



City of Huntington Beach Planning and Building Department

**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Jennifer Villasenor, Senior Planner *JV*  
**DATE:** February 8, 2011

**SUBJECT: ENVIRONMENTAL IMPACT REPORT NO. 10-002 (MURDY COMMONS MIXED USE PROJECT)**

**APPLICANT:** City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

**PROPERTY**

**OWNER:** Freeway Industrial Park, 2032 La Colina Drive, Santa Ana, CA 92705

**LOCATION:** 7441 Edinger Avenue, Huntington Beach, CA 92647 (northeast corner of Edinger Avenue and Gothard Street – former Levitz Furniture site)

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**STATEMENT OF ISSUE:**

- ◆ Environmental Impact Report (EIR) No. 10-002:
  - Analyzes the environmental impacts associated with the development of the Murdy Commons Mixed Use Project, which consists of 984 dwelling units, 60,000 square feet of commercial area and 0.75-acre public open space area on the 12.5-acre project site;
  - Documents potential impacts to aesthetics, biological resources, geology and soils, hydrology and water quality, air quality, cultural resources, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems, hazards and hazardous materials, and climate change;
  - Evaluates two alternatives to the proposed project; and
  - Concludes that potential impacts can be mitigated to less than significant levels for the project with the exception of impacts to air quality and transportation/traffic, which would remain significant and unavoidable.
  
- ◆ Staff's Recommendation:
  - Certify EIR No. 10-002 because it adequately analyzes the potential environmental impacts associated with the proposed project, identifies project alternatives, provides mitigation measures to lessen the project's impacts consistent with the Beach and Edinger Corridors Specific Plan (BECSP) Program EIR and General Plan policies, and has been prepared in accordance with the California Environmental Quality Act (CEQA).

**RECOMMENDATION:**

Motion to: "Certify EIR No. 10-002 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1653 (Attachment No. 1)."

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Continue certification of EIR No. 10-002 and direct staff accordingly.”
- B. “Deny certification of EIR No. 10-002 with findings for denial.”

**PROJECT PROPOSAL:**

EIR No. 10-002 analyzes development of up to 984 dwelling units and 60,000 square feet of commercial area on the 12.5-acre project site. Project improvements involve the development of six blocks connected by a network of new streets and sidewalks oriented around a centrally located 0.75-acre public open space area. Development on each block would consist of four- to six-story buildings with three to five floors of one and two bedroom apartment units over street level live/work or retail units. A total of 1,979 parking spaces would be provided on the project site in subterranean and above-grade parking structures as well as surface parking spaces along the proposed new streets. In addition, on-street parallel parking spaces are proposed on Gothard Street along the project site’s frontage. Other project features include a new frontage road with angled parking spaces and pedestrian walkways along Edinger Avenue, infrastructure/utility improvements and consolidation of project site parcels. All existing improvements on the project site would be demolished.

The environmental impact report discusses potential adverse impacts in the areas of aesthetics, biological resources, geology and soils, hydrology and water quality, air quality, cultural resources, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems, hazards and hazardous materials, and climate change. The direct, indirect and cumulative impacts of the proposed project are addressed, as are the impacts of project alternatives.

The EIR consists of three volumes. Volumes I and II are the Draft EIR and Appendices that were circulated for a minimum 45-day public review period. Volume III is the Final EIR, which includes the comments received during the public review period, responses to those comments and text changes to the Draft EIR to clarify or correct information in response to comments or as identified as necessary by staff. These volumes are referenced as Attachment No. 2.

**Background:**

The proposed project is located within the Beach and Edinger Corridors Specific Plan (BECSP), adopted in April 2010. Development on the project site was included in the Notice of Preparation for the BECSP EIR and analyzed as part of the larger scope of development contemplated in the BECSP EIR (Program EIR No. 08-008), which anticipated approximately 1,250 dwelling units and 60,000 square feet of commercial area on the project site. As such, the analysis in Draft EIR No. 10-002 is tiered from the BECSP Program EIR where appropriate.

**ISSUES:**

**Subject Property Land Use, Zoning, and General Plan Designations:**

<b>LOCATION</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LAND USE</b>
Subject Property:	M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay)	SP-14 (Beach and Edinger Corridors Specific Plan)	Vacant Levitz furniture store
North of Subject Property:	M-sp-d	SP-14	General Commercial Uses (A mixed use residential/commercial project is approved)
East of Subject Property (across railroad tracks):	CR-F2-sp-mu-F14 (Commercial Regional – 0.50 Floor Area Ratio (FAR) – Specific Plan Overlay – Mixed Use Overlay – 1.75 Mixed Use FAR: 0.2 Commercial FAR/45 dwelling units/acre)	SP-13 (Bella Terra)	Costco (under construction); Village at Bella Terra Mixed Use Commercial/Residential project (pending approval of Entitlement Plan Amendment)
South of Subject Property (across Edinger Avenue):	M-sp-d	SP-14	General Commercial uses
West of Subject Property (across Gothard Street):	P(RL) Public (Residential Low Density – underlying designation)	PS (Public/Semi-Public)	Goldenwest College

The project site consists of approximately 12.5 acres located on the northeast corner of Edinger Avenue and Gothard Street. The site is currently developed with the approximately 240,000 square foot former Levitz furniture store constructed in 1969, and an existing vehicle service business (EZ Lube) is developed on the 0.5-acre corner parcel. The project site is located within the Town Center Core and Town Center Neighborhood segments of the Beach and Edinger Corridors Specific Plan (BECSP).

**General Plan Conformance:**

The EIR is consistent with the goals, policies and objectives of the City’s General Plan as follows:

**A. Air Quality Element**

Goal AQ 1: Improve regional air quality by a) decreasing reliance on single occupancy vehicular trips, b) increasing efficiency of transit, c) shortening vehicle trips through a more efficient jobs-housing balance and a more efficient land use pattern, and d) increasing energy efficiency.

Policy AQ 1.8.1: Continue to enforce construction site guidelines that require truck operators to minimize particulate emission.

Policy AQ 1.8.2: Require installation of temporary construction facilities (such as wheel washers) and implementation of construction practices that minimize dirt and soil transfer onto public roadways.

Policy AQ 1.9: Minimize sensitive uses (residential, hospitals, schools, etc) exposure to toxic emissions.

Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

The EIR analysis focuses on the nature and magnitude of the change in the air quality environment due to implementation of the proposed project. Air pollutant emissions associated with the proposed project would result from construction activities, operation of the commercial and residential uses and project-related traffic volumes. Mitigation Measures MM4.2.1 through MM4.2-16 would be implemented to reduce these emissions and minimize sensitive uses surrounding the project site, such as Goldenwest College students, exposure to toxic emissions to the extent feasible. The EIR discusses requirements for all projects to comply with South Coast Air Quality Management District (SCAQMD) Rule 403, which would also reduce short-term/construction emissions. The analysis in the climate change section of the EIR proposes mitigation measures that are consistent with strategies recommended by the California Climate Action Team and California Air Pollution Control Officers Association for reducing climate change emissions. The EIR also notes that the BECSP requires use of sustainable practices to increase the proposed project's energy efficiency.

### C. Circulation Element

Goal CE 2: Provide a circulation system which supports existing, approved and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

Policy CE 2.1.1: Maintain a city-wide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

Goal CE 2.3.4: Require new development mitigate its impact on City streets, including but not limited to, pedestrian, bicycle, and vehicular conflicts, to maintain adequate levels of service.

Objective CE 2.3: Ensure that the location, intensity and timing of new development is consistent with the provision of adequate transportation infrastructure and standards as defined in the Land Use Element.

Policy CE 2.3.1: Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent feasible.

The EIR analyzes the potential for adverse impacts on existing transportation and traffic conditions resulting from implementation of the proposed project. A traffic study was conducted by Austin-Foust Associates and analyzed potential adverse traffic impacts on the intersections surrounding the project site (Edinger Avenue/Gothard Street and Gothard Street/Center Avenue) as well as the BECSP study area. When compared to the scope of development anticipated for the project site in the BECSP Program EIR, the EIR documents that daily vehicle trips would be decreased 17 percent and would not result in significant impacts resulting in a decrease in the level of service at the two closest intersections. Mitigation Measures MM4.13-1 through MM4.13-18 require mitigation of the project's

contribution to intersections and freeway ramp determined to be significantly impacted as a result of implementation of the BECSP through payment of fees that would provide the project's fair share toward improving those intersections.

The EIR also analyzes the project's potential to create adverse impacts from inadequate parking capacity, alternative transportation policies, pedestrian and bicyclist safety and emergency access. With implementation of existing code requirements, mitigation measures adopted for the BECSP and proposed project-specific mitigation measures, impacts would be mitigated to a less than significant level.

#### D. Environmental Hazards Element

Goal EH 1: Ensure that the number of deaths and injuries, levels of property damage, levels of economic and social disruption and interruption of vital services resulting from seismic activity and geologic hazards shall be within acceptable levels of risk.

Objective EH 1.1: Ensure that land use planning in the City accounts for seismic and geologic risk, including groundshaking, liquefaction, subsidence, soil and slope stability and water table levels.

Objective EH 1.2: Ensure that new structures are designed to minimize damage resulting from seismic hazards, ensure that existing unsafe structures are retrofitted to reduce hazards and mitigate other existing unsafe conditions.

Policy EH 1.2.1: Require appropriate engineering and building practices for all new structures to withstand groundshaking and liquefaction such as stated in the Uniform Building Code.

Goal EH 3: Ensure the safety of the City's businesses and residents from methane hazards.

Objective EH 3.2: Minimize methane hazards in the identified Methane Overlay District, and other areas outside the Methane Overlay Districts as may later be defined, through the regulation of construction and adherence to the City's Methane Hazard Mitigation Plan.

Policy EH 3.2.2: Establish, enforce, and periodically update testing requirements for sites proposed for new construction within the identified Methane Overlay District.

The EIR analyzes the existing physical setting of the project site as it relates to hazards and hazardous materials and its potential impact on human health resulting from the implementation of the proposed project. A Phase I and Phase II environmental site assessment (ESA) were conducted for the project site. Mitigation Measures MM4.6-1 through MM4.6-4 would require that the Phase II recommendations be implemented to ensure that all impacts related to hazards and hazardous materials would be less than significant. To ensure that the proposed project is designed to minimize damage resulting from seismic hazards and that new structures are engineered to withstand groundshaking and liquefaction, Mitigation Measure 4.5-1 would be implemented requiring a final soils and geotechnical report, which would recommend design measures to be implemented in the final project design.

E. Environmental Resources/Conservation Element

Policy ERC 2.1.10: Conduct construction activities to minimize adverse impacts on existing wildlife resources.

Mitigation Measure 4.3-1 requires that prior to construction or any vegetation removal that appropriate surveys shall be conducted to ensure that no nesting habitats are disturbed, including impact-avoidance measures.

F. Growth Management Element

Goal GM 1: Provide adequate police services to meet the needs of the City's population.

Goal GM 1.1.3: Continue to provide a 5-minute response time for Priority 1 calls for service at least 85% of the time. Calls are considered Priority 1 where there is a threat to life or property.

Policy GM 1.1.7: Ensure that new development site design incorporates measures to maximize policing safety and security.

Goal GM 2: Provide adequate fire and paramedic services to meet the needs of the City's population.

Policy GM 2.1.2: Provide a 5-minute response time for emergency fire services at least 80 percent of the time.

Policy GM 2.1.3: Provide a 5-minute response time for paramedic services at least 80 percent of the time.

The EIR evaluates the effects of the proposed project on public services (fire, police, schools and libraries) by identifying anticipated demands on existing and planned service availability. The analysis concludes that the proposed project would not require new or physically altered fire or police facilities to maintain adequate response times and staffing. However, in order to ensure that an adequate level of service is provided through the build-out of the specific plan, a mitigation measure is recommended, which would ensure that funding is available to maintain acceptable response times and staffing levels for Police and Fire.

Policy GM 1.1.7: Ensure that new development site design incorporates measures to maximize policing safety and security.

Policy GM 2.1.4: Ensure that new development site design incorporates measures to maximize fire safety and prevention.

The provisions of the BECSP require Fire Department review and approval of the proposed project to ensure that adequate circulation is provided to enable emergency access to the site and meet Fire code standards for circulation aisle widths. Mitigation Measure 4.6-4 would require adequate access for

emergency vehicles during project construction. In addition, the Site Plan Review process would involve review by other City departments, including the Police and Fire Departments.

G. Hazardous Materials Element

Goal HM 1: Reduce, to the greatest degree possible, the potential for harm to life, property, and the environment from hazardous materials and hazardous waste.

Objective HM 1.1: Promote the proper handling, treatment and disposal of hazardous materials and hazardous waste.

Mitigation Measures 4.6-1 through 4.6-3 ensure remediation of contaminated soils containing hazardous materials, if any, prior to development of the proposed project and by providing supplemental procedures in the event of unanticipated discoveries of contaminants during construction. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that identifies the contaminants of concern and the potential risk posed to human health.

H. Historic and Cultural Resources Element

Objective HCR 1.1: Ensure that all of the City's historically and archaeologically significant resources are identified and protected.

The impact analysis for cultural resources is based on the findings of the cultural records search and site survey conducted for the proposed project. No evidence of previously undiscovered archeological resources on the project site was encountered during the survey and record search. Although no cultural resources have been recorded on the project site, Mitigation Measures MM4.4-2 (b) and MM4.4-3 (b) would ensure that impacts from the discovery of resources during project construction would be less than significant.

I. Housing Element

Goal H 2: Provide adequate housing sites to accommodate regional housing needs.

The EIR includes an analysis of the project's impacts on population and housing and is based on the BECSP Program EIR, which included analysis of the City's Regional Housing Needs Assessment (RHNA) future housing need as determined by SCAG population projections. The BECSP anticipates 4,500 residential units during the life of the Plan, which would provide needed housing for the City and the region, contributing to the City's progress towards meeting its RHNA numbers. The proposed project represents approximately 22 percent of the total dwelling units approved under the BECSP and would provide mixed use rental housing.

J. Land Use Element

Goal LU 2 Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Policy LU 2.1.2 Require that the type, amount, and location of development be correlated with the provision of adequate supporting infrastructure and services (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

Policy LU 2.1.3 Limit the type, location, and/or timing of development where there is inadequate public infrastructure and/or services to support land use development.

Policy LU 7.1.5 Accommodate the development of a balance of land uses that maintain the City's fiscal viability and integrity of environmental resources.

The EIR mitigation measures require that infrastructure is provided or upgraded during project construction to adequately provide service for the project commensurate with the project's demand for services and impacts on existing infrastructure. In addition, the EIR describes the existing site conditions and the characteristics of the proposed mixed use project and identifies the BECSP districts that govern the project site. The EIR discusses that the project was designed to respond to issues facing the Edinger Corridor as well as achieve the stated community objectives of the project that are identified in the EIR. Through conformance to the BECSP Development Code, the EIR states that the project would provide a mix of uses that support the City's image and enhance the quality of life and the environment.

#### K. Noise Element

Goal N 1: Ensure that all necessary and appropriate actions are taken to protect Huntington Beach residents, employees, visitors, and noise sensitive uses from the adverse impacts created by excessive noise levels from stationary and ambient sources.

Objective N 1.2: Prevent and mitigate the adverse impacts of excessive noise exposure on the residents, employees, visitors, and noise sensitive uses of Huntington Beach.

Policy N 1.2.1: Require, in areas where noise levels exceed an exterior  $L_{dn}$  of 60 dB(A) and an interior  $L_{dn}$  of 45 dB(A), that all new development of "noise sensitive" land uses, such as housing, health care facilities, schools, libraries, and religious facilities, include appropriate buffering and/or construction mitigation measures that will reduce noise exposure to levels within acceptable limits.

Policy N 1.2.3: Require development, in all areas where the ambient noise level exceeds an  $L_{dn}$  of 60 dB(A), to conduct an acoustical analysis and incorporate special design measures in their construction, thereby, reducing interior noise levels to the 45 dB(A)  $L_{dn}$  level.

The EIR includes a noise analysis consistent with CEQA requirements. The EIR mitigation measures require an acoustical analysis before issuance of building permits to ensure that interior noise levels for new residential units would not exceed established standards of the City's Noise Ordinance. Mitigation Measures MM4.9-4 and MM4.9-5 would be required to attenuate noise from HVAC systems and implement design measures to ensure that noise levels in new residential units do not exceed the standards set forth in Section 8.40.070 and Section 8.40.080 of the Huntington Beach Municipal Code.

Objective N 1.6: Minimize the impacts of construction noise on adjacent uses.

Policy N 1.6.1: Ensure that construction activities be regulated to establish hours of operation, to prevent and/or mitigate the generation of excessive or adverse noise impacts through the implementation of the existing Noise Ordinance and/or any future revisions to the Noise Ordinance.

Under the City's Municipal Code, construction activities can only occur between the hours of 7:00 AM and 8:00 PM from Monday through Saturday. Mitigation Measures MM4.9-1 through 4.9-3 would further restrict construction hours for the highest noise producing activities and ensure that impacts associated with construction activities resulting are minimized to the maximum extent feasible. As such, impacts would be less than significant.

L. Public Facilities and Services Element

Objective PF 1.1: Provide adequate police facilities and personnel to correspond with population and service demands, and provide protection for the community from illicit activities and crime.

Policy PF 1.3.2: Ensure that new development and land use proposals are analyzed to determine the impact on their operators, occupants, visitors, or customers may have on the safety and welfare of the community.

Goal PF 2: Ensure adequate protection from fire and medical emergencies for Huntington Beach residents and property owners.

Policy PF 2.3.1: Continue to require all structures to follow all State and nationally recognized fire codes.

The EIR includes an analysis of impacts to police and fire facilities and services. Implementation of the proposed project would not significantly impact the level of service delivery for the project area and would not require any new or physically altered police and fire facilities to maintain adequate response times and staffing. However, to further ensure the safety of residents of the proposed project as build-out of the specific plan area occurs, Mitigation Measure MM 4.11-1 is recommending that the City provide sufficient funding to maintain the City's standard and average level of service through the use of General Fund monies. Additionally, the EIR analyzes the public services emergency response needs in relationship to adding population resulting from the built environment. Compliance with the regulations of the California Fire Code pertaining to fire protection systems and equipment, general safety precautions, and many other general and specialized fire-safety requirements for new and existing structures reduce potential impacts.

Policy PF 4.2.3: Ensure that development shall not occur without providing for adequate school facilities.

The EIR includes an analysis of potential impacts to schools. The EIR documents that direct population growth resulting from the proposed project would not have an adverse impact on the capacity of schools within the school districts serving the project site. With the implementation of Code Requirements 4.11-1, 4.11-2 and 4.11-3, fees collected would offset any additional increase in

educational demand at the elementary school, middle school, and high school levels serving the proposed project.

Objective PF 5.1: Provide adequate library service that responds to the needs of the community.

The EIR includes an analysis of potential impacts to library services. The existing library facilities are adequate to accommodate the increase in users from the proposed project. However, implementation of Code Requirement 4.11-4, payment of library and community enrichment impact fees, would ensure that the additional residents as a result of the proposed project would not significantly affect library services.

M. Recreation and Community Services Element

Policy RCS 2.1.1: Maintain the current park per capita ratio of 5.0 acres per 1,000 persons, which includes the beach in the calculation.

The EIR documents that the population increase as a result of the proposed project would not significantly reduce the current Citywide ratio of 4.9 acres per 1,000 residents. The BECSP code requirement for provision of a minimum half-acre open public open space in conjunction with compliance with Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance for payment of park fees would ensure that the project would not have significant impacts on existing recreational facilities and opportunities and would not significantly affect the established Citywide General Plan policy for parkland of five acres per 1,000 residents.

N. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy in order to clarify the City's structure and improve Citywide identity.

Policy UD 1.1.3: Require a consistent design theme and/or landscape design character along the community's corridors that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

The EIR provides a description of the existing site conditions and analyzes the extent to which the visual character of the project site would change and additional sources of light and glare as a result of the proposed project would occur. Consistent with the BECSP Program EIR, a mitigation measure is recommended to require that the project maximize use of non-reflective façade treatments. In addition, a shade and shadow analysis was conducted, as required by the BECSP Program EIR, to examine the effects of shade and shadow on light dependent uses. The EIR states that the project's adherence to the standards and guidelines of the BECSP would reflect the design and landscape themes that were adopted for the project area. The EIR states that the site plan review process would

ensure conformance to the standards and references the required findings for site plan review approval.

O. Utilities Element

Objective U 1.2: Ensure that existing and new development does not degrade the City's surface waters and groundwater basins.

Policy U 1.2.1: Require that existing and new developments contain safeguards and mitigation measures preventing degradation.

The EIR includes an analysis of the project's impacts on hydrology and water quality. The analysis is based on the analysis included in the BECSP Program EIR and site-specific conditions. The recommended mitigation measures require compliance with the current National Pollution Discharge Elimination System (NPDES) requirements in place at the time of construction and include site design BMPs incorporating Low Impact Development (LID) principals as defined in the Municipal NPDES Permit such as porous concrete and green roofs. The recommended mitigation measures also require that a hydrology and hydraulic study as well as a groundwater hydrology study be prepared to ensure that the specific hydrologic conditions of the project site, the Murdy Channel and surrounding storm drain system are reflected in the final project design to mitigate hydrology and water quality impacts to a less than significant level.

Objective U 1.3: Minimize water consumption rates through site design, use of efficient systems, and other techniques.

Policy U 1.1.1: Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.

Policy U 1.3.2: Continue to require the incorporation of water conservation features in the design of all new and existing uses such as the use of native plants, low flow toilets and water efficient appliances.

Objective U 1.4: Ensure the costs of improvements to the water supply, transmission, distribution, storage and treatment systems are borne by those who benefit.

Policy U 1.4.1: Require the cost of improvements to the existing water supply and distribution facilities necessitated by the new development be borne by the new development benefiting from the improvements, either through the payment of fees, or the actual construction of the improvements in accordance with State Nexus Legislation.

The EIR states that the City has demonstrated significant water conservation over the last 10 years. The EIR concludes that the City's consistent conservation program and existing code requirements for water efficient landscaping in conjunction with Mitigation Measure MM4.14-1 requiring additional water conservation practices would ensure that the project's impact on water supplies would be less than significant. In addition, Project Code Requirement CR4.14-5 provides that all applicable impact

fees for wastewater and utilities be paid by the developer to provide for the project's fair share toward the cost of planned future utilities.

Policy U 1.2.2: Require new developments to connect to the sewer system.

Policy U 2.1.5: Maintain, upgrade, and expand existing wastewater collection and treatment facilities.

Policy U 2.1.6: Require that sewer capacity is available before building permits are issued for new development.

Objective U.2.2: Ensure the costs of wastewater infrastructure improvements are borne by those that benefit.

Policy U.2.2.1: Require the costs of improvements to the existing wastewater collection facilities, which are necessitated by new development, to be borne by the new development benefiting from the improvements; either through the payment of fees, or by the actual construction of the improvements in accordance with State Nexus Legislation.

The EIR discloses that implementation of the proposed project could require new sewer connections and that the project would be required to pay a fee for connection to the Orange County Sanitation District, based on the increase in anticipated use of the sewage system. The fee ensures that the project would pay its share of any necessary expansion of the system, including expansion of wastewater treatment facilities. Implementation of CR4.14-3 and CR4.14-4 would ensure that capacity constraints at the time of development are accurately identified through a required sewer study, which would specify necessary upgrades required for the project. Project Code Requirement CR4.14-5 provides that all applicable impact fees for wastewater and utilities be paid by the developer to provide for the project's fair share toward the cost of planned future utilities.

Objective U 3.3: Ensure that storm drain facilities (channels and outputs) do not generate significant adverse impacts on the environment in which the facilities traverse or empty.

The EIR concludes that Mitigation Measures 4.7-1 through 4.7-4 would ensure that an adequate stormwater conveyance system would be implemented for the proposed project through implementation of existing codes and regulations. Mitigation Measure 4.7-1 would ensure a reduction in potential pollutant loads and ensure that appropriate construction and operation of stormwater treatment control Best Management Practices (BMPs) are used. The EIR concludes that conformance to existing regulatory requirements in conjunction with the proposed mitigation measures would ensure that construction of stormwater drainage facilities would not result in substantial environmental effects and potential impacts would be less than significant.

Objective U 5.1: Ensure that adequate natural gas, telecommunication, and electrical systems are provided.

An adequate supply of electricity is anticipated to be available to serve the proposed project. Development of the proposed project would comply with the provisions of Title 24 and the Cal Green

Building Code. The EIR analysis demonstrates that both electricity and natural gas will experience a less than significant impact as a result of the project.

**Zoning Compliance:** Not applicable.

**Urban Design Guidelines Conformance:** Not applicable.

**Environmental Status:**

In accordance with the California Environmental Quality Act (CEQA), EIR No. 10-002 was prepared by PBS&J to analyze the potential environmental impacts associated with implementation of the proposed project as well as identify appropriate mitigation measures. The Draft EIR was distributed to the Planning Commission for review at the start of the 45-day public comment period on November 4, 2010. The Final Draft EIR, including the Response to Comments and all text changes as a result of the public comment period was distributed to the Planning Commission and posted on the City's website on January 27, 2011.

The required CEQA procedure that was followed is outlined below:

<u>July 2009</u>	Staff conducted an initial study and determined that an EIR would be required.
<u>July 31, 2009</u>	A Notice of Preparation was filed with the State Clearinghouse to notify public of intent to prepare an EIR.
<u>July 31, 2009 to August 31, 2009</u>	Initial Study/Notice of Preparation available for 30 day public review and comment period.
<u>August 21, 2009</u>	A Public Scoping Meeting was held to solicit comments and issue areas to be studied in the EIR.
<u>November 4, 2010</u>	A Notice of Completion was filed with the State Clearinghouse.
<u>November 4, 2010 to December 20, 2010</u>	Draft EIR available for public review and comment for forty-five days.
<u>December 7, 2010</u>	A Public Comment Meeting was held to solicit comments on the adequacy of the Draft EIR.
<u>February 8, 2011</u>	Public hearing is scheduled before Planning Commission to Certify EIR No. 10-002.

Through the use of appropriate code requirements and/or mitigation measures indentified in the EIR, most of the potentially adverse impacts associated with the project can be mitigated to a less-than-significant level. However, there are two project-specific and four cumulative significant adverse environmental impacts anticipated from the proposed project that cannot be completely eliminated through mitigation measures. The significant adverse environmental impacts are as follows:

## ■ Air Quality

- > **Project Specific and Cumulative**—Operation of the proposed project would generate emissions that exceed the thresholds of significance recommended by the South Coast Air Quality Management District (SCAQMD) for Volatile Organic Compounds (VOC), Nitrogen Oxides (NO<sub>x</sub>), and Respirable Particulate Matter (PM<sub>10</sub>).
- > **Project Specific and Cumulative**—Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations.

## ■ Transportation/Traffic

- > **Cumulative**—Operation of the proposed project would cumulatively contribute to an unacceptable Level of Service at two BECSP study area intersections (Brookhurst St./Adams Ave. & Beach Blvd./Bolsa Ave.).
- > **Cumulative**—Operation of the proposed project would cumulatively contribute to an increase in delay at two Caltrans intersections (Beach Blvd./Warner Ave. & Beach Blvd./Garfield Ave.) and would increase traffic to the I-405 northbound loop ramp, which is currently deficient.

The scope and design of the Murdy Commons Mixed Use Project was provided by the property owner based upon the development potential that was analyzed and certified in the BECSP Program EIR. The Murdy Commons Mixed Use Project would require approval of a Site Plan Review application, although the City does not have a pending application for construction of the 984-unit/60,000 square foot commercial Murdy Commons Mixed Use Project. A Site Plan Review application (SPR No. 10-004) has been submitted to construct the Boardwalk Mixed Use Project. This project consists of 487 apartment units with 14,500 square feet of commercial area on a majority of the project site (excludes the EZ lube parcel). The Planning Commission will consider the Boardwalk Mixed Use Project on February 8, 2011 subsequent to action on EIR No. 10-002. Notwithstanding the adoption and implementation of the recommended mitigation measures, approval of SPR No. 10-004 requires that a Statement of Overriding Considerations be adopted by the Planning Commission, finding that the economic, technological, social or other benefits of the project outweigh its potentially unavoidable adverse environmental impacts. Prior to certification and adoption of the EIR by resolution, the Planning Commission may amend the document. It should be noted, that removal of any of the recommended mitigation measures will require findings and justification.

### **Environmental Board:**

The City's Environmental Board reviewed the EIR and provided a comment letter during the DEIR process. In summary, the Environmental Board stated concerns regarding the traffic impacts of the project particularly with respect to cumulative impacts as a result of the proposed project in combination with surrounding projects such as Costco and the Red Oak mixed use project. The Board also provided suggestions for project design to mitigate impacts from air pollutant and greenhouse gas emissions and hydrology and water quality. The Board also encouraged the use of sustainable development practices to increase the project's energy efficiency and recommended consideration of the Reduced Development alternative to reduce impacts related to the Board's concerns regarding air quality and traffic.

**Coastal Status:** Not applicable

**Redevelopment Status:**

A portion of the project area along the eastern boundary is within a redevelopment project area. The City's Economic Development Department has reviewed the EIR to ensure that requirements applicable in the redevelopment area were included in the analysis.

**Design Review Board:** Not applicable

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The EIR was circulated to other Departments for review and comment. All Department comments and recommendations are incorporated into the EIR and its mitigation measures. Compliance with mitigation measures will be enforced through the Mitigation Monitoring and Reporting Program (Refer to Resolution No. 1653 Exhibit A).

**Public Notification:**

Legal notice was published in the Huntington Beach Independent on January 27, 2011, and notices were sent to property owners of record and occupants within a 1,000 ft. radius of the project site, interested parties, and individuals/organizations that commented on the environmental document. As of February 2, 2011, no communications on the draft EIR, other than letters included in the Final EIR/Response to Comments, have been received.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

- Draft EIR: November 2, 2010

**MANDATORY PROCESSING DATE(S):**

- Within 1 year of complete application:  
November 2, 2011

**ANALYSIS:**

The analysis provides an overview of the EIR and its conclusions, a review of the project alternatives, and a summary of the response to comments.

**EIR Overview**

The EIR provides a detailed analysis of potential impacts associated with the proposed project. It is intended to serve as an informational document for decision makers. This EIR identifies significant or potentially significant environmental effects, as well as ways in which those impacts can be reduced to less than significant levels, whether through the imposition of code requirements (CRs), mitigation measures (MMs), or through the implementation of alternatives to the project. In a practical sense, EIRs function as a technique for fact-finding, allowing future applicants, concerned citizens, and staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

Scope of EIR Analysis

As the analysis in Draft EIR No. 10-002 is tiered from the BECSP Program EIR, the environmental impacts for certain issue areas of the project are substantially consistent with the analysis in the BECSP Program EIR and did not require substantial additional analysis. Based on a preliminary environmental analysis and a review of the BECSP Program EIR, the following issue areas did not require substantial additional analysis in Draft EIR No. 10-002:

- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Population and Housing
- Cultural Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Climate Change

Conversely, the following issue areas were determined to require additional project-specific analysis:

- Aesthetics
- Noise
- Recreation
- Utilities and Service Systems
- Air Quality
- Public Services
- Transportation/Traffic

No impacts to Agricultural Resources and Mineral Resources were determined; as such, no analysis is provided in the draft EIR.

A summary of key issues and mitigation measures resulting from the EIR analysis is provided below. A complete listing of the recommended mitigation measures is provided in the Mitigation Monitoring Program provided in Attachment No. 1.

♦ *Aesthetics*

Implementation of the project will change the visual character of the project site and add additional sources of light and glare. However, the EIR acknowledges that the project is proposed in an existing urban environment in which building glare and a significant amount of ambient nighttime lighting already exists. The provisions of the BECSP include regulations and guidelines to ensure that project lighting and exterior building materials would not result in significant impacts from light and glare. A mitigation measure is recommended to require that the project maximize use of non-reflective façade treatments. In addition, a shade and shadow analysis was conducted, as required by the BECSP Program EIR, to examine the effects of shade and shadow on light dependent uses. This analysis concludes that the project would not significantly impact light dependent uses. While visual character of a project site is somewhat subjective, the project would be developed in accordance with the standards and guidelines of the BECSP, which would ensure that the intent of the Specific Plan is carried out through proper site planning and high-quality materials, architecture and landscaping. Therefore impacts would be less than significant.

♦ *Air Quality*

The EIR analysis focuses on the nature and magnitude of the change in the air quality environment due to implementation of the proposed project. Air pollutant emissions associated with the proposed project

would result from construction activities, operation of uses allowed under the proposed Specific Plan, and project-related traffic volumes.

Air quality modeling was completed consistent with South Coast Air Quality Management District recommendations. The EIR analyzed the following emissions: Carbon Monoxide (CO), Respirable Particulate Matter (PM<sub>10</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>), Nitrogen Oxides (NO<sub>x</sub>), Sulfur Oxides (SO<sub>x</sub>), Volatile Organic Compounds (VOCs) and Toxic Air Contaminants (TACs). In addition the EIR examined if localized CO concentrations at nearby intersections would be increased beyond state and national standards as a result of vehicle traffic.

*Construction Emissions-Short Term Impacts:* Construction activities conducted as part of the implementation of the proposed project would exceed SCAQMD localized significance thresholds and result in a potentially significant impact. Mitigation Measures MM 4.2-1 through MM 4.2-16 would be implemented to reduce these emissions. However, PM<sub>10</sub> and PM<sub>2.5</sub> emissions would not be reduced to levels below the SCAQMD thresholds. Therefore, short-term air quality impacts would be significant and unavoidable during the project's grading phase.

*Operational Emissions-Long Term Impacts:* Operational emissions generated by both stationary and mobile sources would result from normal day-to-day activities after completion of project construction. Although the proposed project would reduce vehicle trips in comparison to the number of trips anticipated in the BECSP Program EIR, the proposed project would increase vehicle trips in the area above existing conditions. The analysis of the daily operational emissions from the proposed project has been prepared utilizing the URBEMIS 2009 computer model recommended by the SCAQMD. The proposed project would generate emissions that exceed the thresholds of significance recommended by the SCAQMD. The exceedance of the thresholds is primarily due to the increase in motor vehicles traveling to and from the project site. As no feasible mitigation is available to reduce these emissions, this impact would remain significant and unavoidable.

The EIR examined if localized CO concentrations at nearby intersections would be increased beyond state and national standards as a result of increased vehicle traffic. The EIR analysis determined that the proposed project will not cause localized CO concentrations at nearby intersections to exceed national or state ambient air quality standards. Therefore, "hot spots" are not anticipated to occur at local intersections as a result of project implementation.

◆ *Climate Change*

Greenhouse Gas (GHG) emissions associated with the proposed project would result from operation of future project development and from future project-related traffic volumes. Construction activities would also generate emissions within the project site and on roadways resulting from construction-related traffic. Mitigation Measures MM4.15-1 – MM4.15-9 are consistent with strategies recommended by the California Climate Action Team and California Air Pollution Control Officers Association for reducing climate change emissions, which would ensure that construction and operational impacts from the project remain less than significant with respect to climate change.

◆ *Biological Resources*

The EIR evaluates the potential for implementation of the Specific Plan to have substantial adverse impacts on biological resources. The project site is predominantly developed and consists of a vacant approximately 240,000 square foot commercial building (formerly Levitz furniture store) and an existing auto vehicle service business (EZ Lube). The property is almost entirely paved except for existing parking lot and perimeter landscaping. The EIR discloses an existing code requirement to replace existing trees proposed to be removed at a two to one ratio and includes a standard mitigation measure to ensure that the project would not result in impacts to sensitive or protected migratory avian species during construction. The EIR concluded that the project would have no impacts on federally protected wetlands, habitat conservation plans or special status species. Overall, the EIR analysis concluded that impacts to biological resources would be less than significant.

◆ *Cultural Resources*

The project site is almost entirely paved and existing buildings on the site were constructed in 1969 (Levitz) and 1996 (EZ Lube). Since the existing buildings on the project site are not 45 years old, BECSP MM4.4-1 requiring a qualified professional to conduct a site-specific historical resource investigation on the project site is not applicable. The impact analysis for cultural resources is based on the findings of the cultural records search and site survey conducted for the proposed project. No evidence of previously undiscovered cultural resources on the project site was encountered during the survey and record search. Although, no cultural resources have been recorded on the project site, Mitigation Measures MM4.4-2 (b) and MM4.4-3 (b) would ensure that impacts from the discovery of resources during project construction would be less than significant.

◆ *Geology and Soils*

The EIR includes an analysis of potential adverse impacts on existing geologic and soils conditions on the project site utilizing information from the BECSP Program EIR and a site-specific geotechnical investigation. Potential geologic and seismic hazards were analyzed in the EIR giving consideration to geologic constraints such as fault rupture, groundshaking and liquefaction. The EIR concludes that with implementation of existing code requirements and Mitigation Measure MM4.5-1 all impacts would be less than significant.

◆ *Hazards and Hazardous Materials*

The EIR analyzes the existing physical setting of the project site as it relates to hazards and hazardous materials and its potential impact on human health resulting from the implementation of the proposed project. A Phase I and Phase II environmental site assessment (ESA) were conducted for the project site. The Phase I ESA revealed that the soil and groundwater on the site had been subject to two historic releases of fuels and/or waste oil, but have since been remediated. The Phase II ESA recommended additional evaluation for residual soil and groundwater contamination in addition to an investigation of methane in the soil vapor. The project would be subject to City Specification No. 429 requiring the project to comply with the Fire Department's standards for projects within a Methane District. Mitigation Measures MM4.6-1 through MM4.6-4 would require that the Phase II recommendations be implemented to ensure that all impacts related to hazards and hazardous materials would be less than significant.

◆ *Hydrology and Water Quality*

The EIR utilized information from the BECSP Program EIR as well as site-specific characteristics to analyze potential hydrology and water quality impacts. The subject property is relatively flat, however, a portion of the site is situated at a lower elevation compared to Edinger Avenue and Gothard Street. In addition, the project site is in FEMA Flood Zone A and is located just west of the Murdy Channel. The proposed project will require the preparation of a Water Quality Management Plan (WQMP) prior to the issuance of Precise Grading or Building permits. Pursuant to the BECSP, the project must include site design and source and treatment control BMPs in the project WQMP. The recommended mitigation measures require compliance with the current National Pollution Discharge Elimination System (NPDES) requirements in place at the time of construction and include site design BMPs incorporating Low Impact Development (LID) principals as defined in the Municipal NPDES Permit such as porous concrete and green roofs. The recommended mitigation measures also require that a hydrology and hydraulic study as well as a groundwater hydrology study be prepared to ensure that the specific hydrologic conditions of the project site, the Murdy Channel and surrounding storm drain system are reflected in the final project design to mitigate impacts to a less than significant level.

◆ *Land Use and Planning*

The proposed project is subject to the Town Center – Core and Town Center - Neighborhood segments of the adopted BECSP. As proposed, the project is within the maximum amount of development for Edinger Avenue that is set forth in the BECSP and the general uses proposed are permitted for the BECSP segments in which they are located. Compliance with the development standards, regulations and guidelines of the BECSP would be reviewed through the site plan review process to ensure that the project will not conflict with the BECSP, General Plan and other applicable codes. As such, impacts to land use and planning are considered to be less than significant.

◆ *Noise*

Potential noise impacts relate to short-term construction activities and long-term changes in ambient conditions primarily related to increases in traffic were analyzed in the EIR. Ambient noise level measurements at six locations near the project site and roadway noise levels from the BECSP Program EIR were utilized to provide the baseline noise conditions. Noise that would be experienced by sensitive uses due to development associated with implementation of the proposed project is determined at their property lines. The nearest sensitive uses were identified at 50, 100 and 160 feet from the project site. In terms of the short-term noise impacts from construction, the City's noise ordinance exempts noise associated with construction provided the construction takes place between the hours of 7:00 A.M. and 8:00 P.M. Monday through Saturday. Implementation of Mitigation Measures MM4.9-1 through MM4.9-3 would ensure that impacts associated with construction-related noise would be minimized. Therefore, this impact would be less than significant.

Construction-related groundborne noise and vibration may result in human annoyance and/or potentially damage the foundations and exteriors of other structures. Implementation of Mitigation Measures MM4.9-1 through MM4.9-3 would help to reduce this impact to a less than significant level. In addition,

operation of the project would not result in excessive groundborne noise and vibration and impacts would be less than significant.

Long term noise generated by implementation of the proposed project would include new stationary sources such as rooftop heating, ventilation, and air conditioning systems for the residential and commercial uses. The proposed project would also introduce new activity and noise to the area as residences are included and people are attracted to the new mix of uses that would develop as part of the proposed project. The noise monitoring studies show that existing noise levels near the project site currently exceed the City noise standards for residential uses. Development of new residences in areas where existing noise levels currently exceed the City standard would constitute a significant impact. Mitigation Measures MM4.9-4 and MM4.9-5 would be required to attenuate noise from HVAC systems and implement design measures to ensure that noise levels in new residential units do not exceed the standards set forth in Section 8.40.070 and Section 8.40.080 of the Huntington Beach Municipal Code. The EIR concludes that long term impacts would be less than significant.

Mitigation Measure 4.9-5 would address the Planning Commission's concerns expressed at the January 25, 2011 Study Session related to residential uses abutting the existing adjacent EZ Lube business as it pertains to noise. The mitigation measure would require noise attenuation measures such as acoustical paneling or walls if the results of a required acoustical analysis indicated that noise levels exceeded the acceptable noise levels for residential uses.

◆ *Population and Housing*

This section of the EIR analyzes the potential for the project to induce population and employment growth beyond growth projections analyzed and adopted in the BECSP and BECSP Program EIR. The development potential for new dwelling units within the BECSP area is 4,500 units with 1,745 units in the Edinger Corridor. The proposed project is within the amount of development analyzed in the BECSP Program EIR and the maximum amount of new development (MAND) specified in the BECSP. In addition, the proposed project would not displace housing or residents as the property is currently developed with commercial uses. Impacts related to population and housing would be less than significant.

◆ *Public Services*

The EIR evaluates the effects of the proposed project on public services (fire, police, schools and libraries) by identifying anticipated demands on existing and planned service availability. The analysis concludes that the proposed project would not require new or physically altered fire or police facilities to maintain adequate response times and staffing. However, in order to ensure that an adequate level of service is provided through the build-out of the specific plan, a mitigation measure is recommended, which would ensure that funding is available to maintain acceptable response times and staffing levels for Police and Fire. The EIR also identifies standard code requirements, which require payment of development impact fees to address a project's impacts on public services and facilities such as schools and libraries. The EIR analysis concludes that impacts on police, fire, schools, and libraries are less than significant.

The EIR states that the library system currently has 37 full-time employees. At the January 25, 2011 Study Session, Planning Commissioner Bixby informed staff that City budget documents state that there

are approximately 30 full-time employees and the Library Services Director confirmed that there are 25.5 full-time employees. PBS&J, the City's EIR consultant, confirmed that the updated data would not affect the conclusions of the EIR that the additional residents from the proposed project would not significantly offset the current staffing ratios and the identified code requirement for payment of development and enrichment fees would address the increase in users as a result of the project. Impacts would be less than significant. However, the new data will be incorporated into the Final EIR and is provided as an additional text change (Attachment No. 3).

◆ *Recreation*

The EIR analyzes the potential for adverse impacts on existing recreational facilities and opportunities and the expansion of recreational facilities resulting from implementation of the proposed project. The development code of the Specific Plan includes a special public open space regulation that would require development of the project site to provide a minimum half-acre public open space area. This public open space area could count toward the project's park fee obligation required by the City's zoning ordinance. In terms of the impact on the established Citywide General Plan policy for parkland (five acres per 1,000 residents), the population increase as a result of the proposed project would not significantly reduce the current Citywide ratio of 4.9 acres per 1,000 residents. The BECSP code requirement for provision of public open space in conjunction with compliance with Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance for payment of park fees would ensure that the project would not have significant impacts on existing recreational facilities and opportunities.

◆ *Transportation/Traffic*

The EIR analyzes the potential for adverse impacts on existing transportation and traffic conditions resulting from implementation of the proposed project. A traffic study was conducted by Austin-Foust Associates and analyzed potential adverse traffic impacts on the intersections surrounding the project site (Edinger Avenue/Gothard Street and Gothard Street/Center Avenue) as well as the BECSP study area. When compared to the scope of development anticipated for the project site in the BECSP Program EIR, daily vehicle trips would be decreased 17 percent and would not result in significant impacts resulting in a decrease in the level of service at the two closest intersections. The project may contribute traffic to other BECSP study area intersections and freeway ramps that were determined to be significantly impacted as a result of implementation of the BECSP. However, the proposed project's impacts on those intersections and freeway ramps determined to be deficient can be mitigated through payment of fees that would contribute the project's fair share to improving those intersections. The EIR also analyzes the project's potential to create adverse impacts from inadequate parking capacity, alternative transportation policies and emergency access. With implementation of existing code requirements, mitigation measures adopted for the BECSP and proposed project-specific mitigation measures, all project-related traffic impacts would be mitigated to a less than significant level. Although traffic impacts as a result of the proposed project would be less than significant, cumulative impacts would be significant and unavoidable for four BECSP study area intersections, including two Caltrans intersections, and one I-405 freeway ramp. The proposed project may contribute traffic to these intersections, the effects of which would result in a cumulatively significant impact when combined with development anticipated within the BECSP and surrounding areas.

◆ Utilities

The EIR analyzes potential impacts to water, wastewater, solid waste and other utility systems. The water lines associated with future development permitted under the proposed project are required to be sized appropriately for the anticipated design average day demand and appropriate peaking factors. It is anticipated that the increase in water demand would not result in necessary upgrades to the water treatment plants.

The BECSP Program EIR Water Supply Assessment concluded that under the worst case scenario to meet demand from projected population growth up to the year 2030 aggressive water conservation of up to 13.4 percent could balance supply and demand. The EIR states that the City has demonstrated significant water conservation over the last 10 years. The City's conservation program and existing code requirements for water efficient landscaping in conjunction with Mitigation Measure MM4.14-1 requiring additional water conservation practices would ensure that the project's impact on water supplies would be less than significant.

Implementation of the project would require new sewer connections and construction of new or expanded wastewater conveyance systems pursuant to MM4.14-2. Construction or expansion of wastewater treatment facilities is not anticipated to be necessary to serve the proposed project's needs. The OCSD has adequate treatment capacity available over the long term to serve the development anticipated by the BECSP, including the proposed project. In addition, the project would not result in significant impacts on demand for solid waste services, electricity and natural gas.

Alternatives to the Proposed Project

CEQA guidelines require that an EIR describe a range of reasonable Alternatives to the project or the location of the project that could meet the objectives of the project and potentially reduce significant impacts of the project. Of note is that every conceivable Alternative scenario is not required but rather a range of feasible Alternatives must be included in the EIR so that the project can be adequately evaluated. Therefore, the rationale for selecting potentially feasible Alternatives includes a different type of project, modification to the proposed project, or suitable Alternative project sites. The Alternatives are evaluated to see how well they can achieve the project objectives. Two Alternatives were evaluated in the Draft EIR and described below:

**No Project/No Development Alternative** — The “no project” alternative would serve as a “no development” alternative with the site remaining in its existing condition. This would include the continued vacancy of the 235,000 square foot Levitz Building and continued operation of the 4,990 square foot EZ Lube shop. The EZ Lube shop would remain, with no improvements occurring at the site.

**Reduced Project Alternative** — This alternative assumes a reduced intensity of the project elements at the same project site. Under the reduced project alternative, approximately 498 residential units, a 4,000 square foot leasing center, and approximately 11,000 square feet of neighborhood serving retail use within 3- and 4-story buildings, as well as a 0.5-acre public open space area would be developed.

Other alternatives such as alternative locations and an all commercial development alternative were considered but rejected as infeasible because they would not achieve the project objectives and/or would not lessen significant impacts identified for the proposed project.

#### No Project/No Development Alternative Impacts

Under this alternative, the mixed-use project would not be constructed and the project site would remain in its existing state. In general, no new environmental effects would directly result from the selection of this alternative. Maintenance of the project site in its present state would allow the use of the EZ Lube shop on-site to continue and the 235,000 square-foot Levitz Furniture building would remain vacant. As a result, none of the stated project objectives would be achieved by implementation of the No Project Alternative, as the project site would remain underutilized and largely vacant, and no new retail or residential uses would be developed that could create a mixed-use, urban neighborhood. While the No Project Alternative would eliminate most environmental impacts associated with the proposed project, it would not satisfy the identified project objectives.

#### Reduced Project Alternative Impacts

Similar to the proposed project, the majority of impacts associated with the Reduced Project Alternative would be less than significant with the incorporation of mitigation measures and code requirements. Although it should be noted that most impacts would be less than the proposed project due to the reduction in the scope of development. For example, daily vehicle trips would have a 58 percent reduction when compared to the proposed project yet both projects would result in less than significant project-specific traffic impacts. In addition, the Reduced Project Alternative would eliminate significant operational air quality impacts identified for the proposed project. However, significant short-term construction related air quality impacts that are not anticipated for the proposed project would occur during a 40-day grading phase with this alternative. Similar to the proposed project, significant cumulative traffic impacts would occur since the reduced project would be contributing traffic to existing or future circulation system deficiencies identified in the BECSP Program EIR. The significant adverse impacts are as follows:

##### ■ Air Quality

- > **Project Specific and Cumulative**—Construction of the proposed project would generate emissions that expose sensitive receptors to substantial pollutant concentrations and exceed the thresholds of significance recommended by the South Coast Air Quality Management District (SCAQMD) for Fine Particulate Matter (PM<sub>2.5</sub>) and Respirable Particulate Matter (PM<sub>10</sub>).

##### ■ Transportation/Traffic

- > **Cumulative**—Operation of the proposed project would cumulatively contribute to an unacceptable Level of Service at two BECSP study area intersections (Brookhurst St./Adams Ave. & Beach Blvd./Bolsa Ave.).
- > **Cumulative**—Operation of the proposed project would cumulatively contribute to an increase in delay at two Caltrans intersections (Beach Blvd./Warner Ave. & Beach Blvd./Garfield Ave.) and would increase traffic to the I-405 northbound loop ramp, which is currently deficient.

The Draft EIR identifies that the No Project/No Development Alternative would be the environmentally superior alternative to the proposed project on the basis of the minimization or avoidance of physical environmental impacts. However, CEQA Guidelines require that if the No Project Alternative is the environmentally superior alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. While Alternative 2 would result in construction related criteria pollutant emissions that would exceed the SCAQMD thresholds that would not occur with the proposed project, this impact would be temporary in nature, lasting for approximately 40 days of a three year construction schedule. In addition, Alternative 2 would achieve all project objectives, reduce daily vehicle trips by 58 percent when compared to the proposed project and would eliminate the significant and unavoidable operational air quality impact caused by the proposed project. Therefore, the environmentally superior alternative would be Alternative 2 (Reduced Development).

### Statement of Overriding Considerations

Environmental impacts associated with implementation of a project may not always be mitigated to a level considered less than significant. In such cases, a Statement of Overriding Considerations must be prepared prior to approval of a project, and in accordance with CEQA Guidelines Sections 15091 and 15093. Because implementation of the proposed project would create significant unavoidable impacts as described above in the areas of Air Quality and Transportation/Traffic, a Statement of Overriding Considerations (SOC) is required to describe the specific reasons for approving a project (in this case SPR No. 10-004), based on information contained within the Final EIR, as well as any other information in the public record. The SOC is attached to the staff report for SPR No. 10-004.

### Public Comments on the Draft EIR and Errata Changes

During the public review period, the City of Huntington Beach received a total of nine comment letters: four from state agencies, two from regional/local agencies, one from the Environmental Board, and two from individuals representing the property owner and site plan review applicant. No verbal comments were received at the public meeting held during the comment period. In response to the comments received, the final EIR includes text changes for the purpose of clarification or correction. The Errata do not change the conclusions of the EIR analysis. All of the other comments are adequately addressed in the Response to Comments.

Any written communication received subsequent to the preparation of this staff report will be forwarded to the Planning Commission under separate cover.

### **SUMMARY:**

Environmental Impact Report No. 10-002 serves as an informational document with the sole purpose of identifying potential environmental impacts associated with the Murdy Commons Mixed Use Project, alternatives that minimize those impacts, and appropriate mitigation measures.

Staff recommends that the Planning Commission certify EIR No. 10-002 because:

- The EIR has been prepared in accordance with the California Environmental Quality Act;
- The EIR adequately addresses the environmental impacts associated with the proposed project; and

- The EIR identifies project alternatives and mitigation measures to lessen the project's impacts consistent with the BECSP Program EIR and General Plan policies.

**ATTACHMENTS:**

1. Planning Commission Resolution No. 1653 – Certifying Final EIR No. 10-002
2. Final EIR No. 10-002, includes Draft EIR, EIR Appendices, Response To Comments and Text Changes (**Not Attached - Available for Public Review at the Planning and Zoning Counter – 3<sup>rd</sup> Floor, City Hall**)
3. Additional Text Change for incorporation into the Final EIR – Updated Library Employee Data

SH:MBB:jv

**RESOLUTION NO. 1653**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF HUNTINGTON BEACH CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT (SCH#2010111025)  
FOR THE MURDY COMMONS MIXED USE PROJECT**

**WHEREAS**, Environmental Impact Report No. 10-002, State Clearinghouse # 2010111025 (“EIR”) was prepared by the City of Huntington Beach (“City”) to address the environmental implications of the Murdy Commons Mixed Use Project (the “Project”); and

- On July 31, 2009, a Notice of Preparation/Initial Study for the Project was prepared in conjunction with the Beach and Edinger Corridors Specific Plan (“BECSP”) Program EIR and distributed to the State Clearinghouse, other responsible agencies, trustee agencies and interested parties; and
- After obtaining comments received in response to the Notice of Preparation, and comments received at the public scoping meeting held on August 21, 2009, the City completed preparation of the BECSP Program EIR, which was adopted on December 8, 2009; and
- As development on the project site was included in the Notice of Preparation for the BECSP EIR and analyzed as part of the larger scope of development contemplated in the BECSP EIR (Program EIR No. 08-008), which anticipated approximately 1,250 dwelling units and 60,000 square feet of commercial area on the project site, Draft EIR No. 10-002 is tiered from the BECSP Program EIR; and
- The City filed a Notice of Completion with the State Clearinghouse on November 4, 2010 and the Draft EIR was circulated for public review and comment from November 4, 2010 to December 20, 2010, and was available for review at several locations including City Hall Planning and Building Department, City Clerk’s Office, Central Library and the City’s website; and

**WHEREAS**, Public comments have been received on the Draft EIR, and responses to those comments have been prepared and provided to the Planning Commission as a section within a separately bound document entitled “Murdy Commons Mixed Use Project Environmental Impact Report Volume III: Final EIR” (the “Responses to Comments”), dated January 2011; and

**WHEREAS**, Public Resources Code 21092.5(a) requires that the City of Huntington Beach provide a written proposed response to any public agency that commented on the Environmental Impact Report, and the Response to Comments included in the Final Environmental Impact Report satisfies this provision; and

**WHEREAS**, the Planning Commission held a public meeting on the EIR on February 8, 2011 and received and considered public testimony.

ATTACHMENT NO. 1.1

**NOW, THEREFORE**, the Planning Commission of the City of Huntington Beach

**DOES HEREBY RESOLVE** as follows:

**SECTION 1.** Consistent with CEQA Guidelines Section 15132, the Final EIR for the Project is comprised of the Draft EIR and Appendices, the comments received on the Draft EIR, the Responses to Comments (including a list of persons, organizations, and public agencies commenting on the Draft EIR), the Text Changes to the Draft EIR (bound together with the Responses to Comments) and all Planning and Building Department Staff Reports to the Planning Commission, including all minutes, transcripts, attachments and references. All of the above information has been and will be on file with the City of Huntington Beach Department of Planning and Building, 2000 Main Street, Huntington Beach, California 92648.

**SECTION 2.** The Planning Commission finds and certifies that the Final EIR is complete and adequate in that it has identified all significant environmental effects of the Project and that there are no known potential environmental impacts not addressed in the Final EIR.

**SECTION 3.** The Planning Commission finds that all significant effects of the Project are set forth in the Final EIR.

**SECTION 4.** The Planning Commission finds that although the Final EIR identifies certain significant environmental effects that will result if the Project is approved, all significant effects which can feasibly be mitigated or avoided have been mitigated or avoided by the incorporation of Project design features, standard conditions and requirements, and by the imposition of mitigation measures on the approved Project. All mitigation measures are included in the "Mitigation Monitoring and Reporting Checklist" (also referred to as the "Mitigation Monitoring Program") attached as Exhibit "A" to this Resolution and incorporated herein by this reference.

**SECTION 5.** The Planning Commission finds that the Final EIR has described reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project (including the "No Project" Alternative), even when these alternatives might impede the attainment of Project objectives. Further, the Planning Commission finds that a good faith effort was made to incorporate alternatives in the preparation of the Draft EIR and that a reasonable range of alternatives was considered in the review process of the Final EIR and ultimate decisions on the Project.

**SECTION 6.** The Planning Commission finds that no "substantial evidence" (as that term is defined pursuant to CEQA Guidelines Section 15384) has been presented that would call into question the facts and conclusions in the EIR.

**SECTION 7.** The Planning Commission finds that no "significant new information" (as that term is defined pursuant to CEQA Guidelines Section 15088.5) has been added to the Final EIR after circulation of the Draft EIR. The Planning Commission finds that the minor refinements that have been made in the Project as a result of clarifications in the mitigation measures and EIR text do not amount to significant new information concerning the Project, nor has any significant new information concerning the Project become known to the Planning

ATTACHMENT NO. 1.2

Commission through the public hearings held on the Project, or through the comments on the Draft EIR and Responses to Comments.

**SECTION 8.** The Planning Commission finds that the Mitigation Monitoring Program establishes a mechanism and procedures for implementing and verifying the mitigations pursuant to Public Resources Code 2108.6 and hereby adopts the Mitigation Monitoring Program. The mitigation measures shall be incorporated into the Project prior to or concurrent with Project implementation as defined in each mitigation measure.

**SECTION 9.** The Planning Commission finds that the Final EIR reflects the independent review and judgment of the City of Huntington Beach Planning Commission, that the Final EIR was presented to the Planning Commission, and that the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving a project located on the subject property.

**SECTION 10.** The Planning Commission finds that the Final EIR serves as adequate and appropriate environmental documentation for the Project. The Planning Commission certifies that the Final EIR prepared for the Project is complete, and that it has been prepared in compliance with the requirements of the California Environmental Quality Act and CEQA Guidelines.

**PASSED AND ADOPTED** by the Planning Commission of the City of Huntington Beach at a regular meeting thereof held on the Eighth day of February, 2011.

AYES:  
NOES:  
ABSENT: None  
ABSTAIN: None

ATTEST:

\_\_\_\_\_  
Scott Hess, Secretary

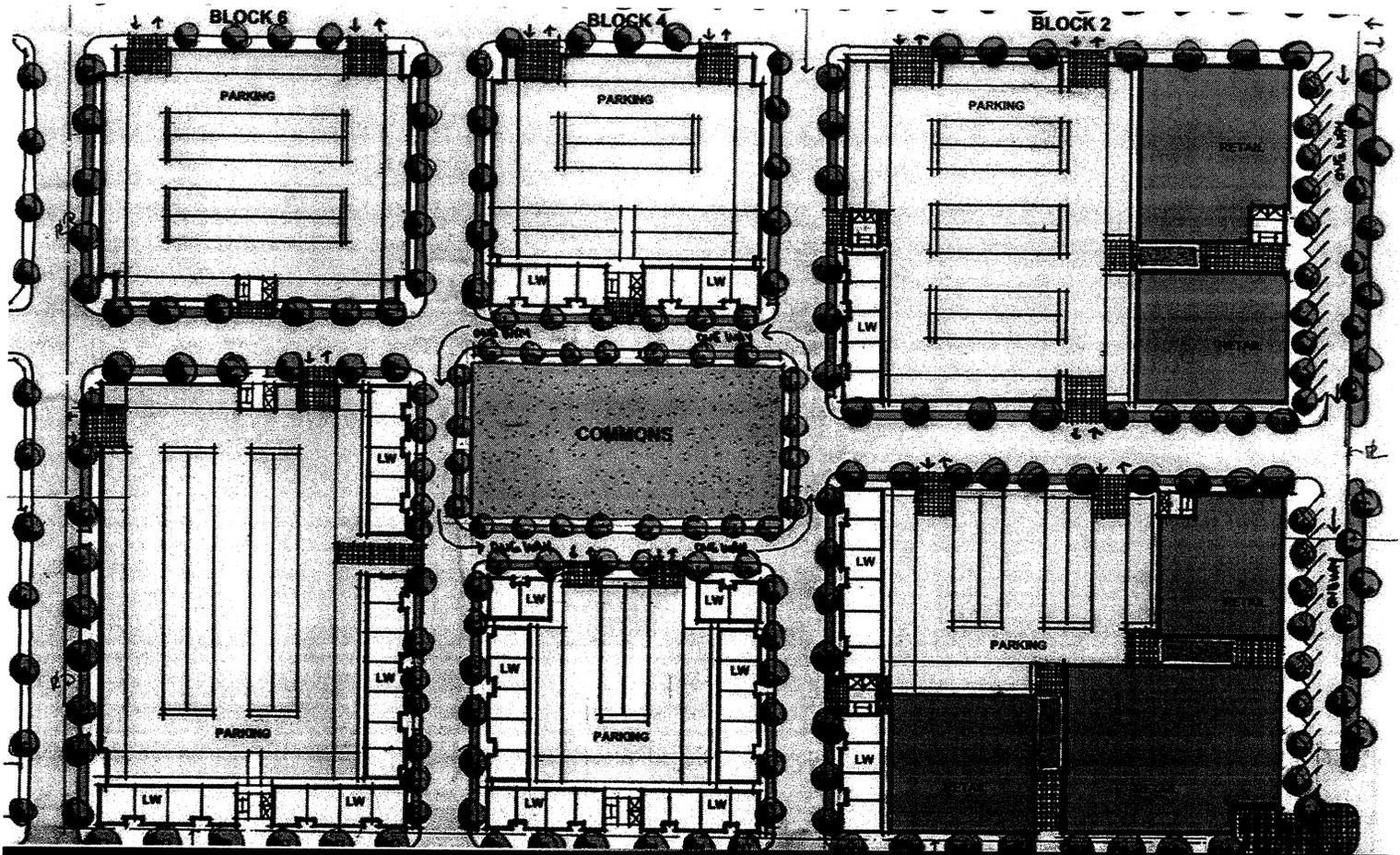
\_\_\_\_\_  
Chairperson, Planning Commission

Exhibit A: Mitigation Monitoring and Reporting Program

ATTACHMENT NO. 1.3

# EXHIBIT A

ATTACHMENT NO. 1.4

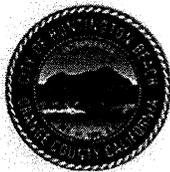


**City of Huntington Beach**

# Murdy Commons Project Environmental Impact Report

## Mitigation Monitoring and Reporting Program

*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**

ATTACHMENT NO. 1.5

# CITY OF HUNTINGTON BEACH **MURDY COMMONS**

## **Final Environmental Impact Report**

SCH No. 2010111025

EIR No. 10-002

*Mitigation Monitoring and Reporting Program*

*Prepared for*  
**City of Huntington Beach**  
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2000 Main Street, Third Floor  
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January 2011

ATTACHMENT NO. 1.6

# Mitigation Monitoring and Reporting Program

## A. INTRODUCTION

The Final Environmental Impact Report for Murdy Commons Project (State Clearinghouse #2010111025) identified mitigation measures to reduce the adverse effects of the project in the areas of: aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation/traffic, utilities and service systems, and climate change.

The California Environmental Quality Act (CEQA) requires that agencies adopting environmental impact reports ascertain that feasible mitigation measures are implemented, subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during applicable project timing, e.g. design, construction, or operation (Public Resource Code §21081.6). Code Requirements (CRs) that were identified in the Draft EIR are required to be implemented as a result of existing City code and are not considered mitigation measures. Therefore, CRs would be implemented for the Murdy Commons Project but these do not require monitoring activity, and are not included in this Mitigation Monitoring and Reporting Program (MMRP).

The MMRP shall be used by the City of Huntington Beach staff responsible for ensuring compliance with mitigation measures associated with the Murdy Commons Project. Monitoring shall consist of review of appropriate documentation, such as plans or reports prepared by the party responsible for implementation or by field observation of the mitigation measure during implementation.

The following table identifies the mitigation measures by resource area. The table also provides the specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing and responsible monitoring party. Verification of compliance with each measure is to be indicated by signature of the mitigation monitor, together with date of verification.

The Project Applicant and the Applicant's Contractor shall be responsible for implementation of all mitigation measures, unless otherwise noted in the table.

Mitigation Monitoring and Reporting Program

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Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<b>4.1 AESTHETICS</b>						
<b>BECSP MM4.1-2</b> Proposed new structures shall be designed to maximize the use of non-reflective façade treatments, such as matte paint or glass coatings. Prior to issuance of building permits for the proposed project, the Applicant shall indicate provision of these materials on the building plans.	Building plans	Review and approve building plans for inclusion	Plan check prior to issuance of building permit	Planning		
<b>4.2 AIR QUALITY</b>						
<b>BECSP MM4.2-1</b> Project applicants shall require by contract specifications that all diesel-powered equipment used will be retrofitted with after-treatment products (e.g., engine catalysts). Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Huntington Beach prior to issuance of a grading permit.	Contract language and notes on grading plans	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
<b>BECSP MM4.2-2</b> Project applicants shall require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site use low-NOx diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin (this does not apply to diesel-powered trucks traveling to and from the project site). Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Huntington Beach prior to issuance of a grading permit.	Contract language and notes on grading plans	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
<b>BECSP MM4.2-3</b> Project applicants shall require by contract specifications that construction equipment engines be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Huntington Beach prior to issuance of a grading permit.	Contract language and notes on grading plans	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	Planning		

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Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p><b>BECSP MM4.2-4</b> Project applicants shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Huntington Beach prior to issuance of a grading permit.</p>	<p>Contract language and notes on grading plans</p>	<p>Review and approve contract specifications and grading plans for inclusion</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Planning</p>		
<p><b>BECSP MM4.2-5</b> As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:</p> <ul style="list-style-type: none"> <li>■ Application of soil stabilizers to inactive construction areas</li> <li>■ Quick replacement of ground cover in disturbed areas</li> <li>■ Watering of exposed surfaces three times daily</li> <li>■ Watering of all unpaved haul roads three times daily</li> <li>■ Covering all stock piles with tarp</li> <li>■ Reduction of vehicle speed on unpaved roads</li> <li>■ Post signs on-site limiting traffic to 15 miles per hour or less</li> <li>■ Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads</li> <li>■ Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas</li> <li>■ Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip</li> </ul>	<p>Contract language and notes on grading plans</p>	<p>Review and approve contract specifications and grading plans for inclusion</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Planning</p>		

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Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<b>BECSP MM4.2-6</b> Project applicants shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than 5 minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.	Contract language and notes on grading plans and construction plans	Review and approve contract specifications and grading plans and construction plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
<b>BECSP MM4.2-7</b> Project applicants shall require by contract specifications that construction parking be configured to minimize traffic interference during the construction period and, therefore, reduce idling of traffic. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.	Contract language and notes on grading plans and construction plans	Review and approve contract specifications and grading plans and construction plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
<b>BECSP MM4.2-8</b> Project applicants shall require by contract specifications that temporary traffic controls are provided, such as a flag person, during all phases of construction to facilitate smooth traffic flow. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.	Contract language and notes on grading plans and construction plans	Review and approve contract specifications and grading plans and construction plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
<b>BECSP MM4.2-9</b> Project applicants shall require by contract specifications that construction activities that would affect traffic flow on the arterial system be scheduled to off-peak hours (10:00 AM to 4:00 PM). Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.	Contract language and notes on grading plans and construction plans	Review and approve contract specifications and grading plans and construction plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
<b>BECSP MM4.2-10</b> Project applicants shall require by contract specifications that dedicated on-site and off-site left-turn lanes on truck hauling routes be utilized for movement of construction trucks and equipment on site and off site to the extent feasible during construction activities. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.	Contract language and notes on grading plans and construction plans	Review and approve contract specifications and grading plans and construction plans for inclusion	Plan check prior to issuance of a grading permit	Planning		

ATTACHMENT NO. 1.10

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p><b>BECSP MM4.2-11</b> Upon issuance of building or grading permits, whichever is issued earlier, notification shall be mailed to owners and occupants of all developed land uses within 300 feet of a project site within the Specific Plan providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager shall be responsible for complying with all project requirements related to PM<sub>10</sub> generation. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, the police department, and a sign on site.</p>	<p>Mail to owners &amp; occupants within 300 feet of project site a notice regarding major construction activities</p>	<p>Obtain confirmation that mailing to owners &amp; occupants took place</p>	<p>Plan check prior to issuance of a grading or building permits, whichever occurs earlier</p>	<p>Planning</p>		
<p><b>BECSP MM4.2-12</b> Project applicants shall require by contract specifications that the architectural coating (paint and primer) products used would have a VOC rating of 125 grams per liter or less. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Huntington Beach.</p>	<p>Contract language and notes on construction plans</p>	<p>Review and approve contract specifications and construction plans for inclusion</p>	<p>Plan check prior to issuance of a building permit</p>	<p>Planning</p>		
<p><b>BECSP MM4.2-13</b> Project applicants shall require by contract specifications that materials that do not require painting be used during construction to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Huntington Beach..</p>	<p>Contract language and notes on construction plans</p>	<p>Review and approve contract specifications and construction plans for inclusion</p>	<p>Plan check prior to issuance of a building permit</p>	<p>Planning</p>		
<p><b>BECSP MM4.2-14</b> Project applicants shall require by contract specifications that pre-painted construction materials be used to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Huntington Beach.</p>	<p>Contract language and notes on construction plans</p>	<p>Review and approve contract specifications and construction plans for inclusion</p>	<p>Plan check prior to issuance of a building permit</p>	<p>Planning</p>		

ATTACHMENT NO. 1.11

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<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.	Contract language and notes on grading plans and construction plans	Review and approve contract specifications and grading plans and construction plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
<b>Project MM4.2-16</b> Project applicants shall require by contract specifications that all paving be completed as soon as possible to reduce fugitive dust emissions.	Contract language and notes on grading plans and construction plans	Review and approve contract specifications and grading plans and construction plans for inclusion	Plan check prior to issuance of a grading permit	Planning		

4.3 BIOLOGICAL RESOURCES

<b>BECSP MM4.3-1</b> Nesting avian species protected by the MBTA: a. Prior to any construction or vegetation removal between February 15 and August 31, a nesting bird survey shall be conducted by a qualified biologist of all habitats within 250 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with CDFG protocol as applicable. If no active nests are identified on or within 250 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified on site (per established thresholds) a 100-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or USFWS. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist. b. Completion of the nesting cycle shall be determined by qualified ornithologist or biologist.	Developer shall submit construction schedule (including grading activities) as evidence of construction overlap with breeding season. If construction occurs during relevant breeding, developer shall present a survey report (prepared by a consultant approved by the City) to the City prior to issuance of a grading	Review schedule and field survey report, and as necessary, review and approve plans indicating construction limits  Perform periodic field check to ensure compliance	Plan check prior to issuance of a grading permit  During construction	Planning  Planning		
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ATTACHMENT NO. 1.12

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
	<p>permit. If nests are found, developer shall submit plans identifying nest locations and limits of construction activities.</p>					
<b>4.4 CULTURAL RESOURCES</b>						
<p>In the event that the applicant or property owner does not move forward with the proposed project in good faith prior to the existing buildings on site reaching an age of 45 years, or a new entitlement is requested on the project site after the Levitz building reaches an age of 45 years, the following mitigation measure would apply:</p> <p><b>BECSP MM4.4-1</b> Prior to development activities that would demolish or otherwise physically affect buildings or structures 45 years old or older or affect their historic setting, the project applicant shall retain a cultural resource professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History to determine if the project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. The investigation shall include, as determined appropriate by the cultural resource professional and the City of Huntington Beach, the appropriate archival research, including, if necessary, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System and a pedestrian survey of the proposed development area to determine if any significant historic-period resources would be adversely affected by the proposed development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any historical resources within the development area and includes recommendations and methods for eliminating or reducing impacts on historical resources. The technical report or memorandum shall be submitted to the City of Huntington Beach for approval. As determined necessary by the City, environmental</p>	<p>Proof of retention of an historical resource professional to determine potential significance of structure 45 years old or older</p>	<p>Verify retention of qualified historical resource professional</p>	<p>Plan check prior to issuance of demolition or grading permit, whichever occurs earlier</p>	<p>Planning</p>		

ATTACHMENT NO. 1.13

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or reducing impacts on historical resources identified in the technical report or memorandum.</p>						
<p><b>BECSP MM4.4-2(b)</b> If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("middens"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City of Huntington Beach shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the appropriate Information Center.</p>	<p>Proof of retention of archaeological professional to determine if a substantial adverse change would occur to an archaeological resource</p>	<p>Verify retention of qualified archaeological professional; preparation of technical report, if necessary; no adverse impacts to archaeological resources will occur</p>	<p>During grading</p>	<p>Planning</p>		
<p><b>BECSP MM4.4-3(b)</b> Should paleontological resources (i.e., fossil remains) be identified at a particular site during project construction, the construction foreman shall cease construction within 100 feet of the find until a qualified professional can provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:</p> <ol style="list-style-type: none"> <li>1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high</li> <li>2. Assess effects on identified sites</li> <li>3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted</li> </ol>	<p>Proof of retention of paleontological professional to determine if a substantial adverse change would occur to an paleontological resource</p>	<p>Verify retention of qualified paleontological professional; preparation of technical report, if necessary; no adverse impacts to paleontological resources will occur</p>	<p>During grading</p>	<p>Planning</p>		

ATTACHMENT NO. 1.14

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>4. Obtain comments from the researchers</p> <p>5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible</p> <p>In considering any suggested mitigation proposed by the consulting paleontologist, the City of Huntington Beach staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>						
<b>4.5 GEOLOGY AND SOILS</b>						
<p><b>BECSP MM4.5-1</b> Future development in the Beach Boulevard and Edinger Avenue Corridors Specific Plan area shall prepare a grading plan to contain the recommendations of the final soils and geotechnical report. These recommendations shall be implemented in the design of the project, including but not limited to measures associated with site preparation, fill placement, temporary shoring and permanent dewatering, groundwater seismic design features, excavation stability, foundations, soil stabilization, establishment of deep foundations, concrete slabs and pavements, surface drainage, cement type and corrosion measures, erosion control, shoring and internal bracing, and plan review.</p>	Notes on grading plan and building plans	Review and approve grading and building plans for inclusion of final soils and geotechnical recommendations	Plan check prior to issuance of a grading permit	Public Works Building and Safety		

ATTACHMENT NO. 1.15