

1. Introduction

The City of Huntington Beach (hereinafter “City”) has prepared this Draft Program Environmental Impact Report (EIR) to evaluate the potentially significant environmental impacts that could occur from the proposed Huntington Beach Downtown Specific Plan Update project (hereinafter referred to as “the project” and/or “DTSP Update”). This introductory section provides an overview of the project and includes a general project description and its existing and projected future uses, discusses the objectives of the proposed action, and briefly describes the agency use of the document and related studies.

Pursuant to §21165 of the California Environmental Quality Act (CEQA), the City is the Lead Agency responsible for preparing the Draft Program EIR to address the potential impacts associated with the proposed project.

1.1 Project Summary

The proposed project consists of an update to the existing Downtown Specific Plan (DTSP) document. The DTSP Update proposes to reconfigure 11 existing districts into 7 new districts with the intent to encourage and facilitate development opportunities within the DTSP area by revising development standards, including increases in allowable densities, floor area ratios, and building heights for certain districts. The DTSP Update also proposes to eliminate the Downtown Parking Master Plan concept and incorporate Design Guidelines to create a “one-stop” document that would guide development in the Downtown area. Additionally, the DTSP Update provides recommendations for streetscape improvements, public amenity requirements, circulation improvements, and mobility enhancements within the DTSP area.

In addition to reconfiguring existing districts, the DTSP Update proposes to eliminate the Resource Production Overlay in the existing DTSP. The regulations of this Overlay facilitate continued oil recovery, but are primarily applicable to new facilities. The existing oil production facilities will continue to be subject to all applicable City and state regulations. Finally, the DTSP Update proposes to add a Cultural Arts Overlay in the northern portion of the DTSP area north of 6th Street and south of Acacia Avenue within the reconfigured District 1 and a Neighborhood Overlay from 1st Street to the alley between 2nd Street and 3rd Street from Walnut Avenue to Orange Avenue.

The proposed project is described in further detail in Section 3 – Project Description of this EIR.

1.2 Statutory Authority

The preparation of an Environmental Impact Report (EIR) is governed by two principal sets of documents:

- The California Environmental Quality Act (hereinafter “CEQA”, *Public Resources Code* §21000, et seq.)
- The CEQA Guidelines (*California Code of Regulations* §15000, et seq.)

Where appropriate and supportive to an understanding of the issues, reference will be made to the statute, the Guidelines, or appropriate cases.

1.3 Issues to Be Addressed

The issues to be addressed in this Program EIR (hereinafter “EIR”) were derived from the Initial Study review, preliminary consultation with other public agencies and the public, and a review of existing documentation for the subject properties. These issues include potential impacts associated with aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, transportation/circulation, parking, public services, recreation, and utilities and service systems.

1.4 Impacts Found Not To Be Significant

Section 15128 of the CEQA Guidelines requires that the EIR identify those impacts found not to be significant in the Initial Study process as well as the EIR process, accompanied by a brief explanation of why these impacts were found not significant. The topical areas of Agricultural Resources, Biological Resources, and Mineral Resources were found not to be significant and, therefore, the Initial Study identified that no further analysis would be conducted. Reference may be made to the Initial Study in Appendix A of this document and the appropriate topical sections of this EIR for identification and justification as to why those impacts were found not significant.

Although impacts to biological resources were found to be less than significant and a separate analysis for impacts on biological resources is not required for the DTSP Update, a standard mitigation measure was identified through the Initial Study/NOP process for the protection of wildlife species under the Migratory Bird Treaty Act (MBTA). The mitigation measure, which is an existing requirement of development projects that may potentially impact sensitive species, is included in the Mitigation Monitoring and Reporting Program (MMRP) of this EIR for incorporation into future development projects, as applicable. The complete language of Mitigation Measure MM4.14-1 can be found in Section 2.5, Executive Summary Matrix (beginning on page 2-5) of this EIR.

1.5 Disagreement among Experts

This EIR contains substantial evidence to support all of the conclusions presented herein. That is not to say that there will not be potential disagreements with these conclusions. CEQA Guidelines and case law clearly provide standards for treating disagreements among experts.

Where evidence and opinions of experts conflict on an issue concerning the environment, and the agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and the decision makers to take intelligent account of the environmental consequences of their action. In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most conservative, environmentally protective or liberal viewpoint. They may give more weight to one expert than another and need not resolve a dispute among experts. In their proceedings, they must consider the comments received and address objections but need not follow said comments or objections so long as they state the basis for their decision and that the decision is supported by substantial evidence. At the time of preparation of this EIR, there were no known disagreements among the experts.

1.6 Incorporation by Reference

Certain documents are incorporated by reference into this EIR pursuant to CEQA Guidelines §15150. Where a document is referenced, its pertinent sections will be briefly summarized in the discussions in this environmental document. These documents and the location where they can be inspected are identified in Section 7 – References of this EIR.

1.7 Responsible Agencies and Agencies Consulted

Responsible agencies include all public agencies other than the Lead Agency that have discretionary approval power over the project (CEQA Guidelines §15381). Responsible agencies with respect to this project may include:

- California Coastal Commission for the Local Coastal Program Amendment
- California Regional Water Quality Control Board (CRWQCB) for NPDES permit compliance
- Orange County Sanitation District – Wastewater Service
- California Department of Transportation (Caltrans, District 12) – Pacific Coast Highway and Beach Boulevard
- Public utility and service providers

Other agencies and persons consulted during the preparation of this EIR are identified in Section 8 – List of Persons and Organizations Consulted.

1.8 Environmental Process and Purpose of the EIR

This EIR has been prepared consistent with the California Environmental Quality Act (CEQA) of 1970 (*Public Resources Code*, §§21000-21177) and the City's procedures for implementing CEQA. However, it is not intended to be used as a decision-making tool for federal discretionary actions. That being said, there are no anticipated federal actions necessary to implement the proposed project.

The analysis contained in this document has been conducted consistent with state laws regarding tiering of environmental documents (*Public Resources Code* §21068.5 and §21093; CEQA Guidelines §15385).

On November 6, 2008, the City issued a Notice of Preparation (NOP) and an Initial Study (IS) for a 30-day public review period in compliance with CEQA and the CEQA Guidelines for the proposed project. The NOP was provided by first-class mail to state agencies, surrounding cities, organizations, property owners within the DTSP area, and individuals who had expressed interest in the project. The NOP and the Initial Study, together with the comments received thereon, appear in Appendix A of this EIR. During the NOP 30-day public review period, the City held a public scoping meeting on November 22, 2008. The public scoping meeting was held to provide project information, an overview of the CEQA process and opportunities for public input, and to solicit public comment regarding the proposed DTSP Update project.

Upon completion of the Draft Program EIR, a 45-day public review and comment period will begin, and a public comment meeting will be conducted during the 45-day comment period. Subsequent to the comment period, written responses to all comments received on the Draft Program EIR will be included in the Final EIR along with any text changes to the Draft EIR. The Final EIR will be made available to the public prior to action on the project. Responses to comments from all public agencies will be mailed to those agencies at least 10 days prior to the public hearing on the project.

1.9 Agency Use of Document

This EIR is intended to be used as a tool for the City decision-making bodies in considering and taking action on the proposed project. This EIR is subject to applicable CEQA requirements. Responsible Agencies (i.e., regulatory agencies) may elect to use this environmental analysis for discretionary actions associated with the implementation of the proposed project.

The EIR is intended to provide decision-makers and the public with information concerning the potential environmental effects associated with the adoption and implementation of the proposed project, and potential ways to reduce or avoid possible environmental impacts. The CEQA Guidelines §15161 describes a Program EIR as an EIR that examines the environmental impacts of a series of actions that can be characterized as one large project and are related (e.g., geographical location). The EIR should focus primarily on the changes in the environment that would result from the project.

1.10 Organizations Affiliated with the Project

Pursuant to the provisions of the CEQA Guidelines, the City is the lead agency for this project. The proposed project will be subject to City commission meetings in addition to public hearing(s) that will be heard by the Planning Commission and the City Council. The provisions of §15202 (Public Hearings) of the CEQA Guidelines will be met through the City’s commission public review process.

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Other organizations and persons affiliated with and consulted in regard to the project are listed in Section 8 – List of Persons and Organizations Consulted of this EIR.

1.11 List of Acronyms and Abbreviation

Acronym/ Abbreviation	Definition
µg/m ³	micrograms per cubic meter
AASHTO	American Association of State Highway and Transportation Officials
AIRFA	American Indian Religious Freedom Act
APE	Area of Potential Effect
AQMD	Air Quality Management District
ARPA	Archaeological Resources Protection Act
BMP	Best Management Practice
CAA	Clean Air Act
CARB	California Air Resources Board
CDFG	California Department of Fish and Game
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CH ₄	methane

Acronym/ Abbreviation	Definition
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO _{2e}	carbon dioxide equivalent
CRHP	California Register of Historic Properties
DAMP	Drainage Area Management Plan
dB	decibel
dBA	A-weighted decibel
DO	dissolved oxygen
DPM	diesel particulate matter
DPS	delivery point sequence
DTSP	Downtown Specific Plan
EIR	Environmental Impact Report

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Acronym/ Abbreviation	Definition
EIS	Environmental Impact Statement
EISA	Energy & Independence Security Act
EPA	US Environmental Protection Agency
EPAct	Energy Policy Act
ESA	Endangered Species Act
General Permit	Final State General Storm Water Permit
GHG	greenhouse gas
HFC	fluorinated hydrocarbons
HOV	high occupancy vehicle
HVAC	heating, ventilating, and air condition
ICU	Intersection Capacity Utilization
IPCC	Intergovernmental Panel on Climate Change
JURMP	Jurisdictional Urban Runoff Management Program
Ldn	day-night average sound level
Leq	equivalent noise level
LIP	local implementation plan
LOS	Level of Service
L RTP	Long Range Transportation Plan
MBTA	Migratory Bird Treaty Act
MGD	million gallons per day
MPH	miles per hour
MPO	Metropolitan Planning Organization
N ₂ O	nitrous oxide
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NOI	Notice of Intent
NOP	Notice of Preparation
NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
OCTA	Orange County Transportation Authority

Acronym/ Abbreviation	Definition
PM ₁₀	inhalable particulate matter
PM _{2.5}	fine particulate matter
ppm	parts per million
RCP	Regional Comprehensive Plan
ROG	reactive organic compounds
ROI	region of influence
RWQCB	Santa Ana Regional Water Quality Control Board
SCAG	Southern California Association of Governments
SCAQMD	Southern California Air Quality Management District
SCCIC	South Central Coastal Information Center
SCRRA	Southern California Regional Rail Authority
SF	square feet
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SO _x	sulfur oxides
SP	Specific Plan
SPBS	Small Parcel and Bundle Sorter
SR	State Route
SUSMP	Standard Urban Storm Water Mitigation Plan
SWMP	Storm Water Management Program
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TDM	travel demand management
TMDLs	Total Maximum Daily Loads
TPD	tons per day
US EPA	United States Environmental Protection Agency
USFWS	US Fish and Wildlife Services
USGS	United States Geological Survey
USPS	United States Postal Service