA E-MAIL AND
FIRST CLASS MAIL**

Mary Beth Broeren, AICP
City of Huntington Beach Planning and
Building Department
2000 Main Street, 3rd Floor
Huntington Beach, CA 92648

Re: Comments on the Draft Environmental Impact Report for the
Brookhurst Street and Adams Avenue Intersection Improvements Project on
behalf of L&M Center, LLC

Dear Ms. Broeren:

The law firm of Rutan & Tucker, LLP, represents L&M Center, LLC ("L&M") the owner of the property on which a Wells Fargo Bank building is located at the northwest corner of the intersection of Brookhurst Street and Adams Avenue in the City of Huntington Beach (Assessor Parcel Number 153-171-02). This letter is in response to the City's Notice of Draft Environmental Impact Report (EIR), for the proposed Brookhurst/Adams Intersection Improvements Project (the "Project"). Among others, the following are issues that should be fully addressed in the proposed EIR:

L&M's representative, Mark Sork, has met with you and Bill Janusz of the City of Huntington Beach concerning the project but in many instances you were not able to provide answers to his questions (due to what you referred to as the preliminary and uncertain nature of the project and the project design), particularly those relating to the impacts on L&M and the L&M property, the specific parking spaces that would be lost, whether L&M will be forced to replace landscaping lost to the project as part of a future Variance, etc. The suggestion was made to meet with Mr. Sork at the property to attempt to address property specific issues more adequately, however, this meeting could not be scheduled until after the 45 deadline date for comments to the draft EIR. Accordingly, Mr. Sork requested an extension of the 45 day deadline for an additional 45 days, or at least until a short time after the on-site meeting is held. Your email of August 22, 2013 informed him that the 45 day comment period would not be extended.

12-1

Among others, the following are comments, questions and concerns L&M has in connection with the draft EIR:

12-2

Mary Beth Broeren, AICP
August 26, 2013
Page 2

1. The draft EIR fails to provide property specific information necessary to truly assess the impacts upon the environment and upon specific properties and property owners. Instead the draft EIR breaks the impacted areas into quadrants, with the L&M Wells Fargo Bank property falling within the Northwest Quadrant. The draft EIR then appears to refer to the entire Northwest Quadrant as the Kohl's Property. Kohl's is one of several stores within Towne House Plaza Shopping Center which is located within the Northwest Quadrant on property owned by Town House Plaza, LP ("THP") bearing Assessor Parcel Number 153-171-01. The L&M Wells Fargo Bank property is located in the Northwest Quadrant, but is an entirely separate parcel under separate ownership from the THP parcel. The draft EIR indicates approximately 5,856 sf of right away would be required from the Kohl's property (page 5.1-22) but fails to break down how much of this would be from THP's Towne House Plaza property versus L&M's Wells Fargo Bank property. Similarly at the same page it provides that approximately 3,445 sf of landscaping would be removed from the property but fails to indicate how much of this is from each of the separate parcels. The draft EIR indicates that the existing Kohl's Property has 591 parking spaces and that the proposed project would eliminate a total of 25 parking spaces (page 5.1-24), however there is no indication as to how many spaces will be lost on the THP property versus L&M's Wells Fargo Bank property. This flaw continues with other elements of the Project. Without property specific information, there is insufficient information to assess what inadequacies would result as to each individual parcel and how this will result in impacts to the environment, the patrons of each parcel, the neighboring properties, and the surrounding uses.

12-2

2. The draft EIR indicates that though there will be a loss of 25 parking spaces on the Kohl's property, ample parking is available within the interior of the site and the property would remain consistent with parking requirements of the Zoning Code (page 5.1-24). This analysis treats the THP parcel and the L&M parcel as a single parcel and does not analyze whether the Project will result in a deficiency on either parcel taken alone. Moreover, the draft EIR looks merely to the requirements of the Zoning Code as opposed to assessing parking needs at peak periods. There is absolutely no analysis of the peak period parking use on either or both parcels and what the impact of the loss of parking will be during these peak periods. Without the omitted information, there is insufficient support for a finding that the parking impacts are less than significant.

12-3

3. The draft EIR concedes that the Project will render the Kohl's property as non-compliant with the minimum Zoning Code requirements in terms of the landscape planter width and percentage of on-site landscaping (page 5.1.23). The draft EIR concludes, however, that the impacts would be less than significant since the City "could issue a Variance to allow for the reduction of the landscape planter width and landscaped area to bring the Kohls property in compliance with Zoning Code Chapter 241." (page 5.1-23). Issuing a paper authorization, however, does not eliminate or mitigate what would otherwise be a significant impact on the environment. The landscaping would still be lost even with the issuance of the paper Variance.

12-4

Mary Beth Broeren, AICP
August 26, 2013
Page 3

Moreover, there is no assurance that the City will issue the Variance. Will the property owner have to apply for the Variance, or will the City automatically issue it as an administrative matter? The draft EIR makes no effort to describe what the legal requirements are for issuance of a Variance or whether those legal requirements can and will be met under the Project circumstances. Will the property owner have to pay fees to obtain such a Variance? Will the City have discretion to deny the Variance? Will the City have the discretion to impose conditions on the property owner as a prerequisite for obtaining the Variance? Will the City have the discretion to condition the issuance of a Variance on the property owner's constructing additional landscape planters elsewhere on the property, thus resulting in a loss of additional parking? While the draft EIR proposes that the availability of a Variance renders the loss of landscaping as a less than significant impact, isn't the draft EIR in effect forcing the property owner to devote or dedicate other portions of its property to replace the lost landscaping, without an actual public acquisition of those other portions of property, thus effecting a taking without compensation to the property owner?

12-4

4. The draft EIR indicates that "Numerous parking spaces east and south of the Wells Fargo facility ...could potentially be removed..." [in order to construct a replacement landscape planter.]. There are no spaces south of the Wells Fargo facility. Adams Avenue is south of the Wells Fargo facility. East of the Wells Fargo facility is Brookhurst Street. The aerial photograph set forth in Exhibit 3-8 shows there are no such parking spaces as relied upon by the draft EIR.

12-5

5. The draft EIR fails to identify exactly where the loss of parking will occur, i.e., specifically which parking spaces will be lost to the Project. An aerial photo with proposed right of way is included as Exhibit 3-8, but the photo is too vague and small of a scale to provide the necessary information. A larger scale photo with numbers on the spaces to be lost should be provided in order to allow a meaningful assessment of what will be lost and what the impacts of such loss will be on the environment.

12-6

6. City staff persons, Bill Janusz and Mary Beth Broeren, indicated at a meeting with L&M's representative, Mark Sork, that the length of the queue along Brookhurst has not been determined and that it could be much shorter (such as beginning where the current Driveway is located) and that the lane imposition on the Kohls' property may be less than suggested as well. This option, however, is not listed as a mitigation measure that could mitigate some or all of the loss of parking and loss of landscaping that would otherwise occur. It appears that the draft EIR has failed to identify the loss of parking and loss of landscaping as a significant environmental impact in order to avoid requiring such a mitigation measure.

12-7

7. The draft EIR seems to suggest that the existing peripheral parking areas along Adams are not required or currently used. Employee parking, however, is located along this perimeter area and it is used on a regular basis by both employees and customers.

12-8

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8. The draft EIR makes no attempt to show what temporary construction easements will be required over the L&M property and accordingly fails to address the potential significant environmental impacts that may result from such temporary construction easements.

12-9

On February 26, 2013, I sent a letter to the City on behalf of L&M in connection with the Notice of Preparation of the draft EIR and in that letter I requested that the issues below be fully addressed in the draft EIR. Below I have repeated these requests and have added my comments as to whether or not the requests have been addressed.

1. Exactly what portions of my client's property will be taken for the Project, both permanently and for purposes of temporary construction easements? These areas should be clearly plotted, with dimensions, over a current aerial photo of the property so that the improvements and uses impacted can be readily identified. Before and after-condition drawings, as well as during construction drawings, that depict the impact of the Project on existing sidewalks, street lighting, utilities, driveways and drive aisles, parking, pedestrian pathways, landscaping, on-site lighting, and related improvements should be provided.

12-10

[While an aerial photo with proposed right of way has been included as Exhibit 3-8, it is not clear enough, nor does it provide sufficient detail to meet the request. The after condition is not shown. Furthermore, temporary construction easements have been ignored altogether.]

2. How many existing parking spaces on my client's property will be eliminated as a result of the Project? A parking study should be done concerning the impacts such a loss will have on the existing uses within the property and on the potential for expanded or modified uses over time. The study should include potential mitigation measures and means to recapture lost spaces by reconfiguration or other measures.

12-11

[No meaningful parking study has been provided. No analysis has been made as to how the loss of parking will impact the potential for expanded or modified uses of the property over time. No mitigation measures have been suggested in connection with lost parking.]

3. What will be the precise period during which construction will physically occur on what is now my client's property? What will be the precise period of construction in the close vicinity of my client's property? What will be the hours of construction activities? What measures will be adopted to minimize the impacts on shopping and businesses located within my client's property?

12-12

[This information has not been provided.]

4. Since the most important shopping period for the retail stores located within the adjacent Town House Plaza Shopping Center is from October through December, what measures will be taken to avoid disruptive construction activities during that period?

12-13

Mary Beth Broeren, AICP
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Page 5

[This has not been addressed at all.]

12-13

5. What impacts will there be during the construction period on ingress and egress to my client's property and to the adjacent Towne House Plaza Shopping Center property? What measures will be adopted to minimize the detrimental impacts?

12-14

[This has not been addressed.]

6. What will the Project impacts be on the visibility of the Wells Fargo Bank building from the surrounding streets and to the signage for that business from the surrounding streets?

12-15

[This has not been addressed.]

7. What will the Project impacts be on the landscaping and aesthetic features associated with my client's property, both during construction and post-construction, and how will these be mitigated?

12-16

[There is text in the draft EIR relating to landscaping and aesthetic features, however, as noted above, the treatment is inadequate.]

Very truly yours,



Michael Rubin

MR:mg

cc: Mark Sork



12. RESPONSES TO COMMENTS FROM L&M CENTER, LLC, DATED AUGUST 26, 2013.

12-1 This comment provides an introduction to the comment letter and an overview of the property owner's correspondence with the City. No response is required.

12-2 The Commenter states that parcel-by-parcel information for impacts to the northeast quadrant are not provided in the Draft EIR. However, Table 3-1, Right-of-Way Acquisition, of the Draft EIR provides information related to anticipated ROW acquisition required for the proposed project for each individual property, by Assessor's Parcel Number (APN). In the case of the northwest quadrant, information for APNs 153-171-01 (Kohl's parcel) and 153-171-02 (Wells Fargo parcel) is provided.

Although this parcel-specific information was provided in Section 3.0 of the Draft EIR, the analysis of land use, parking, and aesthetic impacts focuses on the northwest quadrant as a whole. The northwest quadrant is unique in that the two parcels (153-171-01 and 153-171-02) have been evaluated as an integrated site from a parking perspective since the construction of the Wells Fargo building. The City's entitlement records dating back to 1985 confirm this and it was evaluated this way most recently with a zoning variance approved in 2009. The parcels function as an integrated single retail/commercial center. While there are separate corporate titles for each owner, Mr. Sork is identified as representative for both and mail for both corporate entities is received at the same postal address.

The other three quadrants of this intersection have been developed under different circumstances. The corner parcels of each quadrant are under completely separate ownership from the surrounding parcel and were parked as standalone parcels. This resulted in the need to identify potential impacts to these individual corner parcels separate from their surrounding parcels.

Additionally, CEQA does not require a parcel-by-parcel analysis of project impacts; rather, it requires that the environmental impacts related to the project as a whole are adequately disclosed. The format of the analysis of ROW and land use impacts within Section 5.1 of the Draft EIR, is adequate in disclosing impacts in accordance with CEQA.

12-3 Refer to Response 12-2, above, for information regarding the issue a "parcel-by-parcel" analysis within the EIR. The analysis of parking within Section 5.1 of the Draft EIR is two-fold: 1) it includes an analysis of Zoning Code consistency, where the northwest quadrant would be consistent with Zoning Code parking requirements after project implementation; and 2) it also includes an analysis of parking from an operational perspective and the potential for a reduction in available parking to affect businesses in the retail/commercial center.

As discussed on page 5.1-24 of the Draft EIR, the existing northwest quadrant has 591 parking spaces. The proposed project would eliminate a total of 25 parking spaces (1 of which is associated with the Wells Fargo Bank parcel), which represents an approximately 4 percent reduction. This reduction would not substantially affect operations at the commercial center and parking would remain available for on-site employees and customers. In addition, the majority of parking spaces affected by the project are located along the



perimeter of the site, and ample parking is available within the interior of the site (closer to the majority of business entries). Additionally, the northwest quadrant would remain consistent with parking requirements under the Zoning Code after project implementation (as the Code only requires 554 parking spaces and a total of 566 would remain within this portion of the project site after project implementation). Thus, parking impacts would be less than significant on both a Zoning Code consistency and operational basis.

- 12-4 The analysis of landscaping within Section 5.1 of the Draft EIR is two-fold: 1) it includes an analysis of Zoning Code consistency, wherein the City's issuance of a variance would eliminate any inconsistencies created by the project, which is consistent with the variance that the overall center currently benefits from; and 2) it also includes an analysis of landscape from the perspective of changes in aesthetic character within the project area.

As noted on pages 5.1-23 and 5.1-24 of the Draft EIR, the proposed project would result in a loss of landscaping along the southern and eastern sides of the Northwestern Quadrant. The project would primarily affect a narrow three-foot planter along both Brookhurst Street and Adams Avenue that consist of low-lying shrubs, groundcover, and several palm trees. The majority of the planter at the corner of Brookhurst Street/Adams Avenue (surrounding Wells Fargo Bank) would remain. While this landscaping contributes to the aesthetic appeal of the property, the removal of these planter areas would not result in a substantial alteration in the visual character of the project area. Landscaping at the portion of the site with the most visibility to travelers at the corner of Brookhurst Street/Adams Avenue adjacent to Wells Fargo Bank (i.e., turf, mature trees, groundcover, and shrubs) would remain largely unaffected. The project would not affect a landscaped area fronting Adams Avenue adjacent to Polly's Pies that includes turf, groundcover, and shrubs. Further, any existing landscaping within the raised center median within Adams Avenue (west of Brookhurst Street) would be replaced in accordance with City standards. Although landscaping would be removed, it would not represent a substantial degradation of the existing visual character or quality of the site and its surroundings, and impacts were determined to be less than significant within the Draft EIR.

The City of Huntington Beach Public Works Department would be the applicant for the Variance required for the project and the property owner would not be responsible for the payment of any related fees. The Variance would be subject to discretionary review by the City's Planning Commission, and is appealable to the City Council. Any conditions required as part of the Variance would be the responsibility of the City's Public Works Department. In the event conditions are included as part of the Variance that require additional physical improvements on private property, any such improvements would be subject to agreement with the property owner. In the event such an agreement between the City and property owner cannot be reached, the Variance would not be implemented and no improvements on the subject private property would occur.



12-5 Draft EIR page 5.1-23 would be revised in the Final EIR, as follows:

Although the Variance would minimize impacts in this regard to a level below significance, the City would also implement Mitigation Measure LU-4. This measure would require the City of Huntington Beach to consult with the property owner in an effort to construct a replacement planter. Because the property would have a surplus of 12 parking spaces after project implementation, a replacement planter may be installed in areas where surplus parking exists. Numerous parking spaces ~~eastwest~~ and ~~southnorth~~ of the Wells Fargo facility (along the frontages of Adams Avenue and Brookhurst Street, respectively) at the northwest corner of Brookhurst Street/Adams Avenue could potentially be removed in order to a landscape planter with a minimum width of 3 feet and a maximum width of 19 feet. Parking could also be removed near the main entrance to the commercial center along Adams Avenue, where parking spaces are further from building entrances and is often blocked by vehicle queuing. As another option, the City may implement a minimum three-foot wide planter along the proposed bus turnout on Adams Avenue and in the location of existing parallel stalls along Brookhurst Street.

12-6 The Draft EIR adequately discloses parking impacts related to the project. Information regarding the number of affected spaces within each parcel and at each quadrant is provided, and Draft EIR Exhibits 3-4a, 3-4b, and Exhibits 3-6 through 3-9 show adequate detail related to the location of affected spaces.

12-7 At the field meeting referenced in the Comment, Mr. Sork inquired as to whether the ROW acquisition associated with the project would really be needed; however, the specifics regarding the project vehicle queuing along Brookhurst Street were not at hand. Existing southbound queues currently back up beyond the Brookhurst Street driveway at peak periods during the day. As traffic increases, so will the queues and the amount of time during the day that the queue extends beyond the Brookhurst Street driveway. The results of the traffic analysis indicate that a peak hour southbound queue of approximately 450 feet (18 vehicles) can be anticipated in each of the three through lanes.

As noted in Response 12-3, parking impacts within the northwest quadrant would be less than significant, and no mitigation is required. Mitigation Measure LU-4 has been incorporated into the Draft EIR to minimize impacts related to landscaping, subject to agreement with the property owner. Even in absence of Mitigation Measure LU-4, impacts related to landscaping would be less than significant. No additional mitigation related to parking or landscaping is required.

12-8 As noted in Response 12-3, the existing northwest quadrant has 591 parking spaces. The proposed project would eliminate a total of 25 parking spaces (1 of which is associated with the Wells Fargo Bank), which represents an approximately 4 percent reduction. While peripheral parking at the northwest quadrant may be utilized regularly, the reduction in parking would not substantially affect operations at the commercial center in that parking would remain available in other areas for on-site employees and customers. This area is not designated for employee parking as part of the site's approved entitlement. Additionally, the



northwest quadrant would remain consistent with parking requirements under the Zoning Code after project implementation (as the Code only requires 554 parking spaces and a total of 566 would remain within this portion of the project site after project implementation).

- 12-9 The Draft EIR fully analyzes all temporary construction impacts associated with the proposed project. The proposed project would require small Temporary Construction Easements (TCEs) within adjacent private properties during the short-term construction process. Generally, it is assumed that a five-foot wide TCE would be required where the construction areas abut private property. In the vast majority of TCEs, no ground disturbance or equipment/material laydown would occur. In these areas, the TCEs would be required primarily to allow for a standing area for construction workers who would be working on improvements within the project site boundaries. Slightly larger TCEs may be required for areas where existing driveways must be modified to accommodate the intersection widening improvements. The exact width of TCEs would be refined and determined as part of the final design process. None of the activities to be performed within TCEs associated with the project would result in changes to the impact analysis provided in the Draft EIR.
- 12-10 Exhibit 3-8 of the Draft EIR clearly depicts existing and proposed ROW conditions at the northwest quadrant. Further, Table 3-1, Right-of-Way Acquisition (page 3-8 of the Draft EIR), discusses the proposed square-footage of acquisition being proposed per Assessor's Parcel Number (APN). As depicted on Exhibit 3-8 and discussed in Table 3-1 of the Draft EIR, within the northwestern quadrant of the project site, APN 153-171-01 would require approximately 4,644 square feet of ROW acquisition and APN 153-171-02 would require approximately 1,212 square feet of ROW acquisition. Construction drawings are not required to support conclusions within the Draft EIR; however, upon preparation of construction drawings, they would be subject to City review for consistency with existing City design standards and requirements.

In addition, the Commenter refers to property that would be "taken" for the project. It should be noted that no private property would be "taken" as part of the project; rather, the City would acquire ROW either voluntarily or according to existing State regulations that require fair compensation to the property owner.

- 12-11 Refer to Responses 12-2 and 12-6, above.
- 12-12 As discussed in Section 3.6, Construction and Phasing, of the Draft EIR, construction activities in the vicinity of the Wells Fargo Bank property would occur in a single phase over approximately six months. Demolition is anticipated to start in May 2017 and construction is anticipated to end in October 2017. However, this construction schedule is subject to change based on available funding. As discussed on page 5.2-13 of the Draft EIR, the project would affect a total of five driveways within the northwest quadrant of the intersection, all associated with the commercial center. These include the two northern-most driveways along Brookhurst Street and the three driveways along Adams Avenue. Although individual access points to commercial centers would be temporarily affected by the project, a minimum of one driveway would remain open to traffic at all times. Thus, construction of the proposed project would not impede site access for customers during this time. Impacts in this regard were determined to be less than significant.

**Brookhurst Street/Adams Avenue
Intersection Improvements Project EIR**



12-13 Refer to Response 12-12, above.

12-14 Refer to Response 12-12, above.

12-15 Implementation of the proposed project would result in similar visibility of the Wells Fargo facility from adjacent roadways as compared to existing conditions. As an intersection widening project, no new structures or facilities are proposed that could impede visibility of businesses or signage. The majority of the planter at the corner of Brookhurst Street/Adams Avenue (surrounding Wells Fargo Bank) would remain.

12-16 Refer to Response 12-4, above.



Michael Rubin
Direct Dial: (714) 641-3423
E-mail: mrubin@rutan.com

August 26, 2013

**VIA E-MAIL AND
FIRST CLASS MAIL**

Mary Beth Broeren, AICP
City of Huntington Beach Planning and
Building Department
2000 Main Street, 3rd Floor
Huntington Beach, CA 92648

Re: Comments on the Draft Environmental Impact Report for the
Brookhurst Street and Adams Avenue Intersection Improvements Project
on behalf of Towne House Plaza, LP

Dear Ms. Broeren:

The law firm of Rutan & Tucker, LLP, represents Towne House Plaza, LP (THP) the owner of Towne House Plaza, the shopping center located at the northwest corner of the intersection of Brookhurst Street and Adams Avenue in the City of Huntington Beach (Assessor Parcel Number 153-171-01). This letter is in response to the City's Notice of Draft Environmental Impact Report (EIR), for the proposed Brookhurst/Adams Intersection Improvements Project (the "Project").

THP's representative, Mark Sork, has met with you and Bill Janusz of the City of Huntington Beach concerning the project but in many instances you were not able to provide answers to his questions (due to what you referred to as the preliminary and uncertain nature of the project and the project design), particularly those relating to the impacts on THP and the THP property, the specific parking spaces that would be lost, whether THP will be forced to replace landscaping lost to the project as part of a future Variance, etc. The suggestion was made to meet with Mr. Sork at the property to attempt to address property specific issues more adequately, however, this meeting could not be scheduled until after the 45 deadline date for comments to the draft EIR. Accordingly, Mr. Sork requested an extension of the 45 day deadline for an additional 45 days, or at least until a short time after the on-site meeting is held. Your email of August 22, 2013 informed him that the 45 day comment period would not be extended.

13-1

Among others, the following are comments, questions and concerns THP has in connection with the draft EIR:

1. The draft EIR fails to provide property specific information necessary to truly assess the impacts upon the environment and upon specific properties and property owners. Instead the

13-2

Mary Beth Broeren, AICP
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draft EIR breaks the impacted areas into quadrants, with the THP property falling within the Northwest Quadrant. The draft EIR then appears to refer to the entire Northwest Quadrant as the Kohl's Property. Kohl's is, of course, only one store within Towne House Plaza. The Northwest Quadrant includes not only the THP parcel, but also an entirely separate parcel under separate ownership from the THP parcel, specifically Assessor Parcel Number 153-171-02 owned by L&M Center, LLC ("L&M") on which a Wells Fargo Bank building is located (at the northwest corner of the intersection of Brookhurst Street and Adams Avenue). The draft EIR indicates approximately 5,856 sf of right away would be required from the Kohl's property (page 5.1-22) but fails to break down how much of this would be from THP's Towne House Plaza property versus L&M's Wells Fargo Bank property. Similarly at the same page it provides that approximately 3,445 sf of landscaping would be removed from the property but fails to indicate how much of this is from each of the separate parcels. The draft EIR indicates that the existing Kohl's Property has 591 parking spaces and that the proposed project would eliminate a total of 25 parking spaces (page 5.1-24), however there is no indication as to how many spaces will be lost on the THP property versus L&M's Wells Fargo Bank property. This flaw continues with other elements of the Project. Without property specific information, there is insufficient information to assess what inadequacies would result as to each individual parcel and how this will result in impacts to the environment, the patrons of each parcel, the neighboring properties, and the surrounding uses.

13-2

2. The draft EIR indicates that though there will be a loss of 25 parking spaces on the Kohl's property, ample parking is available within the interior of the site and the property would remain consistent with parking requirements of the Zoning Code (page 5.1-24). This analysis treats the THP parcel and the L&M parcel as a single parcel and does not analyze whether the Project will result in a deficiency on either parcel taken alone. Moreover, the draft EIR looks merely to the requirements of the Zoning Code as opposed to assessing parking needs at peak periods. There is absolutely no analysis of the peak period parking use on either or both parcels and what the impact of the loss of parking will be during these peak periods. Without the omitted information, there is insufficient support for a finding that the parking impacts are less than significant.

13-3

3. The draft EIR concedes that the Project will render the Kohl's property as non-compliant with the minimum Zoning Code requirements in terms of the landscape planter width and percentage of on-site landscaping (page 5.1.23). The draft EIR concludes, however, that the impacts would be less than significant since the City "could issue a Variance to allow for the reduction of the landscape planter width and landscaped area to bring the Kohls property in compliance with Zoning Code Chapter 241." (page 5.1-23). Issuing a paper authorization, however, does not eliminate or mitigate what would otherwise be a significant impact on the environment. The landscaping would still be lost even with the issuance of the paper Variance.

13-4

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Moreover, there is no assurance that the City will issue the Variance. Will the property owner have to apply for the Variance, or will the City automatically issue it as an administrative matter? The draft EIR makes no effort to describe what the legal requirements are for issuance of a Variance or whether those legal requirements can and will be met under the Project circumstances. Will the property owner have to pay fees to obtain such a Variance? Will the City have discretion to deny the Variance? Will the City have the discretion to impose conditions on the property owner as a prerequisite for obtaining the Variance? Will the City have the discretion to condition the issuance of a Variance on the property owner's constructing additional landscape planters elsewhere on the property, thus resulting in a loss of additional parking? While the draft EIR proposes that the availability of a Variance renders the loss of landscaping as a less than significant impact, isn't the draft EIR in effect forcing the property owner to devote or dedicate other portions of its property to replace the lost landscaping, without an actual public acquisition of those other portions of property, thus effecting a taking without compensation to the property owner?

13-4

4. The draft EIR indicates that "Numerous parking spaces east and south of the Wells Fargo facility ...could potentially be removed..." [in order to construct a replacement landscape planter.]. There are no spaces south of the Wells Fargo facility. Adams Avenue is south of the Wells Fargo facility. East of the Wells Fargo facility is Brookhurst Street. The aerial photograph set forth in Exhibit 3-8 shows there are no such parking spaces as relied upon by the draft EIR.

13-5

5. The draft EIR fails to identify exactly where the loss of parking will occur, i.e., specifically which parking spaces will be lost to the Project. An aerial photo with proposed right of way is included as Exhibit 3-8, but the photo is too vague and small of a scale to provide the necessary information. A larger scale photo with numbers on the spaces to be lost should be provided in order to allow a meaningful assessment of what will be lost and what the impacts of such loss will be on the environment.

13-6

6. City staff persons, Bill Janusz and Mary Beth Broeren, indicated at a meeting with THP's representative, Mark Sork, that the length of the queue along Brookhurst has not been determined and that it could be much shorter (such as beginning where the current Driveway is located) and that the lane imposition on the Kohls' property may be less than suggested as well. This option, however, is not listed as a mitigation measure that could mitigate some or all of the loss of parking and loss of landscaping that would otherwise occur. It appears that the draft EIR has failed to identify the loss of parking and loss of landscaping as a significant environmental impact in order to avoid requiring such a mitigation measure.

13-7

7. The draft EIR seems to suggest that the existing peripheral parking areas along Adams are not required or currently used. Employee parking, however, is located along this perimeter area and it is used on a regular basis by both employees and customers.

13-8

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8. The draft EIR makes no attempt to show what temporary construction easements will be required over the THP property and accordingly fails to address the potential significant environmental impacts that may result from such temporary construction easements.

13-9

On February 26, 2013, I sent a letter to the City on behalf of THP in connection with the Notice of Preparation of the draft EIR and in that letter I requested that the issues below be fully addressed in the draft EIR. Below I have repeated these requests and have added my comments as to whether or not the requests have been addressed.

1. Exactly what portions of my client's property will be taken for the Project, both permanently and for purposes of temporary construction easements? These areas should be clearly plotted, with dimensions, over a current aerial photo of the property so that the improvements and uses impacted can be readily identified. Before and after-condition drawings, as well as during construction drawings, that depict the impact of the Project on existing sidewalks, street lighting, utilities, driveways and drive aisles, parking, pedestrian pathways, landscaping, on-site lighting, and related improvements should be provided.

13-10

[While an aerial photo with proposed right of way has been included as Exhibit 3-8, it is not clear enough, nor does it provide sufficient detail to meet the request. The after condition is not shown. Furthermore, temporary construction easements have been ignored altogether.]

2. How many existing parking spaces on my client's property will be eliminated as a result of the Project? A parking study should be done concerning the impacts such a loss will have on the existing uses within the property and on the potential for expanded or modified uses over time. The study should include potential mitigation measures and means to recapture lost spaces by reconfiguration or other measures.

13-11

[No meaningful parking study has been provided. No analysis has been made as to how the loss of parking will impact the potential for expanded or modified uses of the property over time. No mitigation measures have been suggested in connection with lost parking.]

3. What will be the precise period during which construction will physically occur on what is now my client's property? What will be the precise period of construction in the close vicinity of my client's property? What will be the hours of construction activities? What measures will be adopted to minimize the impacts on shopping and businesses located within my client's property?

13-12

[This information has not been provided.]

4. Since the most important shopping period for the retail stores located within my client's property is from October through December, what measures will be taken to avoid disruptive construction activities during that period?

13-13

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[This has not been addressed at all.]

13-13

5. What impacts will there be during the construction period on ingress and egress to my client's property and to the businesses located within the property? What measures will be adopted to minimize the detrimental impacts?

13-14

[This has not been addressed.]

6. What will the Project impacts be on the visibility of the businesses located within my client's property and/or on the visibility of the signage for the shopping center or the businesses?

13-15

[This has not been addressed.]

7. What will the Project impacts be on the landscaping and aesthetic features associated with my client's property, both during construction and post-construction, and how will these be mitigated?

13-16

[There is text in the draft EIR relating to landscaping and aesthetic features, however, as noted above, the treatment is inadequate.]

Very truly yours,



Michael Rubin

MR:mg

cc: Mark Sork



13. RESPONSES TO COMMENTS FROM TOWNE HOUSE PLAZA, LP, DATED AUGUST 26, 2013.

13-1 Refer to Response 12-1.

13-2 Refer to Response 12-2.

13-3 Refer to Response 12-3.

13-4 Refer to Response 12-4.

13-5 Refer to Response 12-5.

13-6 Refer to Response 12-6.

13-7 Refer to Response 12-7.

13-8 Refer to Response 12-8.

13-9 Refer to Response 12-9.

13-10 Refer to Response 12-10.

13-11 Refer to Response 12-11.

13-12 As discussed in Section 3.6, *Construction and Phasing*, of the Draft EIR, construction activities in the vicinity of the northwest quadrant (including the Towne House Plaza property) would occur in a single phase over approximately six months. Demolition is anticipated to start in May 2017 and construction is anticipated to end in October 2017. However, this construction schedule is subject to change based on available funding. As discussed on page 5.2-13 of the Draft EIR, the project would affect a total of five driveways within the northwest quadrant of the intersection, all associated with the commercial center. These include the two northern-most driveways along Brookhurst Street and the three driveways along Adams Avenue. Although individual access points to commercial centers would be temporarily affected by the project, a minimum of one driveway would remain open to traffic at all times. Thus, construction of the proposed project would not impede site access for customers during this time. Impacts in this regard were determined to be less than significant.

13-13 Refer to Response 12-13.

13-14 Refer to Response 12-14.

13-15 Implementation of the proposed project would result in similar visibility of the northwest quadrant (including the Towne House Plaza property) facility from adjacent roadways as compared to existing conditions. As an intersection widening project, no new structures or facilities are proposed that could impede visibility of businesses or signage.

**Brookhurst Street/Adams Avenue
Intersection Improvements Project EIR**



13-16 Refer to Response 12-16.

Public Comments Made During the Brookhurst Street/Adams Avenue Intersection Improvements Project Environmental Impact Report - Public Comment Hearing

Location: Central Library
 Date: July 31, 2013
 Time: 6:30 PM

Issues Raised/Comments Made During Public Comment Period (in the order they were made/received):

Name	Comment	
Pamela Anderson	Concerned about widening affecting the property values and would like to start a petition. The City is in debt.	14-1
Bonnie Meakin	Accidents are caused by merging. Blind spots cause the accidents. Widening the street will increase this issue and traffic will not be alleviated. Merging is a hazardous vehicle movement. Have traffic department and police department been consulted? Long lights alleviate queuing. Adams Avenue westbound near Polly's will be dangerous (merging). Traffic is inevitable – the project is pointless.	14-2
Josh Jellerson	What has been the traffic increase in the past since 1998 and what is the projected increase to 2030? Construction for right-turn lane at Brookhurst? What was the traffic then compared to now? Timed it, average 1 minute 45 seconds to travel through intersection (longest three minutes) so the project is not needed.	14-3
Pamela Anderson	Dangerous intersection. Adding more lanes will make it more dangerous. The traffic moves very well now.	14-4
Larry Schosh	Does City have historic traffic data from 1998 to 2010? How about from 2010 to 2030? Historic data from construction of Starbucks right turn lane? Adding lanes to the Brookhurst/Adams intersection will make it more dangerous.	14-5
Karen Copeland	When was the traffic study done? How many (traffic counts) were recorded and what time?	14-6
John Riasanovsky	The traffic study is unclear – it doesn't note peak hours; confusing.	14-7
Paul Haussler	Eastbound on Adams, where would the widening begin? Many people rely on the frontage road – after project, would the frontage road be impacted? Would parking be impacted here (on the frontage road)?	14-8
Shelia Ivins	Traffic does not peak during peak hours. There is no traffic by 8 AM. On the weekend, there is no traffic. Traffic is only really 1.5 hours. Don't understand the need for the project. Where will 2030 growth be coming from if area is built out?	14-9

Name	Comment	
Bonnie Meakan	How is traffic going to increase? Same amount of people and cars.	14-10
John Riasanovsky	Is the MOU legally binding? Have we already signed it?	14-11
Larry Schosh	Garfield-Gisler Bridge – is it dead?	14-12
John Woodruff	Where is the growth going to come from if area is built out? Is air quality currently acceptable at Huntington Bay and surrounding area? With the project will make the air quality better or worse? Currently, we have black soot on everything.	14-13
Laurel Woodruff	The project is a short-term solution to a long-term problem. Widening will just create more problems. We have black soot on everything.	14-14
Michael Nguyen	There is poor circulation in this community. Look at the accident 20 years ago. There are many close calls making left turns at this intersection (Lawson Lane and Adams). Adding lanes will create safety problems. Do you have growth data from 1993 to 2013?	14-15
Pamela Anderson	Neighbors have had three accidents on Huntington Bay in last year. Adding more lanes will just cause more problems. It is also not safe for pedestrians.	14-16
John Riasanovsky	Where are the traffic assumptions for the OCTA Master Plan? Have we checked with other agencies, wastewater, etc. so this is all consistent and we don't have multiple projects instead of one? Also, another stoplight at the corner? The bank went in and then this project went forward. The Phase I noted open environmental cases at this site. Have we coordinated with the RWQCB with this project? Do project costs include costs from cleanup from contaminated soil? Whose responsibility is it to clean these up? And how does this impact the timeline? What is the shelf-life of the EIR? Begin at first or end date? Why are the 2011 traffic counts still considered to be good? Is the project's benefit only beneficial by 2030, or earlier? Other alternative improvements consider such as widening of bridge or PCH, etc.?	14-17
Katherine Leebrick	Old plans proposed three bridges to avoid this problem. Why did we not stick to those?	14-18
Paul Haussler	East of Piccadilly Lane, left turn from Beachmont is dangerous.	14-19
George Phipps	Why can't you enter onto Piccadilly, no one pays attention to the sign and turns anyways. Where are we going to alleviate traffic, or are we just going to bottleneck somewhere else?	14-20
John Riasanovsky	Walking is easier than driving. Public transit is not analyzed as part of the future solution. Public transit would alleviate some of the traffic.	14-21

Name	Comment	
Laurel Woodruff	Residents in the surrounding area like to have their windows down, but it is too noisy. The project will make the noise even louder. It's too noisy to even watch TV.	14-22
John Riasanovsky	Please provide a range of years when construction could begin.	14-23
Karen Waver	Telecommunicating should be accounted for in traffic projection and for alleviating traffic.	14-24



14. RESPONSES TO COMMENTS FROM PUBLIC COMMENT MEETING, CONDUCTED ON JULY 31, 2013.

- 14-1 The comment pertains to financial concerns and does not raise comments pertaining to analysis within the Draft EIR. Thus, no response is required.
- 14-2 Refer to Topical Response A pertaining to traffic safety and Topical Response B pertaining to the purpose and need for the proposed project.
- 14-3 CEQA Guidelines Section 15125 states that “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published...from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” Thus, the Draft EIR is not required by CEQA to consider the historical traffic conditions in order to determine whether or not an environmental impact is present. As required by CEQA Guidelines Section 15125 and further discussed in Response 11-2, the Draft EIR considered the project’s impacts to the existing condition (at the time of the Notice of Preparation) and the forecast 2030 condition. Also refer to Response 11-2 pertaining to the methodology utilized for forecast 2030 traffic conditions. Refer to Topical Response B pertaining to the purpose and need for the proposed project.
- 14-4 Refer to Topical Response A pertaining to traffic safety.
- 14-5 Refer to Responses 11-2 and 14-3. Refer to Topical Response A pertaining to traffic safety.
- 14-6 The Traffic Impact Analysis was completed in June 2013 and provided as Appendix 13.3, *Traffic Analysis*, of the Draft EIR. Much of the *Traffic Analysis* was based upon data provided as part of the *Project Report*, which is dated March 12, 2013 (and provided as Appendix 13.7 of the Draft EIR. Existing conditions traffic counts used for the *Traffic Analysis* were conducted on November 20, 2007. Counts were completed for the a.m. (7:00 a.m. – 9:00 a.m.), midday (11:30 a.m. – 1:30 p.m.), and p.m. (4:00 p.m. – 6:00 p.m.). Over 10,000 vehicles were counted for the a.m. peak period, over 9,000 vehicles were counted for the midday period, and over 12,000 vehicles were counted for the p.m. peak period.
- 14-7 Refer to Response 11-4 pertaining to the definition of peak hours utilized within the traffic analysis.
- 14-8 As noted on page 3-7 of the Draft EIR, improvements along Adams Avenue would occur from approximately 1,300 feet west of Brookhurst Street and approximately 1,200 feet to the east. Per page 5.2-13 of the Draft EIR, the frontage road and associated parking along the northern side of Adams Avenue (to the east and west of Brookhurst Street) would not be affected by the project. Refer to Response 6-2 pertaining to project impacts along the divider between the frontage road and Adams Avenue.
- 14-9 Refer to Response 11-4 pertaining to the definition of peak hours utilized within the traffic analysis. Refer to Topical Response B pertaining to the purpose and need for the proposed project.



- 14-10 Refer to Topical Response B pertaining to forecast growth and the purpose and need for the proposed project.
- 14-11 The Commenter does not raise any issues pertaining to environmental analysis within the Draft EIR. This comment is noted and no further response is required. Also refer to Topical Response B pertaining to forecast growth and the purpose and need for the proposed project.
- 14-12 The Commenter does not raise any issues pertaining to environmental analysis within the Draft EIR. MOU C-6-0834 among the cities of Huntington Beach, Costa Mesa, Fountain Valley, and OCTA was specifically developed to develop transportation improvements to improve regional circulation in lieu of constructing the Garfield-Gisler Bridge. This comment is noted and no further response is required.
- 14-13 Refer to Topical Response B pertaining to forecast growth and the purpose and need for the proposed project. As discussed in Table 5.3-10 (page 5.3-18) of the Draft EIR, existing air quality emissions in the project area do not exceed SCAQMD thresholds for any criteria pollutants.

As indicated in Table 5.3-6 and Table 5.3-7 (pages 5.3-12 and 5.3-14) of the Draft EIR, short-term construction related emissions would not exceed the SCAQMD's regional or localized thresholds of significance with adherence to SCAQMD Rule 403. In addition, implementation of Mitigation Measure AQ-1 would reduce any impacts related to short-term construction related emissions to less than significant. Per Table 5.3-10 on page 5.3-18 of the Draft EIR, the project's long-term operational emissions would not exceed SCAQMD's thresholds of significance for operational emissions. Further, the short- and long-term cumulative emissions would be mitigated to less than significant with implementation of AQ-1. The Draft EIR determined that the proposed project would have a less than significant air quality-related impact after implementation of the recommended mitigation measure.

- 14-14 Refer to Topical Response B pertaining to the purpose and need for the proposed project. Refer to Response 14-13 pertaining to air quality impacts.
- 14-15 Refer to Topical Response A pertaining to traffic safety. Refer to Response 14-3 pertaining to historical growth data.
- 14-16 Refer to Topical Response A pertaining to traffic safety.
- 14-17 Refer to Response 11-2 regarding regional and subregional traffic models that were utilized as part of the traffic analysis for the proposed project. The City of Huntington Beach would be responsible for consultation with affected utility providers prior to construction to coordinate required utility relocation and/or upsizing to minimize the need for any future disruption of service and traffic.



The recently-constructed Chase Bank within the southwest quadrant of the intersection has been constructed to accommodate potential future widening of the intersection, and no ROW impacts to this facility would occur.

Page 5.6-9 of the Draft EIR discusses the potential impacts of existing soil and/or groundwater contamination to the proposed project. Construction activities at the project site could result in the disturbance of existing on-site soil and/or groundwater contamination from former gas station facilities in the project area. Prior to site disturbance, the City would be required to contact the Orange County Health Care Agency (HCA) in order to inform them that site disturbance activities will be conducted in the vicinity of 20001 Brookhurst Street (the former Shell) and 9971 Adams Avenue (the former Chevron) (Mitigation Measure HAZ-1). Site disturbance activities also have the potential to encounter contaminated soil and/or groundwater in the vicinity of 10001 Adams Avenue (the former Super-7). In order to ensure worker safety during construction, the City would be required to prepare a Worker Safety Plan, approved by the Huntington Beach Fire Department, which would outline safety precautions that would minimize potential exposure to workers (HAZ-2). Further, any activities involving potential soil contamination would be required to be consistent with the City Specification 431-92. With implementation of existing City Specifications and recommended Mitigation Measures HAZ-1 and HAZ-2, potential accidental conditions during construction resulting from the existing soil/groundwater contamination would be reduced to less than significant levels. The proposed project would not be responsible for cleanup of existing contamination associated with these off-site former gasoline stations, as the property owners are responsible for these cleanup activities which are currently being conducted.

Refer to Topical Response B pertaining to the purpose and need for the proposed project. Since the proposed project would provide additional capacity at the Brookhurst Street/Adams Avenue intersection, it would provide benefits immediately after construction is completed (i.e., not just 2030 and later).

Refer to Response 11-8 related to the range of Alternatives analyzed within the EIR. An alternative that would widen the Garfield-Gisler Bridge or Pacific Coast Highway would not accomplish the majority of the project objectives.

- 14-18 Refer to Topical Response B pertaining to the purposed and need for the proposed project.
- 14-19 Refer to Topical Response A pertaining to traffic safety.
- 14-20 As noted on page 5.2-13 of the Draft EIR, the proposed project would not alter access patterns for any property adjacent to the project site, including Picadilly Lane.

It is important to note that the proposed project does not represent a development project or land use that would be capable of generating vehicle trips that would result in “bottlenecks” at other locations; rather, the project would consist of intersection capacity enhancements intended to improve operations and alleviate traffic congestion. Also refer to Topical Response B pertaining to the project’s purpose and need.

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- 14-21 Refer to Topical Response B pertaining to the purpose and need for the proposed project. Also refer to Response 11-11 for a response pertaining to public transit.
- 14-22 The Commenter identifies concerns related to noise, but does not provide specifics related to analysis provided within the Draft EIR. The project's impacts related to noise have been analyzed in detail in accordance with CEQA within the Draft EIR. These impacts were determined to be less than significant.
- 14-23 According to page 3-21 of the Draft EIR, the proposed street improvement and intersection project would occur in a single phase over approximately six months, with construction activity taking place on all four quadrants of the intersection concurrently. Demolition is anticipated to start in May 2017 and construction is anticipated to end in October 2017. However, this construction schedule is subject to change based on available funding.
- 14-24 Refer to Response 11-2 pertaining to the traffic analysis methodology required for the Draft EIR. The timing and effectiveness of increased telecommuting would be speculative in terms of any congestion relief at the existing project site. Thus, telecommuting cannot feasibly be considered in the traffic analysis.



2.1 TOPICAL RESPONSES

A. TRAFFIC SAFETY

The Draft EIR included a detailed analysis of traffic safety impacts that could occur upon completion of the project. It is important to note that the proposed project does not represent a development project or land use that would be capable of generating vehicle trips that would increase hazards at the intersection; rather, the project would consist of intersection capacity enhancements intended to improve operations and alleviate traffic congestion. In this regard, the proposed project would result in safety benefits since traffic congestion would be reduced. In addition, many of the existing traffic safety issues noted within the Draft EIR comments are an existing condition that would occur with or without the project, and would likely worsen through 2030 as congestion increases without the proposed project.

As noted in Section 5.2, *Traffic and Circulation*, of the Draft EIR, the proposed project would not alter access patterns to properties adjacent to the project site. Access to all residential areas (including Picadilly Lane at the Huntington Bay community and Lawson Lane) would remain open at all times. The frontage roads along the northern side of Adams Avenue (to the east and west of Brookhurst Street) would not be affected by the project.

Sidewalks would be restored to meet existing City and Americans with Disabilities Act (ADA) requirements. Crosswalks within the project site (which are limited to the Brookhurst Street/Adams Avenue intersection) would be maintained. Since widening of the intersection would occur, pedestrian signal timing would be adjusted as necessary to meet Manual of Uniform Traffic Control Devices (MUTCD) recommendations to ensure adequate time for pedestrians crossing the intersection.

Bicycle travel within and immediately surrounding the project site would not be affected during long-term operations. Currently, there are no striped bicycle lanes along Brookhurst Street or Adams Avenue. The proposed project would not alter travel patterns for bicyclists.

The project would implement intersection widening improvements that would reduce existing and anticipated future congestion at the Brookhurst Street/Adams Avenue intersection, and improve the efficiency of traffic flow within the project area. The proposed project would not contribute to any hazards in the project area related to vehicle queuing, including Ranger Lane (located approximately 400 feet east of the project site). There are no identified capacity deficiencies at the Adams Avenue/Ranger Lane intersection under both existing and forecast conditions. It is anticipated that the increased capacity created by the project would result in beneficial impacts related to vehicle queuing, within and surrounding the project site.

The project would not result in increased hazards for ingress/egress at the Huntington Bay community or for residents on Lawson Lane. The access points to Huntington Bay/Lawson Lane would not be affected during construction or operations. In addition, while it can be difficult for motorists to identify an acceptable gap in traffic when attempting a left turn movement onto Adams Avenue, this condition would occur with or without the project. The project would result in beneficial impacts related to intersection operation and would not exacerbate this condition.



As discussed in the Draft EIR, the Brookhurst Street/Adams Avenue intersection is forecast to operate at a deficient LOS (LOS E or worse) during both the AM and PM peak hours according to City of Huntington Beach performance criteria. However, with the proposed project intersection improvements, the Brookhurst Street/Adams Avenue intersection is forecast to operate at an acceptable LOS (LOS D or better) according to City of Huntington Beach performance criteria. As such, the project is anticipated to result in a beneficial impact in regards to intersection operation under the forecast year 2030 scenario. Emergency access and response would also be improved since congestion would be reduced with widening of the intersection. Therefore, implementation of the proposed project would not result in hazardous conditions or have adverse effects on emergency response. As noted within the Draft EIR, impacts in regards to traffic safety would be less than significant.

In addition, numerous comments refer to the high potential for traffic hazards and accidents at the Brookhurst Street/Adams Avenue intersection. For perspective, in the year 2012, 40 intersections within the City were documented with a minimum of 4 accidents. Of these 40 intersections, the intersection of Brookhurst Street and Adams Avenue had the 22nd highest accident rate and 28th highest injury accident rate. When looking purely at the number of accidents, this intersection is ranked 11th (with 10 accidents) compared to the highest intersection, Beach Boulevard and Ellis Avenue (with 23 accidents). As discussed in the Draft EIR, this traffic safety concern is an existing condition. As traffic volumes increase in the area through 2030, these traffic safety concerns are anticipated to increase. Implementation of the proposed project would result in an improvement to the traffic flow and queuing at this intersection, which would also indirectly increase safety operations at this intersection as well.

B. PROJECT PURPOSE AND NEED

Several comments received during the Draft EIR comment period state that the project is unneeded and that current traffic volumes do not require improvements to the intersection. It should be noted that the project's intersection capacity improvements have not been designed specifically for existing traffic conditions; rather, the project design is based upon traffic conditions projected to occur as long-range growth and buildout of the City's General Plan continues to occur through 2030. While the intersection currently operates at an acceptable LOS (LOS D) according to the City's thresholds of significance, it is forecast to operate at LOS F in 2030 without implementation of the project. According to the Transportation Review Board's *Highway Capacity Manual*, LOS D is defined as "approaching unstable flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding)". LOS F is defined as "forced flow (jammed)." As such, the project is needed to alleviate existing and forecast congestion at the Brookhurst Street/Adams Avenue intersection.

Based on the demonstrated need for the project described immediately above, page 3-8 of the Draft EIR includes the project's objectives, which provide the underlying purpose of the project. The project objectives are as follows:

1. Provide traffic improvements at the Brookhurst Street/Adams Avenue intersection consistent with the City's *Circulation Element* to alleviate the deficient forecast year 2030 without project condition (Level of Service [LOS] F) to an acceptable LOS (LOS D) under the forecast year 2030 with project condition.

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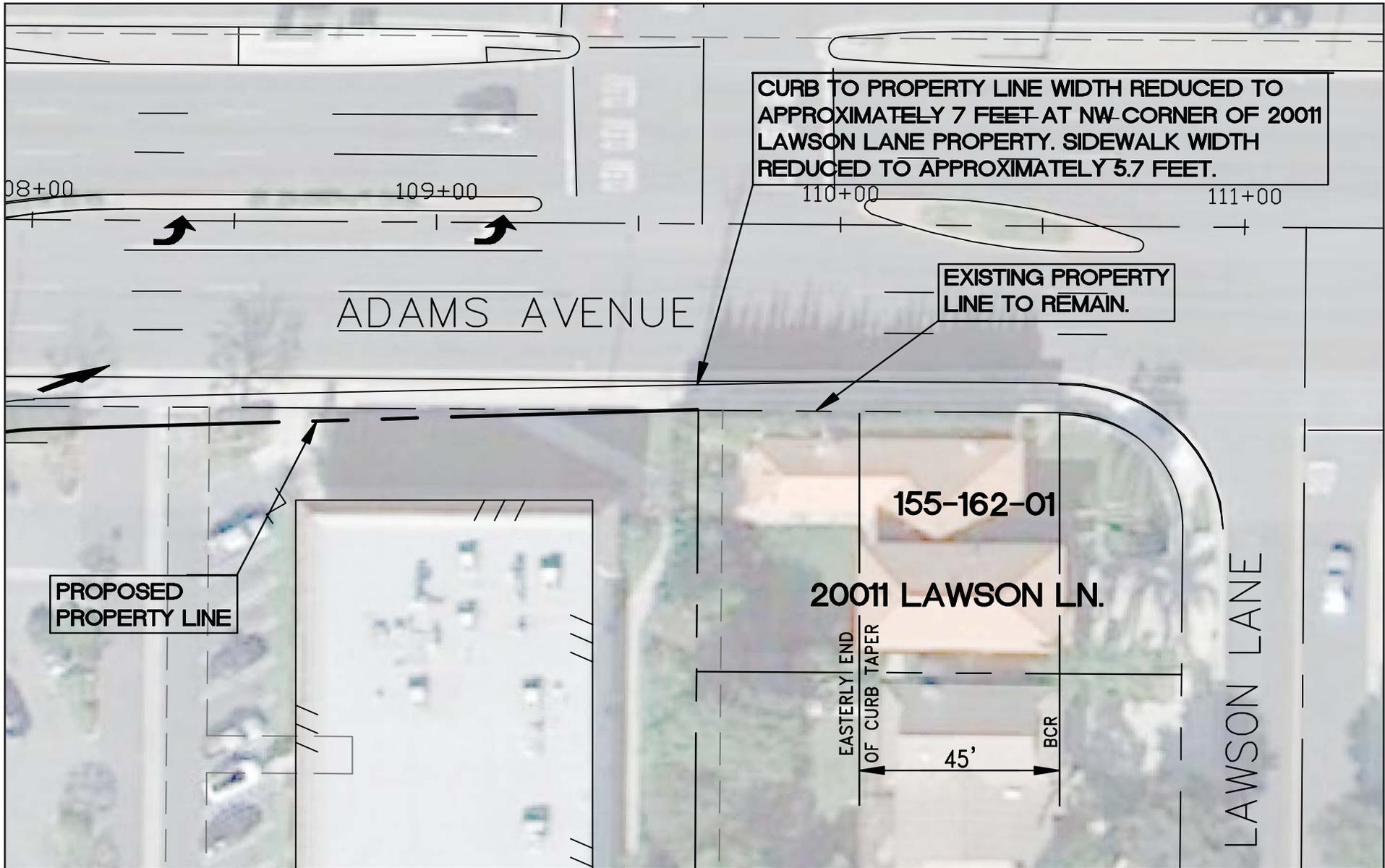


2. Carry forward the City of Huntington Beach's responsibilities for the Brookhurst Street/Adams Avenue intersection under the *MOU C-6-0834 Among Cities of Costa Mesa, Fountain Valley and Huntington Beach and the Orange County Transportation Authority Regarding Agency Responsibilities for Implementing the Consensus Recommendation for the Garfield-Gisler Bridge Crossing over the Santa Ana River*.
3. Carry out proposed improvements that incorporate a design and construction methodology that minimize impacts to surrounding residents and businesses.
4. Alleviate existing and forecast traffic congestion at the Brookhurst Street/Adams Avenue intersection and improve mobility for travelers within the City and surrounding areas.

Several comments received on the Draft EIR also refer to the need for the project under MOU C-6-0834 among the cities of Huntington Beach, Costa Mesa, Fountain Valley, and OCTA. The MOU was specifically developed to develop transportation improvements to improve regional circulation in lieu of constructing the Garfield-Gisler Bridge. While the MOU is one of the stated project objectives in the Draft EIR, it is not the primary reason the City proposes the project. Rather, the City recognizes the existing and projected congestion that is forecast to occur through 2030 at the Brookhurst Street/Adams Avenue intersection. The City is responsible for maintaining efficient circulation on roadways within its jurisdiction and the proposed improvements have been identified within the City's *General Plan Circulation Element*.



ATTACHMENT A
REVISED EXHIBIT 7-1B OF THE DRAFT EIR
REDUCED RIGHT-OF-WAY ALTERNATIVE



Source: City of Huntington Beach, September 2013.

NOT TO SCALE



09/13 • JN 10-107799 (130100)

ENVIRONMENTAL IMPACT REPORT
BROOKHURST STREET/ADAMS AVENUE INTERSECTION IMPROVEMENTS

Reduced ROW Alternative

Exhibit 7-1b



3.0 Errata



3.0 ERRATA

Changes to the Draft Environmental Impact Report (Draft EIR) are noted below. A double-underline indicates additions to the text; strikeout indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, *Response to Comments*, of the Final EIR. The changes to the Draft EIR do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

NOTE TO REVIEWER:

These errata address the technical comments on the Draft EIR, which circulated from July 12, 2013 through August 26, 2013. These clarifications and modifications are not considered to result in any new or substantially greater significant impacts as compared to those identified in the Draft EIR. Any changes referenced to mitigation measures contained in the Draft EIR text also apply to Section 2.0, *Executive Summary* and Section 8.0, *Inventory of Mitigation Measures*, of the Draft EIR. All mitigation measure modifications have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of the Final EIR.

SECTION 2.0 EXECUTIVE SUMMARY

Page 2-1, 3rd Paragraph

In order to provide a long-term benefit in regards to traffic and circulation at the intersection, the City proposes to widen the Brookhurst Street/Adams Avenue intersection in all directions. As further discussed in Section 5.2, *Traffic and Circulation*, the Brookhurst Street/Adams Avenue intersection is forecast to operate at a deficient LOS (LOS F) during both the AM and PM peak hours according to City of Huntington Beach performance criteria under forecast year 2030 conditions. However, with the proposed project intersection improvements, the Brookhurst Street/Adams Avenue intersection is forecast to operate at an acceptable LOS (LOS D or better) according to City of Huntington Beach performance criteria under forecast year 2030 conditions. As such, the project is anticipated to result in a beneficial impact in regards to traffic and circulation in the area.

SECTION 3.0 PROJECT DESCRIPTION

Page 3-7, 2nd Paragraph

In order to provide a long-term benefit in regards to traffic and circulation at the intersection, the City proposes to widen the Brookhurst Street/Adams Avenue intersection in all directions. As further discussed in Section 5.2, *Traffic and Circulation*, the Brookhurst Street/Adams Avenue intersection is forecast to operate at a deficient LOS (LOS F) during both the AM and PM peak hours according to City of Huntington Beach performance criteria under forecast year 2030 conditions. However, with the proposed project intersection improvements, the Brookhurst Street/Adams Avenue intersection is forecast to operate at an acceptable LOS (LOS D or better) according to City of Huntington Beach performance criteria under forecast year 2030 conditions. As such, the project is anticipated to result in a beneficial impact in regards to traffic and circulation in the area.



**Table 3-1
Right-of-Way Acquisition**

Land Use	Assessor Parcel Number	Existing Lot Area (square feet)	ROW Acquisition (square feet)	Proposed Lot Area (square feet)	Landscaping Removed (square feet)	Parking Spaces Removed
Northeast Quadrant						
Retail/Commercial Center	155-051-13	16,525	1,350	15,175	1,318	0
	155-051-11	22,357	2,521	19,836	1,677	0
	155-051-07	98,955	2,245	96,710	788	0
	155-051-12	16,873	432	16,441	373	0
Northwest Quadrant						
Retail/Commercial Center	153-171-01	425,905	4,644	421,261	2,215	3 24
	153-171-02	22,329	1,212	21,117	1,230	1
Southeast Quadrant						
Retail/Commercial Center	155-181-04	67,941	6,223	61,718	1,156	39
	155-181-28	570,860	9,828	561,032	5,927	23
Residential	155-162-01	8,207	143	7,127	60	0
Southwest Quadrant						
Retail/Commercial Center	151-461-28	509,292	1,307	507,985	1,767	18
	151-461-30	24,972	1,325	23,665	455	0
TOTAL		1,784,216	31,230	1,752,986	16,956	442105

SECTION 5.1 LAND USE AND RELEVANT PLANNING

Page 5.1-23, 4th Paragraph

Although the Variance would minimize impacts in this regard to a level below significance, the City would also implement Mitigation Measure LU-4. This measure would require the City of Huntington Beach to consult with the property owner in an effort to construct a replacement planter. Because the property would have a surplus of 12 parking spaces after project implementation, a replacement planter may be installed in areas where surplus parking exists. Numerous parking spaces ~~eastwest~~ and ~~southnorth~~ of the Wells Fargo facility (along the frontages of Adams Avenue and Brookhurst Street, respectively) at the northwest corner of Brookhurst Street/Adams Avenue could potentially be removed in order to a landscape planter with a minimum width of 3 feet and a maximum width of 19 feet. Parking could also be removed near the main entrance to the commercial center along Adams Avenue, where parking spaces are further from building entrances and is often blocked by vehicle queuing. As another option, the City may implement a minimum three-foot wide planter along the proposed bus turnout on Adams Avenue and in the location of existing parallel stalls along Brookhurst Street.



SECTION 5.2 TRAFFIC AND CIRCULATION

Page 5.2-12, Mitigation Measure TR-1

TR-1 Prior to commencement of any construction activities, the City of Huntington Beach shall prepare a Traffic Management Plan (TMP) to address temporary safety and traffic concerns at and surrounding the Brookhurst Street/Adams Avenue intersection. At a minimum, the TMP shall include plans clearly denoting any proposed lane closures, proposed vehicle/bicyclist/pedestrian rerouting plans, and a traffic signage plan to ensure adequate circulation during the short-term construction process. The TMP shall be subject to review and approval by the City of Huntington Beach City Engineer. In addition, road/lane closure notification shall be provided to the Huntington Beach Fire Department and Police Department. The City of Huntington Beach shall also consult with the California Department of Transportation (Caltrans) prior to construction to coordinate the proposed project with any Caltrans construction activities on Interstate 405.

SECTION 7.0 ALTERNATIVES TO THE PROPOSED PROJECT

Page 7-6

- The proposed sidewalk along the residential property at 20011 Lawson Lane would be reduced in width in order to eliminate the need to acquire ROW at this residential property. The existing block wall at 20011 Lawson Lane would remain in place. This narrowed ROW would reduce the proposed project's 87.2-foot sidewalk to approximately 5.47 feet at this location; refer to Exhibit 7-1b, Reduced ROW Alternative, for an illustration of this location. The vehicular travel way would remain unchanged from the proposed project and a narrowed sidewalk segment of 5.47 feet in width is acceptable under City standards.

Exhibit 7-1b, Reduced ROW Alternative

Note that Exhibit 7-1b has been revised as shown within Attachment A of the Responses to Comments.



4.0 Mitigation Monitoring and Reporting Program



4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the Brookhurst Street/Adams Avenue Intersection Improvements Project (the project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Brookhurst Street/Adams Avenue Intersection Improvements Project file.

This Mitigation Monitoring and Reporting Program delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the EIR, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.



- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the Mitigation Monitoring and Reporting Program, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Public Resources Code Section 21081.6.



Table 1
MITIGATION MONITORING AND REPORTING CHECKLIST

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
LAND USE							
LU-1	Prior to final plan approval for the proposed project, the City of Huntington Beach shall consult with the property owner of the Stater Brothers property in an effort to reconstruct as many landscape planters along Brookhurst Street and Adams Avenue as possible or feasible (as determined by the City of Huntington Beach Planning and Building Director, in consultation with the property owner).	City of Huntington Beach Planning and Building Director and City of Huntington Beach Public Works Director	Prior to Final Plan Approval	City of Huntington Beach Planning and Building Director	Prior to Final Plan Approval/ During Consultation with Property Owner		
LU-2	<p>Prior to final plan approval for the proposed project, the City of Huntington Beach shall consult with the property owner of the US Bank property in an effort to eliminate or minimize incidences of non-compliance with the Zoning Code in regards to landscape planter width, percentage of on-site landscaping, and parking stalls. The following options may be considered by the City and the property owner:</p> <ul style="list-style-type: none"> The City shall reconstruct as many landscape planters along Brookhurst Street and Adams Avenue as possible or feasible (as determined by the City of Huntington Beach Planning and Building Director, in consultation with the property owner). It is noted that a maximum nine-foot wide landscape planter could be accommodated along Adams 	City of Huntington Beach Planning and Building Director and City of Huntington Beach Public Works Director	Prior to Final Plan Approval	City of Huntington Beach Planning and Building Director	Prior to Final Plan Approval/ During Consultation with Property Owner		

**Brookhurst Street/Adams Avenue
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Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	<p>Avenue; however, a Variance for one foot of landscaping would still be required;</p> <ul style="list-style-type: none"> The City shall reduce the amount of building square footage (by potentially demolishing the former Goodyear building which may accommodate additional parking) in order to provide the minimum parking stalls required by the Zoning Code; and Pursue a reciprocal parking agreement that may be established between the Stater Brothers property and the US Bank property, which may support a parking Variance request. 						
LU-3	<p>Prior to final plan approval for the proposed project, the City of Huntington Beach shall consult with the property owner of the Target property in an effort to eliminate or minimize incidences of non-compliance with the Zoning Code in regards to landscape planter width. The City may issue a Variance for the number of parking spaces provided and provide a 10-foot wide replacement landscape planter along Adams Avenue.</p>	<p>City of Huntington Beach Planning and Building Director and City of Huntington Beach Public Works Director</p>	<p>Prior to Final Plan Approval</p>	<p>City of Huntington Beach Planning and Building Director</p>	<p>Prior to Final Plan Approval/ During Consultation with Property Owner</p>		
LU-4	<p>Prior to final plan approval for the proposed project, the City of Huntington Beach shall consult with the property owner of the Kohl's property in an effort to eliminate or minimize incidences of non-compliance with the Zoning Code in regards to landscape planter width and percentage of on-site landscaping. As</p>	<p>City of Huntington Beach Planning and Building Director and City of Huntington</p>	<p>Prior to Final Plan Approval</p>	<p>City of Huntington Beach Planning and Building Director</p>	<p>Prior to Final Plan Approval/ During Consultation with Property Owner</p>		

Brookhurst Street/Adams Avenue
Intersection Improvements Project EIR



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	determined by the Planning and Building Director and property owner, the City may remove surplus parking stalls in an effort to regain some of the landscaping area that would be removed by the project, thereby potentially eliminating the need for a Variance for landscape planter width and on-site landscaping (depending on the size of the planters).	Beach Public Works Director					
LU-5	<p>Prior to final plan approval for the proposed project, the City of Huntington Beach shall consult with the property owner of the Ralph's property in an effort to eliminate or minimize incidences of non-compliance with the Zoning Code in regards to landscape planter width. The following options may be considered by the City and the property owner:</p> <ul style="list-style-type: none"> • The City may construct a new landscape planter at the Building E location (assumed to be demolished as part of the project) with a minimum width of eight feet; and • To avoid a Variance to the reduction in the required landscape planter width for areas between Building E and Starbucks, the City may remove 14 parking stalls in order to construct a 10-foot wide landscape planter to be compliant with the minimum Zoning Code requirements. However, the following shall be considered under this option: 	<p>City of Huntington Beach Planning and Building Director and City of Huntington Beach Public Works Director</p>	Prior to Final Plan Approval	City of Huntington Beach Planning and Building Director	Prior to Final Plan Approval/ During Consultation with Property Owner		



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	<ul style="list-style-type: none"> - Assuming Building E square footage is replaced somewhere on the Ralph's property site (e.g., as a second level, as there is no room to replace it in its entirety at grade level without impact parking), a Variance for 11 parking spaces would be required because the Ralph's property was approved with a surplus of three parking spaces; - Under the scenario that Building E is demolished and not replaced, demand for parking would be reduced by 45.9 spaces. Thus, the net surplus after removal of 14 spaces is 31.9 spaces. This would allow the Ralph's property to re-tenant remaining square footage with uses that require more parking, such as restaurants; and - Under the scenario that Building E is rebuilt in the same approximate location, replacement square footage of up to 6,380 retail square feet would be allowed with the remaining 31.9 parking space capacity. This building size would fit between the existing row of parking to the 						

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	north and the new right-of-way and an eight-foot wide landscape planter.						
TRAFFIC AND CIRCULATION							
TR-1	Prior to commencement of any construction activities, the City of Huntington Beach shall prepare a Traffic Management Plan (TMP) to address temporary safety and traffic concerns at and surrounding the Brookhurst Street/Adams Avenue intersection. At a minimum, the TMP shall include plans clearly denoting any proposed lane closures, proposed vehicle/bicyclist/pedestrian rerouting plans, and a traffic signage plan to ensure adequate circulation during the short-term construction process. The TMP shall be subject to review and approval by the City of Huntington Beach City Engineer. In addition, road/lane closure notification shall be provided to the Huntington Beach Fire Department and Police Department. The City of Huntington Beach shall also consult with the California Department of Transportation (Caltrans) prior to construction to coordinate the proposed project with any Caltrans construction activities on Interstate 405.	City of Huntington Beach City Engineer/Construction Contractor	Prior to Commencement of Any Construction Activities/During Construction	City of Huntington Beach City Engineer	Prior to Commencement of Any Construction Activities/ During Construction		
AIR QUALITY							
AQ-1	Prior to issuance of any Grading Permit, the City Engineer shall confirm that the Grading Plan and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in	City of Huntington Beach City Engineer/Construction Contractor	Prior to Issuance of Any Grading Permit/During Construction	City of Huntington Beach City Engineer	Prior to Issuance of Any Grading Permit/During Construction		



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	<p>the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:</p> <ul style="list-style-type: none"> • All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust; • Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance; • Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied; • All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour; 						

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	<ul style="list-style-type: none"> Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area; Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes; On-site vehicle speed shall be limited to 15 miles per hour; All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site; and Reroute construction trucks away from congested streets or sensitive receptor areas. 						
NOISE							
N-1	<p>Prior to issuance of any Grading Permit, the City Engineer shall confirm that the project contractor provides evidence acceptable to demonstrate that the project complies with the following:</p> <ul style="list-style-type: none"> Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and 	City of Huntington Beach City Engineer/ Construction Contractor	Prior to Issuance of Any Grading Permit/ During Construction	City of Huntington Beach City Engineer	Prior to Issuance of Any Grading Permit/ During Construction		



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	<p>maintained mufflers and other state required noise attenuation devices.</p> <ul style="list-style-type: none"> Property owners and occupants located within 100 feet of the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City Engineer, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints. If impact equipment (e.g., jack hammers, pavement breakers, and rock drills) is used during project construction, hydraulically or electric-powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler 						

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	<p>on the compressed-air exhaust shall be used (a muffler can lower noise levels from the exhaust by up to about 10 dBA).</p> <ul style="list-style-type: none"> • Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. • Construction activities shall not take place outside of the allowable hours specified by the City's Municipal Code Section 8.40.090(d) (7:00 AM and 8:00 PM) on weekdays and Saturdays. 						
HAZARDS AND HAZARDOUS MATERIALS							
HAZ-1	Prior to site disturbance, the City shall contact the Orange County Health Care Agency in order to inform the Agency that site disturbance activities will be conducted in the vicinity of 20001 Brookhurst Street (the former Shell Station), and 9971 Adams Avenue (the former Chevron Station). The City shall also coordinate with the Orange County Health Care Agency in order to confirm the exact locations of on-site wells prior to site disturbance.	City of Huntington Beach City Engineer	Prior to Site Disturbance	City of Huntington Beach City Engineer	Prior to Site Disturbance/ Review of Project Plans		
HAZ-2	Prior to issuance of a grading permit, the City shall submit a Worker Safety Plan for	City of Huntington	Prior to Issuance of a Grading	City of Huntington	Prior to Issuance of a		

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	site disturbance/construction activities, in consultation with California Division of Occupational Safety and Health (Cal/OSHA) and the Huntington Beach Fire Department. The Worker Safety Plan shall include safety precautions (e.g., personal protective equipment or other precautions to be taken to minimize exposure to hazardous materials) to be taken by personnel when encountering potential hazardous materials, including potential contaminated soil/groundwater.	Beach City Engineer/ Construction Contractor	Permit	Beach Fire Department/ City of Huntington Beach City Engineer	Grading Permit/During Construction		
HAZ-3	If paint is separated from building materials (chemically or physically) during demolition of the block wall structure at 20011 Lawson Lane, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Engineer.	City of Huntington Beach City Engineer/ Construction Contractor	If Paint is Separated from Building Materials During Demolition of Block Wall at 20011 Lawson Lane	City of Huntington Beach City Engineer	During Demolition of Block Wall at 20011 Lawson Lane		
HAZ-4	Should construction activities result in the disturbance of traffic striping materials, the generated waste shall be disposed of at an appropriate, permitted disposal facility as determined by a lead specialist.	City of Huntington Beach City Engineer/	During Construction Activities that Disturb Traffic Striping Materials	City of Huntington Beach City Engineer	During Construction Activities that Disturb Traffic Striping		

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		Construction Contractor			Materials		
HAZ-5	Prior to site disturbance, the contractor shall contact Dig Alert (Underground Service Alert of Southern California) in order to confirm the location of the existing petroleum pipelines, if any. If present, the contractor shall coordinate with the owner(s) of the existing petroleum pipelines in order to ensure that a rupture during disturbance activities does not occur.	Construction Contractor	Prior to Site Disturbance	City of Huntington Beach City Engineer	Prior to Site Disturbance/ Review of Project Plans		
HAZ-6	Any transformer to be relocated/removed during site construction/demolition shall be conducted under the purview of the local electricity provider to identify proper-handling procedures regarding PCBs.	Construction Contractor	Prior to and During the Relocation of Any Electrical Transformer	City of Huntington Beach City Engineer	Prior to and During the Relocation of Any Electrical Transformer/ Review of Project Plans		
HAZ-7	If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following: <ul style="list-style-type: none"> • Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; • Notify the City Engineer and Fire Department of the City of Huntington Beach; • Secure the area as directed by the City Engineer; and 	Construction Contractor	During Construction Activities	City of Huntington Beach City Engineer	During Construction Activities		

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	<ul style="list-style-type: none"> Notify the Orange County Health Care Agency's Hazardous Materials Division's Hazardous Waste/Materials Coordinator (or other appropriate agency specified by the City Engineer). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required. 						