

CHAPTER 10 Responses to Comments

10.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

In total, fourteen comment letters regarding the Draft EIR were received from three State departments, two regional and/or local agencies, two organizations, and seven individuals. In addition, verbal comments were received at The Ripcurl Draft EIR Public Information Meeting that was held on July 23, 2008. Table 10-1 provides a comprehensive list of commenters in the order that they are presented in this section.

Table 10-1 Comment Letters Received During the Draft EIR Comment Period			
<i>No.</i>	<i>Commenter/Organization</i>	<i>Abbreviation</i>	<i>Page Where Response Begins</i>
STATE DEPARTMENTS			
1	Department of Toxic Substances Control, Greg Holmes. August 25, 2008	DTSC	10-61
2	Native American Heritage Commission, Dave Singleton. July 25, 2008	NACH	10-61
3	Public Utilities Commission, Rosa Munoz. August 15, 2008	PUC	10-62
REGIONAL/LOCAL AGENCIES			
4	Orange County Public Works, Ronald Tippets. August 21, 2008	OCPW	10-62
5	Southern California Edison, Tami Bui. August 22, 2008	SCE	10-63
ORGANIZATIONS			
6	Huntington Beach Environmental Board, David Guido. August 21, 2008	HBEB	10-63
7	Huntington Beach Tomorrow, Ed Bush. August 21, 2008	HBT	10-67
INDIVIDUALS			
Written Letters			
8	Dempsen, Steve. July 11, 2008	DEMP	10-70
9	Gladysz, Tim and Kristin. August 7, 2008	GLAD	10-70
10	Harris, Dave. August 20, 2008	HARR	10-71
11	Lindberg, Jerry. August 20, 2008	LIND	10-75
12	Linguist, Darlyne. July 11, 2008	LINQ	10-77
13	Neumann, Michelle. July 11, 2008	NEUM	10-78
14	Secor, Judy. August 10, 2008	SECO	10-80
Verbal Comments			
The Ripcurl Draft EIR Public Meeting, Verbal Comments, July 23, 2008		VERB	10-80
Speaker Cards			
None received		N/A	N/A

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

10.2 COMMENTS ON THE DRAFT EIR

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

DTSC



Department of Toxic Substances Control



Linda S Adams
Secretary for
Environmental Protection

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



Arnold Schwarzenegger
Governor

August 25, 2008

City of Huntington Beach

AUG 25 2008

Ms. Tess Nguyen
Associate Planner
Department of Planning
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648
tnguyen@surfcity-hb.org

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE RIPCURL PROJECT, 7302-7400 CENTER AVENUE, HUNTINGTON BEACH
(SCH#2008011069)

Dear Ms. Nguyen:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of an Environmental Impact Report (EIR), Environmental Assessment No. 07-04 and Appendices for the above-mentioned project. The following project description is stated in your document: "The proposed project is a mixed-use residential and commercial development that would consist of 440 residential units and approximately 10,000 sf of street level commercial uses. The 10,000 sf of commercial uses would be divided between approximately 3,000 sf of restaurant uses and 7,000 sf of retail uses. The proposed project is a mixed-use residential and commercial development that would consist of four levels of housing over three levels of parking (one level of parking below grade and one level of parking above grade); the retail component would be located on the ground level adjacent to the two levels of above grade parking. A mezzanine level would also be located on the roof. Overall, the project would be six stories in height and consist of approximately 440 residential units and up to 10,000 square feet (sf) of retail uses. The total project floor area, excluding parking and basement area, would be approximately 382,700 sf. The project site is currently developed with a shopping center known as the College Country Center. The shopping center contains approximately 60,000 sf of commercial and office space located in four one-story retail buildings and one two-story office building, which were constructed in the late-1970s and the mid-1980s." Most of the issues identified in DTSC's letter to the City of Huntington Beach, dated February 22, 2008 for the previous CEQA document have been addressed.

DTSC-1



Ms. Tess Nguyen
August 22, 2008
Page 2

If you have any questions regarding this letter, please contact Ms. Teresa Hom, Project Manager, preferably at email: thom@dtsc.ca.gov. Her office number is (714) 484-5477 and fax at (714) 484-5438.

↑ DTSC-1

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

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

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
gmoskat@dtsc.ca.gov

CEQA #2231, previous #2043

NAHC

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

City of Huntington Beach 

JUL 28 2008

July 25, 2008

Tess Nguyen
CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT
2000 Main Street
Huntington Beach, CA 92648

Re: SCH#2008011069: CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Ripcur Project, City of Huntington Beach; Orange County, California

Dear Tess Nguyen:

The Native American Heritage Commission (NAHC) is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

NAHC-1

- √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an 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.
 - The final report containing site forms, site significance, and mitigation measurers 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.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area was conducted and Native American cultural resources were identified. We recommend that you contact Anthony Morales at (626) 283-1758 and the other persons on the attached Native American Contacts list in order to determine whether or not the proposed project will impact a Native American cultural resource.
- The NAHC advises the use of Native American Monitors, also, when profession archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. √ 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, per 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.
- A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- 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 or unmarked cemeteries in their mitigation plans.

NAHC-2

NAHC-3

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

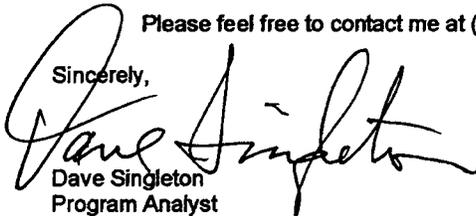
√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

NAHC-3

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contacts
Orange County
July 24, 2008

Ti'At Society
Cindi Alvitre
6515 E. Seaside Walk, #C
Long Beach , CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino

Gabrielino/Tongva Council / Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
761 Terminal Street; Bldg 1, 2nd floor
Los Angeles , CA 90021
office @tongvatribes.net
(213) 489-5001 - Office
(909) 262-9351 - cell
(213) 489-5002 Fax

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
31742 Via Belardes
San Juan Capistrano , CA 92675
DavidBelardes@hotmail.com
(949) 493-0959
(949) 493-1601 Fax

Juaneno

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street
San Juan Capistrano , CA 92675-2674
arivera@juaneno.com
949-488-3484
949-488-3294 Fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry , Tribal Manager & Cultural Resources
31742 Via Belardes
San Juan Capistrano , CA 92675
kaamalam@cox.net
(949) 493-0959
(949) 293-8522 Cell
(949) 493-1601 Fax

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

Gabrielino Tongva

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

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

Distribution of this list does not relieve any person of 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#2008011069; cEQA Notice of Completion; draft Environmental Impact Report (DEIR) for The Ripcurl Project; City of Huntington Beach Department of Planning; Orange County, California.

Native American Contacts
Orange County
July 24, 2008

Juaneno Band of Mission Indians
Adolph "Bud" Sepulveda, Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Sonia Johnston, Tribal Vice Chairperson
Juaneño Band of Mission Indians
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.net
(714) 323-8312

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
(714) 779-8832

Juaneno Band of Mission Indians
Joe Ocampo, Chairperson
1108 E. 4th Street Juaneno
Santa Ana , CA 92701
(714) 547-9676
(714) 623-0709-cell

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

Distribution of this list does not relieve any person of 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 propose SCH#2008011069; cEQA Notice of Completion; draft Environmental Impact Report (DEIR) for The Ripcurl Project; City of Huntington Beach Department of Planning; Orange County, California.

PUC

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

City of Huntington Beach



JUL 19 2008

August 15, 2008

Tess Nguyen
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Dear Ms. Nguyen:

Re: SCH# 2008011069; The Ripcurl Project

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal-DEIR* from the State Clearinghouse. In April 2008, RCES submitted comments in response to the NOP for this project. Our correspondence today reiterates those previous comments and provides recommendations relative to the proposed development at 7302-7400 Center Avenue (lat=34.414314, long=-119.690128) that was found to increase traffic volumes to the existing traffic load. Mitigations should also be considered for the nearby McFadden Avenue (DOT# 748038R) and Center Drive (DOT# 748039X) crossings. This includes considering pedestrian circulation patterns/destinations with respect to Union Pacific Railroad Company (UPRR) right-of-way which is next to the proposed development.

PUC-1

Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way.

City should arrange a meeting with RCES and UPRR to discuss relevant safety issues and, if necessary, file a GO88-B request for authority to modify an at-grade crossing.

If you have any questions, please contact Varouj Jinbachian, Senior Utilities Engineer at 213-576-7081, vsj@cpuc.ca.gov, or me at rxm@cpuc.ca.gov, 213-576-7078.

Sincerely,

Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Dan Miller, UP

OCPW



Bryan Speegle, Director
 300 N. Flower Street
 Santa Ana, CA
 P.O. Box 4048
 Santa Ana, CA 92702-4048
 Telephone: (714) 834-2300
 Fax: (714) 834-5188

NCL 08-057

City of Huntington Beach

August 21, 2008

AUG 21 2008

Ms. Tess Nguyen, Associate Planner
 City of Huntington Beach
 2000 Main Street
 Huntington Beach, CA 92648

SUBJECT: Ripcurl Project

Dear Ms. Nguyen:

The above mentioned item is a draft Environmental Impact Report for the Ripcurl Project located in the City of Huntington Beach.

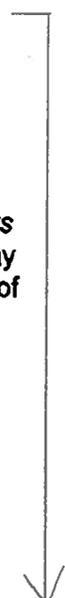
The County of Orange has reviewed the draft Environmental Impact Report and offers the following comments regarding Bikeways and Flood Control concerns:

Bikeways

The east side of the subject project appears to extend into the Union Pacific Railroad corridor. This corridor begins in Stanton and continues southward through Garden Grove, Westminster, and Huntington Beach.

A 4-mile section of the corridor (through Stanton, Garden Grove, and Westminster) is depicted on the Orange County Transportation Authority's (OCTA) *Commuter Bikeways Strategic Plan* as a regional Class I (paved off-road) bikeway. Two miles of the bikeway are currently existing along the west side of Hoover Street in Westminster. The Cities of Stanton and Garden Grove are proposing a Class I bikeway along the remaining 2 miles. (The City of Garden Grove lists it as a "top priority" bikeway.) Beyond this master-planned, 4-mile length, the corridor continues southward through Huntington Beach to Atlanta Avenue (although south of Clay Avenue there are segments where development may have blocked the route). OCTA is currently revising the *Commuter Bikeways Strategic Plan* and may extend the proposed, regional, Class I bikeway farther south along the corridor.

OCPW-1



Tess Nguyen
NCL 08-057
Page 2

As fossil fuels become less available and more expensive, it is becoming increasingly important to encourage alternative modes of transportation, such as bicycling and walking. Keeping rights-of-way open for the implementation of future bikeways can serve as a mitigation measure to help reduce air pollution, traffic congestion, parking congestion, and noise. Class I bikeways, because they are off-road and suitable for bicyclists and pedestrians with a wide range of ages and abilities, serve to encourage bicycling and walking as alternative modes of transportation.

OCPW-1

We suggest, therefore, that the City of Huntington Beach work with the Cities of Stanton, Garden Grove, and Westminster to continue this regional bikeway southward through Huntington Beach. In connection with this, we suggest that the subject project be required to leave adequate width for a 16-foot-wide Class I bikeway easement, plus at least 10 feet of width on each side for landscaping and shade trees.

Flood Control

1. FEMA's Flood Insurance Rate Map (FIRM), Panels 251 and 232 indicate that the easterly portion of the proposed 3.8 acre project site is within Zone A flood hazard area, and the remaining portion of the site is within Zone X (shaded). Therefore, the City of Huntington Beach, as floodplain administrator for areas within its municipal boundaries should ensure that all FEMA regulations and floodplain requirements applicable to this project are met.

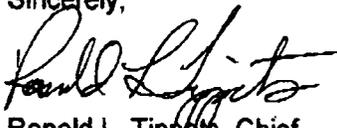
OCPW-2

2. In the DEIR Section 4.7, Impact 4.7-6, page 4.7-44, please revise the portion beginning with "Although the base flood elevation..." to read as follows: Although the base flood elevation at the project site is not identified on the current FEMA Flood Insurance Rate Map, a floodplain map prepared by WEST Consultants for the County of Orange, approved by FEMA for the East Garden Grove-Wintersburg Channel, indicates that the project site would experience a 2-foot flood depth. The County of Orange has formally transmitted this map to all affected cities for use in determining building pad elevations in the vicinity of the East Garden Grove-Wintersburg Channel.

OCPW-3

If you have any questions, please contact Mary Ann Jones at (714) 834-5387.

Sincerely,



Ronald L. Tippers, Chief
Current and Environmental Planning

City of Huntington Beach

AUG 22 2008



August 22, 2008

Tess Nguyen, Associate Planner
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92648

Re: A Notice of Availability of a Draft Program Environmental Impact Report (DEIR) for the Ripcurl Project

Dear Ms. Nguyen:

Southern California Edison (SCE) appreciates the opportunity to provide comment on the DEIR for the Ripcurl Project. The project is described as a mixed-use residential and commercial development consisting of 440 residential units with supporting residential amenities and 10,000 square feet of retail uses. The project site is stated to be located at the southeast corner of Gothard Street and Center Avenue.

SCE-1

SCE's comments regarding the proposed project address electric service provision, potential impacts to existing SCE facilities, and the California Public Utilities Commission (CPUC) process for implementing the requirements of the California Environmental Quality Act (CEQA). Our comments are provided below under the following headings: Electric Service Provision, Impacts to SCE Facilities, and CPUC CEQA Requirements.

Electric Service Provision

SCE is the provider of electricity for this project. This letter is to advise the City of Huntington Beach and the project developer that the electrical loads of the project have been determined to be within the parameters of the projected load growth which SCE is planning to meet in this area.

SCE undertakes expansion and/or modification of its electric systems and infrastructure to serve the load growth of existing customers and new projects. Since SCE's electrical system is provided by a network of facilities (SCE's electrical distribution, transmission, and generation systems), SCE appreciates your notifying us of these development plans in order to assist us in determining the future electrical needs of this area.

SCE-2

If the project is within the projected load growth for this area, SCE is basically stating that the total system demand is expected to continue to increase annually; however, excluding any unforeseen problems, SCE's plans for new distribution resources indicate that our ability to serve all customers' loads within this area are in accordance with

SCE's Design Standards, rules and tariffs, and will be adequate for the next ten years. SCE completes all work in accordance with the rules and tariffs as authorized by the CPUC and other governing entities. Any cumulative impacts related to electric service would be addressed through this process.

Please note that although SCE is currently capable of serving project loads, the developer will be responsible for the costs of any new distribution and/or line extension work, per SCE's CPUC-approved tariff Rules 15 and/or 16, and of any relocation of facilities required to accommodate your distribution line and/or service extensions required by SCE to serve your project. In addition, it is essential the developer review and/or discuss with SCE what measures can be taken to assure optimal conservation measures within this project's boundaries that will contribute to the overall energy savings goals of SCE and California.

SCE-2

Impacts to Existing SCE Facilities

In the event this project impacts SCE facilities or its land related rights, please forward five (5) sets of plans depicting SCE's facilities and associated land rights to the following location:

Transmission Project Management
Southern California Edison Company
300 North Pepper Avenue, Building "B"
Rialto, CA 92376

CPUC CEQA Requirements

When development plans result in the need to build new, or relocate existing, SCE electrical facilities that operate at or above 50 kV, the SCE construction may have environmental consequences subject to CEQA provisions, as implemented by the CPUC. If those environmental consequences are identified and addressed by the local agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If the SCE facilities are not adequately addressed in the Draft EIR and the new facilities could result in significant environmental impacts, the required additional CEQA review could delay approval of the SCE power line portion of the project for up to two years or longer.

SCE-3

Once again, we thank you for the opportunity to comment on the DEIR for this project. If you have any questions regarding this letter, please do not hesitate to contact me at (714) 895-0271.

Sincerely,



Tami Bui
Region Manager
Southern California Edison Company



CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

August 21, 2008

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

Attention: Ms. Tess Nguyen, Associate Planner

Subject: The Ripcurl Project, DRAFT ENVIRONMENTAL IMPACT REPORT dated July 8, 2008.

Dear Ms. Nguyen:

At the August 7, 2008 Environmental Board meeting, the members reviewed the subject Environmental Impact Report (EIR). The Board is pleased to see the developer's attention to Green Building and conservation issues. The Board offers the following comments and recommendations for your consideration.

A) TRAFFIC CONCERNS

1a) The EIR evaluated future traffic conditions of the City's General Plan with and without the Ripcurl project. Either with or without the project, future traffic conditions at some intersections in the city will be rated at a Level of Service (LOS) E and LOS F in 2014 and 2030. The City's criteria for acceptability is LOS D. Therefore the city's General Plan is not in compliance with its own criteria. The Board recommends that the city define the means to correct these intersections and update the General Plan before this or adjacent projects with as great a potential for affecting traffic flow be approved.

HBEB-1

1b) The Board notes the city uses Level D as an acceptable level of service. LOS D is defined as, "Speed and freedom to maneuver are severely restricted and the driver experiences generally poor level of comfort and convenience." It seems such conditions should not be considered acceptable to the city. The Board recommends that the threshold for acceptable level of service be raised to LOS C and that all non-complying intersections be improved to this level before this or adjacent projects with as great a potential for affecting traffic flow be approved.

HBEB-2

2) The EIR traffic analysis of streets only included intersection analysis. The Board notes that there are fourteen traffic lights all within a distance of 1/2 mile from the project. This density of controlled intersections can have a severe impact on the performance of streets as a whole. The Highway Capacity Manual notes that, "Arterial LOS D will probably be observed even before substantial intersection problems." The Board recommends that the EIR evaluate street/arterial composite performance.

HBEB-3

3) The Board commends the detail of the traffic analysis. But even the most elaborate analysis is dependent on a set of critical assumptions. Often, these assumptions are overly optimistic, skewing results. For example, the Board notes the analysis estimates that only 3% of the project traffic will utilize Edinger Avenue, and that only about 0.5% will cross the Beach/Edinger intersection. These values which result in small impacts on critical streets, seem implausibly low. The problem with the analysis is the use of nominal instead of worst-case or conservative assumptions. Given that this project has a great potential for affecting traffic flow, the Board requests that the EIR traffic section be redone with more conservative, worst-case scenarios.

HBEB-4

4) The cumulative analysis of traffic focused narrowly only on the Bella Terra II project. The Levitz property, Nurseryland, the south side of Edinger and the whole Beach/ Edinger corridor study traffic effects were completely ignored. The Board is concerned that all these potential projects combined will have hugely significant impact and recommends that they must all be considered in the cumulative analysis of traffic and other impacts to provide a realistic result.

HBEB-5

B) GREEN BUILDING AND NEIGHBORHOOD CONCERNS

1) The Developer's Green Strategy for community, energy, and waste reduction is excellent and we applaud this strategy. But we suggest the execution of this green strategy across all project phases to achieve an objective Green Score needs an improved focus. For example, a Green Measure column in Table 2.2 could track the green points for each of the CEQA elements. Where no CEQA element is appropriate, a new row can be added. The same mapping can be done with the emerging Attorney General-CAT strategies. The Board also recommends adding a "green column" to tables summarizing Environmental Effects and City Requirements/Mitigation measures.

HBEB-6

2) Much effort has gone into the study of Water Utility issues by the consultant. The earlier Environmental Assessment report noted the 100-year flood threat and opportunities to recycle water. But discussion of water supply and demand factors focused on how to get rid of storm and waste water, but the simple options of "reusing" gray water using purple pipes or considering natural water treatment were not considered. The Board recommends an analysis of gray water and natural water treatment options.

HBEB-7

3) The Board notes the complexity of current building systems in general and the specific CR and MM commitments made in Table 2.2. Increasingly, Green Building best practice guidelines recommend using a commissioning agent, but the report makes no mention of a commissioning agent. As building systems become more complex, and thus more costly, the use of a certified commissioning agent to verify commitments and change management becomes important and beneficial. The Board recommends the selection of a qualified commissioning agent as early in the process as possible.

HBEB-8

C) PARKING CONCERNS

Several critical assumptions go into any parking space requirements. Minimal assumptions were used to determine the number of parking spots required for the project. The analysis also did not include space for guest parking. The Board

HBEB-9

notes that there is no street parking in the vicinity to accommodate overflow, when needed. If overflow parking were to occur on the streets in the vicinity, it will severely impact traffic conditions. We recognize that attempting to reduce car usage by decreasing parking space per dwelling unit is a City policy. The Board suggests that this policy may not produce the desired effect in these high density and mixed-use applications and requests that a significant impact be identified and that worst case assumptions be used to determine a more realistic estimate of total parking spaces required.

HBEB-9

D) CRIME CONCERNS

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

HBEB-10

E) PARKS/ OPEN SPACE

The Board notes that the nearest public park area is 0.8 miles away and across several heavily traveled streets. The Community factors in Green Building guidelines suggest, among other measures, the need for open space, parks, bike paths, and safe pedestrian walks near new developments. This project does not provide sufficient open space for adults or children to recreate. While mitigating in-lieu fees will be imposed on this project, in-lieu fees do not substitute for actual open space. The Board recommends that a local parcel be identified as an accessible park at this stage so that it's construction can be done in conjunction with the project's construction either by the developer or the city.

HBEB-11

F) ZONING CHANGE JUSTIFICATION

The Board notes the assumption that required zoning changes are justified without analysis of alternatives that don't require such changes. Current mixed-use residential zoning for this property is limited to 30 units per acre as opposed to the 130 units per acre being requested. The Board believes that such a major change in zoning is not only not in keeping with the character of Huntington Beach, but demands the study of the current 30 units per acre in the EIR as a viable alternative. The Board is also concerned that once one developer is given a zoning variance for this high a density, the city will be pressured to allow additional future variances of this type, thus compounding the density situation. Additionally, with General Plan changes being reviewed for impending modification, and for the reasons listed above, the Board recommends that the zoning variances not be permitted at this time.

HBEB-12

G) ADVERSE HEALTH EFFECTS

Although health studies are conflicting on the subject, potential health issues exist for the future residents of this development due to exposure to the 230,000-volt Southern California Edison (SCE) high voltage transmission lines located

HBEB-13

adjacent to the project. The Board recommends evaluating this issue and if required, provide acceptable remediation.

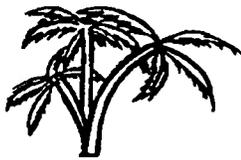
↑
HBEB-13

We appreciate the opportunity of working with you on this project. In the Board's research, a short bibliography was created and could be provided upon request. Please don't hesitate to contact us with questions.

Very truly yours,
HB Environmental Board

David Guido
Chair

HBT



HUNTINGTON BEACH TOMORROW

"Making a difference today for Huntington Beach tomorrow"

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

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

www.hbtomorrow.org

August 21, 2008

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

City of Huntington Beach

AUG 21 2008

Reference: The Ripcurl EIR

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

As proposed at 132 units/acre—**four times** the current zoning maximum for density—The Ripcurl high-density project design would:

- Result in significant increases in population density and traffic
- When combined with the Village at Bella Terra project produces traffic impacts unacceptable to the residents of Huntington Beach
- Set an unacceptable precedent for the city's remaining developable space
- When combined with the Village at Bella Terra project increases the city's population beyond the level that was planned for and can be supported
- Eliminate an opportunity to increase our commercial tax base which continues to be sorely deficient as compared to other cities, i.e. sales tax leakage
- Provide inadequate parking and vehicle access to parking
- Compromise safety because of limited access for police and firefighters

HBT-1
 HBT-2
 HBT-3
 HBT-4
 HBT-5
 HBT-6

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

HBT-7

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

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

HBT-8

Ed Bush
President
Huntington Beach Tomorrow

Copies: City Council, Planning Commission

Nguyen, Tess

From: Steve Dempsen [sldempsen@yahoo.com]
Sent: Friday, July 11, 2008 8:19 AM
To: Nguyen, Tess
Subject: Rip Curl Project

Tess Nguyen,

The OC Register reported this morning that you are seeking responses to the Rip Curl project.

My response is there is no need for more housing in that area. The report concludes potential significant impacts to population and traffic. It is common sense that it is not a "potential" risk--it is a sure thing.

Please do not build new housing in an already congested area (and city). In the short term, with so many houses for sale right now, I just don't see the need for more. In the long term, the additional housing will not improve the city in this area. Bring business to the city--not more cars and population. There are reasons the area is not residential.

The city has a responsibility to do what is right and not just do what earns the most money.

Steve

DEMP-1

Nguyen, Tess

From: tim and kristin gladysz [tkg5@verizon.net]**Sent:** Thursday, August 07, 2008 1:08 PM**To:** Nguyen, Tess**Subject:** RipCurl Project

I am a resident residing in the DutchHaven track and strongly oppose this development. Traffic in this particular area is bad enough and do not feel another 440 apartments and added buisness's is not going to make the matter any better.

] GLAD-1

City of Huntington Beach

AUG 07 2008

HARR

August 20, 2008

City of Huntington Beach

AUG 21 2008

Copies: [redacted] City Planning Commission

Dear Mayor Debbie Cook,

I am addressing this letter to you as mayor and also as a person who "gets it" regarding how human activity can very negatively impact our city and our collective environment.

Specifically, as a resident who will be negatively impacted by the proposed development, **I am writing to vigorously protest in the strongest terms the proposed "Rip Curl" development on the corner of Gothard and Center Ave across from Goldenwest College.**

HARR-1

I must say that the **proposed density** for the project is simply **outrageous!** To my knowledge, nowhere in the city is there such an extremely high density of housing with such limited parking in an already congested traffic area. In order to be succinct regarding my objections to this proposal, I offer up the following negative impacts.

HARR-2

1. The buildings as proposed will be "mixed use commercial/ residential. The existing use in the general plan is commercial. This is a general plan change. WHY?

HARR-3

2. The buildings as proposed will be between 60 and 66 feet in height.

3. The density using the city's number of 1060 proposed residents (and neglecting commercial employees) would be about 280 residents per acre/115 apartments per acre.

4. I looked at the proposal, but nowhere could I find how many parking spaces are proposed for the development. Could that be because the proposed parking is inadequate or does not meet current city standards?

HARR-4

5. How will the increased traffic on Goldenwest Avenue be handled? Currently, on weekends, the northbound traffic on Goldenwest headed for the intersection of Bolsa/Goldenwest frequently backs up one-half mile to Mcfadden. As a local resident, I make it a point to avoid Goldenwest northbound on weekends. Not only will congestion on Goldenwest increase, but air quality in the vicinity will decrease.

HARR-5

6. Where is the park space for the apartments?

HARR-6

7. Isn't Huntington Beach crowded enough already?

HARR-7

Here are my comments regarding these matters. (This is the rant!!) However, the fact that I choose to express my opinions on the points that I raise, should not detract from the validity of the objections as noted above. These are my opinions regarding the noted items above. They are definitely cause for concern.

HARR-8

1. Why does the city need to be in the business of modifying the general plan to enhance the financial best interests of the property owner? The owner of the property bought it knowing its zoning. Why should the city dilute the quality of life for surrounding businesses/residents in order to better the financial interests of the property owner and an out of town developer? As noted in the proposal, the site is currently 90% leased with 45 tenants. I fail to see how high density housing will benefit the local area. I had to laugh when the planner editorialized about the development being "green" (Well maybe "Soylent Green!") What is the problem with that level of income for the current owner? I guess the answer is: "Never underestimate the corrosive power of money"

HARR-9

2. In my opinion, unlike the opinion of the city planner--these 60 ~70 foot buildings will negatively impact the scenic quality of my environment. (The city planner writes on page 31 of her proposal: "Scenic vistas in the City of Hunting[ton] Beach are primarily located along the coast. As the project site is located approximately four miles from the ocean, no views of the coast from the site currently exist. The proposed project is located in a highly urbanized area. The height of the proposed building (approximately 60 to 66 feet) is compatible with the existing buildings that are located in the immediate vicinity." Tell that to the people who live in single family dwellings 200 yards up the street on the other side of Mcfadden. I live approximately one half mile from the proposed site. I know of no other buildings in the immediate vicinity that are 60~70' in height. The closest building that is that height is the Nuvision Credit Union building on the south side of Edinger just west of Beach Boulevard. All of the nearby single family dwellings 200 yards up the street in Westminster are limited to 30 feet maximum unless a waiver is granted by the city. The soccer/baseball field across the street has no buildings close to 60 feet in height. The park and drive lot just north of the site has no 70-foot buildings. The Levitz building just south of the site does not appear to be 70 feet in height. I really do question the objectivity of the city planner. Is she supposed to be a salesman for the developer or an objective evaluator for the city? (If she is a proponent of the developer's financial best interests, SHE should be on the developer's payroll--not on the payroll of the city which my tax dollars help fund!)

HARR-10

3. 280 people per square acre! 115 apartments AND additional businesses PER ACRE!! All I can say to that is WOW!! What will the carpet bagger developers from Irvine think of next? If such high density is a great thing, why don't they try that in Irvine, land of the great park????? What on earth is going on with our city development department? Why are they so enthralled with the idea that more development, and higher density is a good thing? Of course, the obvious answer is that "we need to increase our revenues" . The end game to that type of thinking is a city filled with three things--very high density housing (all high rise apartments), big box stores and lots of highly paid city employees!!

HARR-11

4. I could not find in the proposal where the specific number of parking spaces is specified. Doesn't the city have a minimum number of parking spaces required per dwelling unit? I assume that the city does have such a requirement. I also assume that it is based on the fact that most people have cars. The kind of sales talk that is implied in the proposal might lead the uninformed to believe that college students will live in the proposed slum. I think they would live in such a studio apartment if the rent were to be less than the cost of renting a room in the nearby neighborhoods. Will the rents be less than \$500/month for a studio apartment? I think they will not be. Of course, the students could double up in a studio apartment, but then where would two students with two cars park those cars?

HARR-12

5. As far as I can see, there is no way to "mitigate" the increased traffic loading caused by such high density development. What does the city of Westminster think of the increased loading that will occur on Mcfadden? I do not include "mitigation" payments to the city as acceptable substitutes. Besides, no amount of money can "mitigate" the increased traffic/pollution caused by so many people living in such a small area. This is an area that, by the way, is already quite congested. The current levels of congestion have already required controlled left turn lights at the corners of Gothard/Mcfadden, Center Avenue/Gothard and Edinger/Gothard--just to name a few!! I suggest that every member of the city council/planning commission take a drive up Goldenwest towards Bolsa on a Saturday morning about 11:00 a.m.

HARR-13

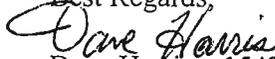
6. Where is the park space for these residents? As far as I know, the city used to have an ordinance that each dwelling unit should come along with some green space. I digress as follows: About 13 years ago, a school was torn down and houses were built on the land. (I might add that the city had the opportunity to buy the land (8.8 acres) for about \$2.5 million at the time for a park.) As a mitigation measure to avoid having to give up a lot in the development for park space, the developer put some new swings and a play structure in a nearby park. Now, 13 years later, the play structure has been removed by the city as it was old and replaced with a play structure about 1/3 the size of the mitigation play structure. The benches with steel legs put in by the builder have been cut off by the city (rusted and unsafe). The rubber matting put in to "dress up" the play areas is decayed and in need of replacement. In short, the park looks almost like it did before the "mitigation" measures. And, of course, the builder got to use that extra lot that he paid \$25K in mitigation measures for to build and sell another \$350K house (1995 dollars). As Dave Sullivan so wisely said at the time, "they sold their souls for a set of swings". But much to my chagrin, even old Dave did not vote against the "mitigations" and the development. The school and its open space are gone, the mitigations are gone, all that remains are more houses.

HARR-14

Please consider the best interests of local residents rather than the financial best interests of the out of town carpet baggers who only want to come, make their money and leave without regard to the long term consequences of their actions.

HARR-15

Best Regards,



Dave Harris, 15422 Victoria Lane, Huntington Beach, Ca.

Comments to Rip Curl Project Draft Environmental Impact Report
Submitted by: Jerry Lindberg
August 20, 2008

AUG 21 2008

The following questions and comments are submitted:

1. CEQA, more specifically Title 14. California Code of Regulations, Chapter 3. Guidelines for Implementation of the California Environmental Quality Act, Article 7. EIR Process, 15086 (4) requires the consultation of "...any city or county which borders the project...While technically, the city of Westminster does not border the project per se it is within the scope of the project traffic projections and directly affected by traffic during construction and after the project is completed. Has the City of Westminster been consulted and if so is the response from Westminster available for review? If not, when will this consultation occur and will the results be made available to the public?
2. Reference is made to Section 4 Transportation/Traffic at 14.13.42 regarding 49 truck trips per day during demolition and construction. Can you explain if this traffic impact was calculated into the report as existing or additional traffic, was it included at all and can you define with more specificity the duration of this additional traffic? Since the construction traffic has the potential to run along McFadden either to the east or west the impact on the residential areas along both the north and south sides of McFadden can be significant.

LIND-1

Additionally the report is silent on the cumulative impact of demolition and construction traffic that the proposed additional development planned for the Bella Terra expansion, the CVS Pharmacy project, the Sea Wind expansion and generally the entire General Plan expansion for the additional 6400 residential units in the Beach Edinger corridor. This additional traffic at the construction stage alone would contribute significantly to AM peak hour volumes. If this traffic were to overlap with RipCurl it would have a much greater negative effect than revealed. The report does not discuss the possibility of significant long-term ongoing demolition/construction traffic, which would be substantial and would have a decidedly negative impact on traffic, particulate pollution and noise pollution for the neighborhoods to the north and west for a number of years. The result is an inaccurate and misleading and the EIR should be done again with these factors understood and explained.

LIND-2

The report relies heavily on computer models for traffic flow with no statement or acknowledgement as to margin of error that I could find. If the factors described in the paragraph above are not included in the model including construction traffic, future residences etc. then the results if not fatally flawed are least questionable to those of reasonable thinking. While there are existing programs, formulas and hand books that contain generally acceptable flow rates, trip calculations etc. even the best model should be subject to the rigorous application of basic mathematics and common sense to see if the conclusions

are valid. In this case the conclusions are de facto invalid because the EIR scope is not sufficient in its inclusiveness. not contain the entirety The city residents and its neighbors should not have to suffer the consequences of a report that does not adequately and accurately include and give proper weight to all factors.

LIND-2

3. The report claims a projected residence population of 611 persons based on the "experience" of Red Oak and foot noted as such. While experience may be a valuable tool, in this case the City of Huntington Beach provides data that it has a residence population of 2,411 persons or potentially 1,060 Rip Curl residents a 40% variance from the report preparer. Orange County itself actually calculates a household size of 3.0. A variance of two to four percent or even as much as 10% may be acceptable in some statistical calculations but one is hard pressed to understand a 40% variance based on anecdotal experience and not empirically documented. Is there evidence to support this "experience conclusion" that is self serving in the face of statistically valid empirical evidence to the contrary?

LIND-3

4. Regarding the adequacy of parking at the RipCurl project: As presented in the comments to the preliminary report the number of spaces allocated to both the residential and commercial aspects of the project are inadequate. According to data from city-data.com for Orange County 35.7% of renter occupied apartments have at least two vehicles (cars and other vehicles) 42.4% have one vehicle and slightly more than 10% have 3 or more vehicles. 10.2% have no vehicles. Applying that distribution to Rip Curl and using Huntington Beach's own 2+ persons per residence the following holds for number of spaces required for parking, assuming 440 units:
194 units (42.4%) would have 1 vehicle and would require 194 spaces,
157 units (35.7%) would have 2 vehicles and would require 314 spaces,
52 units (10%) would have 3 or more vehicles and would require at least 156 spaces for a total number of 664 spaces.

LIND-4

For this calculation we need not consider the 10% with no vehicles and even if the operator of the property limited the number of vehicles per unit to two instead of three or more there would still be a shortage of 84 spaces.

While the need for additional parking spaces is more of a problem for eventual residents it points up yet again the inadequate calculations of the report preparer. When the flawed calculation is applied to peak hour volumes from the project the result is understated and thus the subsequent calculations and projections based on this incorrect calculation are of questionable value and significantly understate the impact.

Summary – While time and money do not permit an individual point-by-point discussion of the EIR it is unquestionably flawed in this significant area. Further the failure to address in detail the other contemplated, planned and soon to be

LIND-5

underway projects for this development corridor and their cumulative environmental impact results in a flawed and false picture and subverts the purpose of an EIR. The City of Huntington Beach should produce a cumulative and comprehensive EIR for this whole corridor. Small, incomplete and inaccurate partial reports, are inadequate to address the overall environmental impact. As trustees of their City, the Mayor and Council and all agency directors should understand this as their obligation and duty and approach the planned Beach Edinger corridor portion of the General Plan as a total project and requiring a comprehensive EIR and not as a series of small unconnected projects. The effect of a total EIR plan will surely be meaningful and significant. The failure to produce an overall plan does a great disservice to the city and its neighbors and calls the City of Huntington Beach and its motives into question.



LIND-5

Nguyen, Tess

From: Darlyne Linqvist [darladee36@yahoo.com]
Sent: Friday, July 11, 2008 10:29 PM
To: Nguyen, Tess
Subject: Ripcurl

I am appalled that the City Planning Commission would even consider such a monster of a project in that area of our lovely beach city. It is unacceptable to build a project of that size in that space. The traffic would be unbearable added to the traffic around Bella Terra and the college. Our air will be almost as bad as Los Angeles except for the ocean breeze.. Our economy cannot support additional business'.

] LINQ-1
] LINQ-2
] LINQ-3
] LINQ-4

I have a home on Marjan Lane close to Edinger and the traffic noise on Edinger is very bad. The sirens from the firetrucks and police cars can be very upsetting when you are trying to sleep. You need to design smaller projects for the Montgomery Ward and Levitz area instead of across from the college, commercial but not including residential areas above. I'm sure there is other property that you can have residential two story projects built.so the traffic congestion will not be so bad. We do not need a six story building in that area!!!!!!!!!!!!!!!!!!!!

] LINQ-5
] LINQ-6
] LINQ-7
] UNQ-8

Of course, the City of Huntington Beach is only looking for more tax revenue, regardless of what it does to our beautiful beach city. You should be ashamed!!!!

] UNQ-9

Darlyne McKee-Linqvist

Nguyen, Tess

From: Mishelly [mishelly28@yahoo.com]
Sent: Friday, July 11, 2008 7:28 PM
To: Nguyen, Tess
Subject: Proposed Rip Curl Project

Hello Tess,

My name is Michelle Neumann and I am a 35-year resident of this wonderful city of Huntington Beach.

I am voicing my opinion on the proposed Rip Curl Project. After reading about the proposed project in the OC Register and online, I have to say this is a ridiculous project that is going to bring in a tremendous amount of traffic in this area. Three levels of parking? Oh my gosh, how many more cars will this bring to the area? The area has the college on the west side that during peak times (classes beginning) the traffic is terrible. The stretch of Gothard from Center Drive to McFadden has a sharp curve that people drive too fast on, plus Gothard dead ends into the side of a house. The street is not laid out well enough to handle the amount of traffic that the Ripcurl project will bring in.

NEUM-1

Costco was trying to build a new store in an area close by. Most of the residents complaints were the increase in traffic on Gothard that cannot support the increase.

NEUM-2

With the economy slowing down and the beginning's of a recession looming, the retail area of this project will not be supported. There's a retail area in that location now and the stores come and go because they aren't making enough money to afford the rent. What makes the Planning Commission think that putting in a monstrous 3.8 acre site is going to bring in the consumers to plunk down dollars for more stores.

NEUM-3

The Planning Commission really needs to rethink this project. I would suggest trashing the idea and working on a smaller scale development. Why are mix usage the big things these days? It's just rehashing an old idea. Can you say Old World? How about the Planning Commission works on a small development to replace the former Montgomery Ward building at Bella Terra or the Levitz building.

NEUM-4

No mix-usage developments with 3 levels of parking, retail and housing, jammed into a small area in our wonderful city of Huntington Beach!!!! This isn't New York City, San Francisco, or Downtown Los Angeles!!!

NEUM-5

Regards,
Michelle Neumann
35 Year Resident of Huntington Beach

Nguyen, Tess

From: Judy Secor [truejsecor@yahoo.com]
Sent: Sunday, August 10, 2008 5:18 PM
To: Nguyen, Tess
Subject: RipCurl near Bella Terra

I live in the housing tract near where RipCurl will go in. I listened to the developer's presentation to our neighborhood association, and to the Q&A session afterwards.

Most of us were curious, and worried about parking problems even more than potential traffic problems. But RipCurl plans to put parking under the development; so many, but not all, of us were satisfied. However, since then the minority are more vocal than the majority.

I just want to put the record straight. We do want to keep that area from going downhill and the new project would accomplish that. And the idea of living and working in the same area does cut down on traffic, since such people could walk to work. Although it's true that their customers would bring cars, so do the current places have customers bringing cars. Having a new development offers the chance to get rid of lower class tenants, thus improving the area and preventing crime. I've met the developer and he really believes that mixed use, where shops and owners are within walking distance, brings better community awareness and buyin. He cares about the lifestyle of his tenants in their community, and believes he is bringing in an answer to an otherwise inevitable slide towards urban blight.

SECO-1

js...Praise the Lord always... and anyway!
It's good for you both 😊

City of Huntington Beach

AUG 11 2008

1 That concludes my overall presentation of the
2 summary of the impacts. So now I believe we are going
3 to open it up for public comment.

4 TESS NGUYEN: If you can, please come to the
5 microphone and speak up, because we have a court
6 reporter and we want to record every word you say.

7 Anyone want to start?

8 UNIDENTIFIED: Can we get a microphone over
9 here, please? You've got a stand. Can you put one up?
10 You are going to make me hold it.

11 BOB DINGWALL: That's good right there. Okay.
12 My name is Bob Dingwall. I have been a citizen resident
13 observer of things going on in Huntington Beach for
14 40 years. I spent four years on the planning
15 commission. And in 40 years I did a whole bunch of
16 things, including four different businesses here in
17 town, so I am pretty familiar with it.

VERB-1

18 I am going to -- as you requested, I'm going to
19 confine my comments to the EIR itself and things that it
20 may not have covered. As I see it, our major problem is
21 one of traffic. And as you just explained, the traffic
22 snarl at Beach and Edinger and the traffic snarl at
23 Center and at the 405 ramps is unavoidable.

VERB-2

24 You can't guarantee that Caltrans will ever do
25 anything about it. So you've labeled it as significant

1 and unavoidable. Well, we can't do that. You can't
2 just bury your head in the sand and hope it will go
3 away. It won't. It will get worse. So the answer to
4 that is not unavoidable, forgot about it.

5 The answer to that is if the applicant can't
6 figure some way to mitigate that problem, then start
7 cutting down on the size and scope of the project until
8 it does meet the mitigation for that item. And if that
9 still doesn't work, then just do away with the project.
10 You can't just bury your head in the sand and say some
11 day it will go away. It's not going to go away. It
12 will only get worse.

13 The other item is density, that the housing
14 units, the number of housing units and the number -- and
15 the amount of traffic that would be generated by that.
16 I have pulled pages from the EIR itself rather than try
17 to work from hand notes or memory. And 440 units, and
18 there's -- 88 units are two bedroom, 11 units are also
19 two bedroom. 190 units are one bedroom.

20 And 151 units are called studio units, and I
21 couldn't find where it said how many bedrooms in a
22 studio unit. So I am assuming there's going to be at
23 least one. [INDISCERNIBLE SIMULTANEOUS COLLOQUY.]

24 So at that rate, the number of adults
25 calculated to reside in these units equates out one

↑
VERB-2

VERB-3
↓

1 automobile per adult. The studies and figures that are
2 being used today are so far away from reality it's
3 unbelievable. Even the City's minimums are completely
4 away from reality.

5 I have 35 years of experience in providing
6 medium to low cost housing in Huntington Beach. I know
7 a little bit about how it works. And in today's market,
8 residents have skyrocketed away from wages and salaries.
9 So for young people to get an apartment these days, they
10 have to double up. They have to take roommates.

11 For each person that's about 17 or 18 years of
12 age or older in an apartment, that is equivalent --
13 equates out to one automobile for each one of them.
14 Because they have to work. And they are not all going
15 to work at the same place and they are not going to
16 ride-pool. So they have to have a way to get there.

17 If it's older couple with a teenage offspring,
18 that offspring is going to be in high school or college.
19 That's a third car. So the numbers really start piling
20 up. Then you have to have room for guest parking. In
21 EIR, I couldn't find any reference to guest parking
22 anywhere.

23 And if my memory serves me correctly, the City
24 requires one-half parking spot per unit for guest
25 parking. So using those numbers, the required guest

VERB-3

1 parking for this project would be 220 parking spots.
2 For 88 two bedroom units, I figure 2.4 cars per unit.
3 Because the two adults, if there are two adults and a
4 teenager, at least the two adults are going to have
5 cars.

6 Because they have to have two working parties
7 to be able to afford the units these days, especially if
8 they are high end units like this is supposed to be. So
9 you are going to have -- that works out to 211.2
10 automobiles for those 88 units. Then there's 11 work
11 loft units that have two bedrooms each.

12 And I calculated those at probably adults only
13 in those kinds of units, and I figured that at two, two
14 adults, two cars per units. That's 22 cars. 191 one
15 bedroom units at 1.7 cars per unit. Because not all of
16 those one bedroom units are going to be occupied by a
17 single sole occupant.

18 Some of them are going to have two occupants,
19 and those two occupants are going to have cars too, one
20 for each. So that works out at 323 spaces. And there's
21 151 studio units. And I calculated that out at 1.5
22 persons per unit or 1.5 cars per unit. That the 226.5
23 cars. The sum total is 1,002 .7 parking spaces required
24 to satisfy the occupants of this facility.

25 On top of that, there's going to be businesses.

VERB-3

1 There the EIR shows that there will be approximately 37
2 employees in those residences. They are going to each
3 have a space to park. I think it's required by law that
4 you give them a place to park.

5 And then you are going to have customers coming
6 to these commercial establishments. That's only leaves
7 about 12 parking places for the customers. Well, I
8 don't know who the people that work out these figures,
9 where they came from, but in Southern California, people
10 will not go to a commercial occupancy that does not have
11 a parking place for them.

12 In fact, many people will not go to a
13 commercial establishment if they can't get a parking
14 spot close to the front door. And you can go into any
15 supermarket parking lot anywhere in Huntington Beach at
16 any time of the day or night. You will see all the cars
17 are up clustered to the doors. Back at the end of the
18 parking lot, wide open.

19 The others drive on down the street and find
20 another place. It's just that simple. So the parking
21 numbers are just totally removed from reality, and they
22 have to be refigured in today's world.

23 Now, in talking about building units for a
24 particular category of people -- and that's absolutely
25 amazing. It says that they are going to have units for

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VERB-3

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VERB-4

1 young professionals. Okay. Well, what does that mean.
2 The term professional, usually people equate that with
3 being college graduate of some degree, either graduate
4 degree or postgraduate or masters or a Ph.D.

5 So these are going to be high end apartments,
6 as it says in here, to satisfy the desire of these young
7 professionals. Well, where are these young
8 professionals going to work? There's no place in
9 Huntington Beach. Boeing is cutting back. And there's
10 no place else.

11 So they are going to be going down to Irvine
12 and Newport Beach and places like that, or maybe up to
13 Los Angeles. However, they are going to get there.
14 They are not going to ride the bus, I can tell you that
15 right now. They are not going to ride a bus and they
16 are not going to ride a bicycle.

17 They are going to be driving a car. And most
18 of these young professionals who have just gotten out of
19 college have spent four to six years busting their hump
20 to get their degree. And now they have a decent job for
21 the first time in their life. And they are going to go
22 out and buy a new Mercedes or a new B.M.W. or a new
23 Porsche or a new Lexus and they are going to drive that
24 to work.

25 And you just think about it for a while. And

VERB-4

1 think about your friends that are just recently
2 graduated say within a year from college, what kind of
3 car are they driving or what kind of car do they want to
4 get. So the idea of putting these people on a bus is
5 just ridiculous.

6 The Golden West community. They are going to
7 provide housing, upscale -- get this -- upscale housing
8 for students and teachers at a two-year community
9 college. Where do these people come from. What have
10 they been smoking.

11 They don't know the difference between a
12 university and a state college and a community college.
13 The community college is a two-year college culminating
14 in an A.A. degree or college credit. It's kind of like
15 a technical school. It's for the young people in that
16 community. Not from out of town. It's for that
17 community.

18 That college system is supported by their
19 parents. It's on my dollar and your dollar. Not from
20 somebody in north county. They already have a place to
21 live. They are living at home with their parents. They
22 are not going to go into a, quote, high end apartment at
23 Bella Terra or the Ripcurl. That's absolutely absurd.

24 And then these other category called
25 progressives. Well, your guess is as good as mine what

VERB-4

1 they meant by progressives. They say it's for people
2 who will use public transportation. Well, people who
3 rely on public transportation do not have the kind of
4 money it's going to take to rent one of these units.
5 Think about that.

6 So the whole thing is just pie in the sky.
7 It's pipe dreams. It's not real. Somebody is going to
8 have to sit down and take a -- drink a good stiff black
9 coffee and go over this again. Because it's just not
10 workable.

11 So then they say they are going to -- they want
12 to develop -- get this -- low cost housing on site plus
13 off-site, low-cost housing, subsidized. Okay.
14 Subsidized by who. It's going to be you and me, the
15 City. The general fund. And where does the general
16 fund gets its money. It gets it's money from you and
17 me. From taxes.

18 So this developer says they want to build units
19 and they want me to help them subsidize the units. You
20 got to be crazy. You know what, I don't know how to say
21 this without really -- caustic. But this thing's got to
22 be redone. And this developer's got to go back to his
23 think tank and start thinking again. Because this is
24 not acceptable. Period.

25 There's no way you can remediate these problems

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VERB-4

VERB-5

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VERB-6

1 that are in this. And I've only touched on three or
2 four. There's no way that can be remediated and made
3 acceptable. It's not going to work. Thank you.

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VERB-6

4 T.J. NATHAN: Anyone else?

5 DONNA LUCHECK: Hi. My name is Donna Lucheck.
6 I want to applaud everything he said. I agree with
7 everything 1,000 percent. One thing that he did
8 overlook that I would like to add to.

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VERB-7

9 Subsidized housing alongside high end housing
10 is not going to work. The people who live in the high
11 end housing are not going to live next to people in
12 subsidized housing.

13 TERRY KOFFMAN: Terry Koffman. I also agree
14 with everything he said too, with one exception. The
15 EIR only goes to Ripcurl. You get the Bella Terra which
16 is going double all that and make the problem even
17 greater, even worse.

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VERB-8

18 BOBBIE MUCHNIC: [Indiscernible.] My name is
19 Bobbie Muchnic.

20 JERRY KOFFMAN: Jerry Koffman. And I agree
21 with everything he said with the exception of EIR did
22 not talk about Bella Terra. And you are going to more
23 than even double the traffic and everything he said
24 about, would be increase in everything he just said.

25 T.J. NATHAN: Impacts are addressed in every

1 section, and the cumulative analysis includes Bella
2 Terra and any other projects as well.

3 JERRY KOFFMAN: Not the total number of
4 apartments.

5 T.J. NATHAN: It does include. That's why the
6 population and housing cumulative is significant
7 unavoidable. Because it's all projects in the City.
8 It's a cumulative analysis for every issue area.

9 JERRY KOFFMAN: But you are thinking this thing
10 can stand on its own, not including Bella Terra.

11 T.J. NATHAN: No, it does. The numbers include
12 Bella Terra in the cumulative. It's not in the project
13 specific, but in cumulative. That's why the traffic is
14 significant as well as population and housing. So it's
15 not overlooked. It's part of the EIR, that we have to
16 analyze not only the project but every project that's
17 going on in the City in the vicinity of the one we are
18 analyzing. We covered it.

19 DAVE MUCHNIC: My name is Dave Muchnic, and I
20 am representing myself. I would like to make several
21 comments about the EIR. In the traffic area first. I
22 would like to first make a comment not so much about the
23 project but about the work that was done in the EIR that
24 talks about the base level which is the general plan.

25 The general plan is shown in the -- in the EIR

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VERB-8

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VERB-9

1 in 2014 to have three intersections which are level E.
2 In the 2030 period, it has three level E and three
3 level F and four level D. And I know the City accepts
4 level D as an acceptable level of service.

5 But let me read the definition of level D.
6 Represents high density stable flow. Speed and freedom
7 to maneuver are severely restricted and the driver
8 experiences a generally poor level of comfort and
9 convenience.

10 I don't believe that's the level of service
11 that the City should be providing to its citizens, and I
12 think the acceptable level should be level C. Not
13 besides that, the general plan in 2014 and 2030 exceeds
14 significantly that intersection analysis, what the City
15 currently says is acceptable of level D.

16 I think that's unacceptable and forms the basis
17 of this EIR. I think mitigation for those items need to
18 be identified in this EIR, traffic mitigations.

19 Second item. Klust and Faust did a very
20 detailed and elegant analysis of their traffic. I
21 commend them for that. But you can do a very elaborate
22 analysis and go through all sorts of detail. It's all
23 driven however by a bunch of assumptions. And if those
24 assumptions aren't right, all the detail doesn't do any
25 good.

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VERB-9

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VERB-10

1 So you need to sit back sometimes and look at
2 the net result of what is stated in this analysis. And
3 if you look at that, they -- they end up in their report
4 saying there isn't much impact on Edinger and much
5 impact on -- any impact of significance on Edinger or in
6 fact any intersection due to this project.

7 But I also notice that for example on Edinger,
8 they attribute only 3 percent of the traffic coming out
9 of this project going on Edinger Boulevard. I'm sorry,
10 but that's not plausible, believable to me. 6 tenths of
11 1 percent is what will be at the intersection Edinger
12 and Beach during the p.m. peak hour.

13 That's also an unbelievably low number. So I
14 question whether all the assumptions that were put into
15 this analysis are valid to come out with those kind of
16 numbers. I think they need to be looked at.

17 I would like to make an additional comment on
18 parking. What I see in the EIR and the project is that
19 parking was defined as a nominal requirement for the
20 residential and commercial using fairly optimistic
21 assumptions. And some of these were pointed out before.

22 The point I would like to make is that there is
23 no off-street -- there is no on-street parking in this
24 area. You can't park on Gothard. You can't park on
25 Center. So if the calculations for the number of

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VERB-10

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VERB-11

1 parking spots is wrong, I don't know where that overflow.
2 was going to go. It's going to interfere with traffic
3 is what is going to happen, and that should not be
4 allowed.

VERB-11

5 Another item. The only things that were --
6 only type of analysis that was done -- I shouldn't say
7 the only type of, but -- intersection analysis was done
8 for the City streets. Street analysis was not done.
9 Within half a mile of the Ripcurl project, there are 14
10 traffic lights. Those traffic lights interfere not only
11 with the flow of traffic but make it worse because they
12 are so close.

VERB-12

13 An analysis needs to be done on the level of
14 service provided on the streets, not just the
15 intersections, definitions. Finally, I would like to
16 make one other comment, and that is one thing that I did
17 not see in the report, and I have not read every single
18 page in it, I didn't see the anything attributed to
19 crime.

VERB-13

20 Dense living further compounded by access to
21 shopping areas where people from those shopping areas
22 have nothing to do with the residential part of this
23 project have access back and forth are known to be
24 higher crime areas than the rest of the City, which is
25 primarily single family residences. And I think that

1 needs to be addressed in the EIR also. Thank you.

2 JIM MAP: I will go. My name is Jim Map.
3 Sorry I was late, there was a bunch of traffic at
4 Edinger and Beach.

5 Let's see. How to categorize or how to I guess
6 determine the functionality of an intersection. Well,
7 they've come up with the unique way, and it's one that I
8 think we can all understand. A, B, C, D and F. Okay.
9 And they did an analysis in this EIR -- by the way in my
10 opinion, this EIR is not worth the paper it's written
11 on. And I will show you why.

12 Goldenwest Street and Bolsa, that intersection
13 currently rated a D. Okay. Which is level of service,
14 unacceptable. Beach Boulevard and Edinger Avenue, also
15 a D, unacceptable. Beach and Warner, a D. Edinger
16 Avenue, an E. Beach and Warner, a D. That's the
17 current values that they established with these.

18 The 405 Beach Boulevard northbound on-ramp
19 loop. Capacity is rated for 900 vehicles. It currently
20 serves 1,240. It's already above capacity. We want to
21 bring more people into this area? This is -- this is
22 ridiculous.

23 The traffic analysis for 2014 -- and it appears
24 on 4.13-28. And it says: Without the project, the
25 I.C.U., which stands for Intersection Capacity

↑ VERB-13

VERB-14

VERB-15

1 Utilization value. In other words, layman term, volume
2 capacity.

3 The volume capacity of Goldenwest Street and
4 Bolsa is point one -- .74. That is without the
5 project. Rated a C. And that's in the a.m. hours. In
6 the p.m., it's rated at a .91. With the project, this
7 document says that it will be a .74 and then in the p.m.
8 hours a .91.

9 Now how is it that intersection is virtually
10 going to stay unchanged as far as the volume of traffic
11 in that intersection? I understand that's a little bit
12 down the road. That's in Goldenwest and Bolsa. Beach
13 and Edinger. Let's go down the list. Currently a.m.
14 ranked at a .76. P.m. is -- that's the a.m. P.m. is
15 a .92, which is currently an E, unacceptable.

16 Then with the project, it would be rated
17 at .76. And in the p.m. .92. How is it that Beach
18 Edinger according to this document will stay virtually
19 unchanged in the capacity to handle traffic? It's not
20 possible. Okay, Beach and Warner, .72, .92. .72, .92.

21 It doesn't -- they don't even take into account
22 in this document the fact that the traffic is going to
23 increase. 22 years outward. 22 years from now in the
24 year 2030, the I.C.U. summary. Basically the same
25 thing.

VERB-15

1 Although the intersections now are projected to
2 be at Bolsa and Goldenwest, rating F. As in F'ed up.
3 Beach and Edinger, F. Beach and Heil drops to an E,
4 from a D to an E. Beach and Warner, E. Beach and
5 McFadden rated an E. Beach Boulevard and Bolsa, an F.

6 This is a square peg tried to shove into a
7 round hole. I don't think this city needs more
8 residents, especially low cost residence or subsidized
9 housing. This is the worst project for the worst area.
10 I mean the only intersection by 1 tenth of 1 percent is
11 Warner and Beach. They rate worse, at .89. This is
12 a .88.

13 Congratulations. We will get to point, you
14 know, ten-oh before long, which is unacceptable. This
15 project is just the wrong thing for the wrong area. I
16 would like to ask a question. Is this EIR is this
17 traffic study portion of the EIR also going to be used
18 in the EIR for the Bella Terra Two project?

19 T.J. NATHAN: The Village at Bella Terra
20 project has its own traffic study.

21 JIM MAP: So it has its own traffic study.
22 See, my guess is the developers of this project want to
23 get this thing through, want to get it approved before
24 Bella Terra Two or the Village at Bella Terra gets
25 approved.

VERB-15

VERB-16

1 Because after that one is approved, there's
2 going to be such an uproar, people trying, going down
3 Edinger Avenue trying to get on the freeway, that this
4 thing would never fly. I think the developer knows that
5 and they are trying to get this thing pushed through
6 real quick.

7 So you know, call your City Council person and
8 tell them that this is just a horrible idea and to just
9 toss it out. I'm all in favor of some redevelopment of
10 that center there, but a massive basically public
11 housing unit? I don't think so. It's not the right
12 place. This is not the right city.

13 We are approaching 200,000 residents. We don't
14 need any more people especially that area. So call your
15 City Council member.

16 [SPEAKER DID NOT IDENTIFY]: I switched hats
17 and I have a document to present. I will give you a
18 copy so you don't have to try to write it all out.

19 Okay. The hat I am wearing now is president of
20 H.B.T. That's Huntington Beach Tomorrow. And
21 April 17th we presented this document, and it was our
22 official position on the subject at that time and having
23 to do with the Edinger corridor.

24 And we asked that the City fall back, take note
25 of all the components and how they affect one another

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VERB-16

VERB-17
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1 and they withhold any and all approvals until such time
2 as the entire spectrum of all land use can be considered
3 together along with their interrelationships.

4 Now, I know you asked us to confine our
5 comments to the Ripcurl. But the Ripcurl is an integral
6 part of what this, we are talking about in this
7 document.

8 What we have here is the beginning of a shark
9 feeding frenzy. We have a developer who says, I got to
10 get in and get mine first. I got to be the first'est to
11 get the most'est. And then there's going to be other
12 developers coming along saying, You gave it to him, why
13 don't you give it to me.

14 Well, there's not enough to go around so we
15 can't do that. So what we got is we got two major
16 projects staring you in the face. One of them
17 discussing tonight. Then you have got all the projects
18 from Goldenwest to Beach Boulevard and the south side of
19 Edinger and all the proposals that those folks are going
20 to make.

21 Now, planning, they call it the cumulative
22 effect. In engineering it's called the system synergy
23 effect. You have to take a systems approach to this
24 thing. You cannot take the components, individual
25 components one at a time and approve or deny them.

VERB-17

1 You have to take them all at the same time, lay
2 them out end to end, and see how they fit together, and
3 then what kind of synergy either positive or negative is
4 generated from that systems approach. And that takes
5 one single agency or person, whatever, rigid oversight.

6 And we don't have that yet. We don't have
7 rigid oversight yet, on these proposals that are coming
8 up for the Edinger corridor. You've got to develop that
9 before you go any further. It has to be done.
10 Somebody's got to say, Hey, Ripcurl, slow down, back off
11 a little bit, because these other guys are deserving as
12 well.

13 We are not going to give you the whole thing.
14 We are going to treat everybody equally. We are going
15 to look at what happens when all these proposals are
16 sitting on the table and -- enhancement it's going to
17 give our community or what kind of mess it's going to
18 give our community.

19 You can't make it one component at a time.
20 It's got to be all together. In engineering, that's
21 called the systems approach. Just think about the moon
22 shot. Now, would we have had somebody on the moon if
23 they didn't control all the different manufacturers that
24 were pumping parts into this system? It would have
25 never happened.

VERB-17

1 Well, this is not any different. Instead of
2 having rocket motors and spaceships, we've got buildings
3 and parking spots and traffic snarls. Boy, we got a big
4 one. So you have to look at it from a systems approach.
5 Thank you.

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VERB-17

6 MARIO KOKOURNEY: My name is Mario Kokourney.
7 I'm an resident of Huntington Beach, and I speak for
8 myself. I also happen to work on the faculty at Golden
9 West College. I apologize for being late, the reason
10 being that I basically found out about this meeting by a
11 complete coincidence exactly two hours ago.

12 My comment refers to that I understand that the
13 EIR for this report, for this report was out on the 10th
14 of July. I guess a lot of things happen when you are
15 not here. I've been away for two weeks basically.

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VERB-18

16 And I am incredibly surprised that this is
17 happening, perhaps this has been going on for a long
18 time, but what's surprising me a lot is to see that
19 there is basically not too many people here, considering
20 that a similar project, what I would call a similar
21 project, that was presented with a lot of controversy
22 across the street on Central Avenue with Goldenwest and
23 the City, drew an incredible amount of community to
24 this.

25 So I am surprised. It seems that I either

1 don't know what is going on and it's my own fault or we
2 don't get the right information at the right time. It
3 seems to me I heard a comment earlier that said that it
4 seems that the project, things are sort of in a rush to
5 push things.

6 And I do have to say that if they impact such a
7 project is not as big, very similar to what has been
8 proposed earlier, and had a lot of responses from the
9 community, from the colleagues, et cetera, et cetera.

10 So from what I read here, the comments are --
11 must be received by August 21st. Is this a set date and
12 this is it? Are there going to be any other
13 presentations on this?

14 TESS NGUYEN: The public hearing for the
15 project is going to be later on this fall. And you will
16 be notified of that meeting. It's a public hearing
17 before the Planning Commission, and then to go forward
18 to the City Council for the legislative entitlements.

19 MARIO KOKOURNEY: So at this point it's
20 basically comments to EIR?

21 TESS NGUYEN: Correct.

22 MARIO KOKOURNEY: Which is available online, or
23 is that --

24 TESS NGUYEN: It's on our website as well as
25 the library and City Hall, if you want to take a look at

VERB-18

1 that.

2 MARIO KOKOURNEY: It just came out on the 10th
3 of July. Is that correct?

4 TESS NGUYEN: July 8th, actually.

5 MARIO KOKOURNEY: Thank you very much.

6 TESS NGUYEN: Thank you.

7 TODD LAPLANT: Hello. My name is Todd LaPlant.
8 I'm the chairman of the North Huntington Beach Business
9 Committee, which is a committee of the Huntington Beach
10 Chamber of Commerce. We've been following all these
11 projects along with the Beach Boulevard and Edinger
12 corridor study and specific plan.

13 And in concept our group feel that these
14 projects are beneficial to the community and that we in
15 concept endorse them. Our endorsement was put forth to
16 the Chamber of Commerce board of directors, and they had
17 a motion and a second to agree to our support of this
18 project.

19 It's going to bring quality development to
20 Huntington Beach. We have a dilapidated housing stock,
21 dilapidating commercial stock. These are in an area at
22 the very edge of the city, with freeway access which
23 allows definite positives to ingress and egress to that
24 project, along with the others that may be proposed in
25 the future.

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VERB-18

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VERB-19

1 So that's my comment. I feel that, you know,
2 good business and building brings, generates business,
3 and that's what keeps our economy healthy. Thank you.

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VERB-19

4 STEVE DODGE: My name is Steve Dodge. And I
5 would like to -- I don't want Todd to be the lone ranger
6 tonight. I'm also in support of this project. I too
7 have seen, attended a lot of the meetings for the Beach
8 Edinger corridor and you know, we are relying on those
9 people as the experts.

10 They have laid out some ideas and some
11 proposals that I think this project fits right in with.
12 I think it does -- does bring some density, but I think
13 it's in the right location to have the least negative
14 impacts but provide good benefits. There's a lot of
15 good positive financial economic reasons to support this
16 project.

VERB-20

17 From the City standpoint, the tax, property
18 taxes will be significantly increased. And also, the
19 way it's designed for a higher economic income family --
20 or not family but people, will bring spending money,
21 disposable income. And I wholeheartedly support the
22 project. Thank you.

23 STEVE HOLDEN: Steve Holden. Long time
24 resident of Huntington Beach. I support this project.
25 I think it would be an outstanding project for this

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VERB-21

1 particular location. And I believe that the EIR report
2 does adequately address the environmental issues.

3 And I believe that the characteristics of
4 Ripcurl project are correctly presented and that the
5 environmental impact of the project are addressed
6 properly. Thank you.

7 T.J. NATHAN: Thank you, for your comments.

8 DIANA KAUFMAN: My name is Diana Kaufman, and I
9 live in Westminster, which is just walking distance from
10 this project, and we walk there all the time. But looks
11 like we are going to have to be walking forever, because
12 we are not going to be able to get out of our
13 neighborhood very well.

14 As it is, the McFadden bridge going onto Beach
15 Boulevard is only a narrow two-lane road. Already it is
16 full of traffic in certain times of the day. We won't
17 be able to get out onto the freeways there. They
18 already are congested.

19 So we are going to be walking. And I can walk
20 now, but when I get older, when I am a little more
21 senior, I might not be able to. Are you going to have
22 room for me to have my little electric car? Where am I
23 going to park it? I can't park in that parking
24 structure. There won't be any place.

25 I believe it's too much density in a small

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VERB-21

VERB-22

VERB-23

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VERB-24

1 area, even with -- I can visualize just looking up
2 seeing this mountain, where now I see open space. I see
3 trees. I can see the sky when we take our walks. And
4 Bella Terra is going to be filled with the same type of
5 thing.

6 So it's just going to be -- the density is
7 going to be too much for a small area. And some of
8 people who approved the project, maybe they don't live
9 under it. So that's my statement.

10 T.J. NATHAN: Thank you for your comments.

11 JERRY CLARK: My name is Jerry Clark, and I'm a
12 member of the North Huntington Beach Business Committee
13 with the Huntington Beach Chamber of Commerce, resident
14 Huntington Beach as well. I live on Heil and Goldenwest
15 area.

16 And I feel that that area needs a definite
17 facelift. It needs to be revitalized. It is an
18 eyesore, and it is going to -- you know, from what I've
19 read, it should generate tax revenues, which should
20 minimize tax exposure for Huntington Beach residents.

21 I hate paying taxes. Most people I talk to
22 hate paying taxes. It should help to minimize tax
23 exposure as well generate jobs and spending and
24 consumption, so in general economic growth, and economic
25 growth is always good.

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VERB-24

VERB-25
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1 And you know, I think as the saying goes,
2 progress is impossible without change. Thank you.

3 T.J. NATHAN: Thank you.

4 ROBERT STERNBERG: Hello. My name is Robert
5 Sternberg. I'm an 18 year Huntington Beach resident.
6 And I am also president of the Goldenwest Neighborhood
7 Association which is composed 650 homes bounded by Greer
8 Park area McFadden, Goldenwest, Bolsa, Edwards. I
9 represent the views of many of those people if not all
10 of them. We got together and talked about this. And I
11 just want to just state my comments about the EIR.

12 First thing on the EIR is I can't really
13 understand why the City and the applicant can't agree on
14 the number of residents. There's a big disconnect
15 there. I personally have met with the developer. And
16 actually I like the developer. I want to take my hat
17 off.

18 They do come to our community meetings and they
19 did explain the project and they really work hard to
20 make sure that there's a decent project here. I was
21 also involved with the selection of the colors and the
22 style and everything. So I would say that my hat goes
23 out to them in that they do listen to the community.

24 But this is a business decision here. They
25 bought the property. I agree I'm not against

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VERB-25

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VERB-26

1 development. I think there needs to be some type of
2 facelift or something. But this project, let's go
3 through it, the EIR, and see where it stands.

4 You know, so far as employment, it's only going
5 to employ 36 people in the commercial and 11 for the --
6 only 47 people. I didn't see where the EIR addressed
7 where those people would park, the employees. Parking
8 was well stated, I don't want to comment about that
9 anymore, because there is a big shortage here.

10 Even if you use the City's numbers, which are
11 less than what was commented on before, you have a huge
12 shortfall of parking. No guest parking. I don't see
13 where the people that would move into this and move out,
14 where you put the moving vans, because you are going to
15 have --

16 It's a very type of transient thing. This is
17 almost like an Oakwood apartment building, similar to
18 corporate housing. Small units, high turnover, high
19 dollars. I understand the project. I think honestly if
20 this were the one project for that area that this would
21 be, you know, you can squeeze this in.

22 But this is the first of many, and I know the
23 EIR is meant to address this. But without the density
24 set for the whole Edinger, Beach Edinger corridor, we
25 can't really figure out how is this going to be. It was

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VERB-26

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VERB-27

1 commented before, if you let this one, the other guy is
2 going to say Bella Terra Villages and the Levitz
3 property is going to say, I want what they have. So we
4 just go on, the density.

5 I think the density currently slated for 20 to
6 30 units per acre. This one is 114 units. You do the
7 math. It's four to five times. It's a very dense
8 corner. I don't know where you are going to put all the
9 people, quite honestly. It's a very dense corner. It's
10 aesthetically nice.

11 I will comment, the EIR, nobody commented on
12 the impact to Old World Village. This is going to prop
13 up their -- I read the EIR in depth. It took me a few
14 hours to read it. It wasn't the greatest, but I did
15 digest most of it. And they said about the shading and
16 about the shadows that it wasn't an issue.

17 I think nobody said anything about the stopping
18 of the prevailing winds and everything that would go to
19 Old World. Because they are really going to be impacted
20 on this, when you look at what's going to happen. They
21 are going to surrounded by development. So I didn't see
22 anything given to that.

23 Like I said, I put draft comments on the EIR.
24 And I thought some of them were kind of mentioned, but
25 specifically I would like to touch base on the ones that

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1 weren't mentioned. The public services one of the EIR.
2 Title -- I think it's 11. Fire protection.

3 You said it would have a significant impact,
4 but you said that basically the City of Huntington Beach
5 could absorb it. I have my doubts, but, you know, I
6 would like to see something more addressed in there than
7 boilerplate language.

8 As to there's no -- call it density studies in
9 there. Specifically with the police protection, they
10 said that the existing services should be able to cover.
11 Also with Bella Terra, they would add two police
12 officers. All that is well.

13 They -- general ratio between the whole
14 community. And they didn't comment on the density
15 factor. When you jam people into an area, your
16 frequency of calling the police because of domestic
17 violence, disturbances, argue over parking, increase
18 dramatically. So I would say the EIR did not cover that
19 adequately.

20 I would also say the parks. Part of it was
21 kind of stick your head in the sand and say these people
22 are not going to use the park. The existing parks can
23 cover whatever people are going to jam into this area.

24 I want to put -- the next thing is that the
25 height of the buildings from the rental areas come right

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VERB-29

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VERB-32

1 up into 66 feet. In reality, it's going to be more like
2 78 feet. The Levitz sign I actually found in here was
3 at like 70 feet. So it's actually higher than the
4 Levitz sign. That's how high this project is going to
5 be.

6 MR. WONG: No --

7 ROBERT STERNBERG: I could be wrong height of
8 the Levitz sign specifically here. I noted that the
9 Levitz sign is actually lower as stated in the report
10 than the height of the EIR.

11 Lastly, the take is, look, you are going to do
12 something with this corner. The EIR addresses it, but
13 in reality, this is not the right type of project for
14 corner in that it's the density. That's really what it
15 comes down to. The building height is all driven by the
16 density.

17 You have, you know, just look at how many units
18 per acre you want to put in here, resulting in the
19 parking. It's just -- it's just adding to the traffic,
20 which you can't really do anything about. There's a
21 lot -- the roads aren't really getting bigger, and you
22 are going to put these people in there.

23 Like I said, these are very -- somebody didn't
24 mention before that these are going to be transient
25 people, because small areas. People aren't going to

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VERB-32

VERB-33
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1 live in -- they are not going to stay in their room or
2 their units much. They are going to be going in and
3 out, multiple trips.

4 I don't think that was really considered in the
5 EIR, how many cycles people go and in and out during the
6 day. That's my comments. Thank you.

7 T.J. NATHAN: Thank you.

8 PATRICK BRENDEEN: My name is Patrick Brenden,
9 14 year resident of Huntington Beach, business owner,
10 Huntington Beach. On the face, I support this project.
11 I think it's a great improvement to that particular
12 parcel. I think that area of the City ideal for this
13 type of development.

14 I think some of the issues brought up by some
15 of the speakers this evening about density and about
16 traffic are valid. What I've seen from the developer on
17 this project thus far is willingness to address concerns
18 of the community.

19 And I think that is credit to them. So I hope
20 that cooler heads can prevail and compromises can be
21 found so that a project, if not this exact project
22 something very similar to this project, can prevail at
23 that location. Thank you.

24 T.J. NATHAN: Are there any other public
25 comments tonight?

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VERB-33

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VERB-34

10.3 RESPONSES TO COMMENTS ON THE DRAFT EIR

10.3.1 State Departments

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

DTSC-1 The comment states that the issues identified in DTSC’s previous letter to the City of Huntington Beach, dated February 22, 2008, for The Ripcurl Initial Study have been addressed. There were no additional comments on the content or adequacy of the Draft EIR.

■ Native American Heritage Commission (NAHC), July 25, 2008

NAHC-1 A records search was conducted by the South Central Coastal Information Center (SCCIC), which is the appropriate California Historic Resources Information Center (CHRIS) for projects located within Orange County. The records search included a review of all recorded archaeological sites within a 0.5-mile radius of the project site and the results of these surveys were used in the evaluation of the project.

NAHC-2 As discussed on page 4.4-7, a record search was conducted by the SCCIC, which included a review of all recorded archaeological sites within a 0.5-mile radius of the project site as well as a review of cultural resource reports on file. No archeological sites were identified on the project or within the 0.5-mile radius of the project site. Additionally, museum collections maintained by the Natural History Museum of Los Angeles County contain no recorded vertebrate or invertebrate fossil localities in the general area of the project site. However, the project site is currently developed with commercial uses and the current surface conditions do not allow for an adequate survey of potential sub-surface cultural artifacts, and the potential for archaeological and/or paleontological resources to be identified during ground-disturbing activities cannot be eliminated. Therefore, mitigation measures MM4.4-1 and MM4.4-2 would be required of the proposed project to ensure that cultural resources would not be damaged in the event that they are discovered during construction activities. The measures require monitoring of construction activities by a qualified professional archaeologist and require the scientific recovery and evaluation of any archaeological resources that could be encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost.

NAHC-3 As discussed on page 4.4-9 of the Draft EIR, the California NAHC’s Sacred Lands File search indicated the presence of sensitive Native American resources within the vicinity of the project. In the event of the discovery of a burial, human bone, or suspected human bone, mitigation measure MM4.4-3 requires that all excavation or

grading shall halt immediately and the area of the find shall be protected. The Applicant must immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.

■ Public Utilities Commission (PUC), August 15, 2008

PUC-1 The California Public Utilities Commission (PUC) notes that the project will add traffic to existing highway rail crossings in the study area. Since there are no significance criteria for such crossings, no project impacts are identified at these locations. The City coordinates with the PUC and the Railroad on a continuing basis to ensure that the required safety standards are maintained at such locations.

10.3.2 Regional/Local Agency

■ Orange County Public Works (OCPW), August 21, 2008

OCPW-1 When Huntington Beach provided information to the County of Orange as part of the Commuter Bikeway Strategic Plan, the route identified in Huntington Beach was within the existing railroad right-of-way or former right-of-way and reflected one potential use of that corridor in the future. The City's General Plan does not identify a planned Class I bikeway to be located within any private property area along the corridor referenced. While the City may work with adjacent Cities along the corridor, OCTA and the County of Orange in developing an appropriate bikeway, the City does not have any basis for requiring the dedication of easements or property for this purpose from any private property along the corridor. Therefore, the City has not required the developer to include these features as part of their development plan. The proposed project would not affect the ability of the City to pursue an officially planned facility and does not constitute an area of potentially significant adverse impact that should be addressed within the EIR.

OCPW-2 Impact 4.7-5 of the Draft EIR identifies the minimum development requirements, per the existing Zoning Code, that would apply to the proposed project to help prevent potential impacts associated with on-site flooding as a portion of the project site is located within FEMA-defined flood hazard Zone A. In particular, code requirement CR4.7-2 and mitigation measures MM4.7-1 and MM4.7-2 would be required, along with project conditions of approval CoA4.7-1, which would reduce the potential for on-site flooding of underground structures and other areas and on-site flood impacts to a less-than-significant level.

OCPW-3 The information on page 4.7-44 of the Draft EIR has been revised as requested. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes.

■ Southern California Edison (SCE), August 22, 2008

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

SCE-2 This comment states that “the electrical loads of the project have been determined to be within the parameters of the projected load growth which SCE is planning to meet in this area.” The remainder of the comment explains SCE’s role in the modification of electric systems and infrastructure. This comment is noted.

SCE-3 Implementation of The Ripcurl project is not anticipated to result in the need to build new, or relocate existing, SCE electrical facilities that operate at or above 50 kV. However, the comment is noted.

10.3.3 Organizations

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

HBEB-1 The comment correctly reiterates information presented in Section 4.13 (Transportation/Traffic) of the Draft EIR regarding the future LOS with and without the proposed project in Year 2014 and Year 2030. The comment also states that the “City’s General Plan is not in compliance with its own criteria.” This statement is slightly misleading. Among other purposes, the City’s General Plan is a policy document that provides the framework for land use management. In this case, the General Plan provides the appropriate LOS standards throughout the City that are deemed acceptable. It is the existing and future roadway conditions within the City (as opposed to the General Plan itself) that, in some cases, do not meet the minimum LOS criteria as defined in the General Plan. However, CEQA does not mandate compliance with the General Plan; rather CEQA requires feasible mitigation where possible. As identified in the Draft EIR, a mitigation measure was identified to reduce the long-range level of significance of the impact at the intersection of the I-405 Southbound Ramp at Center Avenue. However, because this intersection is owned by Caltrans, implementation of the mitigation measure would be dependent on factors outside of the control of both the City and the project Applicant. Thus, the Draft EIR adequately analyzed the projected traffic increases that could result from the proposed project against existing City standards, and identified mitigation measures, where feasible. All comments will be forwarded

to decision-makers prior to their consideration of whether to approve the proposed project.

- HBEB-2 See Response to Comment VERB-9. This comment addresses the City’s existing LOS standard and requests that the General Plan be amended. This is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- HBEB-3 See Response to Comment VERB-12.
- HBEB-4 See Response to Comment VERB-10.
- HBEB-5 For the sites noted and for the whole Beach Boulevard/Edinger Avenue Corridor area, the cumulative analysis did consider long-range buildout according to the current General Plan. See the list of all 23 cumulative projects identified in Table 3-4 of the DEIR. Hence, these areas were not ignored and are fully accounted for in the long-range analysis.
- HBEB-6 The commenter recommends that a Green Measure column be added to Table 2-2 (Summary of Environmental Effects and City Requirements/Mitigation Measures) in order to track the green points of the projects. The “green” measures proposed by the project Applicant do not affect the analysis provided in the Draft EIR nor are there any CEQA thresholds for such measures. Rather, the Draft EIR analyzes the potential impacts of the project as proposed and provides mitigation measures, where feasible, to reduce any identified significant impacts. The Draft EIR is not the appropriate document to track the project’s Green Score because as discussed on page 3-8 (Project Description), “the conceptual project plans may be modified prior to final building plans and specifications in response to conditions of approval, mitigation measures, and design changes in response to code requirements.” Consequently, it would be inappropriate to identify specific green measures that are not called out as specific mitigation measures or code requirements in the Draft EIR, as the final building plans could be revised after approval of the Draft EIR.
- HBEB-7 There is currently no reclaimed water supply, nor infrastructure for such water available in the City of Huntington Beach. A grey water analysis is not required for the project and is properly raised and considered on a City-wide basis, as opposed to an individual project. Previous efforts to provide a reclaimed water source in the city were not successful. The DEIR provides an analysis of potential Hydrology and Water Quality impacts consistent with CEQA.
- As discussed on page 4.7-7 and 4.7-8 (Hydrology and Water Quality) of the Draft EIR, the Natural Treatment System—East Garden Grove-Wintersburg Channel Project for dry weather treatment using Talbert and Huntington Lakes—is a Santa Ana Regional Water Quality Control Board Approved Supplemental Environmental

Project (SEP). This proposed project would divert approximately 3 million gallons per day of urban runoff from the large regional channel, the East Garden Grove-Wintersburg Channel into the Huntington Beach Central Park for natural treatment and restoration of aquatic resources. The project would provide multiple benefits, including: the reduction in polluted runoff entering Bolsa Chica Wetlands, Huntington Harbour and Anaheim Bay; the restoration of aquatic resources in Central Park, including Talbert Lake, Huntington Lake, and Shipley Nature Center; enhancements to groundwater protection by reinforcing the sea-water intrusion barrier; and educational opportunities.

Furthermore, as discussed on page 4.14-8 (Utilities and Service Systems) of the Draft EIR, in January 2008, the OCWD implemented an innovative, cost-effective, and reliable Groundwater Replenishment System. This System is a water project that provides northern and central Orange County with a new supplemental source of safe, high-quality water. The Groundwater Replenishment System takes highly-treated sewer water and purifies it to levels that meet state and federal drinking water standards as pure as bottled water. The Groundwater Replenishment System water exceeds all federal and state drinking water standards. The underground basin provides more than half of the water used by north and central Orange County.

- HBEB-8 This comment suggests that a certified commissioning agent be used as part of the project. It is our understanding that a commissioning agent ensures that a building performs in accordance with the design intent, contract documents, and the owner's operational needs. It is not clear how the commenter is linking such an agent to the analysis of The Ripcurl project as provided in the Draft EIR. A commissioning agent could be hired by the project Applicant, if they so desire, but it is not required by the City of Huntington Beach. The City's Planning and Building and Safety Departments review building plans and perform inspections to ensure that the construction and operation of buildings is in conformance with all required measures. This is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- HBEB-9 The parking discussion of the Draft EIR has been revised. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR.
- HBEB-10 See Response to Comment VERB-13 for a discussion of police services.
- HBEB-11 See Response to Comment HARR-6 for a discussion of parklands. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HBEB-12

The comment is incorrect in stating that the existing zoning for the project site includes mixed use residential zoning at 30 units per acre. As discussed in Section 3.0 (Project Description) of the Draft EIR,

Presently, the project site has a General Plan designation of CG-F1-d (General Commercial), which establishes a floor area ratio (FAR) of 0.35 for the site and a design overlay that permits underlying land uses to be designed in accordance with special design standards. The project site currently has a zoning designation of CG (General Commercial), which provides opportunities for a full range of retail and service businesses and is consistent with the General Plan.

Residential uses are not currently permitted, with the exception of some group quarters. Since the General Plan and Zoning Code do not currently allow residential uses at this location, implementation of the proposed project would require a GPA and ZTA.

The commenter “demands the study of the current 30 units per acre in the EIR as a viable alternative.” CEQA Guidelines Section 15126.6 states that the Alternatives evaluated in the Draft EIR should:

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

Chapter 6 of the Draft EIR analyzes four different alternatives to the proposed project in order to reduce the identified significant impacts of the proposed project. In total, there were four significant and unavoidable impacts in the Draft EIR. However, only two of these impacts were project-specific while the other two were cumulative in nature (which would occur regardless of project implementation). Thus, the Alternatives section of the Draft EIR focuses on alternatives to reduce the identified traffic impacts of the proposed project. Two of the four alternatives would not involve GPAs and ZTAs, as requested by the commenter.

The first No Project/No Development Alternative analyzed the comparative environmental effects resulting from continuation of the existing commercial uses on the site and would not involve any improvements to the site. Alternative 1 provides a basis for decision-makers to compare the effects of approving the project with the effects of not approving the project. Alternative 2 assumed that the site would remain as commercial general (CG-F1-d); however, growth could occur through existing permitted development or increased tenant use, as the site is currently 80 percent leased. In general, no significant and unavoidable adverse impacts would occur, although slight increases in traffic resulting from increased tenant use could occur.

Alternatives 3 and 4 analyzed reduced project alternatives in order to determine the potential decreases in traffic. Specifically Alternative 3 would eliminate the 10,000 sf of retail use, while Alternative 4 was selected to reduce the amount of traffic that

would be generated by the project while still allowing for a mix of uses. It was determined that Alternative 4 would obtain all project objectives and would eliminate the significant and unavoidable traffic impact caused by the proposed project; thus, Alternative 4 would be considered the environmentally superior alternative.

As stated in CEQA Guidelines Section 15126.6,

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

Per CEQA, there is no evidence in the record to indicate it necessary to evaluate an alternative that would reduce the proposed density to 30 units per acre. A reasonable range of alternatives was selected, and such alternatives were adequately analyzed in the Draft EIR.

In addition, the commenter expresses concerns “that once one developer is given a zoning variance for this high a density, the city will be pressured to allow additional future variances of this type...” The environmental effects of the proposed GPA and ZTA are adequately analyzed in Section 4.8 (Land Use and Planning) of the Draft EIR. As discussed in that analysis and throughout the Draft EIR, the City is currently in the process of redeveloping the area to permit more high density mixed uses, and the project conforms to this overall vision. See Response to Comment VERB-17 for a discussion of the Beach-Edinger Corridor Study and Response to Comment HARR-2 for a discussion regarding density.

HBEB-13 This comment recommends evaluating the SCE high voltage transmission lines. Page 4.6-7 (Hazards and Hazardous Materials) of the Draft EIR provides background information on electromagnetic fields and Impact 4.6-2 evaluates the potential impact of the high voltage transmission towers.

■ Huntington Beach Tomorrow (HBT), August 21, 2008

HBT-1 The comment is slightly incorrect in stating “as proposed at 132 units/acre—four times the current zoning maximum for density ...” As proposed with 440 units on approximately 3.8 acres, The Ripcurl project would result in approximately 115 dwelling units per acre. In addition, the General Plan currently has a Mixed Use-Vertical Integration category but it limits maximum density to 30 units per acre with 3.0 FAR. However, the General Plan also has a residential density category of “>30” that permits greater than 30 dwelling units per net acre. The Applicant is proposing up to 130 units per acre and requests the creation of a new land use designation, “Transit Center District.”

The comment is correct in noting that implementation of the proposed project would result in significant and unavoidable impacts associated with population and housing and traffic.

The comment is incorrect in stating that “when combined with the Village at Bella Terra project, [these projects] produce traffic impacts unacceptable...” As discussed on page 4.13-40 (Traffic/Transportation) of the Draft EIR,

...the proposed project’s impact to the I-405 Southbound Ramp at Center Avenue intersection occurs when General Plan land uses are the basis for traffic forecasts in the study area. A General Plan Amendment (GPA) is currently being processed for The Village at Bella Terra Project, which would reduce the PM peak hour trip generation. Approval of the GPA would result in future 2030 background conditions such that the impacted intersection would no longer be impacted by the proposed project.

Additionally, as discussed on page 4.13-49 of the Draft EIR,

...the proposed project would result in a significant and unavoidable impact at the intersection of the I-405 Freeway Southbound ramps and Center Avenue under the current General Plan in 2030. As such, the proposed project would be considered cumulatively considerable. However, the project does not contribute to a significant cumulative impact at this location when either of the Bella Terra GPA’s are considered under Year 2030 conditions. With implementation of the Bella Terra project and the proposed project, ICU value at the intersection of I-405 Southbound ramps and Center Avenue would remain at 0.91, similar to the value anticipated under General Plan buildout in 2030 without either project. This is due to the anticipated reduction in vehicle trips associated with either GPA under the proposed Bella Terra project versus the level of development currently allowed by the City’s General Plan land use designations for the Bella Terra site. Therefore, if either Bella Terra GPA Option is adopted, The Ripcurl cumulative impact would be reduced to a less-than-significant level.

Therefore, if the Village at Bella Terra project were approved, it would actually reduce the significant and unavoidable traffic impacts identified for The Ripcurl project.

HBT-2 It is unclear what the commenter is suggesting by stating that the project would “set an unacceptable precedent for the city’s remaining developable space.” This is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HBT-3 This comment is not entirely adequate by stating that “when combined with the Village at Bella Terra, [the projects’] increase the city’s population beyond the level that was planned for and can be supported. As thoroughly discussed in the cumulative discussion within Section 4.10 (Population and Housing) of the Draft EIR, the majority of the anticipated growth is the result of future development that could be accommodated under the Beach-Edinger Specific Plan. Development of

The Ripcurl project and The Village at Bella Terra project alone would not result in an exceedance of SCAG projections. Rather, the exceedance is due to implementation of all of the 23 cumulative projects identified in Table 3-4 (Cumulative Projects) of the Draft EIR. Moreover, the amount of cumulative growth is still below the level anticipated in the City's General Plan.

- HBT-4 This is an economic project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- HBT-5 The parking discussion of the Draft EIR has been revised. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR.
- With regard to the comment regarding inadequate access to parking, Impact 4.13-5 of the Draft EIR discusses how the project would have three access locations (all of which lead to parking structures.) Gothard Street would have two access driveways (one with right in/right out only) and a third access driveway would be located on Center Avenue. None of the traffic volumes are high enough to meet a signal warrant. All vehicles would wait for gaps in the traffic stream; this also applies to vehicles entering via left turn, at the two driveways where a left turn is permissible. Therefore, it was determined that implementation of city requirements would ensure impacts would be less than significant.
- HBT-6 Emergency access is discussed in Impact 4.13-6 of the Draft EIR. As discussed, access to the project site would be provided from Gothard Street and Center Street, both of which are primary arterial streets. An emergency access lane accessed from Gothard Street and located along the southern border of the project site would provide secondary access to both components. As part of standard development procedures, plans would be submitted to the City for review and approval to ensure that all new development has adequate emergency access, including turning radius, in compliance with existing regulations. Therefore, it was determined that project traffic would not impede emergency access to and from adjacent and surrounding roadways.
- HBT-7 See Response to Comments LIND-5 and VERB-17 for a discussion of how the Draft EIR adequately analyzed cumulative projects, including the Beach-Edinger Corridor Study.
- HBT-8 This is a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

10.3.4 Individuals

■ Dempsen, Steve (DEMP), July 11, 2008

DEMP-1 The comment references the identified significant effects related to population and traffic within the Draft EIR, and states that housing is not the appropriate use for the site due to traffic and economic considerations. The conclusions in the Draft EIR concur with the commenter's statement that these issue areas are considered significant environmental impacts.

The physical effects of the increased population generated by the project, including traffic, are adequately addressed in the Draft EIR. As discussed on pages 4.13-37 through 4.13-42 of the Draft EIR, while the project contribution of traffic would generally represent less than one percent of the volumes on the roadways, the significant and unavoidable traffic impacts of the project would be due to contributions of traffic at intersections that have existing deficiencies.

With regard to the statement that the location of the project is not appropriate for residential uses, the placement of residential and non-residential (e.g., commercial) uses in proximity to one another enables residents to live in proximity to nearby commercial and entertainment services, thus reducing the need for automobile use. This integration of residential and commercial uses is specifically stated in the project objectives (see Draft EIR pages 3-24 and 3-25). Consequently, the residential component of the proposed project adjacent to the existing uses in the vicinity would serve to reduce traffic effects compared to the business use suggested in the comment. However, the commenter's opposition to the provision of housing on the project site is noted and all comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

■ Gladysz, Tim and Kristin (GLAD), August 7, 2008

GLAD-1 The comment states that the housing under the proposed project would not improve traffic in the area. The conclusions in the Draft EIR concur with this comment, as there are two significant and unavoidable project-specific traffic impacts and one cumulatively significant traffic impact. As discussed on pages 4.13-37 through 4.13-42 of the Draft EIR, the project would contribute one percent or more at the intersection of I-405 ramps at Center Avenue and the I-405 northbound loop ramp from Beach Boulevard, which is deficient in both the AM and PM peak hours. Because these were the result of existing deficiencies, these impacts were found to be significant and unavoidable. The effects of the traffic generated by the project are adequately addressed in the Draft EIR. However, the commenter's opposition to the proposed project is noted and all comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

■ Harris, Dave (HARR), August 20, 2008

HARR-1 The commenter opines that he would be negatively impacted by the proposed project. This is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HARR-2 The comment does not address the adequacy of the EIR, but expresses negative opinions regarding the density of the project. The increase in density is analyzed throughout all chapters of the Draft EIR. For example, page 4.8-5 of the Land Use section of the Draft EIR states:

The proposed project includes a mixed-use residential and commercial development with an estimated FAR of 2.23 and a residential density of up to 130 units per acre. The project site has a current General Plan designation of CG-F1-d (General Commercial) and a current zoning designation of CG (General Commercial), neither of which permit residential uses. As a result, the proposed project would not be consistent with the current General Plan and zoning designations for the project site. However, other areas in the City currently permit high density residential uses (e.g., Downtown), in which projects are developed at over 60 units per acre. As mentioned above, the City is currently in the process of redeveloping the area to permit more high density mixed uses, and the project conforms to this overall vision. As it is currently envisioned the Beach-Edinger Specific Plan would not specify a density limit; rather, as a form-based code, it would ensure compatible design with very specific development standards related to setbacks, height, open space, and parking.

The parking discussion of the Draft EIR has been revised. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR. The commenter's concerns regarding density is a project-related comment and is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HARR-3 Three of the commenter's concerns include the GPA, building heights, and project density. The commenter questions the necessity of proposing a project that would require a GPA. The purpose of the Draft EIR is to analyze the project as proposed in order to provide unbiased data to the public and decision-makers regarding the potential environmental impacts that could occur if such development were approved. The commenter correctly notes that The Ripcurl project would require a GPA as well as a ZTA in order to permit the proposed mixed-use commercial and residential development on the project site. The environmental effects of the proposed GPA and ZTA are adequately analyzed in Section 4.8 (Land Use and Planning) of the Draft EIR. As discussed in that analysis and throughout the Draft EIR, the City is currently in the process of redeveloping the area to permit more high density mixed uses, and the project conforms to this overall vision.

The comment correctly notes that assuming the projected increase of approximately 1,060 residents on the project site, the proposed development would result in approximately 280 residents per acre and approximately 115 dwelling units per acre. See Response to Comment VERB-32 for a discussion regarding building heights. The commenter's concerns regarding these issues are project-related comments and are not direct comments on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HARR-4 As stated in Response to Comment HARR-2, the parking discussion of the Draft EIR has been revised. In total, The Ripcurl project is currently proposing approximately 705 parking spaces. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR.

HARR-5 The proposed project will have minimal impact on weekend traffic on Goldenwest Street and its effect on weekday traffic is discussed in the EIR. No significant project impacts are identified.

The comment also states that air quality in the vicinity will decrease as a result of the proposed project. As adequately addressed throughout Section 4.2 (Air Quality) of the Draft EIR, implementation of the proposed project would not impair implementation of the Air Quality Management Plan, and peak construction and daily operation of the proposed project would not generate emissions that exceed the Southern California Air Quality Management District's (SCAQMD) thresholds. In addition, although the proposed project would generate increased local traffic volumes, this increase would not cause local carbon monoxide (CO) concentrations at nearby intersections to exceed national or state standards. Further, the proposed project would not result in or expose sensitive receptors to substantial pollutant concentrations.

HARR-6 As discussed on page 4.12-9 of the Draft EIR,

The proposed project does not include dedicated open space or parklands. Rather, private and common open space would be provided through outdoor amenities such as balconies, a pool and spa area, fire pit and movie projection area, and an indoor fitness center, which would be available to residents. The availability of such on-site amenities for future residents could potentially displace the demand on public recreational facilities.

However, because the project does not include any designated park land, this is considered a potentially significant impact and code requirement CR4.12-1 is required. More specifically, CR4.12-1 requires the Applicant to pay all applicable open space and park fees as prescribed by the Huntington Beach Zoning Ordinance in-lieu of dedicated land. These fees would help acquire, develop, improve, and

expand the City's open space and parklands inventory. The City considers payment of fees full mitigation for impacts on parks.

- HARR-7 This comment asks a rhetorical question regarding the City's population. This comment does not raise any specific environmental issue, nor provide any comments on the content or adequacy of the Draft EIR. Worth noting, however, is that Section 4.10 (Population and Housing) of the Draft EIR adequately addresses the projected increase of the proposed project as well as all cumulative development currently proposed in the City. The EIR determined that the project alone would result in a less-than-significant impact with respect to population growth; however, it was determined that the cumulative population increase would be significant and unavoidable, as it would exceed the Southern California Association of Governments (SCAG) projections for Year 2015.
- HARR-8 This comment contains general information, and is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. Refer to Response to Comment HARR 9 through HARR-15 below.
- HARR-9 Contrary to the comment, the City is not "in the business of modifying the general plan to enhance the financial best interests of the property owner." The Ripcurl project is not a development proposal of the City of Huntington Beach. Rather, the project is proposed by the current property owner (Amstar/Red Oak Huntington Beach LLC), a private developer. The City is required by law to review and act on a development application (even if such a development application includes amendments to the GPA and ZTA) and must do so in accordance with the Permit Streamlining Act (Government Code section 65920 et. seq.).
- The commenter states that the project site is currently 90 percent leased with 45 tenants. This is incorrect. As stated on page 3-4 (Project Description) of the Draft EIR, the current shopping center is approximately 80 percent leased with various retail and office tenants.
- The remainder of the comment expresses the negative opinions of the commenter toward the proposed project but provides no direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. The commenter's opposition to the proposed project is noted and all comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- HARR-10 It is assumed that the commenter is referencing the aesthetics discussion from the Initial Study as opposed to the Draft EIR. Therefore, it is assumed that the commenter did not have an opportunity to review the full aesthetics analysis (Section 4.1) within the Draft EIR, which adequately discusses the potential impacts

to aesthetics as a result of the proposed project. See Response to Comments VERB-24 and VERB-32.

In addition, as discussed on page 4.1-25 of the Draft EIR, the existing Bella Terra Mall to the east currently has structures that range in height from approximately 33 feet to 90 feet with tower elements rising to approximately 104 feet. Also for purposes of height comparison, the Towers at Bella Terra development has buildings that range in height from five to twelve stories adjacent to the I-405 Freeway. Both examples are slightly closer to the proposed project than that of the Nuvision Credit Union building on the south side of Edinger just west of Beach Boulevard, as referenced by the commenter.

The remainder of the comment expresses the negative opinions of the commenter toward the proposed project as well as City staff but provides no direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. The commenter's opposition to the proposed project is noted and all comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HARR-11 The commenter expresses negative opinions about the density of the project, the developers, and the City of Huntington Beach Planning Department. This is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

HARR-12 The parking discussion of the Draft EIR has been revised. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR. The remainder of the comment purports that the proposed project and/or the Draft EIR is "sales talk that...might lead the uninformed to believe that college students will live in the proposed slum." Page 3-8 (Project Description) of the Draft EIR states:

The residential component would target three populations groups: (1) Young Professionals, (2) the Golden West College Community, and (3) Progressives. Young professionals consist of childless couples and singles who work in Huntington Beach, North Orange County, and South LA County who would be drawn to amenities provided in the neighboring Bella Terra project, the surrounding neighborhood and the project itself. The Golden West College Community consists of students, teachers, and administrators associated with the neighboring college who would like to take advantage of new living options close to campus. Progressives consist of people who would utilize transit for work, who are drawn to an urban lifestyle with neighborhood amenities within walking distance, and who would appreciate the green features of the project.

Although the type of future tenants of the proposed project holds no bearing on the outcome of the environmental analysis presented in the Draft EIR, such information

was included in order to fully disclose the Applicant's intended vision of the project to the public and decision-makers.

- HARR-13 The traffic study evaluates the facilities noted in the comment in both a short-range and long-range time frame. The only project impact is at the intersection between Center Avenue and the I-405 southbound ramps, and a mitigation measure is identified for this location.
- HARR-14 The majority of the comment provides a dialogue about a housing project developed 13 years ago and the associated effects on parkland as well as the effectiveness of mitigation. This past project is not connected with The Ripcurl project. See Response to Comment HARR-6 for a discussion of parkland and mitigation associated with the proposed project.
- HARR-15 This comment provides closing information and does not provide any direct comments on the adequacy or content of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

■ Lindberg, Jerry (LIND), August 20, 2008

- LIND-1 The Draft EIR became available for a 45-day public review period on July 8th through August 21st. During the public review period, the document was available at the City of Huntington Beach Planning Department and City Clerk's Office as well as the Huntington Beach Central Library. In addition, the documents were posted on the City's website and were available to view and download.

The EIR was also sent to the State Clearinghouse for review by state agencies at the time that the Notice of Completion of the Draft EIR was filed with the Office of Planning and Research. The Notice of Availability (NOA) of the Draft EIR was also posted in the Orange County Clerk's office.

As is the case for all environmental documents processed at the City of Huntington Beach, notices of the available documents were sent to residents and business owners within a 500-foot radius of the project site and interested parties, including the City of Westminster, and the NOA was posted in the Huntington Beach Independent newspaper the week prior to the start of the comment periods. Consequently, the City of Westminster received direct notice and had ample opportunity to review and comment on the Draft EIR.

- LIND-2 The comment addresses two subject areas, construction traffic, and the traffic models used for traffic forecasting. With respect to construction traffic, the 49 daily trips represent a maximum over the construction period. This is low in comparison to the trips that will be generated by the project (1,666 daily trips). Since the 1,666

daily project trips were not found to cause cumulative impacts, it can be concluded that 49 daily trips would likewise not cause any significant project impacts or cumulative impacts. The traffic forecasts are based on the citywide traffic model developed according to the countywide consistency requirements for such models. The Citywide growth in population and employment that is projected to occur by 2030 and which is incorporated into the model is summarized in the traffic report (page 2-11). Hence, the analysis is based on the best available tools for producing traffic forecasts for analysis purposes.

- LIND-3 See Response to Comment VERB-26 for a discussion regarding the population per household (pph) data used in the Draft EIR.
- LIND-4 The parking discussion of the Draft EIR has been revised. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR. The commenter presents average vehicle data for rental units from the city-data.com for Orange County. However, parking requirements are based on City code, in this case both existing requirements for multi-family residential units and commercial uses as well as the reduced parking standards as proposed in the new Transit Center District zoning regulations. As shown in the text changes chapter, The Ripcurl project is currently proposing 705 parking spaces, which is in excess of both the Transit Center District parking requirements as well as the commenter's city-data.com references. However, as discussed in Chapter 9 of this Final EIR, the City's existing parking regulations do not allow compact or tandem spaces, and thus, only 518 spaces would be counted towards compliance with the existing zoning code. The proposed project would be required to comply with City parking standards (either existing or proposed).
- LIND-5 The comment is incorrect in stating that the Draft EIR "failed to address in detail the other contemplated, planned and soon to be underway projects for this development corridor and their cumulative environmental impact ..." See Response to Comment VERB-17. The Beach-Edinger Corridor project was analyzed throughout the Draft EIR, where applicable. In addition, all cumulative discussions within each of the 14 environmental issue areas that were evaluated within the Draft EIR analyzed the cumulative effect of the proposed project in combination with the known cumulative development in the nearby area. Those cumulative projects are identified on Table 3-4 (Project Description) of the Draft EIR. The Draft EIR identified two significant cumulative impacts—one associated with Population and Housing, and the other associated with Traffic. Contrary to the stated opinion, the Draft EIR adequately analyzed all project-specific and cumulative impacts associated with The Ripcurl development.

■ Linquist, Darlyne (LINQ), July 11, 2008

- LINQ-1 The comment states that the project is too large for the site. As discussed on page 4.1-25 of the Draft EIR, the proposed project would create a more visually intensive and larger-scale use on the site. However, because the existing strip mall on the project site does not include any significant aesthetic or visual characteristics that are unique to the area or the City, it would not substantially degrade the existing character or quality of the site or surrounding uses. In addition, the proposed project would be built according to the City’s design standards, so it would not represent a decline in aesthetic value of the site. In addition, the existing Bella Terra Mall to the east has structures that range in height from approximately 33 to 90 feet, with tower elements rising to approximately 104 feet. Though the height of the proposed project would be greater than those existing today, development of The Ripcurl project would be similar to the aesthetic qualities that are present within the Bella Terra Mall. However, the commenter’s opposition to the proposed project is noted and all comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.
- LINQ-2 As discussed on pages 4.13-37 through 4.13-42 of the Draft EIR, the proposed project is anticipated to generate approximately 2,640 trip-ends per day. The project would contribute one percent or more at the intersection of I-405 ramps at Center Avenue and the I-405 northbound loop ramp from Beach Boulevard in Year 2014, which is deficient in both the AM and PM peak hours. In addition, although mitigation measure MM4.13-1 would reduce long-term (2030) impacts to a less-than-significant level, the measure cannot be guaranteed because the impacted intersection is owned by Caltrans (I-405 Southbound Ramp at Center Avenue). The project was also found to contribute traffic to projected regional freeway deficiencies in 2030. These impacts were found to be significant and unavoidable. The effects of the traffic generated by the project are adequately addressed in the Draft EIR.
- LINQ-3 The comment states that the “air will be almost as bad as Los Angeles.” However, as discussed on pages 4.2-23 through 4.2-34, the proposed project would not hinder implementation of the Air Quality Management Plan, generate emissions that exceed SCAQMD thresholds, exceed CO concentrations, or expose sensitive receptors to substantial pollutant concentrations. Compliance with City Requirements and mitigation measures (see mitigation measures MM4.2-1 and MM4.2-2) imposed on the project would ensure that construction emissions do not exceed thresholds (Draft EIR page 4.2-26). As adequately addressed in the Draft EIR, the proposed project would not result in a substantial degradation of air quality in the vicinity.
- LINQ-4 The comment states that the economy cannot support additional businesses. As discussed in the Project Description, the project site currently contains approximately 60,000 sf of commercial and office space. The proposed project would include 10,000 square feet of commercial space, which represents a 50,000

square foot decrease on the site. Therefore, implementation of the proposed project would not result in additional commercial uses beyond those that currently exist.

- LINQ-5 The comment states that traffic noise on Edinger Avenue near Marjan Lane is bad. As shown in Table 4.9-3, the existing noise levels along Edinger Avenue, west of Goldenwest Avenue (in the general location stated by the commenter), is approximately 67.4 dBA L_{dn} . The Draft EIR considered that an increase of 3 dBA in ambient noise levels would be a significant impact (Draft EIR page 4.9-15). As shown in Table 4.9-10 (Draft EIR page 4.9-24), there would be an estimated 0.3 dB increase in noise level on this segment of Edinger Avenue without the project (2014) and no additional increase due to the proposed project. Traffic noise increases due to the project on other roadway segments showed similar results. Therefore, the project would not contribute substantially to ambient noise in the project vicinity.
- LINQ-6 The comment refers to other projects at the Montgomery Ward and Levitz sites. These sites are not part of the proposed project although comparisons are included throughout the Draft EIR, where appropriate, to The Village at Bella Terra project as it is currently proposed on the existing Montgomery Ward site.
- LINQ-7 The commenter would prefer other sites for residential due to traffic. Please see Response to Comment LINQ-2 and DEMP-1.
- LINQ-8 The comment states that a six-story building is not needed in that area. Please refer to Response to Comment LINQ-1 for a discussion of the visual compatibility of the project with adjacent uses.
- LINQ-9 The Ripcurl project is not a development proposal of the City of Huntington Beach. Rather, the project is proposed by the current property owner (Amstar/Red Oak Huntington Beach LLC), a private developer. It is the City Planning Department's duty to process such development proposals in a timely manner in order to present them to the decision-making body (e.g., Planning Commission and City Council). The commenter's opposition to the proposed project is noted and all comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

■ Neumann, Michelle (NEUM), July 11, 2008

- NEUM-1 The comment refers to the amount of traffic the project would generate in the project area, specifically on Gothard Street from Center Drive to McFadden, and states that the street cannot accommodate the amount of traffic generated by the proposed project. As shown in Figure 4.13-11 (Draft EIR page 4.13-25), in Year 2014 the referenced road segment is estimated to carry 13,000 daily trips, with the project contributing approximately 500 trips, or three percent of the total volume. As discussed on page 4.13-28 of the Draft EIR, the segment of Gothard Street adjacent

to the project site is currently built as a four-lane divided roadway with bike lanes within a typical Secondary Arterial right-of-way. The four-lane Secondary Arterial average daily traffic (ADT) capacity as specified in the City's Circulation Element is 20,000 vehicles per day. Therefore, the proposed project would not exceed the capacity of Gothard Street.

Additionally, Impact 4.13-5 of the Draft EIR adequately addresses roadway hazards. City code requirements 4.13-1 and 4.13-2 would be required to ensure safe construction of projection intersections. Therefore, it was determined that implementation of the proposed project would not substantially increase roadway hazards. The commenter's concerns regarding traffic along Gothard Street will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

NEUM-2 The comment refers to a former (2007) proposal to lease approximately 14 acres on the portion of Golden West College located at the southwest corner of Gothard Street and Mc Fadden Avenue to Costco, and the associated complaints regarding potential traffic impacts on Gothard Street. The Costco proposal did not go forward as it was rejected by the board of trustees of the Coast Community College District.

Past complaints regarding the Costco proposal are not applicable to The Ripcurl project as it is not proposed at the same location, nor would it be the same land use. The Draft EIR thoroughly analyzed the potential traffic impacts of the proposed project in Section 4.13 and identified a total of three significant and unavoidable impacts (two project-specific and one cumulative). Therefore, if the project is ultimately approved, the City would be required to adopt a Findings of Fact and Statement of Overriding Considerations explaining the specific reasons how or why the potential benefits of the project makes the unavoidable impacts of the project acceptable. Consequently, while the commenter's complaints of estimated traffic from the project are valid, the effects of the traffic generated by the project are adequately addressed in the Draft EIR and properly disclosed.

NEUM-3 The comment states the project site cannot support the proposed retail uses. As discussed in Response to Comment LINQ-4, the project site currently contains approximately 60,000 sf of commercial and office space. The proposed project would include 10,000 square feet of commercial space, which represents a 50,000 square foot decrease on the site. In addition, the proposed project includes residential uses that would support not only the proposed neighborhood retail uses, but existing retail uses in the vicinity of the project site.

NEUM-4 The commenter requests that the project be reduced in size. The Draft EIR analyzed two reduced intensity alternatives, including one that retains the residential at the proposed level and eliminates the retail portion (Alternative 3), and another that reduces the residential to 385 residential units and 8,500 sf of retail space

(Alternative 4). Alternative 3 was found to result in a slight reduction of most environmental impacts identified for the proposed project, but it would not reduce any of the significant and unavoidable impacts to a less-than-significant level. On the other hand, it was determined that Alternative 4 would result in a reduction of trips such that the significant and unavoidable impact identified at the I-405 ramps at Center Avenue would be reduced to a less-than-significant level. The City Council can, at its discretion, choose to adopt any of the project alternatives, including either of the reduced intensity alternatives.

The proposed project does not include changes on the Montgomery Ward and Levitz sites. The Village at Bella Terra project, a new mixed-use development that is an extension of the existing Bella Terra Mall (Phase I) is proposed at the Montgomery Ward site. The City is also evaluating development at the Levitz site in an Initial Study as part of the Beach Edinger Corridor Study; however, no development entitlement application has been filed. The Planning Commission and City Council would consider any changes in land uses at these sites independent of its consideration of the proposed project, although comparisons to The Village at Bella Terra project are included throughout The Ripcurl Draft EIR in order to provide a comprehensive evaluation of the adjacent projects. Additionally, the cumulative impacts of the Beach-Edinger Corridor Study and The Village at Bella Terra project, as well as all of the cumulative projects identified in Table 3-4 of the Draft EIR are adequately analyzed in each environmental issue area of the EIR.

NEUM-5 The comment expresses opposition to the mixed-use project “jammed into a small area.” As previously discussed, the Draft EIR adequately addresses the physical environmental effects of the construction and operation of full buildout of the project on this site. Please also see Response to Comment LINQ-1 for a discussion regarding the size of the project on the site.

■ Secor, Judy (SECO), August 10, 2008

SECO-1 The comment expresses support for the proposed project. This is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

10.3.5 Verbal Comments

■ The Ripcurl Draft EIR Public Meeting (VERB), July 23, 2008

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

VERB-2

A project impact is defined as a change in ICU of 0.01 or greater, where deficient traffic operations are projected to occur (i.e., LOS E or F). As indicated in Table 4.13-8 of the Draft EIR (Section 4.13 [Transportation/Traffic]) all intersections would operate at LOS D or above, with the exception of three intersections operating with deficiencies during the PM peak hours. The intersection of Beach Boulevard at Edinger Avenue is one of the three intersections and would operate during the PM peak hour at LOS E. For the intersections at LOS E, a determination was made as to whether the project contribution amounted to one percent or more in accordance with the performance criteria for significant project impacts. This analysis was carried out by summing the project traffic ICU contribution to each critical movement in the ICU calculation. Project contribution to the deficient intersection of Beach Boulevard at Edinger Avenue did not amount to one percent or more. Therefore, the proposed project would not substantially impact the Beach Boulevard at Edinger Avenue intersection. Additionally, the Beach Boulevard at Edinger Avenue intersection is a CMP Intersection. Performance standards for CMP intersections is LOS E or greater (ICU not to exceed 1.0), therefore the two CMP intersections with LOS E during PM peak hours are operating at acceptable CMP standards. Although LOS E is acceptable for CMP purposes, the City performance standard of LOS D is typically used in the traffic analysis. However, the anticipated deficiencies at the Beach Boulevard/Edinger Avenue intersection by City performance standards would occur with or without the proposed project. Nonetheless, the impacts are considered significant and unavoidable at the Beach Boulevard/Edinger Avenue intersection. The deficiency noted at Beach Boulevard and Edinger Avenue is a cumulative impact but not a project impact. Improvements have been identified and the City will be working with Caltrans to implement the improvements.

As identified on page 4.13-40 of the Draft EIR, implementation of mitigation measure MM4.13-1 would improve conditions significantly at the intersection of the I-405 southbound ramps at Center Avenue, resulting in a PM Peak Hour LOS of C (ICU .79). This is a Caltrans intersection and Caltrans approval would be required for implementation of the suggested mitigation measure. Furthermore, it is a long-range improvement, and it may not be needed in the short-range 2014 timeframe. The potential exists that mitigation measure MM4.13-1 may be superseded by the I-405 improvement project.

In addition, the proposed project's impact to the I-405 southbound ramp at Center Avenue intersection occurs when General Plan land uses are the basis for traffic forecasts in the study area. A General Plan Amendment (GPA) is currently being processed for The Village at Bella Terra Project, which would reduce the PM peak hour trip generation. Approval of the GPA would result in future 2030 background conditions such that the impacted intersection would no longer be impacted by the proposed project.

For the northbound I-405 on-ramp deficiency, the necessary future improvement is to widen to two lanes. The Project Study Report/Project Development Assistance (PSR/PDA) currently nearing completion by OCTA includes such a recommendation. Since the timing of that improvement is unknown, the project would have a significant contribution to a short-term unmitigated cumulative impact. Thus, as per CEQA, the Draft EIR adequately analyzed the projected traffic increases that could result from the proposed project against existing City standards, and identified mitigation measures, where feasible. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

VERB-3 The parking discussion of the Draft EIR has been revised. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR.

VERB-4 The comment opines about the type of tenants that would occupy the future project development and the proximity of their employment. Please refer to response to comment HARR-12. Further comments are made regarding the likelihood of residents of the future development to use public modes of transportation, as well as the likelihood of Golden West College students to reside at the new development. The commenter's stated opinions are project-related comments and is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

VERB-5 The City's Zoning and Subdivision Ordinance (Title 23, Chapter 230, Section 230.26) implement the goals and policies of the City's Housing Element. They are intended to encourage very low-, low-, and median-income housing that is integrated, compatible with and complements adjacent uses, and is located in close proximity to public and commercial uses. These regulations are used by the City to meet its commitment to provide housing that is affordable to all economic sectors, and to meet its regional fair-share requirements for construction of affordable housing.

New residential projects containing three or more units are required to provide a minimum of 10 percent of total units as affordable housing, either on- or off-site. Rental units included in a project shall be made available to very low- or low-income households and for-sale units included in the project shall be made available to very low-, low-, or median-income level households. The eligibility of households for the affordable units is based on the Orange County Median Income, adjusted for appropriate family size, as published by the HUD or established by California, pursuant to Health and Safety Code Section 50093, or a successor statute.

The proposed project consists of 440 multi-family residential units. Therefore, the City's Zoning Code requires that the project provide a minimum of 10 percent, or 44 units, of the total development as affordable housing, either on- or off-site. Some affordable units could be integrated with the market rate units on-site while others could be directly subsidized off site. In both cases, as indicated on page 4.10-10 (Population and Housing) of the Draft EIR, the Applicant would work with City staff to deliver specific rent-restricted units to the market, rather than pay into a fund with no specific units specified. With the affordable housing component, the project would contribute to the City meeting its Regional Housing Needs Assessment (RHNA) allocation. The inclusion of the affordable housing discussion in the Draft EIR provides an opportunity to disclose how the project is in conformance with City requirements. However, the commenter's concerns regarding subsidized housing is a project-related comment associated with City standards and is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

VERB-6

The comment opines that the proposed project does not remediate the problems it creates. For all issue areas where potentially significant impacts were identified, the analyses presented in the Draft EIR provides City requirements, Code Approvals and mitigation measures to lessen or alleviate impacts to less than significant as defined by CEQA. Project-specific significant and unavoidable impacts were only identified for transportation/traffic, and cumulative impacts were only identified for population/housing and transportation/traffic. While mitigation measures were recommended for both population/housing and transportation/traffic in an effort to alleviate project impacts, these mitigation measures would not lessen impacts to a less than significant level. The commenter's stated opinions are project-related comments and is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

VERB-7

The commenter agreed with the statements presented by the previous speaker. See Response to Comments VERB-1 through VERB-6. The comment also expresses opinions about the workability of subsidized housing with "high-end" housing. As required by the City's Zoning and Subdivision Ordinance (Title 23, Chapter 230, Section 230.26), new residential projects in the City that contain three or more units are required to provide a minimum of 10 percent of total units as affordable housing, either on- or off-site. As discussed in Impact 4.10-1 of the Draft EIR, the proposed project would include affordable housing units consistent with City requirements. The inclusion of the affordable housing discussion in the Draft EIR provides an opportunity to disclose how the project is in conformance with City requirements. However, the commenter's concerns regarding subsidized housing is a project-related comment associated with City standards and is not a direct comment on the content or adequacy of the Draft EIR.

- VERB-8 The bracketed text includes dialogue between the commenter (Jerry Kaufman) and the EIR preparer. The commenter states the EIR does not consider the Bella Terra project in the analysis. The EIR preparer clarified that the impacts of The Village at Bella Terra project are not generally addressed in the project-specific portion of the EIR, except in places where such a comparison is appropriate (see Impact 4.8-1). The Village at Bella Terra project along with 22 other projects in the nearby vicinity is considered and analyzed as part of the cumulative context of the project. The Ripcurl EIR need not address the project-specific impacts of all pending projects in the vicinity. The EIR analysis is sufficient with regard to The Village at Bella Terra project.
- VERB-9 The comment opines that the level of service (LOS) standard contained in the Huntington Beach General Plan and used in the Draft EIR (LOS D) is unacceptable. However, the General Plan standard is the appropriate standard to use for this EIR and is the standard against which all projects in the City are evaluated. Moreover, CEQA vests discretion in the lead agency, in this case the City, to determine the threshold of significance. An amendment to the General Plan would be required to change the LOS standard.
- VERB-10 The commenter questions the underlying assumptions in the Traffic Study. Although the commenter did not include a specific reference, it was stated that the Draft EIR attributes “only three percent of the traffic coming out of this project going to Edinger [Avenue]” It is unclear to what the commenter references, because as shown in Figure 4.13-5, Project Trip Distribution, approximately 28.3 percent of the project-generated traffic would use Edinger Avenue or would pass through the Gothard Street and Beach Boulevard intersections with Edinger Avenue. The comment is also unclear in referencing the project contribution at Edinger Avenue and Beach Boulevard being 0.6 percent; the project contribution to the PM peak hour at Edinger and Beach would be 7.3 percent of project traffic, which in the PM peak hour uses 0.04 percent of the intersection capacity in 2014 (Table 4.13-12) and 2030 (Table 4.13-13).
- VERB-11 The parking discussion of the Draft EIR has been revised. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR. Ultimately, the proposed project would be required to comply with parking standards, whether those are reduced in part or in whole compared to what is currently allowed in the HBZSO.
- VERB-12 The comment noted that intersection analysis was done for the project, but road segments were not analyzed. Intersections are the nodes that connect all individual roadway segments of the system and are the critical elements in ensuring that the roadway system operates adequately. Adequate performance on roadway segments is assured through adequate intersection performance. Further, the additional special analyses carried out for intersections on Beach Boulevard (labeled the “HCM”

analysis) does account for operational effects such as closely spaced intersections. As a result, the Draft EIR adequately analyzes the effects on the local road network and a separate roadway segment analysis was not required.

VERB-13

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

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

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

VERB-14

The comment references several intersections at LOS D and states that this is an “unacceptable” level of service. The majority of the comment is incorrect. As stated on page 4.13-3 of the Draft EIR, LOS D is defined by City of Huntington Beach Traffic Study Guidelines (1996) as an acceptable level of service. However, Beach Boulevard at Edinger Avenue is correctly noted as currently operating an unacceptable level of service (LOS E).

VERB-15

The commenter questions the data in Table 4.13-8 (Year 2014 ICU Summary) and inquired as to how intersections would stay “virtually unchanged as far as the volume of traffic” in certain intersections. For example, the commenter questioned the volume capacity of Goldenwest Street and Bolsa Avenue. The commenter is referred to Table 4.13-12, which shows that the project’s contribution at that intersection would be 0.07 percent of the total ICU. The proposed project’s contribution is generally less than one percent of the total roadway volumes, and thus does not alter

the LOS at intersections. Thus, the project would not show an increase in the ICUs shown in Table 4.13-8, Year 2014 ICU Summary. This approach applies to each of the three intersections that were questioned in the comment.

The comment further states that the analysis does not take into account increases in traffic in the cumulative scenario. The comment is incorrect. The difference in the “Without Project” scenarios shown in Table 4.13-8, Year 2014 ICU Summary and Table 4.13-9, Year 2030 ICU Summary show increases in traffic on area roadways independent of the proposed project. However, as previously noted, the proposed project’s contribution is generally less than one percent of the total roadway volumes, and thus does not alter the LOS at intersections.

The comment also expresses negative opinions of the project and refers to subsidized housing. See Response to Comment VERB-7. The commenter’s stated opinions are project-related comments and is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

VERB-16

The comment questions whether The Village at Bella Terra project has its own traffic study. As noted in the exchange in the comment, The Village at Bella Terra project does have its own traffic study; these projects are independent of one another and thus it is appropriate under CEQA that the environmental analyses consider them separately. It should be noted, however, that while the proposed The Ripcurl project and The Village at Bella Terra project are analyzed in separate environmental documents, the cumulative analysis in each document takes the other project into account in the cumulative analysis.

The comment also expresses negative opinions of the project. The commenter’s stated opinions are project-related comments and is not a direct comment on the content or adequacy of the Draft EIR. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

VERB-17

The commenter recommends a comprehensive planning approach for the Edinger Corridor and suggests, short of such an approach, the cumulative effect cannot be determined. The project site and surrounding vicinity is in an area targeted for revitalization activities, as evidenced by the current planning efforts of the Beach-Edinger Corridor Study. The Corridor Study is intended to present a clear and comprehensive vision for growth and change along Beach Boulevard and Edinger Avenue. This Corridor Study is currently undergoing environmental review, which will comprehensively address the effects of the revitalization of the corridor, including a cumulative analysis.

The Beach-Edinger Corridor Study is identified throughout the Draft EIR environmental analysis, where appropriate. For example, on page 4.1-24 of the Draft EIR, Impact 4.1-1 states:

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

Impact 4.8-1 in the Land Use section of the Draft EIR states:

... The Corridor Study is intended to present a clear and comprehensive vision for growth and change along Beach Boulevard and Edinger Avenue. The area north of Warner Avenue along Beach Boulevard, and including the Edinger Avenue segment, is generally planned for more intensive mixed-use development. In particular, this northern segment is intended to act as a Town Center, or hub, providing a destination and live/work center for the City, with primarily retail and residential development. Because the Corridor Study is still in the early planning stages, a consistency analysis against plan policies cannot be made, as it has yet to be finalized and adopted. However, The Ripcurl project has taken into account the anticipated vision of the area in order to present a project that would fit into the overall design of anticipated development (e.g., high-density mixed use development in a targeted area).

In addition, the cumulative Land Use discussion on page 4.8-13 of the Draft EIR states:

... with respect to the known cumulative projects identified in Table 3-4 (Cumulative Projects), the Beach-Edinger Corridor Study is currently underway to determine a new vision and new zoning for properties along Beach Boulevard and Edinger Avenue. The study will assess development opportunities as well as specifications to guide land use and development intensity, site layout, building design, site landscaping and signage along the corridor. Due to the significant influence this Corridor Study would have on land uses in the surrounding area, it is feasible that the proposed project in conjunction with the remaining cumulative projects may not be in compliance with the future guidelines envisioned for the area. Thus, this is considered a significant cumulative land use impact. However, because The Ripcurl project has taken into consideration aspects that are currently known about the Corridor Study and incorporated those into the overall project (e.g., development of a high-density mixed-use project in an area presently identified for such uses in the early planning stages), the project's contribution to this significant cumulative impact is not cumulatively considerable and would be less than significant.

Further, as discussed in the cumulative Population and Housing analysis on page 4.10-13, "The Ripcurl project is included within the proposed Beach-Edinger

Specific Plan boundary, which proposes the addition of up to 6,400 residential units. Therefore, these data reflect the inclusion of The Ripcurl project as part of the cumulative projects.” The analysis goes on to state:

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

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

The Village at Bella Terra project located directly east/southeast of The Ripcurl project site is also currently undergoing environmental review. The City is required by law to review and act on a development application and must do so in accordance with the Permit Streamlining Act (Government Code section 65920 et. seq.). Therefore, the City is processing these two project applications independent of the Corridor Study. In conclusion, while the Draft EIR does not include a project-specific analysis of the entire Corridor Study, the analysis in the Draft EIR does include development within the Corridor Study area.

VERB-18

The commenter questioned how the Draft EIR was noticed. The Initial Study/Notice of Preparation for The Ripcurl project was available for a 30-day public review from January 22, 2008, to February 20, 2008. During this review period, a public scoping meeting was held on February 7th to solicit comments and issue areas to be studied in the EIR. The Draft EIR became available for a 45-day public review period on July 8th through August 21st. During both public review periods, the document was available at the City of Huntington Beach Planning Department and City Clerk’s Office as well as the Huntington Beach Central Library. In addition, the documents were posted on the City’s website and were available to view and download.

The EIR was also sent to the State Clearinghouse for review by state agencies at the time that the Notice of Completion of the Draft EIR was filed with the Office of Planning and Research. The Notice of Availability (NOA) of the Draft EIR was also posted in the Orange County Clerk’s office.

As is the case for all environmental documents processed at the City of Huntington Beach, notices of the available documents were sent to residents and business owners within a 500-foot radius of the project site and a notice of availability was posted in the Huntington Beach Independent newspaper the week prior to the start of the comment periods.

The commenter references a separate project in the nearby area that “drew an incredible amount of community.” While not referenced specifically, it is assumed that the commenter was referring to the Costco proposal on the Golden West College property. See Response to Comment NEUM-2 for a discussion of the past Costco project. There are no direct comments on the content or adequacy of the Draft EIR.

- VERB-19 The comment does not address the adequacy of the EIR, but expresses support for the project. The comment is noted. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.
- VERB-20 The comment does not address the adequacy of the EIR, but expresses support for the project. The comment is noted. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.
- VERB-21 The commenter expressed the opinion that the EIR properly addressed the environmental impacts of the project. The comment is noted. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.
- VERB-22 The comment expresses concern about the ability to access the freeway at Beach Street via McFadden Avenue. As shown in Figure 4.13-7 and Figure 4.13-8, the proposed project would contribute very few trips to eastbound McFadden Avenue in the AM and PM peak hours, respectively, and would not affect one’s ability to access the freeway.
- VERB-23 The parking discussion of the Draft EIR has been revised. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR. The commenter questions where she will be able to park her electric car as a nearby resident in the City of Westminster. It is assumed that the commenter is referencing parking availability for the proposed commercial uses since she is already a nearby neighbor. As shown on Table 4.13-7 (Project Trip Generation Summary), the commercial component of the project is anticipated to generate approximately five trips during the AM Peak Hour and approximately 19 trips during the PM Peak Hour. As currently proposed, approximately 50 parking spaces would be reserved for the neighborhood-commercial component of the proposed project.

Both the existing zoning code and the proposed Transit Center District require one parking stall per 200 sf of commercial uses. Based upon these criteria, the proposed project would need 50 spaces for the commercial component. Therefore, the proposed project would meet minimum requirements for the commercial component of the proposed project.

However, as discussed in Chapter 9 of this Final EIR, the existing zoning code does not permit compact or tandem spaces. Therefore, only 518 total parking spaces of the project's proposed 705 spaces would be counted towards compliance with the City's existing parking standards. Ultimately, the proposed project would be required to comply with City parking standards (either existing or proposed), which would ensure that adequate parking is available for future residents, guests, and patrons of the project site.

VERB-24

The comment does not address the adequacy of the EIR, but expresses negative opinions regarding the density of the project. The comment refers to the size and height of the project and refers to the site as open space. The project site is not currently open space, but contains a shopping center with approximately 60,000 square feet of commercial and office space in one- and two-story office buildings. As discussed in Impact 4.1-1 of the Draft EIR, "the new six-story structures would represent a change in the existing visual character of the project site, which would alter the existing views from the adjacent uses. The proposed structures would be approximately twice the size in height of the existing vacant commercial buildings that surround the site, but would be lower than the existing Levitz sign for means of comparison. The visual result of the proposed development would be an overall increase in building height and mass because the proposed structures would be located closer to the existing sidewalks along Center Avenue and Gothard Street compared to the existing on-site structures."

Further on page 4.1-25, the discussion states "Implementation of the proposed project would represent a substantial change in the visual character of the immediate vicinity; however, the proposed project would not substantially degrade the existing character or quality of the site or surrounding uses. The existing strip mall on the project site does not include any significant aesthetic or visual characteristics that are unique to the area or the City. Therefore, the replacement of such uses with new development, which would be built according to the City's design standards, would not represent a decline in aesthetic value of the site. Although the proposed project would represent substantially more intensive land uses than those currently existing, implementation of the proposed project would further establish physical and visual continuity in the project area in relation to adjacent development."

Consequently, the Draft EIR adequately addresses the proposed size and height of the project. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

- VERB-25 The comment states that the proposed project would generate tax revenue, which would be beneficial for the City. There are no direct comments on the content or adequacy of the Draft EIR. No further response is required; however, all comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.
- VERB-26 The comment states that the Applicant and the City do not agree on the number of residents. As discussed in Impact 4.10-1 of the Draft EIR, based on past experience with similar projects, the Applicant anticipates that the proposed project would generate approximately 611 residents. However, in order to present the most conservative (or worst-case scenario), the analysis in the Draft EIR relies upon the City's existing person per household [pph] size for rental units (approximately 2.41 persons per unit), which would generate approximately 1,060 persons. Therefore, because the City's existing pph ratio was higher than that of the Applicant's, it was determined to be the appropriate ratio for use in the overall EIR analyses. The Applicant's estimate was included in the discussion for reader comparison and purposes of disclosure.
- The parking discussion of the Draft EIR has been revised. Refer to Chapter 9 (Changes to the Draft EIR) in the Final EIR for the specific text changes associated with Impact 4.13-7 of the Draft EIR. The proposed Transit Center District would permit a reduced number of guest parking spaces as compared to the City's existing parking requirements. However, the proposed project would ultimately be required to comply with City parking standards (either existing or proposed), which would ensure that adequate parking is available for future residents, guests, and patrons of the project site. Additionally, while not called out specifically in the EIR, the City's requirement of one space per 200 sf of commercial uses, accounts for both employee and patron parking.
- VERB-27 The comment states that the density of the project would result in other projects requesting similarly dense projects. As discussed in Response to Comment VERB-17, development in the project vicinity is addressed throughout the Draft EIR, where appropriate. For example, as stated on page 4.1-24 of the Draft EIR, a Specific Plan for the Beach-Edinger Corridor is simultaneously underway. The area north of Warner Avenue along Beach Boulevard, and including the Edinger segment, is generally planned for more intensive mixed-use development within the proposed Beach-Edinger Corridor Study. In particular, this northern segment is intended to act as a Town Center, or hub, providing a destination and live/work center for the City, with primarily retail and residential development. Although the Corridor Study is still in the early planning stages, The Ripcurl project has taken into account the intended vision of the area in order to present a project that would fit into the overall visual scheme of anticipated development.

If future development is proposed that is denser than has been previously considered, the environmental document for that development would be required to analyze the physical effects of that increase in intensity.

- VERB-28 As discussed on Draft EIR page 4.1-25, the project would not create shadow impacts because there are no adjacent sensitive receptors or uses that depend on sunlight for function, physical comfort, or commerce. The comment also states that the project would stop the prevailing winds, thus impacting Old World Village. While the proposed project could alter wind patterns on a micro scale, the project would not stop the wind as stated in the comment. The minor alteration in local wind patterns would not themselves be considered a negative physical impact, nor is there evidence that the potential change would result in a negative physical impact on the environment.
- VERB-29 The comment states that the Draft EIR found fire protection effects to be significant. The comment is incorrect. The Draft EIR (page 4.11-6 and 4.11-7) found that the proposed project would not increase the need for fire protection services such that new or expanded facilities, which could result in environmental effects, would be required. It should be noted that, while no new facilities would be required to serve the project, the project would be required to pay all applicable fees toward the provision of services. The Draft EIR also found that compliance with existing regulations would ensure that adequate fire fighting flows would be provided at the site.
- VERB-30 The comment states that the EIR should consider the density of the project—as opposed to total population—in police services, because, the commenter states, the density increases police calls. The analysis in the Draft EIR is based upon City staffing ratios. The Police Department bases its staffing ratio on total population and does not account for increased demand based on project density. The comment provides no data on per capita increases in police calls resulting from increases in population density. The analysis in the Draft EIR provided in Chapter 4 is adequate. See also Response to Comment VERB-13.
- VERB-31 The comment states that the Draft EIR concluded that the residents of the proposed project “are not going to use the park[s].” The comment is incorrect. The Draft EIR found (page 4.12-9) the availability of on-site amenities for future residents could potentially displace the demand on public recreational facilities, but because the project does not include any designated park land, the project could have an impact on local parks. Therefore, the project is required to pay all applicable open space and park fees, as required by City code. These fees would help acquire, develop, improve, and expand the City’s open space and parklands inventory. The City considers payment of fees full mitigation for impacts on parks.

- VERB-32 See Chapter 9 (Changes to the Draft EIR) of the Final EIR for text changes associated with the proposed project. Subsequent to the Draft EIR publication date, the Applicant determined that the overall building height as measured per the Huntington Beach Zoning and Subdivision Ordinance would be approximately 66.5 to 72.5 feet overall, with the roof peak and elevator shaft at approximately 78.5 feet in height. The measurement provided in the Draft EIR of up to 66 feet was based on building height as measured by the Uniform Building Code. In addition, subsequent to the Draft EIR being published the parapet height was increased as a response to comments from City staff and the Design Review Board regarding roofline. It was also determined that the estimated height of the adjacent Levitz building was inaccurate in the Draft EIR. As shown in the text changes chapter,
- ...the Levitz Furniture Store to the south is approximately ~~30~~³⁷ feet in height, with a sign reaching approximately ~~60~~¹¹³ feet in height. The new six-story structures would represent a change in the existing visual character of the project site, which would alter the existing views from the adjacent uses. The proposed structures would be approximately twice the size in height of the existing vacant commercial buildings that surround the site, but would be lower than the existing Levitz sign for means of comparison.
- VERB-33 The comment states that the density of the project is not considered in the EIR. Contrary to the comment, the Draft EIR considers all aspects of the project relative to its development intensity. The population-related impacts, such as those related to traffic, public services, and utilities, are discussed based upon the projected population of the buildout of the 440-unit project. The footprint-related impacts are based upon development of the entire site. The EIR adequately addresses the proposed project at the density proposed.
- VERB-34 The comment references other public comments regarding project density and traffic, but does not provide specific comments on the content or adequacy of the Draft EIR. See Responses to Comments VERB-1 through VERB-33 for responses to associated comments. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the project.

