



**City of Huntington Beach**

# **Murdy Commons Project Environmental Impact Report**

**Volume III: Final EIR**

*Prepared for*



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

*Prepared by*



12301 Wilshire Boulevard, Suite 430  
Los Angeles, California 90025

**January 2011**



# CITY OF HUNTINGTON BEACH

# **MURDY COMMONS**

## **Environmental Impact Report**

SCH No. 2010111025

EIR No. 10-002

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# CHAPTER 8 Introduction to the Final EIR

## 8.1 CEQA REQUIREMENTS

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

The Final EIR shall consist of:

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

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

## 8.2 PUBLIC REVIEW PROCESS

The DEIR for the Murdy Commons Project was circulated for review and comment by the public, agencies, and organizations for a 45-day public review period that began on November 4, 2010, and concluded on December 20, 2010. A public information meeting was held on December 7, 2010, to receive comments on the adequacy of the DEIR. No verbal comments were received at the meeting and nine written letters were received during the review period.

## 8.3 CONTENTS AND ORGANIZATION OF THE FINAL EIR

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

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

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

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

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

## 8.4 USE OF THE FINAL EIR

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

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

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

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

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

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

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

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

The certifications, Findings of Fact, and the Statement of Overriding Considerations are included in a separate Findings document. The Final EIR will be considered, and, in conjunction with making Findings, the City of Huntington Beach may decide whether or how to approve the proposed project.



# CHAPTER 9 Changes to the Draft EIR

## 9.1 FORMAT OF TEXT CHANGES

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

## 9.2 TEXT CHANGES

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

**Pages 2-8 through 2-26, Table 2-1**

<i>Impact(s)</i>	<i>Level of Significance Prior to Mitigation</i>	<i>Mitigation Measure(s) and/or Code Requirements</i>	<i>Level of Significance After Mitigation</i>
...			
<b>Impact 4.2-3</b> Operation activities associated with the proposed project could violate any air quality standard or contribute substantially to an existing or projected air quality violation. This would be a potentially significant impact. Because no feasible mitigation is available to reduce this impact to a less-than-significant level, this would be a <i>significant and unavoidable</i> impact.	PS	No feasible mitigation available.	SU
<b>Impact 4.2-4</b> Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations. This would be a potentially significant impact. Implementation of mitigation measures <u>Project MM4.2-15</u>	PS	<b>Project MM4.2-15</b> Project applicants shall require by contract specifications that additional waterings (in excess of the three watering per day indicated in MM4.2-5) be applied to all disturbed areas and unpaved roads throughout the demolition and grading phases.  <b>Project MM4.2-16</b> Project applicants shall require by contract specifications that all paving be completed as soon as possible to	SU

Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s) and/or Code Requirements	Level of Significance After Mitigation
and Project MM4.2-16 would reduce this impact, but not to a less-than-significant level. Therefore, this would be a <i>significant and unavoidable</i> impact.		reduce fugitive dust emissions.	
...			
<u>Cumulative Impact</u> The proposed project would generate emissions that exceed the thresholds of significant recommended by the SCAQMD for VOC, NO <sub>x</sub> , and PM <sub>10</sub> , and would make a cumulatively considerable contribution to criteria pollutant emissions. This is considered a <i>significant and unavoidable</i> impact.	PS	<u>No feasible mitigation is available.</u>	SU
<u>Cumulative Impact</u> Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations, and make a cumulatively considerable contribution to localized significant impacts. This is considered a <i>significant and unavoidable</i> impact.	PS	<u>No feasible mitigation is available.</u>	SU
...			
<b>Impact 4.7</b> Construction and operation of the proposed project could increase stormwater runoff and alter existing land use such that stormwater pollutant loads or concentrations, including erosion and sediment, are increased. These processes could result in a violation of waste discharge requirements or water quality standards and provide substantial additional sources of polluted runoff. Additionally, increases in stormwater runoff could potentially exceed the capacity of existing or planned stormwater drainage systems, and cause on- or off-site flooding. However, with implementation of mitigation measures, this impact is	PS	<p><del>BECSP</del> Mitigation measure <u>BECSP_MM4.7-1</u> was modified to reflect that the proposed project which includes rental residential units will not have a homeowners association (HOA). As such, the mitigation measure was changed, as appropriate, to ensure that either the Applicant or the future property manager would be <i>responsible for the same actions</i>.</p> <p><b>BECSP MM4.7-1</b> City of Huntington Beach shall require Applicants for new development and significant redevelopment projects within the Specific Plan area, including the proposed project, to prepare a project Water Quality Management Plan (WQMP) in accordance with the DAMP requirements and measures described below and with all current adopted permits. The WQMP shall be prepared by a Licensed Civil Engineer and submitted for review and acceptance prior to issuance of a Precise Grading or Building permit.</p> <p>BMPs in the WQMP shall be designed in accordance with the Municipal NPDES Permit, Model WQMP, Technical Guidance Documents, DAMP, and City of Huntington Beach LIP. As noted in the Specific Plan, all development projects shall include site design and source control BMPs in the project WQMP. Additionally, new development or significant redevelopment projects and priority projects shall include <u>Low Impact</u></p>	LTS

Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s) and/or Code Requirements	Level of Significance After Mitigation
<p>considered <i>less than significant</i>.</p>		<p><u>Development (LID)</u> principles to reduce runoff to a level consistent with the maximum extent practicable and treatment control BMPs in the WQMP.</p> <p>...</p> <p><del>BECSP m</del> Mitigation measure <u>BECSP.MM4.7-3</u> has been modified to reflect the existing and proposed site characteristics, as well as the specific hydrologic conditions of the proposed project site and the Murdy Channel.</p> <p><b>BECSP MM4.7-3</b> The City of Huntington Beach shall require that the Applicant's Licensed Civil Engineer for each site-specific development prepare a Hydrology and Hydraulic Study to identify the effects of potential stormwater runoff from the specific development on the existing storm drain flows for the 10-, 25-, and 100-year design storm events. The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency The Applicant shall design site drainage and document that the proposed development would not increase peak storm event flows over <del>pre-1986</del> <u>as the existing 25-year storm flows</u>, which must be established by the hydrology study. If the analyses shows that the City's current drainage system cannot meet the volume needs of the project runoff, the applicant shall be required to attenuate site runoff to an amount not to exceed the <u>existing 25-year storm</u> <del>as determined using pre-1986 criteria</del>. As an option, the applicant may choose to explore low-flow design alternatives, downstream attenuation or detention, or upgrade the City's stormwater system to accommodate the impacts of the new development, at no cost to the City. The Hydrology and Hydraulic Study shall also incorporate all current adopted Municipal NPDES Permit and City requirements for stormwater flow calculations and retention/detention features in effect at the time of review.</p> <p>...</p> <p><u><b>BECSP CR4.7-1</b> Prior to receiving any grading or building permit, the Applicant for a specific development project shall prepare a Precise Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering, as well as for surface drainage.</u></p>	
<p>...</p>			
<p><b>Impact 4.11-3</b> Implementation of the proposed project would not require new or physically altered facilities to accommodate additional students and would be <i>less than significant</i>.</p>	<p>LTS</p>	<p><b>BECSP CR4.11-42</b> The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. <del>These fees are currently \$1.37 per square foot (sf) of accessible interior space for any new residential unit and \$0.22 per sf of covered floor space for new commercial/retail development.</del></p> <p><b>BECSP CR4.11-23</b> The Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Huntington Beach Union High School District to cover additional school services required by the new development.</p>	<p>LTS</p>

Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s) and/or Code Requirements	Level of Significance After Mitigation
		These fees are currently \$2.97 per square foot (sf) of accessible interior space for any new residential unit and \$0.47 per sf of covered floor space for new commercial/retail development.	
...			
<p><b>Impact 4.12-1</b> Implementation of the proposed project could increase the use of existing neighborhood and regional parks or other recreational facilities, but not such that substantial physical deterioration of the facility would occur or be accelerated. <del>Project eCode</del> requirement <u>Project</u> CR4.12-1 would reduce this impact and satisfy the requirements of the BECSP. This would be a <i>less-than-significant</i> impact.</p>	LTS	<p><del>BECSP eCode</del> requirement <u>BECSP</u> CR4.12-1 has been modified to reflect the characteristics of the proposed project. Specifically, the proposed project includes residential units that are for rent and are therefore not subject to Section 254.08 (or Ordinance No. 3596) of the City of Huntington Beach Zoning and Subdivision Ordinance. Rather, the proposed project would be subject to Chapter 230.20 of the City of Huntington Beach Zoning and Subdivision Ordinance, as reflected in the modified code requirement.</p> <p><b>Project CR4.12-1</b> Prior to the issuance of building permits for proposed project, the Applicant shall demonstrate compliance with City parkland requirements identified in BECSP Section 2.6.2 and Chapter 230.20 of the City of Huntington Beach Zoning and Subdivision Ordinance, through the provision of on-site public open space or payment of applicable park fees or a combination thereof. On-site public open space shall be improved prior to occupancy of the first residential unit (other than model units).</p>	LTS
...			
<p><b>Impact 4.13-1</b> Under Year 2030 conditions, implementation of the proposed project could conflict with the City's acceptable LOS of service standard of D or better identified in Policy CE 2.1.1 of the General Plan for the performance of the project area roadway system. However, with the incorporation of BECSP mitigation, this would be a <i>less-than-significant</i> impact.</p>	PS	<p>...</p> <p><b>BECSP MM4.13-11</b> For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a third westbound through lane to the intersection of Beach Boulevard at Edinger Avenue. Implementation of this improvement would require Caltrans approval.</p> <p><u><b>BECSP MM4.13-12</b> For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at Bolsa Avenue. Implementation of this improvement would require Caltrans approval.</u></p> <p><u><b>BECSP MM4.13-13</b> For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a second westbound left turn lane to the intersection of Beach Boulevard at Talbert Avenue. Implementation of this improvement would require Caltrans approval.</u></p> <p><u><b>BECSP MM4.13-14</b> For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a de facto westbound right turn lane to the intersection of Beach Boulevard at Talbert Avenue. Implementation of this improvement would require Caltrans approval.</u></p> <p><b>BECSP MM4.13-125</b> For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the conversion of a separate westbound right-turn lane to a de facto right-turn lane at the intersection of Newland Street at Warner Avenue.</p>	LTS

Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s) and/or Code Requirements	Level of Significance After Mitigation
		<p><b>BECSM MM4.13-136</b> For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a third westbound through lane to the intersection of Newland Street at Warner Avenue.</p> <p><b>BECSM MM4.13-17</b> For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at McFadden Avenue. Implementation of this improvement would require Caltrans and City of Westminster approvals.</p> <p><b>BECSM MM4.13-18</b> For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate northbound right-turn lane to the intersection of Beach Boulevard at McFadden Avenue. Implementation of this improvement would require Caltrans and City of Westminster approvals.</p> <p><b>BECSM MM4.13-14</b> For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at Bolsa Avenue. Implementation of this improvement would require Caltrans approval.</p>	
...			
<p><b>Impact 4.13-4</b> Implementation of the proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) with the implementation of code requirements. This would be a <i>less-than-significant</i> impact</p>	PS	<p>...</p> <p>The following project-specific mitigation measures have been developed to reduce the potentially significant impacts of the on-street parking along Gothard:</p> <p><b>Project MM4.13-159</b> Ensure adequate sight distance from the two driveways on Gothard Street per standard engineering requirements. At the time of the project site-plan submittal, a formal review of the sight distances will be performed. This may include a reduction in potential on-street parking spaces from that proposed.</p> <p><b>Project MM4.13-1620</b> Provide adequate width for parking maneuvers to occur without blocking the curb lane. This shall include a 10-foot buffer lane in addition to the 8-foot parking lane. If this area is striped with a bike lane, the remainder of the space shall serve as clearance (e.g., 6 feet for bikes plus 4 feet of clearance), to mitigate impacts to cyclists.</p> <p><b>Project MM4.13-1721</b> "No Pedestrian Crossing" signs shall be posted along Gothard Street for the extent of the on-street parking area to address potential jaywalking.</p>	LTS
...			

**Page 3-5, last paragraph**

Vehicular access to the project site would be provided from Gothard Street (three ingress and three egress) and Edinger Avenue (two ingress and three egress). A network of new private, but publicly

accessible streets and sidewalks would be developed, with a one-way loop road around the center open space area. ...

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**Page 3-13, first partial paragraph**

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existing storm drain, including the Murdy Channel or the existing storm drain in Edinger Avenue. As identified by the BECSP, development in proximity to and including the proposed project site ~~will~~may require an upgrade to the storm drain system in Edinger Avenue and a new sewer system in Gothard Street along the project site frontage ~~if the Storm Drain Hydrology and Hydraulics and Sewer analysis for the proposed project indicates that the project impacts dictate new or ungraded off-site facilities (refer to code requirements BECSP CR4.14-3 through BECSP CR4.14-5 and mitigation measures BECSP MM4.7-3 and BECSP MM4.7-4).~~ The dedication of right-of-way or an easement along Gothard Street would be required to accommodate public frontage to meet the requirement specified in the BECSP. An easement would also be required for the proposed public open space area that would remain privately owned. In addition, the applicant will be required to process either a lot line adjustment or parcel map to consolidate the parcels that make up the proposed project site.

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**Page 3-16, Section 3.5.1, second paragraph**

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This EIR serves as the required environmental documentation for the following discretionary approvals that are required to implement the proposed project:

- Site Plan Review
- Lot Line Adjustment or Parcel Map
- Development Agreement

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**Page 4.1-15, last two paragraphs [editorial-only change]**

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... As required by ~~BECSP~~-mitigation measure BECSP MM4.1-1, a shade/shadow analysis was prepared for the proposed project to determine if the proposed project would result in significant shade/shadow impacts based on the established criteria.

Pursuant to the requirement of ~~BECSP~~-mitigation measure BECSP MM4.1-1, Figure 4.1-3 (Summer Solstice) and Figure 4.1-4 (Winter Solstice) illustrate shadows under the summer and winter solstices, respectively. ...

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**Page 4.2-3, fourth bullet**

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- ~~Lead (Pb)~~ occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead in the Basin. The use of leaded gasoline is no longer permitted for on road motor vehicles, so the majority of such combustion emissions are associated with off-road vehicles such as racecars. Other sources of lead include the manufacturing and recycling of batteries, paint, ink, ceramics, ammunition, and the use of secondary lead smelters.

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**Page 4.2-3, last paragraph**

---

State standards have been promulgated for other criteria air pollutants, including SO<sub>4</sub>, hydrogen sulfide, Pb<sub>lead</sub>, and visibility-reducing particles. California also recognizes vinyl chloride as a TAC with an undetermined threshold level of exposure for adverse health effects. Vinyl chloride and hydrogen sulfide emissions are generally generated from mining, milling, refining, smelting, landfills, sewer plants, cement manufacturing, or the manufacturing or decomposition of organic matter. California standards for sulfate- and visibility-reducing particles are not exceeded anywhere in the Basin. Pb<sub>Lead</sub> is typically only emitted during demolition of structures expected to include Pb<sub>lead</sub>-based paint and materials.

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**Page 4.2-5, last paragraph**

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Fetuses, infants, and children are more sensitive than others to the adverse effects of Pb<sub>lead</sub> exposure. Exposure to low levels of Pb<sub>lead</sub> can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotient. In adults, increased Pb<sub>lead</sub> levels are associated with increased blood pressure.

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**Page 4.2-6, first paragraphs**

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Pb<sub>Lead</sub> poisoning can cause anemia, lethargy, seizures, and death, although it appears that there are no direct effects of Pb<sub>lead</sub> on the respiratory system. Pb<sub>Lead</sub> can be stored in the bone from early age environmental exposure, and elevated Pb<sub>lead</sub> levels in the blood can occur due to breakdown of bone tissue during pregnancy, hyperthyroidism (increased secretion of hormones from the thyroid gland) and osteoporosis (breakdown of bony tissue). Fetuses and breast-fed babies can be exposed to higher levels of Pb<sub>lead</sub> because of previous environmental Pb<sub>lead</sub> exposure of their mothers.

**Toxic Air Contaminant Emissions**

TACs are another class of air pollutants known to be hazardous to health even in small quantities. More specifically, TACs are airborne substances that are capable of causing chronic (i.e., of long duration) and acute (i.e., severe but of short duration) adverse effects on human health. TACs may be emitted from a variety of common sources including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities. The Environmental Protection Agency (EPA) and the California Air Resources Board (California ARB) studies have shown that particulate matter from diesel engines (DPM) and five other TACs (i.e., acrolein, acetaldehyde, formaldehyde, benzene, and 1.3-butadiene) emitted from the state's motor vehicle fleet are responsible for much of the overall cancer risk and other chronic or acute adverse health effects from TAC in California (Caltrans 2006; California ARB 2005).<sup>2a,2b</sup>

<sup>2a</sup> California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005).

<sup>2b</sup> California Department of Transportation, *Estimating Mobile Source Air Toxics Emissions: A Step-by-Step Project Analysis Methodology* (December 2006).

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**Page 4.2-20, Impact 4.2-3**

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Impact 4.2-3            Operation activities associated with the proposed project could violate any air quality standard or contribute substantially to an existing or projected air quality violation. This would be a potentially significant impact. Because no feasible mitigation is available to reduce this impact to a less than significant level, this would be a *significant and unavoidable* impact.

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**Page 4.2-21, Impact 4.2-4 [editorial-only change]**

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

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**Page 4.2-21, third paragraph after Impact 4.2-4 [editorial-only change]**

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... Localized concentrations were estimated, as discussed above in the Analytic Method section and assume implementation of mitigation measures BECSP MM4.2-1 to BECSP MM4.2-11, as incorporated from the BECSP EIR, as well as the project specific mitigation measures, ~~Project~~ mitigation measures Project MM4.2-15 and Project MM4.2-16. ...

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**Page 4.2-23, last paragraph [editorial-only change]**

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With the implementation of mitigation measure Project MM4.2-15, the emissions of PM<sub>10</sub> and PM<sub>2.5</sub> will be reduced during construction. However, even with the inclusion of ~~Project~~ mitigation measures Project MM4.2-15 and Project MM4.2-16, emissions of PM<sub>10</sub> and PM<sub>2.5</sub> are anticipated to remain above the SCAQMD ...

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**Page 4.3-3, third paragraph [editorial-only change]**

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... Implementation of ~~BECSP~~ mitigation measure BECSP MM4.3-1 would ensure the protection of migratory bird species/habitat. ...

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**Page 4.4-3, first paragraph [editorial-only change]**

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In the event that the applicant or property owner does not move forward with the proposed project in good faith prior to the existing Levitz building reaching an age of 45 years and/or a new entitlement is requested on the property after the Levitz building reaches an age of 45 years, ~~BECSP~~ mitigation measure BECSP MM4.4-1 would become effective and a proposed project would be subject to its requirements. ...

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**Page 4.4-3, second paragraph [editorial-only change]**

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... Furthermore, ~~BECSP~~-mitigation measure BECSP MM4.4-2(a) would not be applicable. However, subterranean work for the proposed parking structure and building footings could result in the uncovering of previously unidentified resources. Incorporation of ~~BECSP~~-mitigation measure BECSP MM4.4-2(b) would reduce any impacts from this occurrence to a *less than significant* level.

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**Page 4.4-3, third paragraph [editorial-only change]**

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... In compliance with ~~BECSP~~-mitigation measure BECSP MM4.4-3(a), a records search for the project site was conducted, and turned up negative for presence of paleontological resources on the project site. However, because of the area's sensitivity and the subterranean work included in the proposed project, the proposed project is required to comply with ~~BECSP~~-mitigation measure BECSP MM4.4-3(b), in the event that a previously unidentified unique paleontological resource or geological feature is discovered during ground disturbing activities. ...

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**Page 4.4-4, first paragraph [editorial-only change]**

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Potentially significant impacts related to cultural resources have been mitigated through implementation of mitigation measures BECSP MM4.4-2(b) and BECSP MM4.4-3(b), and all impacts were determined to be less than significant in this or the BECSP EIR analysis.

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**Page 4.5-1, third paragraph**

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The 12.5-acre, proposed project site is currently occupied by a two-story, big-box retail structure, a two-story EZ Lube business, and a large surface parking lot. The project site is a rectangular shaped parcel, bound by Gothard Street to the west, commercial development to the north, the UPRR right-of-way and development to the east, and Edinger Avenue to the south. The project is roughly level and there are no pronounced topographic highs or lows, with the exception of a depression ~~for stormwater detention located~~ that dips below the Edinger Avenue and Gothard Street elevations within the Levitz parking lot.

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**Page 4.5-11, second paragraph [editorial-only change]**

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Potentially significant impacts related to geology and soils have been mitigated through compliance with ~~BECSP~~-code requirement BECSP CR4.5-1 and ~~BECSP~~-mitigation measure BECSP MM4.5-1. All other impacts were determined to be less than significant based on the project's consistency with the analysis performed in the BECSP EIR.

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**Page 4.6-9, first partial paragraph [editorial-only change]**

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... Implementation of ~~BECSP~~-mitigation measure BECSP MM4.6-4 would ensure that proposed development would provide adequate access for emergency vehicles, and the proposed project would result in a *less than significant* impact.

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**Page 4.7-1, third paragraph**

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The proposed project site is relatively flat; however, a portion of the parking lot dips down below the Edinger Avenue and Gothard Street elevations ~~to, which~~ creates a depression that may have been historically utilized for stormwater detention.<sup>18a</sup> The site is considered to be approximately 100 percent impervious. ...

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<sup>18a</sup> Any evidence contrary to this shall be provided to the City of Huntington Beach Public Works Department for review and approval so that further detention analysis of the existing system may be eliminated.

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**Page 4.7-4, third paragraph [editorial-only change]**

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Existing Federal and City floodplain development regulations, including zoning code requirements for development in Floodplain Overlay Districts, would ensure that potential flood hazards are minimized, as required by General Plan Policy U3.1.6. ~~BECSP m~~Mitigation measures BECSP MM4.7-3 and BECSP MM4.7-4 would require implementation of an adequate stormwater conveyance system for development in accordance with the proposed project, ...

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**Page 4.7-5, last paragraph**

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The proposed project site is relatively flat; however, the parking lot portion of the site dips below Edinger Avenue and Gothard Street elevations ~~to, which~~ creates a depression that may have been historically utilized for stormwater detention.<sup>21a</sup> The site is considered to be approximately 100 percent impervious. ...

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<sup>21a</sup> Any evidence contrary to this shall be provided to the City of Huntington Beach Public Works Department for review and approval so that further detention analysis of the existing system may be eliminated.

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**Page 4.7-6, first full paragraph [editorial-only change]**

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... Should additional flood proofing be required, the developer shall conform to all federal, state, and City requirements for flood proofing the buildings against the 100-year storm event. ~~Project m~~Mitigation measure Project MM4.7-3 would ensure that a hydrology and hydraulic analysis is prepared for the proposed project. ...

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**Page 4.7-7, last paragraph**

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According to the California Geologic Survey, due to the shallow depth of groundwater at the proposed project site (historically between 5 and 10 feet),<sup>23</sup> any subterranean parking would be located below the local groundwater table. ... Additionally, the proposed project would be subject to code requirement BECSP CR4.7-1, which requires the preparation of a Precise Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering, as well as for surface drainage, and mitigation measure BECSP MM4.7-2, which requires the preparation of a Groundwater Hydrology Study to determine if dewatering activities would

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

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**Page 4.7-9, first full paragraph**

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The City of Huntington Beach is located in the lower basin of the Santa Ana River Basin. The lower basin is protected from flooding by Prado Dam, which is located 27 miles northeast of the City in Riverside County. The northern portion of the ~~Corridor~~ basin is located within the inundation area of the Prado Dam. ...

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**Page 4.7-9, last two paragraph [editorial-only change]**

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As potentially significant impacts related to hydrology and water quality have been mitigated through implementation of ~~BECSP~~ mitigation measures BECSP MM4.7-1 through BECSP MM4.7-4 and all impacts were determined to be less than significant in this or the BECSP EIR analysis, impacts of the proposed project to hydrology and water quality would be ***less than significant***.

**Applicable Mitigation of the BECSP EIR**

~~BECSP m~~ Mitigation measure BECSP MM4.7-1 was modified to reflect that the proposed project which includes rental residential units will not have a homeowners association (HOA). As such, the mitigation measure was changed, as appropriate, to ensure that either the Applicant or the future property manager would be responsible for the same actions.

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**Page 4.7-10, mitigation measure BECSP MM4.7-1**

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*BECSP MM4.7-1 City of Huntington Beach shall require Applicants for new development and significant redevelopment projects within the Specific Plan area, including the proposed project, to prepare a project Water Quality Management Plan (WQMP) in accordance with the DAMP requirements and measures described below and with all current adopted permits. The WQMP shall be prepared by a Licensed Civil Engineer and submitted for review and acceptance prior to issuance of a Precise Grading or Building permit.*

*BMPs in the WQMP shall be designed in accordance with the Municipal NPDES Permit, Model WQMP, Technical Guidance Documents, DAMP, and City of Huntington Beach LIP. As noted in the Specific Plan, all development projects shall include site design and source control BMPs in the project WQMP. Additionally, new development or significant redevelopment projects and priority projects shall include Low Impact Development (LID) principles to reduce runoff to a level consistent with the maximum extent practicable and treatment control BMPs in the WQMP.*

...

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**Pages 4.7-13 and 4.7-14, last paragraph and mitigation measure BECSP MM4.7-3**

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

*BECSP MM4.7-3 The City of Huntington Beach shall require that the Applicant's Licensed Civil Engineer for each site-specific development prepare a Hydrology and Hydraulic Study to identify the effects of potential stormwater runoff from the specific development on the existing storm drain flows for the 10-, 25-, and 100-year design storm events. The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. The Applicant shall design site drainage and document that the proposed development would not increase peak storm event flows over ~~pre-1986 Qs~~ the existing 25-year storm flows, which must be established by the hydrology study. If the analyses shows that the City's current drainage system cannot meet the volume needs of the project runoff, the applicant shall be required to attenuate site runoff to an amount not to exceed the existing 25-year storm as determined using pre-1986 criteria. As an option, the applicant may choose to explore low-flow design alternatives, downstream attenuation or detention, or upgrade the City's stormwater system to accommodate the impacts of the new development, at no cost to the City. The Hydrology and Hydraulic Study shall also incorporate all current adopted Municipal NPDES Permit and City requirements for stormwater flow calculations and retention/detention features in effect at the time of review.*

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**Page 4.7-14, insert following mitigation measure BECSP MM4.7-4**

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

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**Page 4.8-4, first complete paragraph**

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... These units could also be provided off-site, but if located outside of the redevelopment area, affordable units would be provided at a ratio of 2:1. Compliance with the affordable housing provisions of the BECSP would require adoption of a Development Agreement subject to approval of the City Council.

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**Page 4.11-14, first paragraph**

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The applicant of the proposed project would be required to pay all relevant and current school impact fees, consistent with General Plan Policy PF 4.2.2. The current Level 1 maximum is \$2.97 per square foot of residential development and \$0.47 per square foot of commercial development. These fees would be distributed between the HBUHSD and OVSD and would provide funds for any additional school facilities needed as a result of development at the project site. The proposed project would not result in

overcrowding of either of the school districts serving it, and therefore, would not necessitate the need for any additional school facilities. Nonetheless, code requirements BECSP CR4.11-4~~2~~ and BECSP CR4.11-2~~3~~ would ensure that the applicant pays development fees based on residential square footage and commercial square footage. The proposed project would be consistent with applicable policies of the Public Facilities and Public Services Element of the General Plan.

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**Page 4.11-16, code requirements BECSP CR4.11-1 and BECSP CR4.11-2 and following paragraph**

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~~BECSP CR4.11-4~~2~~~~ *The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. These fees are currently \$1.37 per square foot (sf) of accessible interior space for any new residential unit and \$0.22 per sf of covered floor space for new commercial/retail development.*

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

As discussed above, both the HBUHSD and the OVSD have capacity to serve students generated by the proposed project. With implementation of code requirements BECSP CR4.11-4~~2~~ and BECSP CR4.11-2~~3~~, fees collected under the authority of SB 50 would offset any increase in educational demand at the elementary school, middle school, and high school serving the project site. Therefore, implementation of the proposed project would not require any new or physically altered school facilities to serve the project, the construction of which could result in significant environmental impacts. This impact would be *less than significant*.

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

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~~Project e~~Code requirement ~~Project~~ CR4.12-1 would require the proposed project to satisfy Chapter 230.20 of the City's Zoning and Subdivision Ordinance, through the payment of a park fee. ... Additionally, the provision of public open space and the payment of the park fee required by ~~project~~ code requirement ~~Project~~ CR4.12-1 would reduce a potential impact to recreation and would ensure that requirements of the BECSP and the General Plan are satisfied. ...

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**Page 4.12-9, first full paragraph [editorial-only change]**

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~~BECSP e~~Code requirement ~~BECSP~~ CR4.12-1 has been modified to reflect the characteristics of the proposed project. ...

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**Page 4.12-9, first paragraph following Impact 4.12-2 [editorial-only change]**

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... Implementation of ~~project~~ code requirement ~~Project~~ CR4.12-1 and mitigation measures described throughout other sections of this EIR would reduce construction impacts. As such, effects of

construction activities associated with development of recreational facilities under the proposed project would be *less than significant*.

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**Page 4.13-8, last paragraph [editorial-only change]**

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In addition, the proposed project will be subject to its fair-share contribution towards future, as-needed improvements to the area roadway system, as outlined in BECSP-mitigation measures BECSP MM4.13-1 through BECSP MM4.13-14. ...

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**Page 4.13-9, first paragraph**

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In summary, the proposed project will generate 17 percent fewer ADT than analyzed in the BECSP EIR which was determined to result in a less than significant impact. Therefore, impacts from the proposed project are considered *less than significant* with the implementation of BECSP-mitigation measures BECSP MM4.13-1 through BECSP MM4.13-14.

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**Page 4.13-10, before, including, and following mitigation measures BECSP MM4.13-12 and BECSP MM4.13-13**

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

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

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

BECSP MM4.13-12<sup>5</sup> *For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the conversion of a separate westbound right-turn lane to a de facto right-turn lane at the intersection of Newland Street at Warner Avenue.*

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

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

BECSP MM4.13-18 *For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate northbound right turn lane to the intersection of Beach*

Boulevard at McFadden Avenue. Implementation of this improvement would require Caltrans and City of Westminster approvals.

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

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**Page 4.13-10, first paragraph following Impact 4.13-2 [editorial-only change]**

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Most construction traffic generally occurs outside of the peak periods, consistent with the typical construction workday of 7:00 AM to 3:00 PM. Further, per ~~BECSP~~ mitigation measure BECSP MM4.2-9, construction activities that would affect traffic flow on the arterial system would be scheduled between 10:00 AM and 4:00 PM. ... Furthermore, ~~BECSP~~ mitigation measures BECSP MM4.2-8, BECSP MM4.2-9, and BECSP MM4.2-10 (as included in Section 4.2 [Air Quality]) would ensure that construction traffic does not block the free flow of traffic. ...

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**Pages 4.13-10 and 4.13-11, last paragraph**

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The Orange County Transportation Authority is designated as the Congestion Management Agency (CMA) to oversee the Orange County CMP. The CMP Highway System includes specific roadways, which include state highways and Smart Streets, and CMP arterial monitoring locations/intersections. There are five CMP intersections throughout the BECSP area; however, there are no CMP intersections located within the limited project study area. The nearest CMP intersection is Beach Boulevard at Edinger Avenue, located approximately 0.5 mile east of the project area. CMP traffic impact analysis (TIA) is required for projects generating more than 2,400 daily trips (over 3 percent of LOS E), or 1,600 daily trips for projects with direct access to/from CMP highways. CMP-designated intersections have a performance standard of LOS E or better (intersection capacity utilization (ICU) ~~not to exceed less than~~ 1.00), and a project is considered to have a significant impact if it contributes three percent or more to an ICU when the performance standard is exceeded unless the 1992 baseline is worse, in which case the ICU cannot increase by 0.1 or more. A project will be required to identify mitigation if the TIA demonstrates a CMP intersection exceeds the CMP LOS standard. The CMP analysis was carried out ~~for a short range time frame (five to seven years) to 2016 (project buildout), as per~~ CMP guidelines. Accordingly, year 2016 information from the BECSP EIR was used for this analysis and the results are presented in Table 4.13-4 (CMP Intersection Analysis).<sup>77</sup> This table shows all CMP intersections analyzed in the BECSP; the bolded intersection is nearest to the project area although it is not located within the limited project study area.

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**Page 4.13-14, mitigation measures Project MM4.13-15, Project MM4.13-16, and Project MM4.13-17, and following paragraph**

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Project MM4.13-15~~2~~ Ensure adequate sight distance from the two driveways on Gothard Street per standard engineering requirements. At the time of the project site-plan submittal, a formal review of the sight distances will be performed. This may include a reduction in potential on-street parking spaces from that proposed.

*Project MM4.13-4620* Provide adequate width for parking maneuvers to occur without blocking the curb lane. This shall include a 10-foot buffer lane in addition to the 8-foot parking lane. If this area is striped with a bike lane, the remainder of the space shall serve as clearance (e.g., 6 feet for bikes plus 4 feet of clearance), to mitigate impacts to cyclists.

*Project MM4.13-4721* “No Pedestrian Crossing” signs shall be posted along Gothard Street for the extent of the on-street parking area to address potential jaywalking.

Therefore, implementation of ~~Project~~ mitigation measures Project MM4.13-159, Project MM4.13-4620, and Project MM4.13-4721, as well as city requirements and the site plan review process, would ensure impacts related to design hazards are ***less than significant***.

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#### **Pages 4.13-16 and 4.13-17, last paragraph**

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Impacts related to the proposed project’s generation of traffic that could lead to a conflict with an established measure of effectiveness for project area intersections were found to be less than significant. The impacts associated with implementation of the BECSP were found to be less than significant with incorporation of mitigation and the implementation of a discretionary improvement by adding a second left-turn lane northbound at Beach Boulevard at Heil Avenue, which was analyzed in the BECSP EIR. Mitigation measures BECSP MM4.13-1 through BECSP MM4.13-148 required in the Section 4.13 of the BECSP EIR set forth the payment of fair-share impact fees to fund future intersection roadway improvements. Implementation of BECSP MM4.13-1 through BECSP MM4.13-148 as well as the discretionary action proposed for Beach Boulevard at Heil Avenue would allow all intersections to operate at acceptable levels of service.

Under 2030 conditions, implementation of the ~~BECSP~~ mitigation measures BECSP MM4.13-1 through BECSP MM4.13-148 and the discretionary improvement at Beach Boulevard and Heil Avenue (identified in the BECSP EIR) would ensure that five of the seven impacted intersections (as identified in the BECSP EIR) have acceptable ICU values (LOS C or LOS D). The improvements for the remaining two locations, Brookhurst Street at Adams Avenue and Beach Boulevard at Bolsa Avenue, would mitigate the project impact at these locations but not achieve an acceptable LOS. Even with implementation of ~~BECSP~~ mitigation measures BECSP MM4.13-3 through BECSP MM4.13-9 and BECSP MM4.13-142, the Brookhurst Street at Adams Avenue intersection would remain at LOS E in the AM peak hour and the Beach Boulevard at Bolsa Avenue intersection would remain at LOS F in the PM peak hour. Both of these intersections are located within the cumulative study area of the BECSP EIR, therefore, the proposed project would contribute to an already significant impact and this impact would be considered ***significant and unavoidable***.

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#### **Pages 4.13-17, last paragraph [editorial-only change]**

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As for construction-related impacts to transportation, most construction traffic generally occurs prior to the peak periods, consistent with the typical construction workday of 7:00 AM to 3:00 PM. Further, per ~~BECSP~~ mitigation measure BECSP MM4.2-9, construction activities that would affect traffic flow on the arterial system would be scheduled between 10:00 AM and 4:00 PM. ...

**Pages 4.14-21 and 4.14-22, last paragraph [editorial-only change]**

Implementation of ~~BECSP~~-mitigation measure BECSP MM4.14-1 and ~~BECSP~~-code requirement BECSP CR4.14-1 could reduce water demand generated by each project within the BECSP by up to 40 percent. ... No additional mitigation would be necessary; however, the implementation of the City's water efficiency and conservation measures are required including ~~BECSP~~-mitigation measure BECSP MM4.14-1 and ~~BECSP~~-code requirement BECSP CR4.14-1.

**Page 4.14-24, last paragraph**

Implementation of the proposed project would include the construction of necessary utilities on-site, including wastewater conveyance lines. The sewer lines would need to be sized appropriately for the anticipated flow of approximately 258,000 gpd (0.26 mgd) of wastewater from the proposed project, as well as the identified peak flow of 0.52 mgd. As discussed in the impact analysis, it is anticipated that the increased flows from the proposed project would not result in required upgrades to the existing OCSD treatment plants. ...

**Page 4.14-25, Table 4.14-15**

<b>Table 4.14-15 Estimated Sewer Flows for the Proposed Project</b>			
<i>Land use</i>	<i>Quantity</i>	<i>Duty Factor</i>	<i>Estimated Flow</i>
Residential	984 du	250 gpd/du	246,000 gpd
Retail	60,000 sf	0.2 gpd/sf	12,000 gpd
<b>Total</b>	—	—	<b>258,000 gpd (0.26 mgd) (288.9 afy)</b>
<b><u>Total Peak Hourly Discharge</u></b>		<b><u>1.78(Q<sub>ave</sub>)<sup>0.92</sup></u></b>	<b><u>0.52 mgd</u></b>

SOURCE: City of Huntington Beach, Section 4.14 (Utilities and Services System), *BECSP PEIR (2009): PBS&J, Beach and Edinger Corridors Specific Plan Sewer Analysis Report (August 2009)*.

DU = dwelling unit, gpd = gallons per day; MGD = million gallons per day; Q = discharge; ave = average

**Page 4.14-26, last three paragraphs**

The City of Huntington Beach Public Works Department and OCSD maintain the sanitary sewer system into which the proposed project would discharge. The proposed project includes the development of 984 residential units and 60,000 sf of retail uses. Implementation of the proposed project would increase the amount of wastewater transported by the City's sewer system by approximately 258,000 gpd (0.26 mgd). Utilizing the City's peak flow equation, the proposed development would result in a maximum peak daily flow of 0.52 mgd. This equation is used to understand and design for individual days where the City's system receives more than normal flows such as holidays and Super Bowl Sunday.

~~As identified in the *BECSP Sewer Analysis Report*, discharges associated with development as assumed under the build-out of the proposed Specific Plan is expected to exceed the capacity of several existing sewer systems and require upsizing at several locations (PBS&J 2009). The proposed project lies within the drainage boundaries of one of the said deficient systems, and its development would contribute to~~

~~the exceedance of one of the City's wastewater collection systems. The BECSP Sewer Analysis Report states that discharges associated with development assumed under build-out of the proposed BECSP are expected to exceed the capacity of several existing sewer systems and require upsizing at several locations.<sup>105a</sup> As identified in the BECSP Sewer Analysis Report, Figure 2A (Specific Plan Required Sewer Upgrades (Town Center Boulevard), the proposed project lies within the drainage boundaries of one of the identified deficient systems, and this development would contribute to the exceedance of one of the City's wastewater collection systems.<sup>105b</sup> The proposed project would require upgrades to the sewer lines, in order to ensure that the existing local wastewater collection lines are adequate to meet the requirements of the proposed project.~~

Based on ~~this report~~ the BECSP Sewer Analysis Report, the existing local wastewater collection lines are not adequate to meet the requirements of the proposed project, and the project developer(s) would be responsible for constructing local mains and extensions to serve the proposed project. Prior to allowing additional connections to the sewer lines, the capacity of the existing sewers would need to be confirmed and a sewer study would be ...

<sup>105a</sup> PBS&J, *Beach and Edinger Corridors Specific Plan Sewer Analysis Report* (August 2009).

<sup>105b</sup> PBS&J, *Beach and Edinger Corridors Specific Plan Sewer Analysis Report* (August 2009), Figure 3-2A (Specific Plan Required Sewer Upgrades (Town Center Boulevard)).

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**Page 4.14-27, first paragraph following code requirement BECSP CR4.14-4**

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Code requirements BECSP CR4.14-3 and BECSP CR4.14-4 would require that a sewer study is conducted to determine the extent to which the existing sewer lines would require upgrades. ...

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**Page 4.14-28, first paragraph following Impact 4.14-5**

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The proposed project would result in wastewater generation of approximately 258,000 gpd of wastewater (0.26 mgd), with a peak generation of 0.52 mgd. This would increase the demand upon regional treatment facilities. ...

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**Page 4.14-29, first partial paragraph [editorial-only change]**

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the treatment of wastewater and its discharge into local water bodies. Wastewater produced from the proposed project would meet these requirements due to treatment capacity available at the OCSO reclamation plants and the implementation of wastewater BMPs (refer to ~~BECSP~~ mitigation measure BECSP MM4.7-1 in Section 4.7 [Hydrology/ Water Quality]). ...

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**Page 4.14-29, paragraph following first threshold [editorial-only change]**

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Cumulative impacts from future growth within the City regarding sewer line capacity (sewage treatment capacity is addressed above) is mitigated on a project-by-project basis (existing sewer lines adequate for existing development). ... Implementation of ~~BECSP~~ code requirements BECSP CR4.14-3 and BECSP CR4.14-4 and ~~Project~~ code requirement Project CR4.14-5 would ensure that capacity constraints at the

time of development are accurately identified and sewer connections are provided for at the proposed project site. ...

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**Page 6-21, first full paragraph**

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The proposed project site would be served by the HBUHSD and the OVSD. Per the HBUHSD and the OVSD, the current level of enrollment within both school districts has been declining in recent years and this decline is expected to continue for the next several years. ... With implementation of CR4.11-4~~2~~2 and CR4.11-~~23~~23, implementation of Alternative 2 would not require any new or physically altered school facilities to serve the project, the construction of which could result in significant environmental impacts. This impact would be less than significant, and less than the proposed project.

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**Page 6-23, first paragraph following Table 6-5**

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As shown in Table 6-5 (Alternative 2 Trip Generation Comparison), Alternative 2 would result in approximately 58 percent less ADT than the proposed project and would therefore result in less severe impacts. Alternative 2 would be subject to the fair-share contribution, as outlined in ~~BECSP~~-mitigation measures BECSP MM4.13-1 through BECSP MM4.13-14~~8~~. This contribution, and therefore satisfaction of mitigation, would reduce the impacts on the area roadway system resulting from Alternative 2 to a less than significant level, similar to, but less than, the proposed project.

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**Pages 6-23 and 6-24, last paragraph [editorial-only change]**

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Construction activities associated with Alternative 2 would last approximately three years. As with the proposed project, construction traffic would generally occur outside of the peak periods, consistent with the typical construction workday of 7:00 AM to 3:00 PM. Further, per ~~BECSP~~-mitigation measure BECSP MM4.2-9, construction activities that would affect traffic flow on the arterial system would be scheduled between 10:00 AM and 4:00 PM. ... Truck trips could travel along designated truck routes north/east to I-405. ~~BECSP~~ m Mitigation measures BECSP MM4.2-8, BECSP MM4.2-9, and BECSP MM4.2-10 (as included in Section 4.2 [Air Quality]) would ensure that construction traffic does not block the free flow of traffic. ...

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**Page 6-25, first partial paragraph [editorial-only change]**

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and create safe on-street parking), as well as two access points along Gothard Street. Similar to the proposed project, implementation of ~~BECSP~~-code requirements BECSP CR4.13-1 and BECSP CR4.13-2 would be required under Alternative 2. With implementation of ~~BECSP~~-code requirements BECSP CR4.13-1 and BECSP CR4.13-2 and the City's site plan review process, impacts relating to hazardous design would be less than significant under Alternative 2, similar to the proposed project.

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**Page 6-25, second full paragraph**

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Similar to the proposed project, Alternative 2 would provide on-street parking along Gothard Street from north of Edinger Avenue to the northern extents of the property. ... Alternative 2 would be subject to the same mitigation measures as the proposed project (~~Project~~ mitigation measures Project MM4.13-159, Project MM4.13-1620, and Project MM4.13-1721) that would reduce potentially significant safety issues to a less than significant level.

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**Page 6-28, first two full paragraphs [editorial-only change]**

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... Similar to the proposed project, Alternative 2 would be required to implement ~~BECSP~~ code requirements BECSP CR4.14-1 and BECSP CR4.14-2. ...

... In addition, ~~BECSP~~ code requirement BECSP CR4.14-1 and BECSP CR4.14-2 would ensure that proper sewer connections are provided for at the project site under this Alternative. ...

### **9.3 FIGURE CHANGES**

There were no figure changes to the DEIR.

# CHAPTER 10 Responses to Comments

## 10.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

In total, nine comment letters regarding the DEIR were received from four state departments, two regional and local agencies, one organization, and two private individuals. In addition, a Draft EIR Public Comment Meeting was held on December 7, 2010; however, no comments were received. Table 10-1 (Comment Letters Received during the Draft EIR Comment Period) provides a comprehensive list of commenters in the order that they are presented in this section.

<b>Table 10-1 Comment Letters Received during the Draft EIR Comment Period</b>				
<b>No.</b>	<b>Commenter/Organization</b>	<b>Abbreviation</b>	<b>Page Where Comment Begins</b>	<b>Page Where Response Begins</b>
<b>STATE DEPARTMENTS</b>				
1	Department of Toxic Substances Control, Al Shami, December 14, 2010	DTSC	10-3	10-29
2	Department of Transportation, Christopher Herre, December 15, 2010	DOT	10-7	10-31
3	Native American Heritage Commission, Dave Singleton, December 7, 2010	NAHC	10-9	10-32
4	Public Utilities Commission, Laurence Michae, December 20, 2010	PUC	10-14	10-32
<b>REGIONAL AND LOCAL AGENCIES</b>				
5	Orange County Public Works, Michael Balsamo, December 16, 2010	OCPW	10-16	10-33
6	Orange County Transportation Authority, Charles Larwood, December 28, 2010	OCTA	10-18	10-34
<b>ORGANIZATIONS</b>				
7	Huntington Beach, Environmental Board, Robert Schaaf, December 18, 2010	HBEB	10-20	10-35
<b>PRIVATE INDIVIDUAL</b>				
8	Sares-Regis Group (Applicant), Nate Carlson, December 8, 2010	SRG	10-22	10-37
9	Weber Consulting (Property Owner), Gary Weber, December 20, 2010	WC	10-27	10-48

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

## 10.2 COMMENTS ON THE DRAFT EIR

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

## 10.2.1 State Departments

### Department of Toxic Substances Control (DTSC), December 14, 2010



Linda S. Adams  
Secretary for  
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi  
Acting Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

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& Building

December 14, 2010

Ms. Jennifer Villasenor  
City of Huntington Beach Planning and Building department  
200 Main Street, Third Floor  
Huntington Beach, California 92648

**NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR CITY OF HUNTINGTON BEACH MURDY COMMONS (SCH# 2010111025)**

Dear Ms. Villasenor:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation of a draft Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The proposed project includes the development of a maximum of 984 dwelling units and approximately 60,000 sf of ground floor retail, located along the Edinger Avenue frontage and along a portion of Gothard Street at the intersection of Gothard Street and Edinger Avenue. The project would include five and six story buildings developed in six blocks, connected by a network of new streets and sidewalks, and oriented around a 0.75 acre public open space area. A total of 1,979 parking spaces would be provided on-site located in a subterranean parking structure beneath each block, at grade parking and on street parking spaces".

DTSC-1

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

- 1) The EIR should evaluate whether conditions within the Project Area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
  - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
  - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).

DTSC-2

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Ms. Jennifer Villasenor  
December 14, 2010  
Page 2

- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
  - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
  - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
  - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
  - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
  - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project Area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.
- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing
- 

Ms. Jennifer Villasenor  
 December 14, 2010  
 Page 3

materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

DTSC-5  
 Cont.

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

DTSC-6

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

DTSC-7

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

DTSC-8

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

DTSC-9

Ms. Jennifer Villasenor  
December 14, 2010  
Page 4

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

DTSC-10

Sincerely,



Al Shami  
Project Manager  
Brownfields and Environmental Restoration Program

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

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

CEQA # 3070

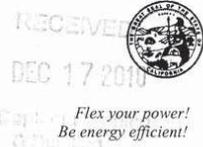
Department of Transportation (DOT), December 15, 2010

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592



FAX & MAIL

December 15, 2010

Ms. Jennifer Villasenor
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

File: IGR/CEQA
SCH #: 2010111025
Log #: 2618
SR-39, I-405

Subject: Murdy Commons Mixed-Use Project

Dear Ms. Villasenor:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Murdy Commons Mixed-Use Project. The proposed project would adhere to the design guidelines and the requirements of the Beach Edinger Corridors Specific Plan (BECSP) for the Town Center Neighborhood and Town Center Core designations and would consist of a mixed-use, live-work residential and commercial development of up to 984 dwelling units and 60,000 square feet of retail uses on a 12.5-acre site. The project site is located at the northeast corner of Edinger Avenue and Gothard Street within the BECSP area in the City of Huntington Beach.

DOT-1

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

- 1. It is stated that the proposed project would pay a fair share contribution toward a list of mitigation projects identified in the BECSP Program EIR. For mitigation projects that involve State transportation facilities, a Traffic Mitigation Agreement (TMA) should be developed between the City and the Department. Under the TMA, the City can collect fair share contributions from each development project within the BECSP area and transfer the money to the Department when a mitigation project is ready to move forward. The Department would be happy to work with the City to develop such an agreement.
2. Please work with the Department to identify feasible alternative mitigation strategies for Beach Boulevard/Bolsa Avenue and I-405 northbound loop on-ramp from Beach Boulevard. The proposed project would contribute to cumulative impacts at these two locations and no feasible mitigation has been identified.

DOT-2

DOT-3

Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. All future Public Notices and

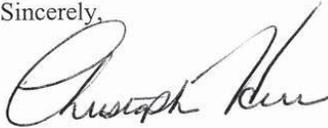
DOT-4

"Caltrans improves mobility across California"

Environmental Documents regarding local development projects should be sent to District 12's Local Development/Intergovernmental Review Branch at 3347 Michelson Drive, Suite 100, Irvine, CA 92612. If you have any questions or need to contact us, please do not hesitate to call Zhongping (John) Xu at (949) 724-2338.

DOT-4  
Cont.

Sincerely,



CHRISTOPHER HERRE  
Branch Chief, Local Development/Intergovernmental Review

cc: Terry Roberts, Office of Planning and Research

*"Caltrans improves mobility across California"*

Native American Heritage Commission (NAHC), December 7, 2010

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 384  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site www.nahc.ca.gov  
e-mail: ds\_nahc@pacbell.net



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Dept. of Planning  
& Building

December 7, 2010

Ms. Jennifer Villaseñor, Senior Planner

**City of Huntington Beach**

2000 Main Street  
Huntington Beach, CA 92648

Re: SCH#2010111025 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the City of Huntington Beach Murdy Commons EIR No. 10-002 Project located in the City of Huntington Beach; Orange County, California

Dear Ms. Villaseñor:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) 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)(f) CEQA guidelines). Section 15382 of the 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. 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. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

NAHC-1

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were NOT identified within one-half mile of several of the Area of Potential Effect (APE). Also, it is important to understand that the absence of archaeological, Native American cultural resources in an area does not indicate that they are not present, or will be present once ground-breaking activity begins. The NAHC recommends early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

NAHC-2

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the attached NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

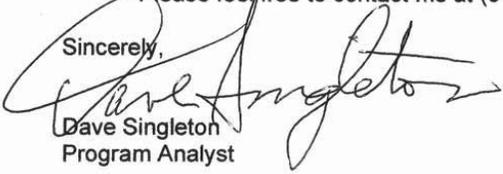
CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

NAHC-2  
Cont.

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.

↑  
NAHC-2  
Cont.  
↓

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

Sincerely,  
  
Dave Singleton  
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Native American Contacts  
Orange County  
December 7, 2010

Ti'At Society/Inter-Tribal Council of Pimu  
Cindi M. Alvitre, Chairwoman-Manisar  
6515 E. Seaside Walk, #C Gabrielino  
Long Beach , CA 90803  
calvitre@yahoo.com  
(714) 504-2468 Cell

Gabrielino Tongva Nation  
Sam Dunlap, Chairperson  
P.O. Box 86908 Gabrielino Tongva  
Los Angeles , CA 90086  
**samdunlap@earthlink.net**  
  
(909) 262-9351 - cell

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

Juaneno Band of Mission Indians Acjachemen Nation  
Anthony Rivera, Chairman  
31411-A La Matanza Street Juaneno  
San Juan Capistrano CA 92675-2674  
arivera@juaneno.com  
(949) 488-3484  
  
(530) 354-5876 - cell

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

Gabrielino Tongva Indians of California Tribal Council  
Robert F. Doramae, Tribal Chair/Cultural  
P.O. Box 490 Gabrielino Tongva  
Bellflower , CA 90707  
**gtongva@verizon.net**  
562-761-6417 - voice  
562-925-7989 - fax

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

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

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

Distribution of this list does not relieve any person of 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. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010111025; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the City of Huntington Beach Murdy Commons Project; located in the City of Huntington Beach; Orange County, California.

Native American Contacts  
Orange County  
December 7, 2010

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

Gabrielino-Tongva Tribe  
Bernie Acuna  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
(310) 428-7720 - cell  
(310) 587-2281

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

Juaneno Band of Mission Indians Acjachemen Nation  
Joyce Perry; Representing Tribal Chairperson  
4955 Paseo Segovia Juaneno  
Irvine , CA 92612  
949-293-8522

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

Gabrielino-Tongva Tribe  
Linda Candelaria, Chairwoman  
1875 Century Park East, Suite 1500  
Los Angeles , CA 90067 Gabrielino  
lcandelaria1@gabrielinoTribe.org  
310-428-5767- cell  
(310) 587-2281

United Coalition to Protect Panhe (UCPP)  
Rebecca Robles  
119 Avenida San Fernando Juaneno  
San Clemente CA 92672  
rebrobles1@gmail.com  
(949) 573-3138

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. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010111025; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the City of Huntington Beach Murdy Commons Project; located in the City of Huntington Beach; Orange County, California.

Public Utilities Commission (PUC), December 20, 2010

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

320 West 4<sup>th</sup> Street, Suite 500  
Los Angeles, CA 90013



December 20, 2010

Jennifer Villasenor  
City of Huntington Beach  
Department of Planning & Bldg.  
2000 Main Street  
Huntington Beach, CA 92648

**Subject: SCH#2010111025: Comments to City of Huntington Beach Murdy Commons Environmental Impact Report**

Dear Ms. Villasenor

The California Public Utilities Commission (Commission) has regulatory and safety oversight over railroad crossings in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission with exclusive power on the design, alteration, and closure of crossings. Rail Crossing Engineering Section (RCES) staff is in receipt of the City of Huntington Beach Murdy Commons Environmental Impact Report (EIR) and has reviewed the document for impacts to rail crossing safety.

The proposed project would consist of a mixed-use, live work residential and commercial development on a 12.5-acre site at the northeast corner of Edinger Avenue and Gothard Street. The project location is also adjacent to the Edinger Avenue highway-rail crossing (CPUC Crossing No 001BAA-519.59). The Union Pacific Railroad Company (UPRR) operates freight trains over this line.

Staff is concerned with the possibility of vehicles queuing from the signalized intersection of Edinger Avenue and Gothard Street back to the tracks. Staff recommends that the City evaluate the westbound vehicular queue from the intersection back to the tracks. Further, the City should avoid creating any new driveways near the crossing.

If the project will have any impact on the crossing, the City should contact staff immediately to arrange a diagnostic meeting with us and the railroad. A diagnostic is required to evaluate the impact the project will have on the crossing and to identify mitigation measures to reduce impacts. The diagnostic meeting represents the first step in the GO 88-B process, more information can be found at the link below.

<http://www.cpuc.ca.gov/PUC/transportation/crossings/Filing+Procedures/go88b.htm>

PUC-1

Jennifer Villasenor  
City of Huntington Beach  
Page 2 of 2

If you have any questions, you may contact me at (213) 576-7076 or [ldi@cpuc.ca.gov](mailto:ldi@cpuc.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Laurence Michael". The signature is written in black ink and is positioned above the printed name.

Laurence Michael, PE  
Utilities Engineer  
Rail Crossings Engineering Section  
Consumer Protection and Safety Division

## 10.2.2 Regional and Local Agencies

### Orange County Public Works (OCPW), December 16, 2010



Jess A. Carbajal, 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

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Dept. of Planning  
& Building

NCL 10-045

December 16, 2010

Ms. Jennifer Villasenor, Associate Planner  
City of Huntington Beach  
2000 South Main Street  
Huntington Beach, California 92648

SUBJECT: Notice of Availability of a Draft Environmental Impact Report for the Murdy Commons Mixed-Use Project - NCL 10-045

Dear Ms. Villasenor:

The County of Orange has reviewed the Notice of Availability of a Draft Environmental Impact Report for the Murdy Commons Mixed-Use Project located in the City of Huntington Beach and offers the following comments.

Environmental Resources:

In response to your request for input on the subject project, Environmental Resources has reviewed the document, and offers the following comments:

- 1) The language of Mitigation Measure BECSP MM4.7-1 (beginning Page 4.7-10) contains many prohibitions and conditional applications, without a great deal of discussion in this document of where the prohibitions and conditions arose. For example, there is discussion on Page 4.7-2 of groundwater in the past being "approximately 5-10" or "7-8" feet below grade and "approximately 15 feet" at present. This may be the source of much of the prohibitory language but is not explained as such.
- 2) While referencing the applicable NPDES De Minimus Permit R8-2009-0003 for dewatering groundwater, the language of Mitigation Measure BECSP MM4.7-2 (Page 4.7-13) further suggests the possibility permanent groundwater dewatering on-site could be prohibited. Since this project depends on subterranean parking, further explanation is needed as to how the project would remain feasible if that parking could not avail itself of dewatering over the long-term.

OCPW-1

OCPW-2

OCPW-3

Jennifer Villasenor, Project Manager  
December 16, 2010]  
Page 2

If you require any additional information, please contact Grant Sharp at (714) 955-0674. OCPW-4

Sincerely,



Michael Balsamo, Manager  
General Land Use Planning

MB/mmc

cc: Chris Crompton, Environmental Resources

Orange County Transportation Authority (OCTA), December 28, 2010



AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency

Service Authority for Abandoned Vehicles

December 28, 2010

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

Subject: Draft Environmental Impact Report for the Murdy Commons Mixed-Use Project

Dear Mrs. Villasenor,

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document. The following comments are provided for your consideration:

- Page 4.13-11 states that "CMP-designated intersections have a performance standard of LOS E or better... Please revise the sentence as follows:
- CMP traffic impact analysis (TIA) is required for projects generating more than 2,400 daily trips...
- Page 4.13-11 incorrectly states that "CMP analysis was carried out for a short-range timeframe... Please revise the sentence as follows:
- The CMP analysis was carried out to 2016 (project buildout), per CMP guidelines.
- OCTA has an existing bus stop along NB Gothard Street, farside Edinger Avenue. OCTA Stops & Zones looks forward to working with the City and the developer to make sure this stop remains safe and accessible, either at its current location or closer to Edinger Avenue.





AFFILIATED AGENCIES

Orange County  
Transit District

Local Transportation  
Authority

Service Authority for  
Freeway Emergencies

Consolidated Transportation  
Service Agency

Congestion Management  
Agency

Service Authority for  
Abandoned Vehicles

If you have any questions or comments, please contact Carolyn Mamaradlo by phone at (714) 560-5748 or by email at [cmamaradlo@octa.net](mailto:cmamaradlo@octa.net).

Sincerely,

Charles Larwood  
Manager, Transportation Planning

c: Greg Nord, OCTA  
Mark Strickert, OCTA

## 10.2.3 Organizations

### Huntington Beach Environmental Board (HBEB), December 18, 2010



## CITY OF HUNTINGTON BEACH

### ENVIRONMENTAL BOARD

December 18, 2010

Jennifer Villasenor  
City of Huntington Beach  
Department of Planning and Building  
2000 Main St  
Huntington Beach, CA 92648

Subject: Murdy Commons Mixed-use Project

Dear Ms. Villasenor,

At the December 2, 2010 Environmental Board meeting, the members reviewed the Murdy Commons Mixed-use project and the associated Draft Environmental Impact Report (DEIR). The Board offers the following comments for your consideration.

1. The Board has concerns regarding the traffic impacts of the project. While the DEIR discusses the negative impact of increased traffic from the Murdy Commons development, the discussion is focused on the increased traffic of the project alone and does not provide enough emphasis on the cumulative impacts of current and proposed development in the area. We are specifically concerned with the cumulative negative traffic impacts that will occur when this project along with the planned Costco Warehouse and Red Oak projects are completed. The DEIR does not appear to adequately address these issues.
2. Section 4-2 of the DEIR states that "Operational activities associated with the project could violate any air quality standard or contribute substantially to an existing or projected air quality violation" and that this would be a "significant and unavoidable impact". One way to mitigate this issue would be to reduce the scope of the project as outlined in Alternative 2 in Section 6 of the DEIR. This would reduce the air pollution impacts by reducing the number of stationary and mobile air pollution sources. Additionally, the increased vegetation in the .5-acre public park that is part of Alternative 2 would mitigate increases in green house gasses by fostering reduction of CO<sub>2</sub> through increased vegetation. Alternative 2 would also mitigate concerns with increased traffic impacts. The Board strongly recommends consideration of this alternative.
3. Section 4-7 of the DEIR states "the storm drain system serving the proposed project site is currently constrained for build out of the City's General Plan and may be constrained for existing conditions". The Board recommends that serious consideration be given to the installation of on-site collection structures that will foster groundwater re-charge (e.g., grass swales or ponds) or collect rainwater for re-use on the project property. The cost of these facilities could potentially be offset through the reduction of off-site storm drain improvements that would be required to comply with the City's General Plan.

HBEB-1  
HBEB-2  
HBEB-3  
HBEB-4

4. The Board strongly encourages the use of construction methods and building materials that increase energy efficiency, reduce the need for fossil fuels, and promote the use of sustainable resources. We recommend that Mitigation Measures in section 4-15 of the DEIR be further expanded to require and/or encourage the use of building equipment and materials that will reduce emissions. While it is understood that this approach will potentially increase initial construction costs, the reduction in the long term operating costs to the residents and business owners and the reduction in long term impacts to the environment will more than compensate for the initial investment. Cooperation between the City and the developer may be required to share the initial construction costs and to identify potential subsidies from governmental programs and power suppliers to minimize the initial costs. The Board specifically recommends the following additional Mitigation Measures:
- a. Installation of solar panels to the extent feasible to generate electricity for the residents and business owners.
  - b. Installation of solar water heating systems for the dwellings, businesses, and swimming pool.
  - c. Installation of energy efficient equipment and appliances that go beyond basic code requirements.

HBEB-5

We appreciate the opportunity to review this project. Please contact us with any questions or concerns.

HBEB-6

Sincerely,

Robert Schaaf  
Chairman, Huntington Beach Environmental Board

## 10.2.4 Private Individuals

### ■ Sares Regis Group (SRG), December 8, 2010



December 8, 2010

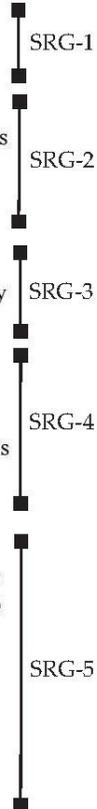
Ms. Jennifer Villasenor  
City of Huntington Beach Department of Planning  
2000 Main Street, PO Box 190  
Huntington Beach, CA 92648

**RE: Comments on the Draft EIR No. 2010-002**

Dear Ms. Villasenor:

Sares-Regis Group has reviewed the environmental impact report for the Murdy Commons project and has compiled the following list of comments for your review and consideration:

1. The Summary of Environmental Effects, beginning on page 2-5, lists many impacts that are considered less than significant and for which no mitigation is required no listed. It is of our opinion that if a potential impact is considered less than significant, and no mitigation is required, then it should not be listed in the Summary of Environmental Effects.
2. The Summary of Environmental Effects table generally does not include the cumulative impacts described in the EIR. These should be included, especially if they are potentially significant and have associated mitigation measures.
3. A number of the sections in the Summary of Environmental Effects (Biological Resources, Cultural Resources, Geology/Soils, Hydrology/Water Quality, and Land Use Planning) identify specific impacts but do not number those impacts or have them called out in the analysis sections of the EIR. This creates some confusion and our suggestion is that all impacts specified be numbered or referenced between the Summary of Environmental Effects and the EIR sections.
4. BECSP MM 4.2-5 on page 2-6 and BECSP MM 4.2-15 on page 2-8 of the Summary of Environmental Effects, lists a number of measures. A review of Rule 403 shows that the listed measures are, in many cases, inaccurate, incomplete, ambiguous, or inapplicable to the proposed project. It appears that in an effort to summarize some of the measures described in Rule 403 the mitigation measure creates uncertainty and ambiguity. We suggest a simpler and direct approach. Simply state that: "All construction activities for the project, that are capable of generating fugitive dust, shall implement dust control measures consistent with the requirements of South Coast Air Quality Management District Rule 403-Fugitive Dust, during each phase of project development to reduce the amount of particulate matter entrained in the ambient air."



5. Impact 4.2-3 on page 2-8 of the Summary of Environmental Effects indicates that the operation activities associated with the proposed project could violate any air quality standard, etc. This should be revised to read that the project could violate AN air quality standard, etc.
6. BECSP MM 4.2-9 on page 2-7 and BECSP MM 4.9-1 on page 2-21 of Summary of Environmental Effects should be modified to allow high-noise-producing construction activities between the hours of 7:00am and 5:00pm for Monday through Saturday.
7. The analysis of the Reduced Project Alternative with regard to construction-related air quality impacts needs to be reviewed in further detail. More detailed analysis of the assumptions which lead to the significant impacts for PM 10 and PM 2.5 needs to be reviewed to determine if there is any way the emissions can fall below the applicable thresholds. One issue to consider is the 24 hour assumption for construction activity contained in the appendices. The other is to consider the effect of watering 3 times daily as indicated in BECSP MM4.2-5 referenced on page 2-6 of the Summary of Environmental Effects.
8. Under 4.7.1 Environmental Setting on page 4.7-1, the first sentence in the paragraph should be modified to read as follows:
  - a. “The proposed project site is relatively flat; however, a portion of the parking lot dips below the Edinger Avenue and Gothard Street elevations.”

Based upon our preliminary analysis of the existing storm drain system and pump station, the existing parking lot does not act as a depression for stormwater detention because the existing storm drain connection at Edinger contains a flap gate connection to the wet well of the pump station that permits storm flows to overflow and bypass into the storm drain system without detention in the parking lot. Therefore any mention of detention should be removed from the description.
9. Under 4.7.3 Stormwater Drainage, Runoff, Erosion, and Water Quality on page 4.7-5, the first sentence in the paragraph should be modified to read same as proposed for 4.7.1:
  - a. “The proposed project site is relatively flat; however, a portion of the parking lot dips below the Edinger Avenue and Gothard Street elevations.”
10. BECSP MM 4.7-3, on page 2-18 and 2-19 of the Summary of Environmental Effects indicates that, “The applicant shall design site drainage and document that the proposed development would not increase peak storm event flows over pre-1986 Q’s, which must be established by the hydrology study.” It also notes, “The applicant shall be required to attenuate site runoff to an amount not to exceed the 25-year storm as determined using pre-1986 criteria.” Please verify that this design approach is appropriate for the Hydrology and Hydraulic study. This analysis will not reflect the actual existing site conditions today since it is based upon the 1973 Orange County Flood Control District Hydrology Manual and not the current 1986 manual. This methodology may artificially reduce existing condition peak flows. We believe it is more appropriate to use the current 1986 Orange County Flood Control Hydrology Manual for the hydrology and hydraulic



analysis. In addition, the use of the pre 1986 criteria is not mentioned or justified within the BECSP EIR or within the Murdy Commons Draft EIR contents.

SRG-11  
Cont.

11. BECSP MM 4.7-4 on page 2-19 of the Summary of Environmental Effects states that corrective action could include, “In-lieu fees to implement system-wide storm drain infrastructure improvements.” Please explain how the in-lieu fees would be calculated if required.

SRG-12

12. Impact 4.7 on page 2-20 of the Summary of Environmental Effects indicates that BECSP MM 4.7-2 would apply, but does not list BECSP CR 4.7-1 which is included in the Specific Plan EIR for the same impact.

SRG-13

13. Impact 4.11-3 on page 2-23 of the Summary of Environmental Effects references BECSP CR 4.11-2. In order to be consistent with the Specific Plan EIR, this Code Requirement should actually be labeled BECSP CR 4.11-3. Also, the fees per square foot for residential and commercial are \$1.15 and \$0.16, respectively, in the Specific Plan EIR while they are \$2.97 and \$0.47, respectively, in this EIR. Furthermore, California State Education Code (Sec. No. 65995) mandates that, unless a school district can collect Level 2 school fees, the maximum amount of statutory school facility fees assessed to any property shall not exceed current Level 1 School Fee amount issued by the State Allocation Board (SAB). This includes properties that fall within multiple districts which is the case for the Murdy Commons property. The current Level 1 maximum is \$2.97 per square foot for residential development and \$0.47 per square foot of enclosed space for commercial development. Since neither the Ocean View School District nor Huntington Beach Union High School District can assess Level 2 school fees the maximum combined amount of facility fee that can be assessed to this property shall be the Level 1 fees as mandated by the SAB. The EIR should be revised to clearly indicate this to avoid ambiguity.

SRG-14

14. Impact 4.12-1 on page 2-24 of the Summary of Environmental Effects references Project CR4.12-1 which states the project must demonstrate compliance with Chapter 230.20 of the Huntington Beach Zoning Code. Please state that the open space requirement outlined in BECSP Section 2.6.2 will be used towards open space requirements as identified in BECSP Section 2.6.2.1.ii and 2.6.2.1.vii. Furthermore, please clarify within this Code Requirement that per BECSP Section 2.6.2.1.iii that all affected properties (i.e. RedOak) shall contribute a fair share to the construction cost of the primary open space.

SRG-15

15. Impact 4.13-1 on page 2-24 of the Summary of Environmental Effect lists fourteen (14) different mitigation measures all referring to fair share contribution. Neither the analysis in the Traffic Section of the EIR or in the accompanying appendices indicate any detailed information regarding costs of the various identified improvements, the approximate fair share obligations of the proposed project, the methodology for determining fair share contribution, or the rationale for including all of these as applicable to the proposed project while excluding certain other mitigation measures that are contained in the Specific Plan EIR. We would request information from the city, their EIR consultant and the traffic consultant regarding how the fair-share costs are calculated. In addition, the mitigation measures identified in the Project EIR as BECSP MM 4.13-12 actually

SRG-16

corresponds with BECSP MM 4.13-15 in the Specific Plan EIR, BECSP MM 4.13-13 actually corresponds with BECSP MM 4.13-16 in the Specific Plan EIR and BECSP MM 4.13-14 actually corresponds with BECSP MM 4.13-12 in the Specific Plan EIR.

SRG-16  
Cont.

16. Impact 4.13-1 does not make reference to the project paying its fair-share for mitigations at the intersections of Beach/McFadden and Beach/Talbert. Why were these fair-share mitigations not included in the document? It suggests that perhaps some level of analysis was completed that resulted in these mitigations being removed or deemed no longer necessary. If so, we would request the opportunity to review this analysis and the criteria used to remove these fair-share contributions.

SRG-17

17. The Traffic Analysis in Appendix E identifies the anticipated reductions in trip generation for the “project” and the “alternative project” compared to the development intensities contained in the Beach-Edinger Corridors Specific Plan. The study also identifies the corresponding forecast reduction in ADT on segments of Gothard and Edinger adjacent to the project site. However, the traffic study does not include analysis of additional roadway segments and study intersections beyond those adjacent to the project. Given the significant forecast reduction in trips generated by the “project” and the alternative project when compared to the specific plan, it would be prudent for the traffic analysis to analyze at a minimum the traffic conditions at the intersections identified as “impacted” in Beach-Edinger Corridors Specific Plan. Given the 19 and 64 reductions in peak hour trips that are forecast to occur with the project and alternative project (compared to the Specific Plan project), it is possible that one or more of the traffic impacts identified in the Specific Plan could be eliminated.

SRG-18

18. It would be beneficial to receive more information regarding the HBTM traffic model so that we may understand the trip generation and trip distribution assumptions for the project. If possible, it would be helpful for the city to provide a select zone plot for the project site with the proposed project and the alternative project so that the assumed project trip distribution can be better understood.

SRG-19

19. BECSP CR 4.14-1 which helps mitigate impact 4.14-1 and is included on page 2-27 of Summary of Environmental Effects should have the first two lines modified to read as follows:

- a. "A hydraulic water capacity analysis is required to determine the water improvements necessary to adequately protect the property per the fire department requirements. To the extent that such analysis indicates the need for new water connections or expanded water conveyance systems to meet the water demands to the property and/or otherwise mitigate the impacts of the project, the developer shall be required to upgrade/improve the City's water system to include such improvements at no cost to the City."

SRG-20

20. BECSP CR4.14-3 of the Summary of Environmental Effects notes that, “the applicant may be required to pay a fair share to the party responsible for installation of necessary system upgrades in the future.” Please elaborate on how the fair share costs would be

SRG-21

calculated and for what time period in the “future” shall this project be responsible for said fair share costs.

SRG-21  
Cont.

21. BECSP MM 4.14-1 which helps mitigate impact 4.2-2 and is included on page 2-7 of Summary of Environmental Effects should have the first sentence to be modified as follows:

SRG-22

a. "Project applicants shall require by contract specifications that temporary traffic controls are provided, such as a flag person, as needed during construction phases to facilitate smooth traffic flow."

22. Impact 4.14-4 on page 2-29 of the Summary of Environmental Effects excludes BECSP MM 4.14-2 which is contained in the Specific Plan EIR for the same impact.

SRG-23

23. Under Ancillary Project Activities section on page 3-13, the third to last sentence in the paragraph should be modified to read as follows:

a. "As identified by the BECSP, development in proximity to and including the proposed project site may require an upgrade to the storm drain system in Edinger Avenue and a new sewer system in Gothard Street along the project site frontage if the Storm Drain Hydrology and Hydraulics and Sewer analysis for the proposed project indicates that the project impacts dictate new or upgraded off-site facilities."

SRG-24

24. Under Ancillary Project Activities section on page 3-13, the second to last sentence in the paragraph should be modified to read as follows:

a. "The dedication of right of way or an easement along Gothard would be required to accommodate public frontage to meet the requirement specified in the BECSP."

SRG-25

25. BECSP MM 4.15-4 which helps mitigate impact 4.15 and is included on page 2-31 of Summary of Environmental Effects should be modified to read as follows:

a. "The City shall require developers within the project site to establish a construction management plan with a licensed disposal hauling company to divert a target of 50 percent of construction, demolition, and site clearing waste."

SRG-26

Sincerely,  
**SARES•REGIS® Group**



Nate Carlson  
Assistant Vice President, Multi-Family Development

■ Weber Consulting (WC), December 20, 2010

**WEBER CONSULTING**  
2024 NORTH BROADWAY, SUITE 202, SANTA ANA, CA 92706  
TEL 714-569-0216 FAX 714-569-0218

December 20, 2010

VIA E-MAIL

Jennifer Villasenor, Associate Planner  
City of Huntington Beach Planning Department  
2000 Main Street  
Huntington Beach, CA 92648

**RE: MURDY COMMONS - DRAFT ENVIRONMENTAL IMPACT REPORT NO. 2010-002**

Dear Ms. Villasenor:

I am transmitting this letter on behalf of *Freeway Industrial Park* (Janette Ditekowsky), owner of the Murdy Commons property. We have reviewed the Draft Environmental Impact for the Murdy Commons Project and offer the attached comments.

WC-1

Respectfully,

Gary Weber

CC: Janette Ditekowsky (FIP) w/ attachment

COMMENTS REGARDING THE  
MURDY COMMONS PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT

Page 3-4, Project Characteristics: This section, and others in the Draft Environmental Impact Report (DEIR), refers to the commons area as a "public open space area". Amend the narrative to state that the commons area will be a "privately owned public open space".

WC-2

Page 3-5, Vehicular Access, Circulation, and Parking: The second sentence in this section should be modified to state: "A network of new private, but publicly accessible streets and sidewalks would be developed..."

WC-3

Page 4.7-9, First full paragraph, second sentence: Describe the "Corridor" referenced in this sentence.

WC-4

Page 4.7-10, BECSP MM4.7-1, second paragraph (also on pages 2-14 and 4.7-13): Define "LID".

WC-5

Page 4.8-4, First full paragraph: The narrative correctly states that a portion of the property is located within a redevelopment area. Please confirm that only the portion of the property located within the redevelopment area will be subject to the 15% requirement and describe how units that straddle the RDA boundary will be counted.

WC-6

Page 4.13-12, Edinger Avenue Boulevard Treatment: Has the City determined whether the City will require dedication of the proposed frontage road, on-street parking, and landscape separator? (See RTC WEBE-14 in the Final EIR for the BECSP)

WC-7

Pages 4.13-9 through 4.13-10, Mitigation Measures MM4.13-1 through MM4.13-14: These mitigation measures (and others) call for a "fair share contribution" for various transportation and infrastructure improvements. In the Final EIR for the Beach and Edinger Corridor Specific Plan, the response to a similar comment was that "*The City of Huntington Beach is currently working on defining the formula to determine the fair share contribution for individual projects. Additionally, the actual mechanism for payment of such shares is currently being prepared.*"

WC-8

- What is the status of the "fair share contribution" study?
- Define how a fair share contribution will be established for development projects.
- Since some mitigation measures call for transportation improvements that will require approvals from other jurisdictions (CalTrans and City of Westminster), how will a fair share contribution be coordinated and will these improvements require CEQA review and who will act as the lead agency?

Page 6-21, Recreation, second sentence: Amend the narrative to state that the 0.5 acre park will be a "privately owned public open space".

WC-9

Appendix FG (Water Supply Assessment): The Water Supply Assessment (WSA) is designated as a Draft. What is the status of the WSA? (See the RTC WEBE-17 in the Final EIR for the BECSP)

WC-10

## 10.3 RESPONSES TO COMMENTS ON THE DRAFT EIR

### 10.3.1 State Departments

#### ■ Department of Toxic Substances Control (DTSC), December 14, 2010

- DTSC-1            This comment contains introductory or general information, and correctly provides a summary of the proposed project. Please refer to responses to specific comments and recommendations below. No further response is required.
- DTSC-2            As required by BECSP MM4.6-1, a Phase I was prepared in August 2008 by Pinnacle Environmental Technologies (Pinnacle). During preparation of this Phase I, environmental databases referenced in this comment and a number of other environmental database were reviewed, including National Priorities List (NPL), HIST Calsites, CORRACTS, RCRA-TSDF, CERCLIS, NFRAP, CAL CERCLIS, SWF/LF, Orange County Landfills, WMUDS, LUST, LUST RG2, LUST RG3, LUST RG4, LUST RG5, LUST RG8, LUST RG9, CORTESE, Deed Restrictions, Toxic Pits, RAATS, USTs, ASTs, ORC-Gwtr Clean, ORC-Indl Clnup, TRIS, ERNS, RCRA-LgGen, and RCRA-SMGen. Review of these databases revealed that the project site is listed on several environmental databases including the State LUST, Regional LUST, Hist LUST, UST, CORTESE, and EMI.
- As discussed on page 4.6-1 and page 4.6-8 of the DEIR, the Phase I identified two sets of USTs that had historic releases of fuel and/or waste oil to soil and groundwater. One release was at the current EZ-Lube parcel (when it was occupied by a UNOCAL service station) and one release was on the west side of the existing Levitz building. There is also a site upgradient of the project site that had reported releases of hazardous substances. Past releases resulted in the project site's inclusion on several environmental databases, as listed above. All noted releases have since been remediated to the satisfaction of the lead agency, and letters authorizing no further action have been issued. Case closure letters have been issued for the on-site and contiguous releases noted above. All conditions on the project site that may pose a threat to human health or the environment have been mitigated to a less than cant level.
- DTSC-3            Mitigation measures BECSP MM4.6-1 and BECSP MM4.6-2 identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, as well as the government agency to provide appropriate regulatory oversight. As required by BECSP MM4.6-1, a Phase I, and subsequently a Phase II, was prepared for the project site. These reports are included as Appendices C1 and C2 of the DEIR. Soil and groundwater contamination identified in the Phase I have

since been remediated to the satisfaction of the regulatory agency, and letters authorizing no further action and case closure have been issued.

DTSC-4 As required by BECSP MM4.6-1, a Phase I, and subsequently a Phase II, was prepared for the project site. The findings of the Phase I and Phase II prepared for the project site are included in DEIR Section 4.6. As disclosed in the DEIR, soil and groundwater contamination identified in the Phase I have since been remediated to the satisfaction of the regulatory agency, and letters authorizing no further action and case closure have been issued.

DTSC-5 As required by BECSP MM4.6-1, a Phase I, and subsequently a Phase II, was prepared for the project site. The Phase II prepared for the project site determined that due to the age of existing structures on site, structures may have been built with asbestos containing materials (ACMs) and spot tests for lead resulted in a positive analysis for lead based paint (LBP). As required by BECSP MM4.6-1, remediation, including the abatement of ACMs and LBP shall occur prior to construction of the project, in accordance with Federal and state regulations. Additionally, BECSP MM4.6-2 requires that in the event that contamination is encountered during construction, construction activities in the immediate vicinity of the contamination shall cease and a Risk Management Plan would be prepared and implemented, and appropriate agencies notified.

DTSC-6 As discussed in Section 4.6 of the DEIR, soil and groundwater contamination identified in the Phase I have been remediated to the satisfaction of the regulatory agency, and letters authorizing no further action and case closure have been issued. In the event that previously unknown contaminated soils are encountered during the construction phase of the project, mitigation measure BECSP MM4.6-2 would be implemented, as described under Response DTSC-5. Additionally, implementation of mitigation measure BECSP MM4.6-3 would reduce any impacts associated with methane gas by ensuring that appropriate testing and methods of gas detection are implemented at the project site, as required by the HBFD City Specification No. 429, Methane District Building Permit Requirement. As such, imported soils or soil used for backfill would be free of contamination.

DTSC-7 As discussed in Section 4.6 of the EIR, construction activities would involve the utilization of diesel-powered trucks and equipment, which would result in temporary diesel emissions that have been determined to be a potential health hazard. As discussed under Response DTSC-2, contamination identified on the project site has been remediated, and, in the event that previously unknown contaminated soils are encountered during construction activities, mitigation measure BECSP MM4.6-2 would be implemented. Compliance with all applicable local, state, and federal laws and regulations would control hazardous waste, transport, disposal, or clean-up to ensure that hazardous materials do not pose a significant risk to nearby sensitive receptors, including all students, staff, and visitors at Golden West College across

Gothard Street to the west, and future residents to the north and east of the project site. As such, a health risk assessment would not be required for the proposed project.

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

- DTSC-8 The proposed project includes residential and commercial retail uses, and would not require the handling of hazardous or other materials that would result in the production of large amounts of hazardous waste. As discussed in Section 4.6 of the DEIR, should the use and/or storage of hazardous materials at the project site rise to a level subject to regulation, those uses would be required to comply with all applicable federal and state laws.
- DTSC-9 Comment noted. The comment states that DTSC can provide guidance for cleanup oversight through future agreement. It is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.
- DTSC-10 This comment contains concluding or general information. It is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No response is required.

## ■ Department of Transportation (DOT), December 15, 2010

- DOT-1 This comment contains introductory or general information, and correctly summarizes characteristics of the proposed project. Please refer to responses to specific comments and recommendations below. No further response is required.
- DOT-2 Comment noted. The comment states that for mitigation projects that involve State transportation facilities, a Traffic Mitigation Agreement should be developed between the City and the Department. The City is in the process of preparing the fair share contribution program. This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.
- DOT-3 Comment noted. The comment notes that the addition of project traffic to a project deficiency on a state facility is significant and unavoidable. As discussed in Section 4.13.4 of the DEIR, the proposed project would contribute to cumulative impacts at the intersections of Beach Boulevard/Bolsa Avenue and the I-405

northbound loop on-ramp/Beach Boulevard and no feasible mitigation has been identified to reduce this impact. The comment further notes that the City and the Department of Transportation should work together to identify feasible alternative mitigation strategies. The City is willing to meet with Caltrans to discuss any impacts to the Collector-Distributor road. This comment does not identify an impact that was not properly disclosed in the DEIR nor does it comment on the adequacy of the DEIR. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

DOT-4 This comment contains concluding or general information. It is not a direct comment on the content or adequacy of the DEIR, and does not raise a specific environmental issue. No response is required.

### ■ Native American Heritage Commission (NAHC), December 7, 2010

NAHC-1 This comment provides introductory or general information regarding the role of the Native American Heritage Commission and applicable CEQA statutes, and is not a direct comment on the content or adequacy of the DEIR. No further response is required.

NAHC-2 As discussed in Section 4.4 (Cultural Resources) of the DEIR, and confirmed in the comment letter, Native American cultural resources are not located on or within 0.5 mile of the project site. Consultation with the NAHC and the Gabrielino Tongva Nation during the preparation of the BECSP EIR concluded that the BECSP area, including the project site is considered to be sensitive for the presence of Native American cultural resources, including human remains. As such, mitigation measure BECSP MM4.4-2(b) would be implemented in the event that evidence of an archeological site or other suspected historical resources are discovered during project-related earth moving activities. This mitigation requires that an archeologist meeting the Secretary of the Interior's Professional Qualifications for Archeology is retained. Further, although no resources are known to exist on the project site, mitigation measure BECSP MM4.4-3(b) would ensure that previously unknown paleontological resources uncovered during the construction process would be protected.

### ■ Public Utilities Commission (PUC), December 20, 2010

PUC-1 The comment correctly summarizes the proposed project and location. Further, the comment goes on to recommend the evaluation of the westbound vehicular queue from the Gothard Street/Edinger Avenue intersection, along Edinger Avenue. As discussed in Table 4.13-3 (2030 Intersection LOS Summary), the Gothard Street/Edinger Avenue intersection would operate at an LOS A in the AM peak hour and LOS B in the PM peak hour under 2030 conditions. As such, existing and

projected levels of service for the intersection of Edinger Avenue and Gothard Street do not provide an indication of any significant potential for vehicle queues to extend beyond the existing 560 feet of available queuing area. Levels of service A and B represent very good levels of service with little congestion. These characterizations are also consistent with observed operations at the intersection where long queues along Edinger Avenue at this location are rare. The City is responsible for operation of the traffic signal controls at the intersection of Edinger Avenue and Gothard Street and will continue to regularly monitor traffic characteristics. Should traffic demand or operations at the intersection begin to exhibit signs of extended queues, the City will take appropriate steps to either adjust signal operations or pursue implementation of other improvements, such as traffic signal preemption, with the PUC.

The comment concludes by stating that the City should avoid creating any new driveways near the crossing. All projects on this site will be designed to comply with required setbacks from the existing railroad per Union Pacific Railroad (UPRR). As Edinger Avenue has three through-travel lanes in each direction, the two proposed driveways between Gothard Street and the railroad crossing on Edinger Avenue are not expected to result in any significant queues of traffic into the street. Approaching vehicles will have ample opportunity to avoid any reduced speed traffic in the curb lane by using either of the two remaining westbound travel lanes and avoid potential queues to the crossing. Further, per BECSP CR4.13-1 and BECSP CR4.13-2, necessary modifications to traffic signing and striping as well as adequate sight distance will be required for all future driveways and access points. This will ensure that access points will be designed with adequate consideration for the railroad crossing. It is worth noting that there is an existing ingress/egress driveway along the eastern property boundary, adjacent to the railroad that served as access to the former Levitz Furniture store. Under the proposed project, a driveway along the eastern property boundary would continue to provide an access point for the project. This driveway configuration would be similar regardless of development occurring on the site due to the Classic Boulevard configuration required by the BECSP requirements. All comments will be forwarded to decision-makers prior to their consideration of project design approval.

### 10.3.2 Regional and Local Agencies

#### ■ Orange County Public Works (OCPW), December 16, 2010

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

OCPW-2 This comment correctly summarizes the historic and current groundwater levels in the project area, as identified in the DEIR. The comment further states that mitigation measure BECSP MM4.7-1 puts forth a number of restrictions and requirements of a proposed project and that there is not sufficient explanation as to the mitigation measure. As discussed on page 4.7-10 at the beginning of the “Applicable Mitigation of the BECSP EIR” section, mitigation measure BECSP MM4.7-1 was taken from the Program EIR prepared for the BECSP that would apply to all projects within the BECSP area. Further, this mitigation measure was modified for the proposed Murdy Commons project to reflect the rental (versus for sale) nature of the proposed project, while maintaining the intent of the mitigation measure to ensure that impacts from future development to water quality in the area would be reduced to the extent feasible. It is understood that a project can undergo changes, typically minor, while making its way through the City approval process. As such, the mitigation measure accounts for potential, minor changes to a project as it was proposed at the EIR stage and allows for potential fluctuations in uses and associated requirements. No change to the mitigation measure is necessary.

OCPW-3 This comment correctly summarizes the text and intent of groundwater dewatering and associated mitigation (mitigation measure BECSP MM4.7-2); stating that the proposed project depends on subterranean development and if permanent dewatering were not allowed, per the suggestion of the mitigation measure, the project would no longer be feasible. The mitigation measure requires the preparation of a Groundwater Hydrology Study to determine whether site conditions would adequately allow for permanent dewatering such that nearby water supplies would not be affected. The mitigation of potential impacts is satisfied by the preparation of said study, and not necessarily its results. In the event that the study results indicate that the site would not support dewatering, an alternative project design would need to be contemplated by the applicant. However, the potential need for changes to the project design at this stage to meet dewatering requirements (i.e., without concrete revisions to a project) would be speculative and is outside the realm of CEQA. No change to the mitigation measure is necessary.

OCPW-4 This comment contains concluding or general information. It is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No response is required.

**■ Orange County Transportation Authority (OCTA), December 28, 2010**

OCTA-1 The following text has been revised on page 4.13-11 as follows:

... There are five CMP intersections throughout the BECSP area; however, there are no CMP intersections located within the limited project study area. The nearest CMP intersection is Beach Boulevard at Edinger Avenue, located approximately 0.5 mile east of the project area. CMP traffic impact analysis (TIA) is required for projects generating more than 2,400 daily trips (over 3 percent of LOS E), or 1,600

daily trips for projects with direct access to/from CMP highways. CMP-designated intersections have a performance standard of LOS E or better (intersection capacity utilization (ICU) not to exceed less than 1.00), and a project is considered to have a significant impact if it contributes three percent or more to an ICU when the performance standard is exceeded unless the 1992 baseline is worse, in which case the ICU cannot increase by 0.1 or more. A project will be required to identify mitigation if the TIA demonstrates a CMP intersection exceeds the CMP LOS standard. ...

OCTA-2 The following text has been revised on page 4.13-11 as follows:

... The CMP analysis was carried out ~~for a short range time frame (five to seven years) to 2016 (project buildout),~~ as per CMP guidelines. ...

OCTA-3 Comment noted. A primary objective of the proposed project is to promote alternative methods of transportation, specifically to promote an active pedestrian environment and the use of public transit. As such, it is in the interest of the project to ensure that the existing OCTA bus stop located along northbound Gothard Street (on the far side of Edinger Avenue) remains safe and accessible. This comment will be taken into consideration during final project design. No further response is required.

### 10.3.3 Organizations

#### ■ Huntington Beach Environmental Board (HBEB), December 18, 2010

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

HBEB-2 This comment states that the DEIR does not provide enough emphasis on the cumulative traffic impacts of the proposed project and future development in the area. Section 4.13.4 of the DEIR addresses cumulative impacts and finds that the proposed project would contribute to a significant and unavoidable cumulative impact at the intersections of Brookhurst Street and Adams Avenue, Beach Boulevard and Bolsa Avenue, and the I-405 northbound loop on-ramp at Beach Boulevard, and no feasible mitigation has been identified to reduce this impact. These findings were based on traffic impacts identified in the BECSP EIR and traffic study, which considered future projects in the BECSP area, including the proposed project and the Amstar/Red Oak project. Additionally, the Village at Bella Terra project, which is located outside of the BECSP area was included in the cumulative projects list [BECSP EIR Table 3-2 (Cumulative Projects)] utilized in the preparation of the BECSP EIR and traffic study. The Village at Bella Terra has subsequently been amended to include a Costco, as addressed in this comment. The Revised Village at Bella Terra was analyzed in an Addendum to The Village at Bella Terra EIR in 2010 and was determined to result in less average daily trips (ADT) than The

Village at Bella Terra and would therefore result in similar or reduced impacts to traffic, including cumulative impacts. As such, cumulative traffic impacts of the proposed project would not be substantially changed as a result of The Revised Village at Bella Terra (and associated Costco) and would be similar to those identified in the BECSP EIR and traffic study, as discussed in the DEIR. Cumulative impacts have been adequately addressed and have been found to be significant and unavoidable due to the project's contribution to an increase in delay at two intersections (Beach Boulevard/Bolsa Avenue and Brookhurst Street/Adams Avenue) and one I-405 freeway ramp within the BECSP study area. Even with implementation of mitigation measures BECSP MM4.13-3 through BECSP MM4.13-9 and BECSP MM4.13-12, the Brookhurst Street at Adams Avenue intersection would remain at LOS E in the AM peak hour and the Beach Boulevard at Bolsa Avenue intersection would remain at LOS F in the PM peak hour. As such, no feasible mitigation measures have been identified to achieve an acceptable LOS at the identified intersections and reduce cumulative impacts to a less than significant level.

HBEB-3 This comment correctly summarizes the significant and unavoidable air quality impact identified in the DEIR for the proposed project. The comment also recommends that Alternative 2 be adopted because it would reduce the number of stationary and mobile air pollutant sources due to the inclusion of a 0.5-acre public open space that would mitigate increases in green house gasses by fostering reduction in CO<sub>2</sub> emissions through increased vegetation, reducing the identified project-related air quality impact. Although it is true that Alternative 2 would reduce the project-related air quality impact to a less than significant level, it should be noted that the proposed project includes a 0.75-acre public open space that would also mitigate increases in greenhouse gases. However, the potential reduction of GHG would be less for the proposed project because the proposed project is larger in scope. This is not a direct comment on the content or adequacy of the analysis presented in the DEIR but rather recommends approval of an alternative project. All comments will be forwarded to decision-makers prior to their consideration of project approval.

HBEB-4 The commenter recommends the installation of on-site stormwater collection structures that will foster groundwater re-charge or collect rainwater for re-use on the project site. Section 2.6.6 (Stormwater Best Management Practices) of the BECSP defines the proposed project as a priority project and requires such projects to incorporate Treatment Control BMPs and Source Control BMPs listed in BECSP Sections 2.6.7(1) and 2.6.7(3), respectively, into their stormwater management facilities. BMPs include retention, detention, and infiltration strategies consistent with that recommended by the commenter. Additionally, mitigation measure BECSP MM4.7-1 includes best management practices (BMPs) such as the incorporation of rain gardens or cisterns to reuse runoff for landscape irrigation and requires that low impact development principles are incorporated into project design. Modified

BECSP MM4.7-3 would require that drainage improvements on the project site be designed and constructed to mitigate the impact of increased runoff due to development or deficient downstream systems. As such, compliance with BECSP Section 2.6.6 and implementation of mitigation measures BECSP MM4.7-1 and BECSP MM4.7-3 would reduce runoff from the project site but would not eliminate the need for off-site storm drain improvements in the future, as suggested by the commenter.

This comment is a recommendation about project design and is not a direct comment on the content or adequacy of the analysis presented in the DEIR. All comments will be forwarded to decision-makers prior to their consideration of project approval.

- HBEB-5 This comment recommends that BECSP mitigation measures included in Section 4.15 of the DEIR be expanded to require and/or encourage the use of building equipment and materials that will increase energy efficiency. The mitigation measures, as proposed, do not preclude the installation and use of solar panels, solar water heating systems, or energy efficient equipment as proposed by the commenter. However, the comment and recommendations are about project design and are not direct comments on the content or adequacy of the DEIR. The BECSP requires all projects to incorporate sustainable design practices including consideration for increased energy efficiency. Compliance with the BECSP would be ensured through the Site Plan Review process. Further, the intent of the comment and recommendations is more policy in nature and must be addressed by City departments. All comments will be forwarded to decision-makers prior to their consideration of project approval.
- HBEB-6 This comment contains concluding or general information. It is not a direct comment on the content or adequacy of the DEIR, and does not raise a specific environmental issue. No response is required.

### 10.3.4 Private Individuals

#### ■ Sares Regis Group (SRG), December 8, 2010

- SRG-1 This comment contains introductory or general information. Please refer to responses to specific comments and recommendations below. No further response is required.
- SRG-2 Comment noted. The commenter provides their opinion that the identified less than significant impacts that do not require mitigation should be removed from Table 2-1 (Summary of Environmental Effects and Code Requirements/Mitigation Measures) of the DEIR. However, the inclusion of all impact statements and associated mitigation (or lack thereof) in the summary table is standard CEQA practice in the

preparation of DEIRs. Therefore, the requested changes have not been made. Further, this is not a direct comment on the content or adequacy of the DEIR. No further response is required.

SRG-3 In response to this comment, cumulative impacts that were found to be significant and unavoidable have been added to Table 2-1 (Summary of Environmental Effects and Code Requirements/Mitigation Measures) of the DEIR. Refer to Section 9.2 (Text Changes) of this FEIR to view the changes that have been made to Table 2-1. However, it is worth noting that the cumulative impact identified for traffic was already identified in Table 2-1 in the DEIR.

SRG-4 Comment noted. As discussed in DEIR Sections 1.5 and 4.0, certain impact sections did not require substantial analysis in addition to that provided in the BECSP EIR. As the issue areas that did not need substantial additional analysis were determined to have a less than significant impact and were effectively determined to result in no new impacts (compared to what was analyzed in the BECSP EIR) they were treated similarly to Effects Not Found to Be Significant, for which impact statements and numbers are not assigned. However, because these issue areas were formally identified as having a less than significant impact, as is standard CEQA practice, these issue areas were included in the Table 2-1 (Summary of Environmental Effects and Code Requirements/Mitigation Measures). As such, changes requested in this comment will not be made to Table 2-1 of the DEIR. Further, this is not a direct comment on the content or adequacy of the DEIR; rather an opinion on format. All comments will be forwarded to decision-makers prior to their consideration of project approval.

SRG-5 This comment suggests that mitigation measures BECSP MM4.2-5 and MM4.2-15 are "... inaccurate, incomplete, ambiguous, or inapplicable to the proposed project," but it does not identify the specific reasons. Upon review of the mitigation measures as drafted in the BECSP EIR, the mitigation measures put forth in the DEIR for Murdy Commons are consistent with the BECSP mitigation measures. The identified mitigation measures are applicable because the project includes demolition, grading, and construction phases. If a particular portion of mitigation measures BECSP MM 4.2-5 and MM4.2-15 as well as portions of Rule 403 are not applicable to a particular phase of the proposed project, that portion of the mitigation measure or Rule 403 would not be applicable to that phase of the project. While SCAQMD Rule 403 may provide additional guidance, regarding the commenter's overarching point that the mitigation measures reduce particulate matter into the air, mitigation measures BECSP MM4.2-5 and MM4.2-15 are acceptable as written. No changes have been made.

SRG-6 Impact 4.2-3 has been revised as follows:

**Impact 4.2-3    Operation activities associated with the proposed project could violate any air quality standard or contribute**

**substantially to an existing or projected air quality violation. This would be a potentially significant impact. Because no feasible mitigation is available to reduce this impact to a less than significant level, this would be a *significant and unavoidable* impact.**

SRG-7

Comment noted. The comment requests that mitigation measures BECSP MM4.2-9 and BECSP MM4.9-1 are modified to allow for additional hours of high-noise-producing construction activities. Mitigation measure BECSP MM4.2-9 requires that construction activities that would affect traffic flow on arterial systems be restricted to off peak hours (10:00 AM to 4:00 PM) and is unrelated to high-noise producing construction activities. Mitigation measure BECSP MM4.9-1 requires that high noise producing construction activities are scheduled between the hours of 8:00 AM and 5:00 PM on weekdays and Saturdays to minimize disruption on noise-sensitive uses. All other construction activities are permitted between the hours of 7:00 AM and 8:00 PM on weekdays, per Section 8.40.090(d) (Special Provisions) of the City's Municipal Code. Mitigation measures BECSP MM4.2-9 and BECSP MM4.9-1 are intended to mitigate potentially significant impacts, including air quality impacts associated with construction traffic and noise impacts to noise-sensitive receptors. The modification of these mitigation measures would not further reduce these potentially impacts, and could potentially increase the severity of the impact. As such, no changes to the restricted hours have been made. Further, the comment is not a direct comment on the content or adequacy of the DEIR; rather an opinion/request for more flexibility during construction activities. No further response is required.

SRG-8

This comment states that the construction-related air quality impacts of the Reduced Project Alternative needs further review with respect to the assumptions incorporated into the modeling.

As discussed in Chapter 6 of the DEIR, the Reduced Project Alternative would result in a significant impact due to exceedance of the SCAQMD's regional and LST thresholds for PM<sub>10</sub> and PM<sub>2.5</sub>. The Reduced Project Alternative would require the contractor to import approximately 50,000 cubic yards (cy) of fill material to ensure that all potential geotechnical issues have been properly mitigated. The import of 50,000 cy of fill would involve additional truck trips and a more intensive grading schedule than that evaluated for the proposed project. As indicated on pages 6-12 and 6-14 of the DEIR and shown in Appendix A, the grading phase for the Reduced Project Alternative was evaluated with mitigation in place to affect three waterings per day. Implementing a fourth watering per day would further decrease emissions of PM<sub>10</sub> and PM<sub>2.5</sub>, however by only approximately 4 percent and 2 percent, respectively. The regional threshold established by the SCAQMD for PM<sub>10</sub> is 150 lbs per day of construction related emissions, and even with a 4 percent reduction the Reduced Project Alternative would still exceed the daily threshold. With respect to the LST threshold, a 4 percent reduction in emissions would reduce the PM<sub>10</sub>

emissions at the furthest receptor (the Montessori school) from 845.42  $\mu\text{g}/\text{m}^3$  to 809.93  $\mu\text{g}/\text{m}^3$  for the 24-hour averaging time and 78.33  $\mu\text{g}/\text{m}^3$  to 75.05  $\mu\text{g}/\text{m}^3$  for the annual averaging time. However, this reduced emissions quantity would still exceed the established thresholds of 10  $\mu\text{g}/\text{m}^3$  and 1  $\mu\text{g}/\text{m}^3$ , respectively.

With respect to the 24-hour construction activity assumption noted by the commenter, the 24-hour assumption shown in the appendices is part of an acceptable averaging technique employed under the SCAQMD's methodology for LST emissions. Total daily emissions for the criteria pollutants are determined from URBEMIS and, in the case of the Reduced Project Alternative, is 731.81 lb/day. This means that no matter if the emissions are generated in one minute, or over the full 24 hours, the maximum emissions that the project would put out is 731.81 lbs over a 24-hour period, exceeding the established thresholds. In AERMOD there is more than one way to model the effects on sensitive receptors of emitting this level of pollutants. The method employed in the DEIR was to assume that the 731.81 lbs were generated consistently throughout the day at approximately 0.00043 gram per second. The model could be set up to evaluate emissions over an 8-hour (or another timeframe) workday, which would assume that 0.00120 gram per second were emitted over that eight hours and that nothing was emitted over the remaining sixteen hours. As the 24-hour assumption is an acceptable modeling practice, and creating a different timeframe is largely time-consuming and would result only in a different method of presenting the data and not a different emissions result, the 24-hour method was employed. It is important to note that regardless of the method used, the Reduced Project Alternative would still result in a substantial exceedance of established thresholds as the full 731.81 lbs per day will be emitted and the nearby sensitive receptors would be affected, resulting in a significant impact.

SRG-9

Comment noted. The commenter suggests that the existing depression in the parking lot does not act as a depression for storm detention based on preliminary analysis of the existing storm drain system and pump station. The Hydrology and Hydraulic Study that will be prepared for the proposed project, as required by BECSP MM4.7-3 will determine how much, if any, stormwater is detained on the site as a result of the depression in the existing parking lot and will be factored into the design of on-site and off-site drainage. In response to the comment, text in the first paragraph of Section 4.7.1 has been revised as follows:

The proposed project site is relatively flat; however, a portion of the parking lot dips down below the Edinger Avenue and Gothard Street elevations ~~to, which~~ creates a depression that may have been historically utilized for stormwater detention.<sup>18a</sup> ...

<sup>18a</sup> Any evidence contrary to this shall be provided to the City of Huntington Beach Public Works Department for review and approval so that further detention analysis of the existing system may be eliminated.

SRG-10 Refer to Response SRG-9. In response to the comment the following changes have made to text on page 4.7-5:

The proposed project site is relatively flat; however, the parking lot portion of the site dips below Edinger Avenue and Gothard Street elevations ~~to, which~~ creates a depression that may have been historically utilized for stormwater detention.<sup>21a</sup> ...

<sup>21a</sup> Any evidence contrary to this shall be provided to the City of Huntington Beach Public Works Department for review and approval so that further detention analysis of the existing system may be eliminated.

SRG-11 In order to clarify the intent of mitigation measure BECSP MM4.7-3 which is to ensure that the peak storm event flows over the existing 25-year storm flows and below the 100-year storm flows are detained on the project site, BECSP MM4.7-3 has been revised as follow:

*BECSP MM4.7-3 The City of Huntington Beach shall require that the Applicant's Licensed Civil Engineer for each site-specific development prepare a Hydrology and Hydraulic Study to identify the effects of potential stormwater runoff from the specific development on the existing storm drain flows for the 10-, 25-, and 100-year design storm events. The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. The Applicant shall design site drainage and document that the proposed development would not increase peak storm event flows over ~~pre-1986~~ the existing 25-year storm flows, which must be established by the hydrology study. If the analyses shows that the City's current drainage system cannot meet the volume needs of the project runoff, the applicant shall be required to attenuate site runoff to an amount not to exceed the existing 25-year storm ~~as determined using pre-1986 criteria~~. As an option, the applicant may choose to explore low-flow design alternatives, downstream attenuation or detention, or upgrade the City's stormwater system to accommodate the impacts of the new development, at no cost to the City. The Hydrology and Hydraulic Study shall also incorporate all current adopted Municipal NPDES Permit and City requirements for stormwater flow calculations and retention/detention features in effect at the time of review.*

SRG-12 The commenter requests an explanation of how in-lieu fees would be calculated, if required. The payment of in-lieu fees is a requirement of the City and would mitigate, under CEQA, potential impacts due to insufficient stormdrain capacity. The fee would be commensurate with the identified impact. However, determination of the amount of the fee, how it is collected, and how it is spent will be determined by the City of Huntington Beach in the future and is outside the purview of CEQA. Further, this is not a direct comment on the content or adequacy of the DEIR, and no further response is required.

SRG-13 In response to this comment, code requirement BECSP CR4.7-1, which requires the preparation of a Precise Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering, as well as for surface drainage prior to issuance of a grading permit, has been added to Section 4.7 of the DEIR on page 4.7-14 and in Table 2-1 on page 2-20.

SRG-14 In response to the portion of this comment regarding consistency with the BECSP Code Requirement (CR) numbering, the follow text changes have been made:

Table 2-1, page 2-24:

**~~BECSP CR4.11-42~~** The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. ~~These fees are currently \$1.37 per square foot (sf) of accessible interior space for any new residential unit and \$0.22 per sf of covered floor space for new commercial/retail development.~~

**~~BECSP CR4.11-23~~** The Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Huntington Beach Union High School District to cover additional school services required by the new development. These fees are currently \$2.97 per square foot (sf) of accessible interior space for any new residential unit and \$0.47 per sf of covered floor space for new commercial/retail development.

General Plan and BECSP Consistency Analysis, page 4.11-14:

The applicant of the proposed project would be required to pay all relevant and current school impact fees, consistent with General Plan Policy PF 4.2.2. The current Level 1 maximum is \$2.97 per square foot of residential development and \$0.47 per square foot of commercial development. These fees would be distributed between the HBUHSD and OVSD and would provide funds for any additional school facilities needed as a result of development at the project site. The proposed project would not result in overcrowding of either of the school districts serving it, and therefore, would not necessitate the need for any additional school facilities. Nonetheless, code requirements ~~BECSP CR4.11-42~~ and ~~BECSP CR4.11-23~~ would ensure that the applicant pays development fees based on residential square footage and commercial square footage. The proposed project would be consistent with applicable policies of the Public Facilities and Public Services Element of the General Plan.

Impact 4.11-3, page 4.11-16

~~*BECSP CR4.11-42 The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. These fees are currently \$1.37 per square foot (sf) of accessible interior space for any new residential unit and \$0.22 per sf of covered floor space for new commercial/retail development.*~~

~~BECSP CR4.11-23~~ *The Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Huntington Beach Union High School District to cover additional school services required by the new development. These fees are currently \$2.97 per square foot (sf) of accessible interior space for any new residential unit and \$0.47 per sf of covered floor space for new commercial/retail development.*

Second full paragraph, page 4.11-16:

As discussed above, both the HBUHSD and the OVSD have capacity to serve students generated by the proposed project. With implementation of code requirements BECSP CR4.11-42 and BECSP CR4.11-23, fees collected under the authority of SB 50 would offset any increase in educational demand at the elementary school, middle school, and high school serving the project site. Therefore, implementation of the proposed project would not require any new or physically altered school facilities to serve the project, the construction of which could result in significant environmental impacts. This impact would be ***less than significant***.

School Service paragraph, page 6-21:

The proposed project site would be served by the HBUHSD and the OVSD. Per the HBUHSD and the OVSD, the current level of enrollment within both school districts has been declining in recent years and this decline is expected to continue for the next several years. ... With implementation of CR4.11-42 and CR4.11-23, implementation of Alternative 2 would not require any new or physically altered school facilities to serve the project, the construction of which could result in significant environmental impacts. This impact would be less than significant, and less than the proposed project.

In response to the portion of this comment regarding fees to be charged by OVSD, the following text changes have been made:

Table 2-1, page 2-24:

**BECSP CR4.11-42** The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. ~~These fees are currently \$1.37 per square foot (sf) of accessible interior space for any new residential unit and \$0.22 per sf of covered floor space for new commercial/retail development.~~

Impact 4.11-3, page 4.11-16

~~BECSP CR4.11-42~~ *The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. ~~These fees are currently \$1.37 per square foot (sf) of accessible interior space for any new residential unit and \$0.22 per sf of covered floor space for new commercial/retail development.~~*

The reason that the fees for HBUHSD are different between the BECSP EIR and the DEIR for Murdy Commons is that the fees have increased in the time since certification of the BECSP EIR and have been updated accordingly in the current DEIR. The fee would be commensurate with the fees in effect at the time of building permit issuance. Currently, the maximum Level 1 school fee that may be imposed is \$2.97 per square foot of residential development and \$0.47 per square foot of commercial development, as incorporated into code requirement BECSP CR4.11-3 of the Murdy Commons DEIR. Further, the General Plan and BECSP Consistency analysis explains that the fees would be distributed between the two school districts, consistent with the way the commenter describes the statute.

However, determination of the amount of the fee, how it is collected, and how it is spent will be determined by the school district and is outside the purview of CEQA. Further, this is not a direct comment on the content or adequacy of the DEIR, and no further response is required.

SRG-15 Refer to the second paragraph on DEIR page 4.12-8 for a discussion of open space requirements on the project site. With regard to the request to modify Project CR4.12-1 to include text about the fair share cost of construction as it relates to other projects, no change has been made. As the commenter notes, credit for the on-site public open space is already codified in the BECSP. This is not a CEQA issue and is separate from the DEIR analysis and process. Furthermore, determination of the amount of the park fee, how it is collected, and how it is spent will be determined at a future time by the City of Huntington Beach. This is not a comment on the adequacy of the DEIR and no further response is required.

SRG-16 All projects occurring in the BECSP area would be required to contribute their fair share in costs (based on a demonstrated relationship between new development and future traffic impacts) for identified traffic improvements included in this EIR as mitigation measures BECSP MM4.13-1 through BECSP MM4.13-18 (as amended in the DEIR per the latter part of this response). The amount of fair share costs will be imposed by the City's Traffic Impact Fee (TIF) program. The TIF program manages the collection of fees and the implementation of improvements to ensure that improvements occur in an orderly and systematic manner with all future development contributing on a fair share basis. An update to the TIF program is currently underway, including the funding for improvements identified in BECSP MM4.13-1 through BECSP MM4.13-18 (as amended in the DEIR per the latter part of this response). Participation in the updated TIF will ensure that the proposed project pays its fair-share contribution to future improvements required by the BECSP mitigation measures, along with other future development in the BECSP area.

Regarding the numbering of the mitigation measures as identified in this comment, the commenter is correct that the mitigation measures were misnumbered. In response, the following text changes have been made on pages 2-26 and 4.13-10:

BECSP MM4.13-14~~2~~ *For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right-turn lane to the intersection of Beach Boulevard at Bolsa Avenue. Implementation of this improvement would require Caltrans approval.*

BECSP MM4.13-12~~5~~ *For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the conversion of a separate westbound right-turn lane to a de facto right-turn lane at the intersection of Newland Street at Warner Avenue.*

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

Additionally, other mitigation measures related to traffic, originally identified in the BECSP EIR, were inadvertently omitted from the DEIR. The inclusion of these BECSP mitigation measures does not represent a different conclusion of significance or new impacts that require recirculation. This omission has been corrected by the following text changes on pages 2-26 and 4.13-10:

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

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

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

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

As a result of these modifications, subsequent Project mitigation measures were renumbered and mitigation numbering has been changed accordingly throughout the document. See Chapter 9 of this FEIR for text changes.

SRG-17 This comment correctly states that mitigation measures regarding the intersections of Beach Boulevard/Talbert Avenue and Beach Boulevard/McFadden Avenue were not referenced in the DEIR. As discussed in Response SRG-16, mitigation measures related to the intersections of Beach Boulevard/Talbert Avenue and Beach Boulevard/McFadden Avenue were inadvertently omitted from the DEIR. These mitigation measures have since been added to the DEIR (refer also to Chapter 9 of this FEIR for the proposed text changes).

SRG-18 This comment requests the analysis of additional roadway segments and study intersections beyond those adjacent to the project in order to determine if the reduction in ADT under both the proposed project and the Reduced Project Alternative compared to the project considered for the site in the BECSP EIR would eliminate traffic impacts identified in the BECSP EIR. As shown in Table 4.13-2 (Trip Generation Comparison for Murdy Commons), the proposed project is substantially similar to that analyzed in the BECSP EIR for the project site, albeit reduced in size by 284 dwelling units. As such, traffic impacts identified for the overall BECSP area were assumed to be substantially similar in nature. A traffic study was prepared for the proposed project to analyze potential impacts resulting from trip generation and distribution on the area and intersections immediately adjacent to the project site, including the intersections of Gothard Street/Center Street and Gothard Street/Edinger Avenue. This analysis determined that the proposed project would result in less traffic than the project contemplated for the project site under the BECSP traffic study, due to the reduction in size. Although the proposed project would result in a 17 percent trip reduction for ADT, the proposed project, along with all development occurring in the BECSP area would be subject to its fair share contribution towards future, as-needed improvements to the area roadway system, as outlined by mitigation measures BECSP MM4.13-1 through BECSP MM4.13-18. The fair share contribution is in the process of being prepared by the City of Huntington Beach; however, the fair share of the project would be commensurate with the identified impacts.

Additionally, as discussed in DEIR Section 4.13.4, the proposed project would contribute to cumulative impacts at the intersections of Beach Boulevard/Bolsa Avenue, Brookhurst Street/Adams Avenue, and the I-405 northbound loop on-ramp/Beach Boulevard, as identified by the BECSP EIR, and no feasible mitigation has been identified to reduce this impact, regardless of the reduction in ADT under the proposed project.

In summary, regardless of the number of trips generated from the project site (under the proposed project or Reduced Project Alternative), all projects occurring in the

BECSP area would be subject to mitigation measures BECSP MM4.13-1 through BECSP MM4.13-14 which require a fair contribution to the cost of implementing traffic improvements. In the event that traffic impacts initially identified in the BECSP EIR are eliminated as a result in a reduction in overall development and associated vehicle trips throughout the BECSP area, improvements may not be required. Mitigations measures would be implemented as necessary and are not dependent exclusively on the proposed project. As such, changes requested by the commenter have not been made.

- SRG-19 Refer to Figure 4.13-2 (Project Trip Distribution) for information on the project's future trip distribution. Trip distribution for Alternative 2 would be similar to that for the proposed project due to the similar, but reduced, land use program and primary access points.
- SRG-20 This comment requests the modification of code requirement BECSP CR4.14-1, without an explanation as to the effectiveness of this modification. As discussed on pages 4.14-14 and 4.14-15 of the DEIR, any improvements or upgrades required to the system would be designed to meet fire flow demands and the fire department requirements, as requested by the commenter. As such, no change has been made.
- SRG-21 This comment requests additional discussion on how fair share costs for potential sewer upgrades would be calculated and for a timeline on an applicant's responsibility to this fee. The payment of fair share costs is a requirement of the City and would mitigate, under CEQA, potential impacts due to insufficient sewer capacity. The fee would be commensurate with the identified impact. However, determination of the amount of the fee, how it is collected, and how it is spent will be determined by the City of Huntington Beach in the future and is outside the purview of CEQA. Further, this is not a direct comment on the content or adequacy of the DEIR, and no further response is required.
- SRG-22 This comment requests that mitigation measure BECSP MM4.14-1 be modified to relax the need for a flag person during construction related activities. It is assumed that the commenter meant to reference mitigation measure BECSP MM4.2-8, for which the following response is provided. The intent of this mitigation measure is to ensure sufficient temporary traffic controls to ensure smooth traffic flow to reduce emissions from idling vehicles in the project area. As such, no changes will be made to ensure that all construction activities (and all construction phases) are encompassed. Further, this is not a direct comment on the content or adequacy of the analysis presented in the DEIR, and does not raise any specific environmental issue. No change has been made.
- SRG-23 This comment correctly states that mitigation measure BECSP MM4.14-2 was excluded from Impact 4.14-4 of the DEIR, although it was applied for Impact 4.14-4 of the BECSP. Pertinent portions of mitigation measure BECSP MM4.14-2 were

incorporated into modified code requirement BECSP CR4.14-3, as provided on page 4.14-27 of the DEIR. As such, the intent of mitigation measure BECSP MM4.14-2 was applied to Impact 4.14-4 of this DEIR. No change has been made.

SRG-24 In response to this comment, the following changes have been made to page 3-13 of the DEIR:

... As identified by the BECSP, development in proximity to and including the proposed project site ~~will~~may require an upgrade to the storm drain system in Edinger Avenue and a new sewer system in Gothard Street along the project site frontage if the Storm Drain Hydrology and Hydraulics and Sewer analysis for the proposed project indicates that the project impacts dictate new or ungraded off-site facilities (refer to code requirements BECSP CR4.14-3 through BECSP CR4.14-5 and mitigation measures BECSP MM4.7-3 and BECSP MM4.7-4). ...

SRG-25 In response to this comment, the following changes have been made to page 3-13 of the DEIR:

... The dedication of right-of-way or an easement along Gothard Street would be required to accommodate public frontage to meet the requirement specified in the BECSP. ...

SRG-26 Comment noted. This comment requests that BECSP MM4.15-4 be modified for no specified reason, and is not a comment on the content or adequacy of the DEIR. As such, no changes to BECSP MM4.15-4 will be made. No further response is required.

## ■ Weber Consulting (WC), December 20, 2010

WC-1 This comment contains introductory or general information. No further response is required.

WC-2 This comment requests that text be changed to reflect the fact that the proposed public open spaces would be privately owned. While it is recognized that the property owner would hold the property in fee, the City would require an easement to restrict the open space for public use and purposes in perpetuity. For the purposes of the DEIR, the open space is “public” as noted in the document. As such, the text throughout the document will not be changed, as requested in the comment, but the following text has been added to page 3-13 under the Ancillary Project activities heading:

The dedication of right-of-way or an easement along Gothard Street would be required to accommodate public frontage to meet the requirement specified in the BECSP. An easement would also be required for the proposed public open space area that would remain privately owned. In addition, the applicant will be required to process either a lot line adjustment or parcel map to consolidate the parcels that make up the proposed project site.

WC-3 As requested by the commenter, the text on page 3-5, Vehicular Access, Circulation and Parking has been modified as follows:

Vehicular access to the project site would be provided from Gothard Street (three ingress and three egress) and Edinger Avenue (two ingress and three egress). A network of new private, but publicly accessible streets and sidewalks would be developed, with a one-way loop road around the center open space area. ...

WC-4 Page 4.7-9, beginning of the second full paragraph has been revised as follows:

The City of Huntington Beach is located in the lower basin of the Santa Ana River Basin. The lower basin is protected from flooding by Prado Dam, which is located 27 miles northeast of the City in Riverside County. The northern portion of the ~~Corridor~~basin is located within the inundation area of the Prado Dam. ...

WC-5 LID is an acronym for Low Impact Development. Text has been revised as follows in both Chapters 2 and 4.7 of the DEIR:

Page 2-14, Second full paragraph of mitigation measure BECSP MM4.7-1

BMPs in the WQMP shall be designed in accordance with the Municipal NPDES Permit, Model WQMP, Technical Guidance Documents, DAMP, and City of Huntington Beach LIP. As noted in the Specific Plan, all development projects shall include site design and source control BMPs in the project WQMP. Additionally, new development or significant redevelopment projects and priority projects shall include Low Impact Development (LID) principles to reduce runoff to a level consistent with the maximum extent practicable and treatment control BMPs in the WQMP.

Page 4.7-10, second full paragraph of mitigation measure BECSP MM4.7-1:

BMPs in the WQMP shall be designed in accordance with the Municipal NPDES Permit, Model WQMP, Technical Guidance Documents, DAMP, and City of Huntington Beach LIP. As noted in the Specific Plan, all development projects shall include site design and source control BMPs in the project WQMP. Additionally, new development or significant redevelopment projects and priority projects shall include Low Impact Development (LID) principles to reduce runoff to a level consistent with the maximum extent practicable and treatment control BMPs in the WQMP.

WC-6 The comment requests confirmation that only portion of the project site within the redevelopment area will be subject to provide 15 percent affordable units (rather than 10 percent affordable required for areas of the city not within a redevelopment plan). Only the eastern portion of the project site is located within the redevelopment area and only this portion of the project site would be subject to the 15 percent requirement. As such, the commenter's information is correct.

Further, the comment requests clarification as to how units that straddle the redevelopment area boundary would be counted. Upon submittal of the Site Plan Review application, the proposed project will be reviewed to ensure that all

residential units are accounted for and determined to be outside of or within the redevelopment project area. If any unit were found to straddle the boundary, the City would determine the appropriate designation of the unit to ensure compliance with the state redevelopment law and BECSP requirements. All units that are located wholly within the redevelopment area or outside of the redevelopment area will be counted toward the 15 percent or 10 percent requirement, respectively.

- WC-7 Per Section 2.5 of the BECSP, “streets can be publicly or privately owned and maintained. All new streets within the Plan Area, both public and private, shall be designed and configured according to the following regulations (of Section 2.5)”. At this time, it is understood that the proposed frontage road, on-street parking and landscape separator will be privately maintained with a public access easement recorded for public use.
- WC-8 For all practical purposes at this time, the City of Huntington Beach continues to work on defining the formula to determine the “fair share contribution” for individual projects. Additionally, the actual mechanism for payment of such shares is currently being developed. Regarding the transportation improvements that involve multiple jurisdictions, these improvements will require continued coordination with the jurisdictions involved. Upon agreement of the parameters of an improvement between jurisdictions on an individual improvement, it will be determined at a future time who will lead the implementation/construction process of each improvement and what financial or CEQA oversight may be needed.
- WC-9 Refer to Response WC-2.
- WC-10 Upon certification of the Final Environmental Impact Report (FEIR) for the BECSP, the Water Supply Assessment became final. This certification occurred in December 2009.