

11. Responses to Comments

11.1 Organization of the Responses to Comments

In total, twenty one comment letters regarding the Draft EIR were received from one State department, three regional and/or local agencies, and sixteen individuals and organizations. In addition, oral comments were received at the Huntington Beach Downtown Specific Draft EIR Public Information Meeting that was held on August 13, 2009. Table 11.1.1 provides a comprehensive list of commenters in the order that they are presented in this section.

Table 11.1.1 Comment Letters Received During the Draft EIR Comment Period

<i>No.</i>	<i>Committer/Organization</i>	<i>Page</i>
STATE DEPARTMENTS		
1	Department of Transportation, District 12, September 1, 2009	11-3
REGIONAL/LOCAL AGENCIES		
3	Orange County Public Works, September 2, 2009	11-6
2	Orange County Sanitation District, August 11, 2009	11-8
4	Orange County Transportation Authority, August 27, 2009	11-10
5	Southern California Association of Governments, September 8, 2009	11-11
ORGANIZATIONS AND INDIVIDUALS		
Written Letters		
6	Michael C. Adams, September 1, 2009	11-20
7	Mark D. Bixby, August 9, 2009	11-28
8	Mark D. Bixby, August 31, 2009	11-31
9	Paul Cross, September 2, 2009	11-34
10	Tom Flanagan, August 7, 2009	11-36
11	Richardson Gray, September, 2, 2009*	11-37
12	Huntington Beach Downtown Residents Association, September 1, 2009	11-52
13	David P. Larson, July 28, 2009	11-77
14	Salwa Mostafa, September 2, 2009	11-78
15	Pierside Homeowners Associations, August 19, 2009 (received)	11-80
16	Richard J. Plummer, September 2, 2009	11-82
17	Roy Reynolds, PRT Strategies, July 27, 2009*	11-86
18	Vince Riley, September 1, 2009	11-131
19	Townsquare Condominiums, September 1, 2009 (received)	11-134
20	Townsquare Master Homeowners Association, September 1, 2009 (received)	11-136
21	Mary Urashima, September 2, 2009	11-138
Oral Comments		
	DTSP Update Draft EIR Public Meeting, August 13, 2009	11-141

* Due to size, comment letter attachments for Richardson Gray and Roy Reynolds are provided as appendices to the Final EIR (Appendix H and Appendix I, respectively).

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

11.2 Comments on the Draft EIR

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

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 381
Irvine, CA 92612-8894
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Post-It® Fax Note	7671	Date	9/1/09	# of pages	3
To	Jennifer Villaseñor	From	John Xu		
Co./Dept.	Planning Dept.	Co.	Caltrans		
Phone #		Phone #	949-724-2338		
Fax #	714-374-1540	Fax #			

September 1, 2009

Jennifer Villaseñor
City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, California 92648

File: IGR/CEQA
SCH #: 2008111024
Log #: 1938F
SR-1, SR-39

Subject: Huntington Beach Downtown Specific Plan Update

Dear Ms. Villaseñor:

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Huntington Beach Downtown Specific Plan (DTSP) Update Project**. The proposed project includes amendments to the City's General Plan, Local Coastal Program, and Zoning Text to revise the existing 11 Specific Plan districts into 7 districts, to modify development and parking standards, incorporate design guidelines and provide recommendations for street improvements, public amenities, circulation enhancements, infrastructure and public facilities improvements and parking strategies. The maximum development potential includes 213, 467 square feet (sf) of retail, 92,332 sf of restaurant, 92,784 sf of office, 30,000 sf of cultural facilities, 648 residential dwelling units and 235 hotel rooms. The approximately 336 acre of project site extends from the intersection of Goldenwest Street with Pacific Coast Highway and curves along the coastline, including the Huntington Beach Pier, down to Beach Boulevard. The eastern boundary of the Specific Plan Area follows Pacific View Avenue from Beach Boulevard to 1st Street where the boundary curves around the traditional downtown up to Palm Avenue and down along 6th Street. The boundary line then travels along the Walnut Avenue from 6th Street to Goldenwest Street. The project site is located entirely within the City of Huntington Beach.

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

1. The Department supports Specific Plans that foster a more efficient land use pattern that (a) supports improved mobility and reduced dependency on single-occupant vehicle trips, (b) accommodates an adequate supply of housing for all incomes, (c) reduces impacts on valuable habitat, productive farmland, and air quality, (d) increases resources use efficiency, and (e) results in safe and vibrant neighborhood. The Department recognizes that non-motorized travel is a vital element of the transportation system and therefore, encourages communities to make pedestrian and bicycle activity possible, thus expanding transportation

DOT-1

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options, and creating a streetscape that better serves a range of users, including pedestrians, bicyclists, transit riders and automobiles.

2. Table 4.12.1 on page 4-185 refers to intersection LOS along Pacific Coast Highway (PCH) and Beach Boulevard, which are both State Facilities. LOS figures shown in the table are not representative of the existing conditions. For example, the intersection of PCH and Main Street is not operating at LOS B, especially if pedestrian presence is taking into account. The analysis of the intersections should take into consideration the presence of pedestrian during high season. DOT-2

3. Adjustment factors for PHF, User, PCE and MLF are all assumed to be 1.00 in the Traffic Impact Study, which may be unrealistic. Please provide an explanation on how these factors were obtained. A change in any or all of these factors would require re-calculation of intersection LOS. Should there be any significant impacts to PCH or Beach Boulevard, mitigation measures need to be included in the environmental document. DOT-3

4. The list of Cumulative Projects for traffic study (page 4-196) is different from the one found on page 3-38 under "Project Description". Please provide reasons for the discrepancy and explain why projects such as the Beach/Edinger Specific Plan were not included in the cumulative analysis, as the cumulative effects of these projects could be significant. DOT-4

5. Attention should be given to the interactions between the proposed project and the current Huntington Beach General Plan Circulation Element Update to ensure consistency. DOT-5

6. On page 4-211 under "Bicycle Improvements", it is stated that "The DTSP Update proposes to add a Class II bicycle lane to 6th street from PCH to Main Street". Please coordinate with the Department's Traffic Operations Branch and Design Branch if any part of this addition project occurs within the State Right of Way. DOT-6

7. On page 4-212 under "Pedestrian Improvements", it is stated that "DTSP Update proposes the implementation of pedestrian-only phase for the signal operations at the intersection of PCH at 1st Street and PCH at 6th Street". Please coordinate with the Department's Traffic Operations Branch. DOT-7

8. For any future individual projects within the Specific Plan Area, additional environmental documentation may be required to address impacts not discussed in the DEIR. DOT-8

9. If any project work (e.g. storage of materials, street widening, emergency access improvements, sewer connections, sound walls, storm drain construction, street connections, etc.) will occur in the vicinity of the Department's Right-of-Way, an encroachment permit is required prior to commencement of work. Please allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for an Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, Right-of-Way certification and all relevant design details including design exception approvals. For specific details on the Department's Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual. The latest edition of the manual is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>. DOT-9

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10. Any runoff draining into the Caltrans Right-of-Way from construction operations or from the resulting project must fully conform to the Caltrans Statewide NPDES Permit (Order No 99-06-DWQ, NPDES No. CAS000003) and or the current discharge requirements of the Regional Water Quality Control Board to avoid impacting water quality. During construction, controls must be implemented to contain all vehicle loads and avoid any tracking of materials that may fall or blow onto Caltrans roadways or facilities. | DOT-10

11. If the proposed Specific Plan Update or future individual projects require any work within the Department's right-of-way, please submit copies of any technical reports and permits from regulatory agencies (California Coastal Commission, California Department of Fish and Game, US Army Corps of Engineers, and Regional Water Quality Control Board) along with the encroachment permit application. | DOT-11

Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Zhongping (John) Xu at (949) 724-2338. | DOT-12

Sincerely,



CHRISTOPHER HERRE
Branch Chief, Local Development/Intergovernmental Review

c. Terry Roberts, Office of Planning and Research

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Bryan Speegle, Director
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NCL 09-026

September 2, 2009

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

SUBJECT: Huntington Beach Downtown Specific Plan

Dear Ms. Villasenor:

The County of Orange has reviewed the Draft Environmental Impact Report (DEIR) for the Huntington Beach Downtown Specific Plan located in the City of Huntington Beach and offers the following comments regarding water quality and flood control:

Water Quality

It should be noted that renewal of the Santa Ana Regional Water Quality Control Board Orange County Municipal NPDES Storm Water Permit (Order No. R8-2009-0030) was approved on May 22, 2009. The new permit requires substantive changes to the 2003 Countywide DAMP and includes revised requirements for new development and significant redevelopment within 15 months of the adoption date. If a final project WQMPs have not been approved by this date, then the new land development requirements will be applicable to future projects.

OCPW-1

Flood Control

1. The DEIR states that "the area east of Huntington Street to Beach Boulevard would become inundated up to nine feet deep in some areas." (Page 4-90) City of Huntington Beach, as floodplain administrator for areas within its municipal boundaries should ensure that all FEMA regulations and floodplain requirements applicable to the Specific Plan, or any subsequent projects, are met.

OCPW-2

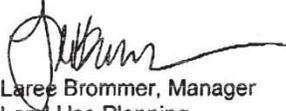
Jennifer Villasenor
NCL 09-026
Page 2

- 2. Any drainage related mitigation measure discussed in the DEIR needs to be reviewed and evaluated by the City of Huntington Beach from a local standpoint in order to ensure that any flooding problems upstream and downstream of the project sites are not transferred elsewhere. | OCPW-3

- 3. All work within or adjacent to OCFCD right-of-way should be conducted so as not to adversely impact facilities, access and maintenance capabilities, and will require encroachment permits from OCPW/Property Permits Section. For information regarding permit application, please call (714) 834-2300. | OCPW-4

If you have any questions, please contact Chris Uzo Diribe at (714) 834-2542.

Sincerely,



Laree Brommer, Manager
Land Use Planning

From: McNelly, Patrick [mailto:PMCNELLY@OCS.D.COM]
Sent: Tuesday, August 11, 2009 11:37 AM
To: Villasenor, Jennifer
Cc: Burror, Jim
Subject: Huntington Beach Downtown Specific Plan No-5 - Program Environmental Impact Report

Ms. Villasenor,

Orange County Sanitation District would like to thank you and city staff for the level of detailed information included in the HB Downtown Specific Plan No-5 - Program Environmental Impact Report relating to wastewater issues.

We trust that the OCS.D will be kept informed of any specific development plan that emerges from this Program EIR.

We are particularly interested in being kept apprised of the status of the future Walnut Avenue realignment as described in the Transportation and Parking section 4.12.1 on page 4-173, and Section 4.13.3.1 (a thru d) pages 4-240 thru 4-244. This OCS.D-owned 54-inch sewer line realignment will require close cooperation between the city and the OCS.D to ensure that the impacts resulting from this project are minimized and mitigated as much as possible.

OCS.D-1

We are also interested in ensuring that any future calculations regarding wastewater generation take into consideration the most current OCS.D planning estimate and land use demand flow factors applicable to the specific project outlined in the DTSP Update Area.

I am attaching our most recent flow factors for general planning purposes (valid as of 4-01-09). These could change over time, and we would be pleased to assist you in any project specific future planning efforts to ensure that you are using our most recent planning numbers.

Please contact me if you have any other questions or if we can be of further assistance.

Patrick McNelly
Principal Staff Analyst
Engineering Planning Division
Orange County Sanitation District
10844 Ellis Ave.
Fountain Valley, CA 92708-8127
(714-593-7163)
pmcnelly@ocs.d.com

OCSD Flow Factors for General Planning Purposes
Valid as of 4-01-09

- 727 gpd/acre for estate density residential (0-3 d.u. /acre);
- 1488 gpd/acre for low density residential (4-7d.u. /acre);
- 3451 gpd/acre for medium density residential (8-16 d.u./acre);
- 5474 gpd/acre for medium-high density residential (17-25 d.u./acre);
- 7516 gpd/acre for high density residential (26-35 d.u./acre);
- 2262 gpd/acre for commercial/office;
- 3167 gpd/acre for industrial;
- 2715 gpd/acre for institutional;
- 5429 gpd/acre for high intensity industrial/commercial;
- 150 gpd/room for hotels and motels;
- 50 gal./seat for restaurants, and
- 129 gpd/acre for recreation and open space usage.



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August 27, 2009

Ms. Jennifer Villaseñor
Planning Department
2000 Main Street, 3rd Floor
Huntington Beach, CA 92648

**Subject: Huntington Beach Downtown Specific Plan No. 5 Draft Program
Environmental Impact Report SCN: 2008011124**

Dear Ms. Villaseñor:

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

- OCTA Bus Line 173 should be added to the list of OCTA bus lines that operate within the study area. Line 173 operates between Huntington Beach and Costa Mesa along Pacific Coast Highway, Huntington Street, First Street, and Atlanta Avenue . OCTA-1
- Regarding the Walnut Avenue Realignment and 6th Street Realignment (Option) referred to in Section 4.12 *Transportation and Parking* on pages 4-173 to 4-175:
 - Please note that roadway alignment changes to Orange County Master Plan of Arterial Highways (MPAH) facilities, where the new alignment still serves the roadway's basic intent, do not require a cooperative study. They do, however, require an administrative amendment to the MPAH (Page 13 of the OC MPAH Guidelines). OCTA-2
 - The realigned sections of Walnut Avenue and 6th Street will need to retain the current MPAH classification as Secondary Arterials, otherwise, an MPAH amendment will be necessary.

If you have any questions or comments, please contact Wendy Garcia by phone at (714) 560-5738 or by email at wgarcia@octa.net.

Sincerely,

Charles Larwood
Manager, Transportation Planning

c: Joseph Alcock, OCTA
Wendy Garcia, OCTA
Tryal Edmundson, OCTA

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)



September 8, 2009

Ms. Jennifer Villaseñor
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Mike Ten, South Pasadena

RE: SCAG Comments on the Environmental Impact Report for the City of Huntington Beach Downtown Specific Plan Update [SCAG No. I20090546]

Dear Ms. Villaseñor,

Thank you for submitting the Environmental Impact Report for the City of Huntington Beach Downtown Specific Plan Update [SCAG No. I20090546] to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372 (replacing A-95 Review). Additionally, pursuant to Public Resources Code Section 21083(d) SCAG reviews Environmental Impacts Reports of projects of regional significance for consistency with regional plans per the California Environmental Quality Act Guidelines, Sections 15125(d) and 15206(a)(1). SCAG is also the designated Regional Transportation Planning Agency and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) under California Government Code Section 65080 and 65082. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

SCAG staff has reviewed this project and determined that the proposed project is regionally significant per California Environmental Quality Act (CEQA) Guidelines, Sections 15125 and/or 15206. The project proposes to amend the General Plan Land Use and Circulation Elements to reflect the various changes in land use and development standards, including increases in density (up to 60 du/acre) and building heights, as well as the reconfiguration of the Specific Plan districts.

We have evaluated this project based on the policies of SCAG's Regional Transportation Plan (RTP) and Compass Growth Vision (CGV) that may be applicable to your project. The RTP and CGV can be found on the SCAG web site at: http://scag.ca.gov/igr. The attached detailed comments are meant to provide guidance for considering the proposed project within the context of our regional goals and policies. We also encourage the use of the SCAG List of Mitigation Measures extracted from the RTP to aid with demonstrating consistency with regional plans and policies. Please provide a copy of the Final Environmental Impact Report (FEIR) for our review. If you have any questions regarding the attached comments, please contact Bernard Lee at (213) 236-1800. Thank you.

Sincerely,
[Signature]
Jacob Lieb, Manager
Assessment, Housing & EIR

DOCS# 153581

The Regional Council is comprised of 83 elected officials representing 189 cities, six counties, five County Transportation Commissions, Imperial Valley Association of Governments and a Tribal Government representative within Southern California.

6.16.09

September 8, 2009
Ms. Villasenor

SCAG No. I20090546

**COMMENTS ON THE ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF
HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN UPDATE
[SCAG NO. I20090546]**

PROJECT LOCATION

The Downtown Specific Plan (DTSP) is located within the City of Huntington Beach, located along the Pacific Ocean in northwest Orange County. The project site boundaries cover an area of approximately 336 acres located within the City's Downtown. No change to the existing DTSP boundary is proposed. The DTSP project area covers 336 acres in the traditional and historic heart of the City. Generally, the DTSP area extends from the intersection of Goldenwest Street with Pacific Coast Highway and curves along the coastline, including the Huntington Beach Pier, down to Beach Boulevard. The inland boundary of the DTSP area follows the prolongation of Sunrise Drive from Beach Boulevard to Pacific View Avenue where the boundary curves along Huntington Street and Atlanta Avenue. From Atlanta Avenue the boundary flows along Orange Avenue and continues up Lake Street to Palm Avenue where it connects to Main Street, and along Pecan Avenue to 6th Street. From 6th Street and Walnut Avenue to Goldenwest Street and Walnut Avenue, parcels within the first block adjacent to Pacific Coast Highway are included in the DTSP area. All boundary lines follow the centerline of the affected street.

PROJECT DESCRIPTION

Development within the existing downtown core (Main Street and outlying streets from Pacific Coast Highway to Orange Avenue) primarily consists of commercial and mixed-use developments. Existing developments range from one-story stand-alone commercial buildings to four-story mixed use (commercial/office/residential) developments with residential uses interspersed throughout, although mostly occurring on the outlying streets (3rd Street and 5th Street). The most intense development and activity occur at the intersection of Pacific Coast Highway and Main Street, across from the Municipal Pier, Pier Plaza and the beach. Two large developments, Pierside Pavilion and Oceanview Promenade, are developed on the two corners of the intersection. These developments are four-story mixed use developments reaching heights of up to 67 feet (Oceanview Promenade) and 71 feet (Pierside Pavilion) on average. Architectural features reach as high as 85 feet. Within the first block on Main Street, ground floor uses consist of retail businesses and restaurants. The second and third blocks of Main Street (from Walnut Avenue to Orange Avenue) are developed with similar uses, but development is slightly less intense. One notable project within the third block of Main Street is Plaza Almeria, a mixed use (commercial/residential) development with an average height of approximately 54 feet. North of Orange Avenue, Main Street is developed with older commercial buildings, a three-story multi-family residential development (Townsquare condominiums) with ground floor commercial at street level, the Huntington Beach Art Center, and the Main Street branch library. The streets adjacent to Main Street within the downtown core, particularly on 3rd Street and 5th Streets are interspersed with a mix of residential and commercial uses. The Strand, a mixed-use (commercial/office/hotel) development, was recently completed on 5th Street from Pacific Coast Highway to Walnut Avenue. The Strand is approximately 50 feet in height and includes ground floor retail and restaurant uses, a boutique hotel, office space on the upper floors, and a 470-space subterranean parking structure.

Development within the DTSP area outside of the "downtown core" includes the Hilton Waterfront Beach Resort and the Hyatt Regency Huntington Beach Resort and Spa. These projects are largescale hotel developments located on Pacific Coast Highway. In addition, Pacific City, which is under construction, is a large mixed-use project consisting of seven commercial buildings with retail, office, restaurant, cultural, and entertainment uses. The commercial portion of Pacific City is planned to have carts, kiosks, outdoor dining, live entertainment indoors and outdoors, and a boutique hotel. The Pacific City residential component is approved for 516 condominium units and outdoor recreational amenities, including a two-acre Village Green park. The remaining outlying districts of the DTSP area (outside of the downtown core) include established single- and multi-family residential uses on properties within the first block between Pacific Coast Highway and Walnut Avenue from 9th Street to Goldenwest Street, properties along 6th

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September 8, 2009
 Ms. Villasenor

SCAG No. I20090546

Street, and properties along Lake Street, 1st Street, and 2nd Street. The northern portion of the DTSP area between Acacia Avenue and Palm Avenue is developed with primarily residential uses. Newer residential development within the downtown area includes the 184-unit Waterfront Residential development, which was completed in 2004 and is located behind the Waterfront hotels west of Beach Boulevard.

Existing General Plan designations in the DTSP area include: Commercial Visitor (CV-d, CV-F7- sp); Open Space (OS-S); Public (P); Residential High Density (RH-30-sp, RH-30-d-sp); and Mixed Use (MH-F4/30-sp-pd, MV-F6/25-sp-pd, MV-F8-d-sp, M-F11/25-sp-pd, MV-F12-sp-pd). The existing zoning for the DTSP area is Specific Plan 5 – Downtown Specific Plan – Coastal Zone. The Downtown Specific Plan boundaries have not changed since its initial adoption in 1983. Within the existing DTSP are 11 districts, each with separate development standards and permitted uses. The existing districts of the DTSP are listed below:

- District 1 – Visitor-serving Commercial
- District 2 – Residential
- District 3 – Visitor-serving Commercial
- District 4 – Mixed-Use; Office Residential
- District 5 – Mixed-Use; Commercial/Office/Residential
- District 6 – Mixed-Use; Commercial/Office/Residential
- District 7 – Visitor-serving Commercial
- District 8 – High Density Residential
- District 9 – Commercial/Recreation
- District 10 – Pier-related Commercial
- District 11 – Beach Open Space

SCAG-1
 cont.

The project proposes to reconfigure the existing 11 Specific Plan districts into 7 districts, modify development and parking standards, incorporate design guidelines, and provide recommendations for street improvements, public amenities, circulation enhancements, infrastructure and public facility improvements and parking strategies.

The intent is to generate a regulating document to promote more development opportunities, increased amenities, enhanced architecture and aesthetics, more compatible and complementary uses, and an overall improved identity for downtown Huntington Beach.

The following table identifies the total projected maximum new new development potential associated with the proposed DTSP Update that could potentially occur over a 20-year period of time. Based on the market study, new development potential is anticipated to occur in the reconfigured District 1 and does not account for unique constraints on individual parcels. Also, build-out will occur over time in response to market demand, and thus it is unknown when complete build-out will occur.

Land Use	Maximum Development Potential
Retail	213,467 sf
Restaurant	92,332 sf
Office	92,784 sf
Cultural Facilities	30,000 sf
Residential	648 units
Hotel	235 rooms

The Environmental Impact Report (EIR) is subject to review and certification by the Planning Commission. The DTSP Update will require adoption by the City of Huntington Beach City Council and the approval of the California Coastal Commission. The California Coastal Commission has discretionary authority over the proposed DTSP Update. The DTSP Update requires a Zoning Text Amendment (the revisions to the document) in addition to amendments to the City's General Plan and Local Coastal Program (LCP). The following is a summary of the proposed amendments to the General Plan and the Local Coastal Program.

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 Page 3

September 8, 2009
Ms. Villasenor

SCAG No. I20090546

- **Local Coastal Program** – The DTSP requires an amendment to the City's certified Local Coastal Program. After final local action by the Huntington Beach City Council, the proposed amendment to the Local Coastal Program would be required to be forwarded to the California Coastal Commission for approval. The amendment to the Local Coastal Program consists of changes to the Implementation Program (IP), which would reflect the text revisions to the Downtown Specific Plan and revisions to the Coastal Element/Land Use Plan, which are discussed below.
- **Land Use Element** – The proposed amendments include updating the Land Use Plan/Map, the Land Use Schedule, and the Subarea Map and Schedule. These changes are associated with revising the land use designations identified for the 11 districts of the existing DTSP so that the element reflects the proposed 7 districts of the DTSP Update. The existing General Plan land use designations within the DTSP area are Commercial Visitor-design overlay (CV-d); Commercial Visitor – 3.0 Floor Area Ratio (FAR) – specific plan overlay (CV-F7-sp); Open Space – Shore (OS-S); Residential High Density – 30 units per acre – specific plan overlay (RH-30-sp); Residential High Density – 30 units per acre – design overlay – specific plan overlay (RH-30-d-sp); Mixed Use Horizontal -1.25 FAR – 30 du/acre – specific plan overlay – pedestrian overlay (MH-F4/30-sp-pd); Mixed Use Vertical - 2.0 FAR – 25 du/acre – specific plan overlay – pedestrian overlay (MV-F6/25-sp-pd); Mixed Use Vertical - 1.5 FAR (MU)-0.35(C)/25 du/acre – design overlay – specific plan overlay (MV-F8- d-sp); Mixed Use - 2.0 FAR (MU)-2.0 (C)/25 du/acre – specific plan overlay – pedestrian overlay (M-F11/25-sp-pd); Mixed Use Vertical -3.0 FAR (MU)-3.0 (C)/30 du/acre – specific plan overlay – pedestrian overlay (MV-F12-sp-pd); Public (P).

SCAG-1
cont.

The proposed land use designations would revise land use designations for District 1 (downtown core) and District 4 (established residential). Currently, the proposed District 1 is subject to six land use designations mostly consisting of various ranges of mixed use designations and densities, except for the Main Street Library site, which is part of the proposed Cultural Arts Overlay and currently has a P (Public) land use designation. The proposed land use designation would consolidate the various mixed use designations and one public designation into one mixed use designation. Revisions to the land use designations in the proposed District 4 would revise existing mixed use and residential-high density designations to residential high density. This revision would reflect the existing land uses that are currently developed and would be consistent with the permitted land uses and development standards of the proposed District 4. The land use designations for the remaining districts would be consistent with current designations. In addition to the revised land use designations, the community subareas are proposing to change to be consistent with the reconfigured districts as well as the revised land use designations. These changes consist of revisions to the subarea map and schedule as a result of deleting, creating and re-numbering subareas. Due to these revisions, subarea 3D, located outside of the DTSP area, is also proposed to be revised. This subarea would be renumbered only and does not propose substantive changes in terms of standards, principles or permitted uses.

- **Coastal Element** – The proposed amendments are consistent with the changes to the Land Use and Circulation Elements. The Coastal Element/Land Use Plan is proposed to be amended to reflect new land use designations as a result of the reconfiguration of the 11 existing districts into seven. Text and tables in the Coastal Element are proposed to be updated to reflect current conditions within the DTSP area. Table C-3, Public Parking Opportunities within Coastal Divisions, is proposed to be updated to reflect existing conditions. Table C-5, Existing Downtown Area Commercial Facilities, is proposed to be updated to correctly reflect existing visitor-serving projects within the Downtown area (e.g., the Hyatt Regency, The Strand, proposed/approved projects such as Pacific City and the Waterfront).

Figures C-8 (Zone 4 Land Use Plan), C-10 (Sub-Area Map), C-14 (Trails and Bikeways), Table C-1 Land Use, Density and Overlay Schedule and Table C-2 Community District and Subarea Schedule will be revised consistent with the proposed changes to the Land Use and Circulation Elements. Two policy changes are proposed to provide consistency with the proposed revisions in

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the DTSP Update. Policy 2.4.2(b) of the Coastal Element is proposed to be revised to "Implement a comprehensive parking strategy for the Downtown" in place of "Implement the Downtown Parking Master Plan". Policy C5.1.6(2) will be revised to reflect changes in the Design Guidelines and the direction to move away from adherence to Mediterranean-style architecture. The revised policy would read, "Require that new development be designed to reflect the Downtown's historical structures."

SCAG-1
cont.

- **Circulation Element** – The DTSP Update proposes modifications that would amend Figure CE-9: Trails and Bikeways as a result of recommendations proposed in the DTSP Update and traffic study for the project.

There are state and responsible agencies that have discretionary or appellate authority over individual projects that could potentially be initiated in the future located in the DTSP area and subject to the DTSP. Other approvals include those from utility and services providers (e.g., water, sewer, electrical, gas, telephone, cable) for extension and connection of facilities, and also applicable requirements of the California Regional Water Quality Control Board Santa Ana.

CONSISTENCY WITH REGIONAL TRANSPORTATION PLAN

Regional Growth Forecasts

The Draft Program Environmental Impact Report (DPEIR) should reflect the most current SCAG forecasts, which are the 2008 Regional Transportation Plan (RTP) Population, Household and Employment forecasts (adopted May 2008). The forecasts for your region, subregion and city are as follows:

Adopted SCAG Regionwide Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	19,418,344	20,465,830	21,468,948	22,395,121	23,255,377	24,057,286
Households	6,086,986	6,474,074	6,840,328	7,156,645	7,449,484	7,710,722
Employment	8,349,453	8,811,406	9,183,029	9,546,773	9,913,376	10,287,125

Adopted OCCOG Subregion Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	3,314,948	3,451,757	3,533,935	3,586,285	3,629,540	3,653,988
Households	1,039,201	1,071,810	1,088,375	1,102,370	1,110,659	1,118,490
Employment	1,755,167	1,837,771	1,897,352	1,933,058	1,960,633	1,981,901

SCAG-2

Adopted City of Huntington Beach Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	212,957	217,822	220,892	222,570	224,788	225,815
Households	77,237	77,720	77,968	78,315	78,839	79,241
Employment	92,028	96,842	98,226	98,752	99,830	100,085

1. The 2008 RTP growth forecast at the regional, subregional, and city levels was adopted by the Regional Council in May 2008.

SCAG Staff Comments:

The DEIR considers SCAG's RTP growth forecasts, although from the content in the DPEIR, it is unclear if they are the final 2008 RTP growth forecasts. In case they are not, SCAG staff suggests

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SCAG-2
cont.

utilizing the final 2008 RTP growth forecasts.

The 2008 Regional Transportation Plan (RTP) also has goals and policies that are pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. The RTP continues to support all applicable federal and state laws in implementing the proposed project. Among the relevant goals and policies of the RTP are the following:

Regional Transportation Plan Goals:

- RTP G1 *Maximize mobility and accessibility for all people and goods in the region.*
- RTP G2 *Ensure travel safety and reliability for all people and goods in the region.*
- RTP G3 *Preserve and ensure a sustainable regional transportation system.*
- RTP G4 *Maximize the productivity of our transportation system.*
- RTP G5 *Protect the environment, improve air quality and promote energy efficiency.*
- RTP G6 *Encourage land use and growth patterns that complement our transportation investments.*
- RTP G7 *Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.*

SCAG Staff Comments:

SCAG staff finds the project partially meets consistency with RTP goals overall. RTP G2, G3, and G7 are not applicable to this project, since it is not a transportation project.

SCAG-3

The proposed project partially meets consistency with RTP G1. Mobility pertains to the speed at which one may travel and the delay, or difference between the actual travel time and travel time that would be experienced if a person traveled at the legal speed limit. Accessibility measures how well the transportation system provides people access to opportunities, such as jobs, education, shopping, recreation, and medical care. Per page 4-231, "With implementation of the recommended mitigation measures, the project will not result in unavoidable adverse significant impacts to transportation and parking." This would ensure that significantly impacted intersections would be brought up to at least a Level of Service D, which may still result in some impact to mobility. With regard to accessibility, the Specific Plan area's mixture of land uses in conjunction with the street pattern promotes a certain level of accessibility. However, given the project's geographically constrained location, adjacent to the Pacific Ocean, and its distance from Interstate 405 (approximately five miles from the interchange with Beach Boulevard), accessibility to other areas within the City and the larger region is more limited.

The proposed project meets consistency with RTP G4. Productivity is a system efficiency measure that reflects the degree to which the transportation system performs during peak demand conditions. Per page 4-231, "With implementation of the recommended mitigation measures, the project will not result in unavoidable adverse significant impacts to transportation and parking." This equates to a Level of Service of D or higher.

The proposed project partially meets consistency with RTP G5. The Downtown Specific Plan Update intends to create a balanced transportation system and encourages the use of public transportation, biking, and walking. Pages 4-178, 4-181, 4-212, and 4-213 describe these modes, all of which would reduce the impact on the environment. However, there would be air quality impacts. Per page 4-52, there would be significant and unavoidable impacts, as ROG and PM₁₀ would exceed SCAQMD thresholds.

The proposed project meets consistency with RTP G6. Several project objectives, listed on page 3-36, namely establishing and maintaining efficient on-site and off-site traffic circulation, encouraging

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development of underused parcels, and providing adequate parking that is integrated into the framework of pedestrian pathways within the downtown.

SCAG-3
cont.

GROWTH VISIONING

The fundamental goal of the **Compass Growth Visioning** effort is to make the SCAG region a better place to live, work and play for all residents regardless of race, ethnicity or income class. Thus, decisions regarding growth, transportation, land use, and economic development should be made to promote and sustain for future generations the region's mobility, livability and prosperity. The following "Regional Growth Principles" are proposed to provide a framework for local and regional decision making that improves the quality of life for all SCAG residents. Each principle is followed by a specific set of strategies intended to achieve this goal.

Principle 1: Improve mobility for all residents.

- GV P1.1** *Encourage transportation investments and land use decisions that are mutually supportive.*
- GV P1.2** *Locate new housing near existing jobs and new jobs near existing housing.*
- GV P1.3** *Encourage transit-oriented development.*
- GV P1.4** *Promote a variety of travel choices*

SCAG-4

SCAG Staff Comments:

Where SCAG staff is able to assess, the proposed project meets consistency with Growth Visioning Principle 1.

The proposed project meets consistency with GV P1.1. As mentioned earlier, several Specific Plan Update objectives intend to balance transportation investments with land use decisions.

SCAG staff is unable to assess GV P1.2. While Chapter 4.9, Population and Housing, discusses additional population growth as a result of implementation of the Downtown Specific Plan Update, it does not discuss potential growth in employment and the impact on the City's overall jobs/housing ratio. SCAG staff recommends that the FPEIR include this discussion.

SCAG staff is unable to assess GV P1.3. While the DPEIR discusses Orange County Transportation Authority bus routes that circulate through the project area, as well as a potential downtown trolley service, it is not clear whether higher-density development is encouraged specifically at bus and trolley route stops. SCAG staff recommends that the FPEIR include this discussion.

The proposed project meets consistency with GV P1.4. As mentioned previously, the project would promote public transportation, biking, and walking, in addition to the automobile.

Principle 2: Foster livability in all communities.

- GV P2.1** *Promote infill development and redevelopment to revitalize existing communities.*
- GV P2.2** *Promote developments, which provide a mix of uses.*
- GV P2.3** *Promote "people scaled," walkable communities.*
- GV P2.4** *Support the preservation of stable, single-family neighborhoods.*

SCAG-5

SCAG Staff Comments:

Where SCAG staff is able to assess, the proposed project meets consistency with Growth Visioning Principle 2.

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The proposed project meets consistency with GV P2.1. The project objectives on page 3-36 discuss providing an established vision and create a land use plan for the reuse of critical parcels, as well as encouraging development of underused parcels.

With regard to GV P2.2 and P2.3, the proposed project meets consistency. The project vision elements, listed on page 3-8, include creating a successful mixed-use environment and establishing strong pedestrian connectivity.

SCAG-5
cont.

SCAG staff is unable to assess GV P2.4. On page 3-14, the discussion about District 4, Established Residential, mentions increased density without any mention of protecting existing single-family homes. However, one of the vision elements, on page 3-8, suggests that established residential neighborhoods would be protected. SCAG staff recommends that the FPEIR clarify the project's position on this subject.

Principle 3: Enable prosperity for all people.

- GV P3.1 *Provide, in each community, a variety of housing types to meet the housing needs of all income levels.*
- GV P3.2 *Support educational opportunities that promote balanced growth.*
- GV P3.3 *Ensure environmental justice regardless of race, ethnicity or income class.*
- GV P3.4 *Support local and state fiscal policies that encourage balanced growth*
- GV P3.5 *Encourage civic engagement.*

SCAG Staff Comments:

Where sufficient information is provided in the DPEIR, the proposed project meets consistency with Growth Visioning Principle 3. GV P3.2 and GV P3.5 are not applicable.

SCAG-6

With regard to GV P3.1, the proposed project meets consistency. Page 4-155 indicates that the "DTSP Update considers an additional 648 housing units within the 336 acres of the DTSP area. The City's Regional Housing Needs Assessment obligation through 2014 is 2,092 units citywide. Some of those units will likely be produced among the units projected for the DTSP Update. In addition, the City's inclusionary housing ordinance requires that 10% of all projects with three or more units (15% for redevelopment areas) be affordable. Most of the DTSP area is in a redevelopment area."

Based on information provided in the DPEIR, SCAG staff is unable to assess GV P3.3 and P3.4.

Principle 4: Promote sustainability for future generations.

- GV P4.1 *Preserve rural, agricultural, recreational, and environmentally sensitive areas*
- GV P4.2 *Focus development in urban centers and existing cities.*
- GV P4.3 *Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.*
- GV P4.4 *Utilize "green" development techniques*

SCAG Staff Comments:

The proposed project generally meets consistency with Growth Visioning Principle 4. GV P4.1 is not applicable.

SCAG-7

As mentioned previously, under Growth Visioning Principle 2, the proposed project may be characterized as an infill development and therefore meets consistency with GV P4.2.

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The proposed project generally meets consistency with GV P4.3. Page 4-51 discusses energy efficiency measures and page 4-247 discusses water conservation measures that the project would implement.

SCAG-7
cont.

With regard to GV P4.4, the proposed project appears to meet consistency. One of the project's objectives, listed on page 3-36, is to "Implement green and sustainable building practices, where appropriate and feasible."

CONCLUSION

Overall, the proposed project generally meets consistency with SCAG Regional Transportation Plan Goals and Growth Visioning Principles. SCAG staff recommends additional discussion and clarification, where mentioned in this letter.

All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA. We recommend that you review the SCAG List of Mitigation Measures for additional guidance, and encourage you to follow them, where applicable to your project. The SCAG List of Mitigation Measures may be found here:
http://www.scag.ca.gov/igr/documents/SCAG_IGRMMRP_2008.pdf

SCAG-8

When a project is of statewide, regional, or areawide significance, transportation information generated by a required monitoring or reporting program shall be submitted to SCAG as such information becomes reasonably available, in accordance with CEQA, Public Resource Code Section 21018.7, and CEQA Guidelines Section 15097 (g).

MICHAEL C. ADAMS
ASSOCIATES

September 1, 2009

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



Re: Draft Environmental Impact Report No. 08-001
(Downtown Specific Plan Update)

Jennifer:

Thank you for the opportunity to review the draft E.I.R. for the Downtown Specific Plan update.

1.0 Introduction

The document is stated to be a program E.I.R. which it is with respect to evaluating potential development guidelines and regulations for private investment; however, the document should also be a project E.I.R. with respect to the proposed changes to the various public facilities streets, sidewalks, parking facilities, utilities, infrastructure and cultural arts complex). Changes proposed to the public facilities are presented in great detail in the Specific Plan and if implemented will have a great impact on the surrounding private properties ability to offer proposals consistent with the Specific Plan update. As a project E.I.R. the proponent or developer is the City. The City being both the project proponent and the lead agency for environmental review may account for the lack of objective disclosure addressing the changes to the downtown infrastructure.

ADAMS-1

2.2 Brief Project Description

Throughout the document, the project description is limited to addressing private property, when a great portion of the property downtown is publicly controlled. The proposed public areas and infrastructure changes in the Specific Plan will have an equal if not greater environmental impact on the area.

ADAMS-2

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2.3 Project Alternatives

Add an alternative which analyzes:

- o Expanded downtown core area subject to the existing design regulations and limits, with minimal changes to the existing streets layout, sidewalk and bike path design and on-street parking supply. Maintain the unique residential and resident commercial neighborhood, that add to the diversity in character downtown.

ADAMS-3

This option will allow the under developed areas around the downtown core to expand in a manner consistent with the established projects along Main Street and will create community impacts that can be more realistically resolved.

3.0 Project Description

The project background section states that community outreach and an analysis of existing conditions were conducted to define the issues within the downtown. While a limited amount of research was conducted, the issues outlined in the vision section were preselected by City staff and the consultant. Most of the elements on the list comprising the vision statement can only be implemented through public improvements. This clearly indicates that the Downtown Specific Plan is intended to be the document that guides the implantation of the public infrastructure improvements, and as such the E.I.R. needs to analyze the impacts of the public improvements in greater detail. How will the public improvements be phased and will the utilities be sized with sufficient capacity to accommodate the anticipated private investment.

ADAMS-4

3.3.2 Net New Development Potential

To better understand the impacts associated with the net new development two additional items should be included in the E.I.R.

1. A chart that shows existing uses, by activity similar to the new development maximum potential (table 3.3.1). This should be further categorized as occupied or vacant but approved. The assumption that downtown has 715,000 sq. ft. of combined activity does not reflect the true conditions nor provide a side-by-side comparison of existing to proposed land uses. This information becomes important when analyzing traffic counts and parking demands that are based on existing land use occupancies that are approximately 20% below current maximum build-out. The presented analysis will allow for a greater capacity of new development than the current infrastructure can accommodate.
2. A chart identifying the phasing plan for implementation of public improvements. Will the improvements be completed in a timely manner so that future downtown development can tap into upgraded facilities, or will each proposal have to complete a small portion of the public improvements in order to be developed? The latter will mean that the new street improvements, bike and pedestrian ways, public parking and expanded utility services will be on going for the next twenty years.

ADAMS-5

3.5 Statement of Objectives

The listed project objectives are intended to reflect the reasons the Specific Plan is being updated. The stated objectives do not indicate a need for a 40% increase in downtown commercial activity, nor increased residential densities or building mass. The anticipated public improvements including wider sidewalks, new bikeways, expanded beach parking and cultural arts building, will only add to the downtown's problem with insufficient convenient parking and poor circulation. The limited area for downtown commercial will continue to function best if the area north of Orange Avenue addresses the needs of the residents;; and the area between Orange Avenue and P.C.H. attracts the visitors along with the locals. This approach will allow for better more cost effective implementation of the identified objectives.

ADAMS-6

3.7 Cumulative Development

The listing of cumulative projects does not identify the proposed change to the Pierside Pavilion project from theatres to office space. The listing of projects outside of the downtown area is not up to date and does not analyze the cumulative impacts associated with the downtown expansion.

ADAMS-7

4.1 Aesthetics

Impact - Adverse effect on existing scenic vistas will occur with the proposed changes. The City's Design Review process does not include standards to encourage the preservation of scenic vistas. The architectural standards identified in the report are only intended to soften the impact of larger structures. The impact of substantially larger structures immediately adjacent to smaller ones (addressing light, shadows, air circulation or scenic vistas), has not been adequately addressed. Only one mitigation measure requiring the applicant to address building lighting does not reflect the true impacts.

ADAMS-8

Mitigation - Add a mitigation measure which identifies how a project will comply with neighborhood and design guidelines aesthetic concerns.

4.2 Air Quality

The various mitigation measures should also apply to all public improvement projects. This section would be a good opportunity to discuss the need for a reduction in parking requirements, both commercial and residential, and the development of additional public transit facilities.

ADAMS-9

Impact: significant impacts are unavailable

While the State of California is still formalizing a quantitative analysis method for greenhouse gas emissions, the reliance on a mitigation measure addressing construction practices, seems insufficient to determine no significant cumulative impacts.

Mitigation - Preliminary standards have been developed by the State Air Resources Board. An analysis of potential build-out based on those standards should be in the E.I.R.

ADAMS-9
cont.

4.3 Cultural Resources

Impact - The loss of an individual historical resource may indeed be unavoidable to accommodate a project. However, the analysis should not be limited to the loss of an individual structure, but the connection of the structure to the neighborhood and fabric of the community. Additional mitigation needs to be included.

ADAMS-10

4.4 Geology and Soils

No comment

4.5 Hazards and Hazardous Materials

No comment

4.6 Hydrology and Water Quality

No comment

4.7 Land Use and Planning

Impact - The proposed intensification of potential development activity may indeed create a physical divide with established neighborhoods. Former district 6 was intended to be a resident serving commercial area and act as a transition between and established residential neighborhood and the downtown core.

Former district 4 was intended to be an exclusive residential area adjacent to the downtown. Former district 3 was intended to be the area with the greatest intensity of development, the introduction or gateway to the commercial core.

These unique and distinct areas have been removed from the plan allowing equal building bulk and density throughout the downtown simply to allow for a greater degree of growth with few limitations on the type of activities.

Mitigation - The original concept will be lost with the plan adoption therefore the environmental impact is significant and unavailable as presented.

ADAMS-11

4.8 Noise

Impacts - The expanded growth and development within the downtown do to the amended Specific Plan will contribute to significant increases in both traffic noise and additional people in a downtown commercial area.

ADAMS-12

Mitigation - Consider only noise levels within buildings for compliance with City standards, exterior noise sources are not truly mitigatable. Consider residential only areas, the mix of residents and commercial patrons produces non-mitigatable noises. Consider strict controls on commercial activities, hours of operation, clustering of restaurants, outdoor activities and remote parking facilities.

ADAMS-12
cont.

4.9 Population and Housing

The true population per household in the downtown is greater than census average and greater than the 2.4 used in the E.I.R.

Impact - The proposed changes in the Downtown Specific Plan will induce population growth and result in overcrowding of the existing housing stock. The removal of areas set aside for residential only will likely experience a loss in residential units; however overall in the downtown additional residential opportunities will be created.

ADAMS-13

Mitigation - Add a measure to address the potential for over crowding and additional demands on the City's infrastructure including community open spaces

4.10 Public Services

Impact - A true quantitative analysis of the potential downtown growth is not presented in the E.I.R. currently the police services are challenged with the existing supply of bars and restaurants, the changes to the Specific Plan will allow the current number to nearly double. The Fire department has expressed their concerns; however, there was no discussion in response to the change in response time with the realigned and narrower streets through the downtown. The demands on the downtown library and parks will increase simply because more people will be living in the neighborhood.

ADAMS-14

Mitigation - There are known impacts, additional funds should be budgeted for all community services in the downtown annually for the life of the Specific Plan. This is simply a cost of community growth and expansion. Formulation of an expanded Business Improvement District or formulation of a Community Facilities Corporation may be necessary to reimburse the City for unique costs. More definitive mitigation measures need to be proposed. If the Specific Plan Amendment was proposed by a private developer the mitigation measures addressing public services would be worded very differently. The public service impacts are significant and need to be better defined and addressed.

4.11 Recreation

Same comment as above if the downtown is a neighborhood, like other parts of the community, than all of the public services need to be in place prior to new development occupancy.

ADAMS-15

Mitigation - Designate the downtown library and surround areas as a neighborhood park. This will address a community wide concern for additional park acreage and a neighborhood concern for limited public services.

ADAMS-15
cont.

4.12 Transportation and Parking

2. Pedestrian Phase Signals

Moving a large group of people at one time is important assuming there is an activity point on either side of P.C.H. 6th Street is primarily a residential street inland from one-half of the first block, there is limited public parking on the inland side and limited commercial outlets; this may not be the best place to encourage pedestrian crossing. 1st Street will become a major activity area when Pacific City is completed. However since the proposed retail at Pacific City is elevated above P.C.H., this intersection is ideal for an overcrossing. Implementation of the pedestrian phase signals may truly not be necessary.

ADAMS-16

Mitigation - Elimination of the pedestrian phase signals at 1st Street and 6th Street, which will allow the intersections to meet City level of service standards

3. 6th Street realignment - How will circulation be impacted with the proposed change? Will a traffic signal be necessary at the new intersection of Main Street and 6th? Will response times for fire services be impacted by the elimination of the existing 6th Street alignment?

The Existing Transportation System list does not include the former Pacific Electric right-of-way, Huntington Street, nor the adopted alignment of Delaware Street. The Public Transportation Service section does not address the potential interconnect between north Huntington Beach and the Downtown. The north Huntington Beach Transit Facility is proposed to play a major role in allowing an expansion of development in the Edinger Corridor area. New projects will be able to reduce their on-site parking requirements based on the location of the Transit Center. With the potential for significant increases in population growth at the north end of town and along Beach Blvd., as proposed in the Edinger/Beach Specific Plan, it is logical to assume that new residents will rely less on individual cars and take advantage of convenient public transportation. The existing public transportation demand and the potential for new users would seem to indicate the need for a true transit center downtown not just an expanded bus stop.

ADAMS-17

The extension of bicycle lanes and expansion of bicycle parking facilities may be appropriate if they will result in the reduction of vehicle traffic and parking requirements. However, the E.I.R. does not attribute any traffic improvements with the accommodation of bicycles. The opposite is true; increasing bicycle and pedestrian areas will eliminate on-street parking and reduce the width on the downtown streets.

ADAMS-18

<p>Existing Traffic Conditions do not reflect the currently established maximum development threshold of 715,000 sq. ft. There are a number of approved vacant spaces and under utilized properties which comprise the 715,000 sq. ft. a rough estimate is 20% underdeveloped. This is an important consideration when the traffic analysis claims to be based on a build out condition. The proposed new development possible within the plan is then added to the formula without accounting for the existing vacant conditions. The traffic analysis should note the discrepancy.</p>	<p>ADAMS-19</p>
<p>A trolley system is a nice thing to offer visitors to the City; however unless the system is linking remote parking facilities to the Downtown, there will be little benefit to the impacts on parking and circulation.</p>	<p>ADAMS-20</p>
<p>The downtown parking demand with the implemented amendment to the Specific Plan will result in the need for 300-400 additional parking spaces. The additional parking demand was divided into three downtown sectors without any association to future development in those areas. Site-specific locations for the additional parking were not identified. The need for expanded downtown parking should concentrate along Main Street between Orange Avenue and P.C.H. Over building parking in areas away from the downtown core will create impacts not analyzed in the E.I.R.</p>	<p>ADAMS-21</p>
<p><u>Parking Improvement Strategies</u></p>	
<p>Residential Parking - In order to preserve the maximum amount of parking possible residential permit should only be required during the evening and overnight hours. Daytime parking in residential areas should be open to all.</p>	<p>ADAMS-22</p>
<p>Parking Fees - Increasing the fees may indeed increase the supply of parking in public parking facilities. However unless combined with residential parking pass program, the residential areas will become more impacted with additional cars.</p>	<p>ADAMS-23</p>
<p>Shuttle Service - The concept has been tried and failed a number of times. In order to work the remote parking facility must be on a major transportation route, like Beach Boulevard, and include convenient efficient service to the downtown and beaches. Based on the number of days the downtown area is truly impacted with a shortfall in parking it would appear that there is truly not a sufficient demand for the program.</p>	<p>ADAMS-24</p>
<p>Mitigation - The mitigation measures identified only address the anticipated increases to traffic levels of service primarily along P.C.H. Mitigation measure should be added that identify timing for the following circulation and parking improvements:</p> <ul style="list-style-type: none"> ○ Walnut extension ○ Orange/Atlanta/Lake interchange ○ Orange/Main intersection 	<p>ADAMS-25</p>

- Atlanta/Huntington
- Interim surface parking lots
- New parking structure at the intersection of Orange and Main St.
- Tired beach parking

An additional note the E.I.R. mentions the inclusion for automated structured parking; however, no impacts were addressed for the proposed concept. Access and operation procedures are critical with this type of parking facility design.

ADAMS-25
cont.

Mitigation - Add mitigation measures for specific traffic and parking solutions and definitive time frames for implantation.

4.13 Utilities and Service Systems

Mitigation - Require that all utilities within the downtown area be upgraded according to a specific schedule in anticipation of the potential new development. Utilities should be upgraded concurrent with any new street improvements. A master plan of public utility improvements should be included in the E.I.R.

ADAMS-26

5.1 Significant Unavoidable Adverse Impacts

Based on the previously stated comment I believe the following environmental issue areas should be added to the significant and unavoidable project-related cumulative impacts list:

- Land Use and Planning
- Public Services (in addition to Fire)
- Utilities and Service (in addition to water)

ADAMS-27

6.0 Alternatives

A moderate growth alternative should be addressed which proposes to implement sufficient public improvements to avoid significant unavoidable impacts, and allow continued growth and development of the downtown area consistent with the existing development intensity and density regulations and design guidelines.

ADAMS-28

Sincerely,



Mike Adams

cc: Mary Beth Broeren
Herb Fauland
Kellee Fritzal

August 9, 2009

City of Huntington Beach
Planning Department
ATTN: Jennifer Villasenor
2000 Main St.
Huntington Beach, CA 92648

Re: Downtown Specific Plan DEIR No. 08-001 park acreage accuracy

Dear Ms. Villasenor,

The General Plan requires 5 acres of parks (including beaches) per every 1,000 Huntington Beach residents as referred to on page 4-170 of the DEIR.

According to the General Plan on page III-RCS-6 at http://www.surfcity-hb.org/files/users/planning/recreation_element.pdf, the city's total cumulative park acreage in 1992 exceeded the 5 acres per 1,000 people standard by 49 acres. But according to the DEIR page 4-170, in 2009 the city now falls short of the standard by 10 acres.

The shortfall may be considerably greater than 10 acres. Recently I spot-checked some of the park acreage figures at http://www.surfcity-hb.org/Residents/parks_facilities/parks/index.cfm against city-supplied GIS parks layer data and manual Google Earth area measurements. I only checked a handful of the larger parks, and most of them have actual acreages less than what is reported on the city web page.

BIXBY-1

For example, see attached Exhibit A for a Google Earth Pro screenshot of Greer Park. The city web site says 15 acres, but the other data tell a different story. The yellow boundary line and white shape attributes come from the official city GIS parks layer. According to the GIS data, the two parcels that comprise Greer Park total to a little over 11 acres.

But look closer. The north Greer parcel actually extends to the centerline of McFadden, Melbourne, Yorkshire, and Brunswick streets. That street acreage comes to approximately 0.65 acres. So the usable recreational acreage of Greer Park is more like 10.35 acres, NOT the 15 acres on the web site. Note that the web site acreage is about 45% greater than the usable acreage.

The web site acreage figures are demonstrably incorrect and this strongly suggests that both the page 4-170 DEIR park acreage total of 1001.16 acres and the 10 acre shortfall amount are also incorrect.

I would like to see the response to comments section of the DTSP Final EIR provide the following information:

1. An itemized list of all parks and beaches in the city and the individual acreages for each location verified against city or independent GIS data (i.e. Google Earth or any other GIS

BIXBY-2

tool) that only counts usable recreational space and which excludes parcel acreage extending into public streets. The current city-wide park shortfall should be computed against this acreage total.

BIXBY-2
cont.

2. DEIR page 4-170 asserts without substantiation that “The City has met park requirements within the DTSP”. Please provide an itemized list of the park/beach acreage being claimed for the DTSP area, as well as the current population of the DTSP area. DEIR Section 4.9 (Population and Housing) only gives the anticipated DTSP population increase, not the current base population.

BIXBY-3

Sincerely,

Mark D. Bixby

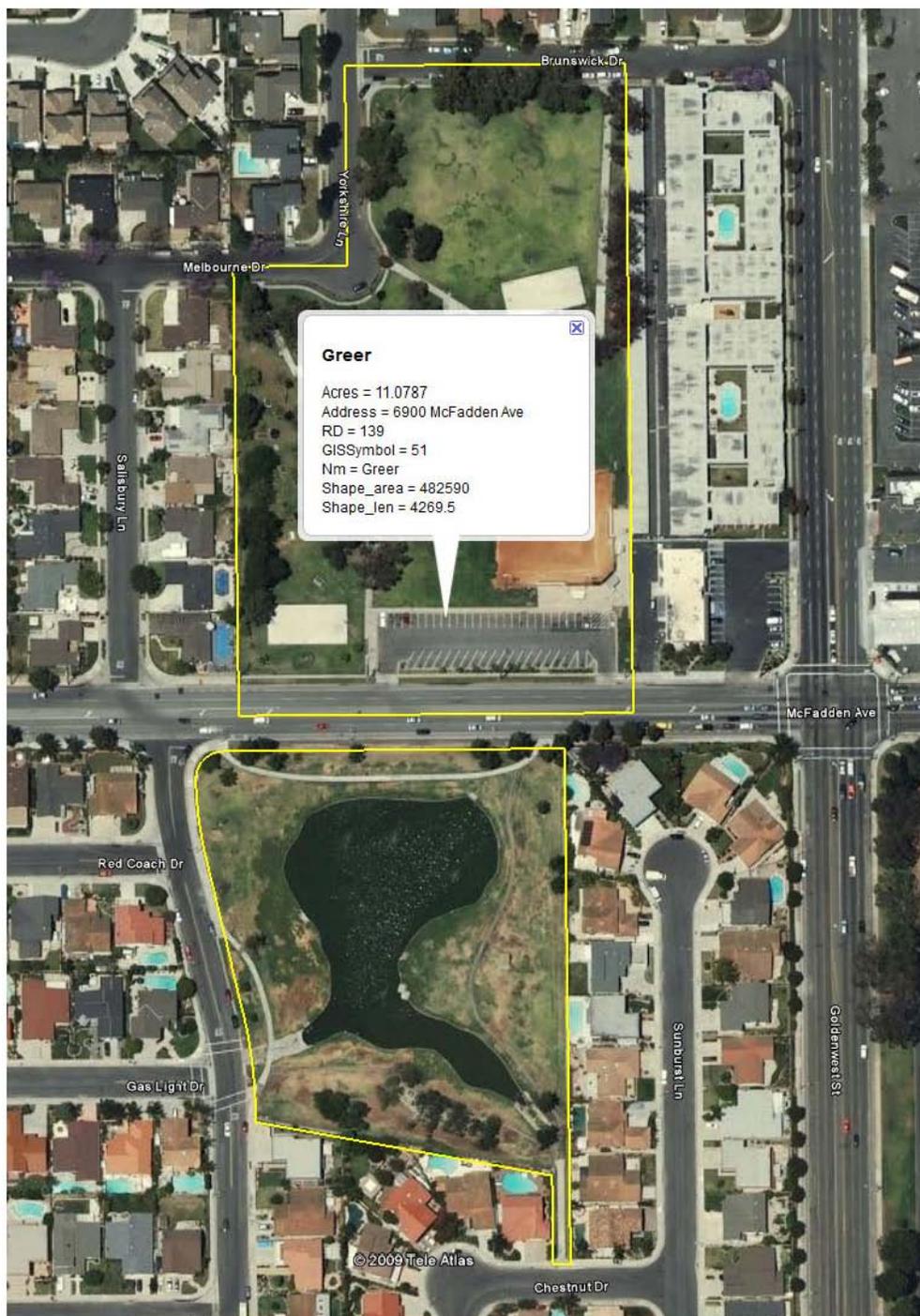
Mark D. Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org

Attachment:

Exhibit A – Greer Park acreage measurements

BIXBY-2

Exhibit A – Greer Park



August 31, 2009

City of Huntington Beach
Planning Department
ATTN: Jennifer Villasenor
2000 Main St.
Huntington Beach, CA 92648

Re: Downtown Specific Plan DEIR No. 08-001 and sea-level rise

Dear Ms. Villasenor,

The issue of sea-level rise has been entirely omitted from the DTSP DEIR. Page 64 of the 2009 California Climate Change Adaptation Strategy discussion draft available from <http://www.climatechange.ca.gov/adaptation/index.html> states:

“In 2006, the California Climate Change Center reported a historic sea-level rise of 7 inches in the last century and projected an additional rise of 22–35 inches by the end of this century. Since that time numerous other studies have published projected ranges of 7–23 inches, 20–55 inches, and 32–79 inches of sea-level rise for this same period, with the differences in these projections attributable to different methodologies used and how well or whether glacier ice melt is included in the calculations. This report uses the 20-55 inch projection, as it was the best available science at the time of the 2009 impacts assessment. Future sea-level rise estimates will vary based on future GHG emissions. Much of the damage from this accelerated sea-level rise will likely be caused by an increase in the frequency and intensity of coastal flooding and erosion associated with extreme weather events and storm surges.”

BIXBY2-1

These beach erosion impacts are relevant to the DTSP DEIR in the following areas:

- Parking – the DTSP envisions “tiered parking” structures along the beach side of Pacific Coast Highway (PCH) in order to handle the increased parking demand caused by the increased DTSP development density. Yet according to the one-foot resolution HB GIS contour layer (see attachment), the pier-area parking lots currently sit at an elevation of approximately seven feet above that of the surf run-up line. A 55-inch sea-level rise could bring that surf run-up line to within about two feet of the parking elevation. Depending on how much beach erosion occurs, this could place the proposed parking structures at-risk. Note that the risk to beach parking at the southeastern end of the DTSP project area will be even greater, since the difference in elevation between current parking and the surf run-up line is only about five feet.
- Transportation and traffic – the beach at the northwestern end of the DTSP project area is only about 100 feet wide, so beach erosion caused by sea-level rise could imperil PCH in that area (not to mention even lower-laying sections of PCH outside of the DTSP area) due to surf potentially breaking against the base of the bluff. If PCH is going to be subject to temporary or even permanent closure as a result of sea-level rise, current transportation and traffic assumptions would no longer be valid. Coastal armoring may be required to protect PCH, but such armoring has the potential to worsen beach erosion in adjacent areas.

BIXBY2-2

BIXBY2-3

- Tourism – significant erosion of HB’s sandy beaches will force a drop in physical capacity for beach tourists (i.e. less sandy beach = less space for tourist towels, etc). The loss of sandy beaches may also cause a general drop in tourism, driving the tourist-dependent segment of the local economy lower, and perhaps challenging some of the economic assumptions in the DTSP.

BIXBY2-4

Please see that the issue of sea-level rise is addressed in the DTSP Final EIR. Also please include sea-level rise in all future coastal EIRs, since this issue is not going to go away anytime soon.

Sincerely,

Mark D. Bixby

Mark D. Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org

Attachment:

Google Earth base aerial with HB GIS contour lines





Attention: Jennifer Villasenor, Associate Planner, City of Huntington Beach

Comments of Paul Cross, 109 Huntington Street, Huntington Beach, CA 92648

Re: Draft Environmental Impact Report for the Huntington Beach Downtown Specific Plan Update

The draft EIR errs in the following respects.

The draft misrepresents the ambient height of existing downtown buildings in an effort to justify a new standard allowing five story buildings upon frontages of 100 feet or more. Selective height readings, counting things such as elevator and clock towers were used to imply that five story buildings already largely exist. This is a false depiction. The existing ambient height reflects a mixture of one, two, three and four story buildings. No justification is given for raising the existing standard, essentially three stories, to five.

CROSS-1

Expanding the allowable residential unit per acre to 60, as proposed, will lead to an attempted proliferation of efficiency-style condos. These typically are sold as second homes or rentals for summer time visitors, and as such will be vacant for nine months or more of the year. Couple the 60 units per acre standard with the five story building height, and the result will be more summer-time party goers, filling bars located below their efficiency apartments, and virtual abandonment of those units during non-summer months. Such zoning also will stymie orderly downtown development, as property owners defer development in the hope of attracting a property consolidator who will provide them with a financial bonanza. No justification is given for raising the existing residential standard to 60 per acre. This, indeed, is just another effort to bring into play the city's economic development agency, which eventually will provide large subsidies to developers with no proportionate property tax benefit to the city's general fund. The economic development agency is not unlike a "chain letter" or a "Ponzi Scheme," dependent upon an ever increasing developmental base, accompanied by a paltry payout to the city's general fund. It is time to reign in this out-of-control agency.

CROSS-2

The downtown update improperly concentrates 200 one-bedroom units proposed for the Pacific City site upon one four acre quadrangle. No explanation is given why such units are not widely dispersed throughout the residential portion of that proposed development. Instead, the corner of Huntington Street and Atlanta Avenue is virtually the sole repository of one-bedroom Pacific City units. As stated, no justification is given for this residential overload.

CROSS-3

The park-in-lieu fees to be paid by Makar, the developer of Pacific City, are to be diverted by the city to pay for the construction of a senior center, which also will be used for such things as weddings and galas. There is no significant nexus between the proposed multi-purpose senior center and the ocean close Pacific City project. There should be a substantial residential and visitor serving relationship between the project and any use of park-in-lieu fees, inasmuch as the project will block the ocean from the rest of the city for about a quarter of a mile, except that there will be one 20-foot corridor partially through the project. This is grossly insufficient and is

CROSS-4

made even more egregious in that the city will end up refunding to Makar all of the park-in-lieu funds, and probably more, in payment for construction of the senior center by Makar under a no-bid contract. Makar even will earn a 15 percent management fee. (It should be noted that the senior center is in the final planning stage, and that ground-breaking is slated to commence soon.) Making matters even more incredible, a two acre green space requirement for Makar at Pacific City, is double counted by the city as a two acre partial satisfaction of the park need created by the 516 residential units proposed at Pacific City. This combination of apples and oranges is an outrage. Furthering the bizarre nature of the park-in-lieu situation endorsed by the city is the fact that Makar has abandoned its plans for a hotel at Pacific City and replaced them with a hotel/shared-ownership concept, allowing for condo-like living by resident-owners and renters, as opposed to what usually is thought of as hotel guests. These additional residents are not counted toward the park-lieu requirements. Stupidly, arguments are made that because the ocean is nearby, park requirements need not be satisfied. Nonsense, the Pacific City project permanently will block-off a quarter-mile of ocean access. Neither the park nor the park-in-lieu requirements are satisfied by the city, and this failure is not even discussed by the EIR. Stated simply, the senior center project has no nexus with the Pacific City project. Thus, the diversion of park funds from the latter to the former is contrary to California Coastal Commission requirements that ocean access cannot be blocked without compensating mitigating measures.

CROSS-4
cont.



Villasenor, Jennifer

From: Tom Flanagan [connect2aic@socal.rr.com]
Sent: Friday, August 07, 2009 3:25 PM
To: Villasenor, Jennifer
Subject: Downtown Specific Plan - Parking Meters on 8th Street

Please contact me to discuss the parking plan that includes placing meters on 8th street where I live. In the consultant's report meters are being cast as a benefit to residents on 8th and other impacted streets. However, none of my neighbors see it that way. We do not want the meters and do not agree with the faulty logic and unsolicited misrepresentations of our views provided by the consultant. I was unaware as were my neighbors that this was included in the DSP when the DSP was advertised as only impacting the shaded area on the map that was provided in your DSP mailing notification to residents.

FLAN-1

Tom Flanagan
327 8th Street
HB
(714) 241-2011

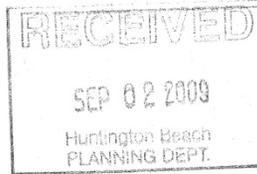
8/10/2009

RICHARDSON GRAY
415 Townsquare Lane #208
Huntington Beach, CA 92648
714-348-1928
richardson.gray@yahoo.com

September 2, 2009

HAND DELIVERED

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



Re: Huntington Beach Downtown Specific Plan Update Draft of June 12, 2009 (June DTSP), its Cultural Arts Overlay (Overlay), and its Accompanying Draft Environmental Report of July 20, 2009 (Draft EIR)

Dear Jennifer:

This letter updates the January 22, 2009 letter (January Letter), a copy of which is attached in full, which I wrote on behalf of the Huntington Beach Downtown Residents Association (DRA) to Jason Machado of the City's Economic Development Department, regarding the Huntington Beach Downtown Specific Plan Update Draft of December 4, 2008 (December DTSP). Today's letter is from me alone, as I understand that the DRA is writing to you separately regarding the June DTSP and Draft EIR.

Although the January Letter mistakenly concluded that the December DTSP was the Draft EIR, all of the issues that the January Letter raised are still directly applicable to the December DTSP. In addition, most of the content of the January Letter remains applicable to the June DTSP and the Draft EIR.

Different from your suggestion to me, my letter today addresses questions with both the June DTSP and the Draft EIR. As a layperson regarding the California Environmental Quality Act (CEQA), I found it too difficult to determine where my comments for the June DTSP should end and where my comments for the Draft EIR should begin. Hence, I have included all of my comments for both documents in this letter.

Summary

I oppose the redevelopment of the Main Street Library (Library) and its surrounding Triangle Park (Park) in the Overlay as a cultural center (Proposed Center) for many reasons, including the following. For all of these reasons, I urge the City to eliminate all proposals in the June DTSP and Draft EIR regarding the Proposed Center at the Library and Park.

GRAY-1

- Along with roughly 5,000 other Huntington Beach residents, I have signed a petition recommending that the City continue and maintain for the long term the existing land uses at the Library and Park in their present heights, sizes, and configurations.
- The conclusions of this petition's signers fully contradict the Draft EIR's findings of no significant adverse impacts on aesthetics, with mitigation and code requirements.
- The completion of the Proposed Center at the Library and Park would cost surrounding residential property owners millions of dollars in lost property values.
- Locating the Proposed Center at the Library and Park would fully disregard a key land use planning recommendation, unanimously adopted in June 2009 by the business and resident leaders of the City Council's Downtown Image Ad Hoc Committee. This recommendation was for the City to encourage neighborhood-serving retail along Main Street north of Orange Avenue, while keeping Main Street's visitor and tourist oriented uses south of Orange.
- Better locations for the tourist oriented Proposed Center would be either the six (6) closed movie theaters at Pierside Pavilion or the old Mandic Motors site, that currently is for sale (and which possibly could include the adjoining Electric Chair parcel). Mandic is the last property on the north end of Main Street, near its intersection with Orange, that is visible from the Pier, which would increase pedestrian traffic to the Proposed Center.
- If the Proposed Center were built at the Library and Park, it would substantially degrade downtown's only park away from the beach, and the second oldest park in the City, dating back to 1912. Based on the original deed for the Park, the City is required to maintain the Park as parkland for all time, forever.
- If the Proposed Center were built at the Library and Park, it would be a misplaced anchor, locating a major noise, traffic, and air pollution generator on the border of established residential neighborhoods.
- The Library and Park provide a necessary buffer and transition between downtown's dense business and tourist district and its established residential areas. If the Proposed Center were built on the Park, this necessary buffer and transition would be substantially lost to surrounding residents.
- The proposed reconfiguration of Sixth Street and Pecan Avenue, connecting the existing Sixth Street straight through Pecan Avenue to Main Street, would reinstate a design that the City abandoned for good reasons over twenty years ago.
- The Main Street Library is the most important historic structure in downtown. Triangle Park is the most historic park in the City. As such, they both should be preserved as historic landmarks for future generations of Huntington Beach residents.
- The preservation of the Library and Park has been endorsed by the Sierra Club, the adjoining Townsquare Condominiums and Pierside Town Homes, and the Parks Legal Defense Fund.
- The public review for the June DTSP and Draft EIR has been fatally compromised due to inadequate transparency, insufficient responsiveness to resident concerns, and a substantial conflict of interest for one of the leading proponents of the Proposed Center.

GRAY-1

The Petition

Roughly 5,000 Huntington Beach residents have signed a petition, between December 2008 and today, recommending that the City continue and maintain for the long term the existing land uses at the Library and Park in their present heights, sizes, and configurations. All of these signatures have been gathered by City residents, working in their spare time without pay.

This petition also states that the addition of a cultural center, with a permissible height of thirty-five (35) to forty-five (45) feet and three (3) to four (4) stories, and with as much as twenty thousand (20,000) to thirty thousand (30,000) square feet in net new development for cultural facilities, “would be incompatible with and substantially degrade the aesthetic quality of the immediate surrounding area and its existing established residential uses.” The petition concludes that “no mitigation measures are feasible to minimize these significant adverse impacts.” The above ranges in permissible heights and square feet reflect the differences between the December DTSP and the June DTSP, by which the permissible height for the Proposed Center was reduced from forty-five (45) to thirty-five (35) feet, and from four (4) to three (3) stories, but the net new development potential for cultural facilities was increased from twenty thousand (20,000) to thirty thousand (30,000) square feet.

GRAY-2

Petition Signers’ Conclusions Contradict Draft EIR’s Findings on Aesthetics

The Draft EIR (page 4-23) states that the Proposed Center will have less than significant adverse impacts on aesthetics, with mitigation and code requirements. Obviously, the opinions of approximately 5,000 Huntington Beach residents, the vast majority of which live downtown, as expressed in the petition, fully contradict these findings from the Draft EIR. Furthermore, the *Orange County Register*, in the attached June 23, 2009 article, cites its on line poll in which 75% of the 420+ respondents voted against the Proposed Center at the Library and Park. With my signing of the petition and with this letter, I cast my vote with **the vast majority of Huntington Beach residents who believe that no mitigation efforts can overcome the substantial adverse impacts that the Proposed Center would have on the aesthetics of the Library, the Park, and their surrounding established residential neighborhoods.**

GRAY-3

Building the Proposed Center on the Park Would Cost Surrounding Residences Lost Values Reaching to the Tens of Millions of Dollars in Total

Building the Proposed Center on the Park, in the midst of the hundreds of homes adjoining the Overlay, would denigrate the aesthetic quality of these residential settings and result in a decimation of the market and tax values of the surrounding residences. As evidence of this conclusion, **the Board of Directors of the abutting Townsquare Condominiums and the Members of the nearby Pierside Town Homes voted to oppose the Proposed Center at the Library and Park, and have sent you their own individual letters in support of the Library and Park’s preservation.**

GRAY-4

The one hundred ten (110) residential properties, which abut the Park, alone have an estimated total market value in the range of \$75 million, over twenty (20) single-family homes

along Sixth Street and Pecan Avenue and eighty-nine (89) condominiums and town homes at Townsquare and Pierside. These numbers do not include the many other homes that would be negatively impacted for at least several blocks in each direction from the Proposed Center – six thousand five hundred (6,500) residents live within one-quarter mile from the Library and Park.

Situating the Proposed Center at the Library and Park would provide the catalyst for a massive transfer of wealth. Placing the Proposed Center at the Library and Park would cost the surrounding residential owners reduced values of their homes reaching into the tens of millions of dollars in total. Directly mirroring this loss of residential values, the coastal hotels near downtown, as they are represented by the Huntington Beach Marketing and Visitors Bureau (MVB), should have increases in values also reaching the tens of millions of dollars in total, if the Proposed Center is built, caused by their improved revenues and occupancy rates flowing from the Proposed Center.

GRAY-4
cont.

MVB Conflict of Interest and Withholding of Information Regarding the Proposed Center

Steve Bone, as President and CEO of the MVB, and its Board of Directors (MVB Board), were required under the City Conflict of Interest Code to file Statements of Economic Interest (Form 700s) with the City Clerk by April 1, 2009. These forms now are in the process of being filed, almost five months late, on account of my formal, written requests of August 19, 2009, copies of which are attached.

I understand that Steve Bone was a lead person in developing the Hyatt (Hyatt) and Hilton Hotels on Pacific Coast Highway near downtown Huntington Beach. According to his attached Form 700, **Steve Bone continues to hold a financial stake in the Hyatt, at least a ten percent (10%) interest (and possibly much more). His investment has a value of more than one million dollars (\$1,000,000) (and again possibly much more, as this category is the largest one on the form). His holding produces annual investment income of over one hundred thousand dollars (\$100,000) (and again possibly much more, as this category is the largest one on the form). In my opinion, this enormous financial stake creates a substantive conflict of interest for Steve Bone in championing the Proposed Center.**

GRAY-5

This conflict is created because the MVB and the Huntington Beach Hotel/Motel Business Improvement District (Hotel BID), which the MVB administers, receive the bulk of their funding from Huntington Beach taxpayer dollars. The MVB and Hotel BID receive twenty percent (20%) of the City's room taxes, an amount that was estimated to total \$1,160,000 for the fiscal year 2006-2007.

I think Steve Bone and the MVB have been one of the leading proponents, if not the absolute leading proponent, for the Proposed Center. For example, per the attached front-page article from the August 13, 2009 *Huntington Beach Independent*, the MVB has commissioned a **Market Demand Study for the Proposed Center**, which has been completed in draft form (Study). **Despite my many earlier informal requests, and repeated formal, written requests of July 7, 20, and 21, 2009 under that California Public Records Act (copies are attached), this Study still has not been released to the public. The MVB, Hotel BID, City, and others of the City's sponsored downtown business partners all have refused all of my requests**

(copies of written responses attached, including the City's, Downtown Business Improvement District's (Downtown BID), and International Surfing Museum's claims that they do not possess the Study).

These refusals have been unfair because the Study reportedly provides important details about the Proposed Center that the public should have been able to consider for our input to the City during the seven Planning Commission meetings and one Planning Department meeting in the summer and fall of 2009 on the June DTSP and Draft EIR. **Given the MVB and Hotel BID's withholding of the Study, Steve Bone's and the MVB Board's failures to timely file their 2009 Form 700s, and Steve Bone's conflict of interest regarding the Proposed Center, the public review process for the June DTSP and the Draft EIR has been fatally compromised due to a lack of adequate transparency and due to this conflict of interest.**

GRAY-5
cont.

Proposed Center's Location Contradicts 2009 Unanimous Recommendation of Business and Resident Leaders from the City Council's Downtown Image Ad Hoc Committee

The City Council created a Downtown Image Ad Hoc Committee (Committee) in early 2009 to make recommendations with the goals of improving the environment of the downtown on weekends, evenings, and holidays. The Committee met several times in the first half of 2009. It also formed subcommittees on a number of topics, including Culture. These subcommittees also met numerous times to generate proposals for the Committee's consideration. All of the subcommittee proposals were voted on by the Committee in June 2009.

GRAY-6

At this final meeting, the nine resident leaders and six business leaders (all six were members of the Downtown BID) on the Committee unanimously voted in favor of an important proposal from the Culture subcommittee. This proposal recommended to the Council that **the City should encourage neighborhood-serving retail along Main Street north of Orange Avenue, and keep visitor and tourist oriented uses south of Orange. The Proposed Center, with its goal of becoming a major tourist attraction for the nearby hotels, fully contradicts this recommendation from the downtown's resident and business leaders.**

The Proposed Center Should Be Located in an Area of Downtown Nearer to the Beach

I believe the Library and Park are a wholly inappropriate location for the Proposed Center and that it should be located nearer to the beach. **One such better location would be the six (6) closed movie theaters at Pierside Pavilion.** In my January Letter, I provided a discussion of the superior qualities of Pierside Pavilion for the Proposed Center.

GRAY-7

As further evidence of the popularity of this idea with downtown's business and resident leaders, the Committee accepted one other proposal from the Culture subcommittee regarding these closed movie theaters. In a nearly unanimous vote, **the Committee recommended to the Council that the City should encourage, and provide incentives for, cultural uses at Pierside Pavilion's movie theater location.** This recommendation also asked the City to focus on the underutilized oceanfront properties with views along Pacific Coast Highway, from First Street to Ninth Street, to create opportunities to attract families and provide well-rounded entertainment.

Another improved location for the Proposed Center, rather than at the Library and Park, **is the old Mandic Motors site on Main Street just north of Orange Avenue**. One urban design concept is that pedestrians often will not walk to a location that they cannot directly see. For example, looking north on Main Street from the Pier, you cannot see the Library and Park. Mandic is the last property on the north end of Main that is visible from the Pier.

GRAY-7
cont.

Hence, if the Proposed Center were located at Mandic, which is now for sale, it probably would attract a much greater volume of pedestrian traffic than if it were situated at the Library and Park. If a larger site than Mandic is desirable for the Proposed Center, the City could attempt also to purchase the abutting Electric Chair property, at the corner of Main and Orange.

Degradation of Triangle Park – Downtown’s Only Public Park Away from the Beach

In my January Letter, I discussed at length the benefits of preserving Triangle Park for downtown residents. On page 2-15, the Draft EIR acknowledges that Huntington Beach currently has too little parkland, a ten (10) acre deficiency citywide, per its General Plan objective.

Although the Draft EIR claims that the City has met its park requirements within the boundaries of the DTSP, this calculation includes the beaches. The beaches contain relatively small amounts of green space, and are tourist oriented. **Triangle Park remains the only park in the DTSP area that is primarily for City residents, and is located away from the beaches and their crowds of visitors. Throughout its entire area, the DTSP has woefully too little green space.**

The Draft EIR, at page 2-16, states that Triangle Park will suffer no net loss of green space if the Proposed Center were built on it. Unfortunately, a green belt around a forty thousand (40,000) to fifty thousand (50,000) square foot building, with a very visitor intensive use (three hundred thousand (300,000) visitors annually per the Study), would be a substantial degradation of the Park’s present pastoral setting for residents, their children, and their dogs.

GRAY-8

As a further possible denigration of the Park’s pleasant, current environment, at page 4-224, the Draft EIR admits that one hundred sixty-one (161) off-site parking spaces are needed near the Overlay. As many as an additional two hundred seventy (270) parking spaces could be required for the Proposed Center’s on-site uses: an one hundred fifty (150) seat theater (ten (10) spaces per one thousand (1,000) square feet – fifty (50) spaces), a thirty thousand (30,000) square foot museum (one (1) space per three hundred (300) square feet – one hundred (100) spaces), and a three hundred fifty (350) person special events venue (eight (8) spaces per one thousand (1,000) square feet – one hundred twenty (120) spaces). From these numbers, the Park’s redevelopment might include over four hundred thirty (430) parking spaces total.

The Draft EIR, at page 4-194, sets out that the Proposed Center’s on-site uses alone, including a thirty thousand (30,000) square foot museum and an one hundred fifty (150) seat theater, would generate an additional six hundred (600) vehicle trips per day. This greater traffic of course does not provide for any off-site parking spaces that could be located at the Park. With

all of these potential four hundred thirty plus (430+) parking spaces, total added vehicle trips per day might reach one thousand (1,000), with major seasonal variations that would boost the summer's already congested conditions downtown. According to the Study, the Proposed Center also could encompass a three hundred fifty (350) person events venue. This events space and the theater, which together could have a total capacity of five hundred (500) persons, naturally would add rushes of traffic before and after each event or performance.

GRAY-9

Given all of these new visitors (three hundred thousand (300,000)), abundant parking spaces (as many as four hundred thirty plus (430+)), and many more vehicle trips (potentially one thousand (1,000) per day), it is easy to see that Triangle Park would be forever changed for the worse if the Proposed Center were built there. And of course, all of these negative environmental impacts would directly affect the established residential areas that abut and surround Triangle Park.

Triangle Park's Parkland Deed Restriction

In Triangle Park's original deed, a copy of which is attached, the City is restricted to maintain the entire property as parkland for all time, forever. The pertinent provision from this deed reads as follows, "[I]n a covenant running with the land . . . the [City] shall maintain and keep in good condition the . . . property as a public park and for no other purpose." This deed restriction never has been explicitly terminated, although a later deed did end the rights of Triangle Park's grantor to an alley and to any utility easements that it might have retained in the Park after the initial conveyance.

GRAY-10

Throughout its entire history of nearly one hundred (100) years, Triangle Park has functioned as a park and has been regulated by the City as a park. In my January Letter, I included two photographs of a sign standing in Triangle Park listing all of the City's park regulations that apply to the Park. Of course, this park regulation sign still stands there today.

The residents and property owners of the City, as third party beneficiaries, have the right to enforce Triangle Park's parkland deed restriction against the City. Although the City charter requires a citywide referendum to build on parkland (Measure C), Triangle Park's parkland deed restriction supersedes Measure C. **The City simply does not have the right to build the Proposed Center on Triangle Park, even if the voters were to approve the project in a citywide referendum.**

City Attorney's Withholding of Parkland Protections Written Analysis from the Public

In my January Letter, as I then had not yet learned of the Park's deed restriction, I stated that Measure C should apply to the Proposed Center at Triangle Park. In two meetings with other residents and me in May 2009, Jennifer McGrath, our elected City Attorney, orally stated that the Proposed Center will require a citywide referendum under Measure C. She also agreed to provide the public with her official written analysis of Triangle Park's parkland deed restriction and of the applicability of Measure C to the Proposed Center at the Park.

GRAY-11

Despite repeated follow-up requests, Jennifer McGrath still has not provided this written analysis to the public, over three months after the May meetings and over eight months after my January Letter. The Measure C question that I raised in my January Letter has yet to receive any official written response from the City. Even the Draft EIR, at page 3-13, provides an inadequately ambiguous consideration of this issue, stating the Proposed Center must meet the requirements of Measure C, to the extent it applies. **Similar to the MYB's withholding of the Study and filing their Form 700s so late, Jennifer McGrath's withholding of her written analysis of these parkland protections has made the public review process for the June DTSP and Draft EIR less than transparent. The totality of this withheld and delayed information has fatally compromised the public review process for the June DTSP and Draft EIR.**

GRAY-11
cont.

The Proposed Center is a Misplaced Anchor with Unacceptable Adverse Impacts on Noise, Traffic, and Air Pollution for the Bordering Established Residential Neighborhoods

The congestion and late night rowdiness of Main Street south of Orange Avenue already have been, and continue to be, a growing and substantial set of negative impacts on the quality of life for downtown residents. In this setting, the City needs to maintain buffers or transitions between the dense shopping and tourist district, closer to the beach and pier, and the thousands of residences surrounding downtown. The Library and Park provide exactly this type of necessary buffer and transition at the north end of Main Street. **If the Proposed Center and its underground parking structure were built at the Library and Park, this necessary buffer and transition would be lost to the bordering residential areas.**

GRAY-12

If the Proposed Center and its underground parking structure were built at the Library and Park, it would be a misplaced anchor, locating a major noise, traffic, and air pollution generator in the midst of established neighborhoods. With the Study's projection of three hundred thousand (300,000) visitors a year, the Proposed Center would be one of the largest, if not the absolute largest, museum attraction in all of Southern California.

Noise

At Appendix E, page 22, the Draft EIR acknowledges that new development under the June DTSP will have significant noise impacts from vehicle traffic. As outlined above, the **Proposed Center and its underground parking structure are estimated to produce anywhere from six hundred (600) to one thousand (1,000) additional vehicle trips per day, not including expected dramatic variations during the summer and during performances and special events at the Proposed Center. The Draft EIR, however, is incorrect in assuming that adverse noise impacts will be limited to increased vehicle trips.**

GRAY-13

The Proposed Center's uses, on top of its increased vehicle traffic, will produce significant adverse noise impacts on the residential areas that surround the Library and Park. This increased noise would come from the proposed one hundred fifty (150) seat theater and thirty thousand (30,000) square foot museum, the permissible related retail, and their patrons as they come and go. These retail establishments could include large, flexible special events spaces, with full alcohol and entertainment permits, and outdoor areas, carts, and kiosks.

Downtown’s alcohol serving establishments already have passed a tipping point for the surrounding residential areas. In the last sixteen (16) years, the number of restaurants and bars permitted to serve alcohol in downtown has skyrocketed from sixteen (16) to thirty-eight (38), today’s number. The major purpose of the Council’s Downtown Image Ad Hoc Committee was to make recommendations to curb the late night rowdiness caused by this over-saturation of bars in such close proximity to established neighborhoods.

The Proposed Center would mark a major departure for downtown from its current locations of large restaurants, bars, and nightclubs, all of which now are south of Olive Avenue, two to three blocks away from the Library and Park. With its possible three hundred fifty (350) person special events space, and the potential of a one hundred fifty (150) seat theater, the Proposed Center could have crowds of five hundred (500) people at a time, that would be as large or even larger than the capacities of the biggest restaurants, bars, or nightclubs that presently operate downtown. This huge concentration of retail patrons at the Proposed Center most certainly would increase negative noise impacts for the neighboring residences, up and above added vehicle noise from a new underground parking structure.

GRAY-13
cont.

Although the City is attempting to promote the Proposed Center’s performing arts space as a venue for “high culture”, such as live theater or classical music, it is likely that these uses will not thrive in downtown, economically or in any way. The City already has two performing arts centers that are not fully utilized near the Library and Park, at Huntington Beach High School (about one (1) mile away) and at Central Library (about three (3) miles away).

With a third location as a poorly planned expenditure of increasingly scarce taxpayer dollars, the City easily could be forced to book much less neighborhood-friendly, “low culture” acts at the Proposed Center. These types of events, including the possibility of noisy rock and roll bands, would better target the tastes of downtown’s predominant twenty-something market. Even though these types of performances might serve the Proposed Center’s future economic necessities, they also would dramatically increase the negative environmental noise impacts on the bordering residential areas.

In Appendix E, page 10, the Draft EIR describes only two noise measurements that were taken at the north end of downtown, one and two blocks from the Library and Park: Main Street and Orange Avenue, and Palm Street and Lake Street. As they relate to the Proposed Center, these noise measurement locations are inadequate. **To assess accurately the environmental impacts of the Proposed Center and its underground parking structure, existing noise measurements must be taken at three additional intersections: Sixth and Main Streets, Acacia Avenue and Main Street, and the ninety (90) degree corner of Pecan Avenue.**

Traffic and Parking

The Library and Park are a wholly inappropriate location for the Proposed Center and its underground parking structure, which **could have up to four hundred thirty plus (430+) spaces. This amount of public parking would be massive, and totally unacceptable next to**

GRAY-14

established residential uses. As detailed above, the Proposed Center and its underground parking structure would add somewhere between six hundred (600) and one thousand (1,000) vehicle trips per day to downtown’s presently congested streets, not counting large seasonal and event fluctuations.

Strikingly, **the Library and Park are served only by two-lane, local roads, almost exclusively through established residential areas.** The one exception is the four blocks of Main Street from Pacific Coast Highway. This stretch of Main already is literally choked with traffic during the warmer days of the year. Furthermore, the Proposed Center’s visitors, to and from Interstate 405, virtually all would use the two-lane segment of Main Street north of downtown, between Seventeenth Street and Acacia Avenue. This ten-block length is nearly completely lined by single-family neighborhoods.

GRAY-14
cont.

The Draft EIR, at page 2-17, admits that downtown currently has a parking deficiency for only fifteen (15) days, or four percent (4%) of the year, during summer special events. Building additional structured parking at the Proposed Center, or elsewhere downtown, to serve this relatively small deficit period, would be a waste of limited tax dollars. In the future, if additional parking is warranted by increased demand from further development, any structures should be located nearer to downtown’s main attraction – the beach – and away from its residential areas, such those surrounding the Library and Park.

Air Pollution

Following the development allowed under the June DTSP, increases in three different types of air pollution will substantially exceed state or Federal standards for the long term, and as such are unavoidable adverse environmental impacts, not subject to adequate mitigation. Two types of air pollution, inhalable particulate matter (PM-10) and Reactive Organic Compounds (ROG), will exceed Southern California Air Quality Management District (SCAQMD) thresholds by forty to forty-five percent (40% to 45%), per the Draft EIR, Appendix B, page 25. Furthermore, fine particulate matter (PM-2.5), will surpass the new Federal threshold (Draft EIR, page 4-33, note 4) by twenty percent (20%).

GRAY-15

Given the above dramatic increases and excesses in air pollution under the June DTSP, any parking structures should be located away from established residential, including the areas surrounding the Library and Park. Similarly, the added six hundred (600) to one thousand (1,000) vehicle trips per day, flowing from the Proposed Center and its possible underground parking, are unacceptable near densely populated neighborhoods, such as those around Main Street north of Orange Avenue. For all of these reasons, any new downtown cultural center and parking structure(s) should be built nearer to the beach and farther away from the Library, the Park, and their thousands of adjoining residences.

Realignment of Sixth Street to an Unworkable Design that the City Abandoned in 1988

The City should not close a portion of Sixth Street and reopen Sixth Street through Pecan Avenue, to provide a straight thoroughfare from Pacific Coast Highway to Main Street, as this possibility is set out in the Draft EIR (page 3-30). Main Street, between Pacific Coast Highway

GRAY-16

and Orange Avenue, probably will be closed to vehicle traffic more often in the future. This stretch of Main Street eventually might be closed to vehicle traffic permanently. In either case, **if Sixth Street is realigned through Pecan Avenue, Sixth Street will become a major replacement for the vehicle traffic that formerly used Main Street. This plan is unacceptable because Sixth Street is nearly completely lined on both sides with established residential uses.**

GRAY-16
cont.

Main Street Library and Triangle Park Should Be Preserved as Historic Landmarks

In my January Letter, I raised the issue of the Main Street Library’s required preservation as a historic landmark. To date, the City has provided no formal response concerning the Library’s historic landmark status.

In Appendix D, at page 11, the Draft EIR lists the Library as a Local Historic Landmark in downtown, built in 1951. Surprisingly, however, the Library is given no National Register of Historic Places code, the only older building on the list to be classified in this way. **The correct code for the Library is 3S, “appears eligible for listing as a separate property”, and the Draft EIR should be changed to show it as such.**

From the City’s Historic Resources Board (HRB), I know that Galvin Preservation Associates is in the process of completing an expedited analysis for the City of the Library’s historical significance, as part of this firm updating the City’s 1983 inventory of historic structures, for the City’s Centennial this year. **The public review process on the Overlay, and accordingly the City Planning Commission and Council Votes on the June DTSP and Draft EIR, should not be completed until Galvin Preservation has finished its historical analysis of the Library.**

GRAY-17

From the attached copy of the front page of the June 21, 1912 *Huntington Beach News*, you can see that Triangle Park was developed in 1912. As such, it is the second oldest park in the City. With the Park’s abutting the former City Hall site, where the Townsquare Condominiums now are located, **Triangle Park is the most historic park in the City.**

For your further reference, I have attached a copy of a front-page article from the October 5, 1950 *Huntington Beach News*. This story announces that the new library (the Main Street Library) is to be built in Triangle Park.

Andrea Galvin of Galvin Preservation Associates has publicly recognized the Main Street Library building’s historic importance at the HRB’s March 20, 2009 meeting. In addition, **the City’s Historian, Jerry Person, has told me that the Library definitely would qualify for the National Register of Historic Places.** Important in this qualification is that the library building has retained its original character; both the exterior and interior appearances have not been changed in its 58-year history.

To support the Library’s historic status, I have completed some preliminary research this year. In the three attached letters to the HRB, of February 4, 2009, April 17, 2009, and June 19, 2009, I detailed the results of this research. I also provided copies of these letters to Galvin

Preservation Associates and to Hayden Beckman of the City's Planning Department (including in the attached March 23, 2009 letter). **Without any specific effort, during the HRB's last term ending June 30, 2009, a majority of its ten members signed the petition to preserve the Library and Park.**

The Main Street Library served as the City's primary library from its opening in 1951 until the Central Library was finished in 1975. The prominent Los Angeles architectural firm of McLellan, MacDonald and Marcwith designed the structure. With its architects as pioneers in tilt-up concrete panel construction, I understand that the Main Street Library was only the second building in all of Southern California to use this method of construction, and in a very innovative, distinctive, and attractive form. **All of this evidence shows that the Main Street Library is the most important historic structure in downtown.**

From the HRB, too, I have learned that fifty percent (50%) of the structures on the City's 1985 inventory of historic resources have been demolished in the last twenty-plus (20+) years, many of which were downtown. At that rate of loss for our City's history, by the end of the June DTSP's twenty (20) year timeframe, our City might have no historic structures that remain standing. This risk of loss is especially relevant for downtown, as the most historic part of our City. I think that this wholesale destruction of our City's and our downtown's history, including the possible demolition of the Library, is an unacceptable approach for the City to take, ironically in our City's Centennial year.

GRAY-18

Although the Draft EIR states that it is currently infeasible to determine if specific development proposals under the June DTSP would result in demolition of historic resources, this conclusion is inaccurate. From the attached August 13, 2009 front-page article in the *Huntington Beach Independent*, Steve Bone's quote about the Library is unequivocal: "The existing building would not remain."

For the City's entire one hundred (100) year history, downtown has had a major library. Currently, the Main Street Library is a great resource for downtown families, and has the best-attended pre-school story time programs in the City (over 3,300 children in fiscal 2008). On account of both its historical importance and continuing vital community functions, the Library should be preserved in its existing size.

Three Important Interest Groups Have Endorsed Preservation of the Library and the Park

At least three important interest groups have endorsed the preservation of the Library and the Park. From the attached March 2009 letter to the City Council, from the Executive Committee of the Orange County Group of **the Sierra Club**, Angeles Chapter, you can see that the Sierra Club has endorsed the preservation of Triangle Park for many of the same reasons I have outlined in my letter today. These reasons include strong neighborhood support for preservation as evidenced by the thousands of petition signers, the shortage of green space downtown, the historic character of the Park, the needed buffer for the Park's bordering residential areas, and the greater noise, traffic, and air pollution negative impacts that the Proposed Center would produce.

GRAY-19

As mentioned above, the Board of Directors of **the abutting Townsquare Condominiums (seventy-three (73) units)** and the Members of **the nearby Pierside Town Homes (sixteen (16) homes)** voted to oppose the Proposed Center at the Library and Park, and have sent you their own individual letters in support of the Library and Park’s preservation. Again, these six supporting letters encompass a number of the same reasons about which I am writing to you today.

GRAY-19
cont.

In the attached email to Kellee Fritzal, Larry Geisse, M.D., as President of the **Parks Legal Defense Fund**, advocates for the preservation of Triangle Park and against its development. He correctly states that better locations exist downtown for the Proposed Center.

Proposed Center Will Require Its Own Project Specific Environmental Impact Report

At the **August 13, 2009 Planning Department public meeting on the Draft EIR**, three representatives from the City led the meeting: you, **Jennifer Villasenor, Kellee Fritzal, Deputy Director of the City’s Economic Development Department, and Cheryl Hodge** of Hodge and Associates, the City’s consultant who prepared the Draft EIR. I attended this meeting, and as I heard you, all three of you **flatly stated** the following:

GRAY-20

The Proposed Center will require its own separate project specific environmental impact report, in addition to the Draft EIR, which is a program environmental impact report for the entire DTSP. As a part of the review process for the Proposed Center’s project specific environmental impact report, the public will have another set of opportunities for input on the negative environmental impacts flowing from the Proposed Center, before the construction of the Proposed Center legally could be commenced under CEQA.

Inadequacy of the Public Review Process

In my January Letter, I included a lengthy section about the critical failings of the public review process for the December DTSP. Similarly, the public review process for the June DTSP and its Draft EIR are also fatally compromised.

In my letter to you today, I already have discussed Steve Bone’s conflict of interest, and the withholding of crucial information from the public by the City and by its sponsored downtown business partners. First, Steve Bone has had a substantive conflict of interest in lobbying for the Proposed Center, based on his large, personal financial stake in the Hyatt. Second, the MVB has been five months late in filing its Form 700s. Third, the MVB and Hotel BID have repeatedly refused to release to the public their Study on the Proposed Center. Fourth, Jennifer McGrath, despite her repeated promises to downtown residents, has not released to the public her official, written analyses of the parkland protections that apply to Triangle Park, including the original deed restriction and Measure C.

GRAY-21

In addition to these critical defects, the public review process for the June DTSP and its Draft EIR has had a number of other fatal shortcomings. First, the City has not adequately addressed the public's opposition to the Proposed Center; in fact, the City has flagrantly disregarded this public opposition.

Above in this letter, I wrote about how at least two of my questions, both raised in my **January Letter**, have not yet been answered by the City. **There has been no adequate response to my assertions that the Library building and the Park are historic landmarks, which should be preserved. There has been no official written response to my assertion that the Proposed Center should require a citywide referendum under Measure C.** Furthermore, the City has not addressed the questions raised in my January Letter about **the inadequacy of the public review process for the December DTSP.**

Even more important, the **changes made between the December DTSP and the June DTSP show that the City has almost entirely ignored the fervent public opposition to the Proposed Center.** These changes include increasing the net new development potential of the Proposed Center by fifty percent (50%), from twenty thousand (20,000) to thirty thousand (30,000) square feet. Another major set of changes in the June DTSP is the addition of Eating and Drinking Establishments with Alcohol and Outdoor Dining, and Outdoor Retail Carts and Kiosks to the permitted uses at the Proposed Center.

GRAY-21
cont.

As discussed above, these changes would be extremely detrimental to the surrounding residential areas, especially if the Study's five hundred (500) person special events venues were built. The most shocking aspect of these changes is that they have increased the Proposed Center's environmental and quality of life negative impacts to the adjoining downtown residents, in the face of massive public opposition to the Proposed Center.

Both the City's Economic Development and Planning Departments have prided themselves in the thoroughness of their public outreach regarding the December DTSP. Among the five (5) public meetings leading up to the December DTSP, all of which I attended, not one meeting drew more than one hundred (100) residents.

In contrast, approximately five thousand (5,000) residents have signed the petition to preserve the Library and Park. Moreover, the DRA has held two meetings in support of the Library and Park's preservation, a June 2009 rally that drew nearly two hundred (200) residents and a July neighborhood meeting that had another one hundred (100) residents in attendance. Similarly, the first two City Planning Commission Study Sessions on the June DTSP, even at their inconvenient times of 5:15 PM on Tuesdays, each had about one hundred (100) Library and Park supporters in the audience.

For now, the DRA leadership has stopped trying to bring large crowds of Library and Park advocates to the entire exhaustive calendar of eight (8) public meetings this summer and fall on the June DTSP and its Draft EIR. Nonetheless, the public support for preserving the Library and Park continues to grow stronger, with the DRA now boasting well over seven hundred fifty (750) members.

These contrasts, between the City's changes in the June DTSP and the massive protests against the Proposed Center, make the public review process to date appear as little more than a charade. The City simply has not listened to, has virtually ignored, the public input regarding the Proposed Center.

One more telling example, of this wholesale disregard by the City of downtown residents' concerns, is that **on the long list from Page 8-1 of the Draft EIR, of the persons or organizations consulted by Hodge and Associates in preparing the Draft EIR, not one person or organization representing Huntington Beach residents was included, such as the DRA.** The list contains primarily City development staff and outside development consultants.

With this focus, it is no wonder that the Draft EIR pays no more than lip service to quality of life issues for the downtown's thousands of residents, six thousand five hundred (6,500) of which live within a quarter mile of the Library and Park. Moreover, the one-sided approach of the Draft EIR, and its development, tourist, and business emphases, also fails to give credence to the fact that the DTSP area and its environs are equally as much a residential community as a retail and tourist district.

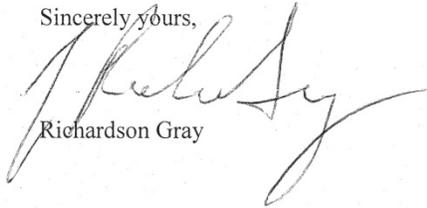
The sum total of these shortcomings proves that this public review has been fatally defective and will not support a Final DTSP and its final EIR that comply with the requirements of CEQA. In further support of this view, I understand that the letter to the City from the DRA's attorneys also concludes that the Draft EIR violates CEQA on a number of counts.

GRAY-21
cont.

Conclusion

To repeat the recommendation from my introduction, I urge the City to eliminate all proposals in the June DTSP and Draft EIR regarding the Proposed Center at the Library and Park. As the most historic building in downtown, and as the most historic park in the City, the Main Street Library and its surrounding Triangle Park must be preserved as historic landmarks, in this, the City's Centennial year, for future generations of Huntington Beach residents in the City's second century and beyond.

Sincerely yours,



Richardson Gray

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VIA EMAIL & FEDERAL EXPRESS

Jennifer Villasenor
Associate Planner
City of Huntington Beach Planning
Department
2000 Main Street
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Re: Downtown Specific Plan No. 5 Program Environmental Impact Report

Dear Ms. Villasenor:

This office is legal counsel for the Huntington Beach Downtown Residents Association (the "Association"). The Association is comprised of a group of Huntington Beach residents that live in, or in the immediate vicinity of, the area covered by the proposed Huntington Beach Downtown Specific Plan Update (the "DTSP Update" or the "Project"). The City of Huntington Beach (the "City") is currently considering the Project and has prepared a Draft Program Environmental Impact Report ("EIR") to evaluate the potentially significant environmental impacts that could result from the Project.

We have reviewed the EIR and are submitting this comment letter to inform the City that the EIR is inadequate to serve as the environmental document for the Project under the California Environmental Quality Act ("CEQA").

Specifically, the EIR fails to comply with the California State CEQA Guidelines ("CEQA Guidelines"), fails to adequately analyze Project alternatives, and unlawfully

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piecemeals the Project and defers analysis of impacts of reasonably foreseeable consequences of the Project. Additionally, the Project will result in excessive significant unavoidable impacts, is inconsistent with the Huntington Beach General Plan, and allowing the use of Triangle Park as a Cultural Arts Center violates the use restriction on such property.

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cont.

I. **THE EIR DOES NOT COMPLY WITH THE REQUIREMENTS SET FORTH IN THE CEQA GUIDELINES.**

The primary purpose of an EIR is to inform decision makers and the public about a project's significant environmental effects and ways to reduce them, to demonstrate to the public that the environment is being protected, and to ensure political accountability by disclosing to citizens the environmental values held by their elected and appointed officials. CEQA Guidelines §§15003, 15121(a). CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good faith effort at full disclosure. CEQA Guidelines §15003(i) (Emphasis added).

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The EIR fails to make a good faith effort at full disclosure. The EIR does not comply with the requirements of CEQA and the CEQA Guidelines, and is therefore inadequate to serve as the environmental document for the Project. Many of the environmental category sections of the EIR are deficient or inaccurate, including, without limitation, the following:

A. Cultural Resources.

The EIR identifies four significant historical resources located within the Project boundaries. Three of these significant historical resources are listed on the National Register of Historic Places ("NRHP") and the fourth is listed as NRHP eligible. All four of these significant historical resources are listed on the California Register of Historic Resources ("CRHR").

The EIR states on P. 4-63 that the "CEQA Guidelines require that a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources." A footnote attached to this statement correctly cites to CEQA Guidelines §15064.5(a)(3). Notably missing, however, is any discussion of CEQA Guidelines §15064.5(a)(2).

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As detailed below, the Main Street Library (the "Library") should have been identified as an historical resource in the EIR, pursuant to both §§15064.5(a)(2) and (3). Furthermore, since the Library is an historical resource, the EIR should have evaluated the impacts to the Library that will result from the Project.

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cont.

Impacts to cultural resources are considered significant when the Project "would cause a substantial adverse change in the significance of an historical resource (as defined per §15064.5 of the CEQA Guidelines)." P. 4-61. The impacts to the Library will unequivocally cause a substantial adverse change in the significance of the Library.

1. CEQA Guidelines §15064.5(a)(3).

CEQA Guidelines §15064.5(a)(3) defines an historical resource as, "[a]ny object building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. **Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852)" including one of the following:**

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- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (B) Is associated with the lives of persons important in our past;
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (D) Has yielded, or may be likely to yield, information important in prehistory or history."

Additionally, the California Register requires that sufficient time has passed since a resource's period of significance "to obtain a scholarly perspective of the events or individuals associated with the resource." Fifty years is used as a general estimate of

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time needed to develop the perspective to understand the resource's significance. California Code of Regulations §4852(d)(2).

The Library meets the criteria for listing on the CRHR, yet it is not identified as an historical resource in the EIR. This omission is a violation of §15064.5(a)(3) of the CEQA Guidelines.

The Library was dedicated by Mayor Vernon Langenbeck on September 30, 1951, and served as the City's main library until April of 1975. The Library is located only 5 blocks from the Huntington Beach pier in the downtown Huntington Beach area. For nearly 60 years the Library has served both greater Huntington Beach in its early years, and today the downtown Huntington Beach community. Replacing the Carnegie Library in 1951, the Library was part of the Civic Center for Huntington Beach until the Civic Center was relocated to the 2000 block of Main Street.

As such, the Library is "associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States," pursuant to §15064.5(a)(3)(A). The Library is a sliver of history left from historical times, when downtown Huntington Beach was quaint and cozy, before it was built-out and commercialized. Indeed, as noted in the DTSP Update on p. 17 of the Appendices, "The Library is important to downtown residents!!!"

Additionally, the Library "[e]mbodies the distinctive characteristics of a type, period, region, or method of construction" and "represents the work of an important creative individual, or possesses high artistic values," pursuant to §15064.5(a)(3)(B). The Library was one of the first concrete tilt-up buildings ever built in California. It has symbolized the downtown Huntington beach area for over 58 years. Generations of downtown Huntington Beach residents agree that the Library symbolizes the downtown area of historical times, before the present commercial and intense land uses were permitted.

The Library qualifies as an historical resource pursuant to both §§15064.5(a)(3)(A) and (B), and it should have been classified as such in the EIR.

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cont.

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2. CEQA Guidelines §15064.5(a)(2).

CEQA Guidelines §15064.5(a)(2) states that an historical resource "included in a local register of historical resources...shall be **presumed to be historically or culturally significant.**"

The Library is designated as a local landmark in the General Plan Historic and Cultural Resources Element. Therefore, pursuant to CEQA Guidelines §15064.5(a)(2), the Library is presumed to be an historical resource, and should have been identified as such in the EIR.

The General Plan Historic and Cultural Resources Element ("HCR") lists "local landmarks considered to be of significant importance to the local community," as defined by the Historic Resources Board ("HRB"), and states that the "intention of the HRB [is] to place these structures and places on a City listing for protection and/or preservation...." P. II-HCR-6.

Certainly the City and its consultants were aware that the Library is listed as a local landmark in the HCR; the EIR recognizes this on P. 4-63. As such, the fact that the EIR does not identify the Library as an historical resource is dubious, at best. Moreover, it is completely inappropriate that the EIR identifies the definition of "historical resource" in CEQA Guidelines §15064.5(a)(3), but fails to identify the definition given in the immediately preceding sub-subsection, CEQA Guidelines §15064.5(a)(2). These glaring omissions and such inadequate analysis may lead even the most objective observer to question whether the City was purposefully avoiding analyzing the impacts to the Library as required by CEQA.

Clearly, the EIR should have categorized the Library as an historical resource. The Library meets the criteria for listing on the CRHR. Moreover, it is already recognized in the General Plan as a local landmark. Based upon the foregoing, pursuant to CEQA, the EIR must identify the Library as an historical resource and must analyze impacts thereon.

3. Substantial Adverse Change in Significance of the Library.

An EIR must analyze whether the Project will cause a substantial adverse change in the significance of any and all historical resources. CEQA Guidelines §15064.5.

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Therefore, the EIR should have analyzed whether the Project will cause a substantial adverse change in the significance of the Library.

The EIR states on p. 4-63, that "specific development proposals are not contemplated for the project, including development on the library site." This is not true. The Project specifically allows for the development of the Cultural Arts Center on the Library site. Specifically, the Project requires that the Cultural Arts Center stand no more than 3 stories and 35 feet tall, and span no more than 30,000 square feet. Furthermore, the Project provides that there be no net loss of green space on the Library site.

In order to build the Cultural Arts Center on the Library site, the Library will have to be demolished or altered. No net loss of green space on the Library site will be allowed; therefore, the Cultural Arts Center will necessarily either have to replace the Library, or be built on top of the Library. The Library building encompasses only 9,034 square feet. The additional 20,966 square feet cannot be built elsewhere on the Library site, unless a corresponding portion of the Library is demolished. Moreover, it is impossible to effectively triple the size of the Library by adding on to the existing 58 year old building; the Library is too old to be altered in such a manner. Simply put, the Library will have to be demolished, at least in part, to erect the Cultural Arts Center. Therefore, even a build-out of the Cultural Arts Center in strict compliance with the development limits set forth in the DTSP Update will cause a substantial adverse change in the significance of the Library, and such impacts must be analyzed in the EIR. Such analysis cannot be deferred to a "project EIR."

HBDR-6
cont.

In addition to the provisions for the Cultural Arts Center in the Project, significant steps have been taken to proceed with building the Cultural Arts Center on the site where the Library currently sits. Indeed, that certain "Analysis of Potential Market Demand, Estimated Revenue and Economic Impact," dated May 2009 (the "Proposed Cultural Center Report"), was prepared in an effort to plan for the construction of the Cultural Arts Center.

The Proposed Cultural Center Report, as described in that certain article in the Huntington Beach Independent, dated August 13, 2009, entitled "Report: Profit is possible," contains specific details of the proposed project to build the Cultural Arts Center on the Library site. For example, the Proposed Cultural Center Report states that the Cultural Arts Center is planned to be a tourist attraction that incorporates rentable event space, a restaurant, a gift shop, a 100-125 seat theater, and an interactive library component and learning center. The annual attendance at the Cultural Arts Center is

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anticipated to reach 300,000 persons, not including after-hours patrons of any restaurants, retail stores, performances, and special events at the Cultural Arts Center. The proposed Cultural Arts Center will unquestionably cause a substantial adverse change in the significance of the Library.

In addition, the DTSP Update states, inter alia, that the Cultural Arts Center project may include a surf museum, a large scale living display of marine life and local simulated wetlands, a new "interactive learning library," and educational rooms & theaters. The Library will be completely transformed from a small, local place of learning used almost exclusively by the residents of downtown Huntington Beach, to a colossal tourist attraction that will draw annual attendance of approximately 300,000 to 400,000 persons.

Clearly, these drastic changes will cause a substantial adverse change in the significance of the Library, and these significant adverse changes were not addressed in the EIR. Accordingly, the cultural resources section of the EIR fails to comply with CEQA Guidelines §15064.5, and therefore the EIR is inadequate to serve as the environmental document for the Project.

B. Land Use and Planning.

Section 4.7 of the EIR discusses environmental impacts to land use and planning that will result from the Project. This section of the EIR concludes that the Project will not result in any significant environmental impacts to land use and planning. However, this conclusion fails to recognize the significant environmental impacts that will result from the Project's inconsistencies with the General Plan.

Pursuant to Section 4.7 of the EIR, impacts resulting from implementation of the Project would be considered significant if they **conflict with any applicable land use plan**, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. P. 4-112. The Project conflicts with an applicable land use plan, the Huntington Beach General Plan.

As discussed above, the Library is listed as an historical resource in the General Plan. Because the Project proposes the demolition or alteration of the Library, the Project is in direct conflict with the General Plan.

HBDR-6
cont.

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Furthermore, the current DTSP provides for the Historical Resources Board to serve in an advisory capacity to the Planning Commission to oversee the selection of local landmarks that are identified in the General Plan. The DTSP Update does not provide for the HRB to retain its advisory role, which is inconsistent with the General Plan, nor does it analyze the impacts associated with removing the HRB from providing such advisory role.

Moreover, the Project proposes to change the land use designation of the Library site from "Public" to "Downtown Core Mixed-Use." The "Downtown Core Mixed-Use" designation "promotes mixed use development of **visitor-serving** and neighborhood-serving **commercial** uses, as well as office and residential developments. P. 4-122. Despite drastically changing the land use designation for the Library site, the EIR does not discuss any of the related impacts.

Additionally, the Project does not analyze the impacts that will result from the abandonment of the Implementation Program set forth by the Historical Resources Board for a "Celebration Plaza" that is to connect the Arts Center and the Library.

Finally, it is also important to note that the EIR states that it must amend the General Plan, the Zoning text, and the Local Coastal Program in order to adopt the Project. However, the impacts associated with such amendments are only superficially analyzed in the EIR. Indeed, these impacts were only briefly discussed in Section 4.7 of the EIR, and they were not discussed in the other environmental category sections of the EIR. These impacts are vital to the discussion and analysis of environmental impacts and should have been included in the EIR.

The aforementioned inconsistencies between the Project and the General Plan clearly constitute a "conflict with any applicable land use plan." As such, these inconsistencies are significant environmental impacts, as defined on P. 4-112 of the EIR. The EIR must recognize and analyze these impacts accordingly.

C. Traffic.

Section 4.12 of the EIR discusses the environmental impacts to traffic that will result from the Project. This section concludes that "all impacts to transportation and parking associated with the proposed project would be less than significant or mitigated to less than significant levels. Therefore, no significant and unavoidable impacts related to land use and planning would occur."

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cont.

HBDR-8

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This conclusion is misleading, and deprives the City and the public of the information it needs to make an informed decision on the Project. In fact, the Project will allow for increased density and more intense land uses that will directly result in increased traffic. The studies in the EIR indicate that the Level of Service ("LOS") at a substantial number of intersections will **worsen** with the implementation of the Project and corresponding development that will result therefrom.

For example, PP. 4-198 and 4-199 detail the projected 2020 p.m. LOS at 24 intersections in the Project area. Of the 24 intersections, **10** of these intersections will have an **inferior** LOS after implementation of the Project, as compared to the No-Project Alternative.

PP. 4-202 and 4-203 detail the projected 2030 p.m. LOS at the same 24 intersections. Of the 24 intersections, **15** of these intersections will have an **inferior** LOS after implementation of the Project, as compared to the No-Project Alternative. **None** of the 24 intersections will have an improved LOS when compared to the No-Project Alternative under such projection.

Despite this data provided in the EIR, the EIR only recognizes impacts as significant if an intersection will operate at an LOS of "E" or worse. This conclusion ignores the negative impacts at the intersections that will result from an inferior LOS at a substantial number of intersections when compared to the No-Project Alternative. Furthermore, the EIR does not consider the **cumulative** impacts that will result from having as many as 15 intersections operate at a worse LOS when compared to the No-Project Alternative.

Furthermore, Section 4.12 of the EIR makes no mention of the buses that will be drawn to the Cultural Arts Center to transport groups of visitors. The addition of buses to the already crowded streets will increase traffic volume and congestion. Buses move slowly, especially in crowded areas, stop traffic to load and unload passengers, and create greater impacts on the environment, including but not limited to air quality and noise. These adverse environmental impacts should have been addressed in the EIR.

Additionally, the EIR projects that development related to the Project will result in an astounding **13,397** additional daily trips per day to the Project area, after accounting for internal capture and mode shift. Without accounting for internal capture and mode shift, the projected additional daily trips per day are projected to be **20,454**. A minimum

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of 13,397 additional daily trips per day will certainly gridlock the existing, congested downtown streets. This is a significant, unavoidable adverse impact to traffic.

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cont.

When compared to the No-Project Alternative, the Project will cause significant, adverse impacts to traffic. These significant, adverse impacts are not identified as such in the EIR. Therefore, the conclusion regarding the impacts to traffic in Section 4.12 of the EIR is flawed and misleading.

D. Parking.

Section 4.12 of the EIR discusses the impacts to parking caused by the Project. A parking study was conducted for the Project area, and the results of this study are included in the EIR.

The parking study identified that it is difficult to find parking 35 days per year and that an actual parking deficiency exists 15 days per year. In particular, the study found that the existing parking demand greatly exceeds the parking capacity on summer holidays and special events.

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Naturally, with the addition of several hundred thousand square feet of development and the proposed reduced ratios of required parking spaces per square foot of gross floor area in the Project area, demand for parking will increase substantially. Moreover, the Project proposes to completely eliminate the existing on-street parking along Main Street, from Pacific Coast Highway to Orange, and to reconfigure the parking on 5th Street, which will result in a net loss of 50 on-street parking spaces.

This increased demand will result in significant, adverse impacts to parking in the Project area. To meet this increased demand, the EIR, and the Parking Master Plan Study, propose to implement a panoply of mitigation measures, none of which are guaranteed to alleviate the increased demand.

Some of the suggested measures are as follows: implementing a valet program, adding bicycle parking, constructing temporary parking lots, forming business-to-business agreements, remote parking and shuttle service, applying for a conditional use permit, or **payment of in-lieu fees.**

The EIR concludes that there will be no significant adverse impacts to parking because "parking is required to meet the minimum code requirements." This is

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misleading. Such conclusion in the EIR fails to address that the "minimum code requirements" are being reduced by the Project by reducing ratios of required parking (P. 3-25), further increasing parking demand resulting from new development, impacts of which are not analyzed in the EIR. Additionally, any particular development may elect to implement a mitigation measure that will **not** result in additional parking spaces. For example, a developer can make a payment of in-lieu fees, rather than actually create additional parking as part of its development. Likewise, a developer could implement a valet service, which will merely shift the parking burden to other parking facilities in the Project vicinity.

Furthermore, as discussed above, Section 4.12 of the EIR does not discuss the buses that will be drawn to the Cultural Arts Center to transport groups of visitors. Buses require designated parking areas which consume significant amounts of available parking space. The impacts associated with these designated bus parking areas should have been analyzed in the EIR.

The discretionary implementation of mitigation measures is an ineffective method of reducing the exorbitant and increasing demand for parking in the Project area. As such, the EIR should have concluded that the Project will result in significant adverse environmental impacts to parking. Therefore, the conclusion regarding the impacts to parking in Section 4.12 of the EIR is flawed and misleading.

E. Other Environmental Discussion Deficiencies.

In addition to the categorical sections discussed above, the following sections, without limitation, contain environmental impacts that are not adequately analyzed in the EIR:

- **Aesthetics:** This section does not identify and analyze the significant impacts to the visual character of the downtown Huntington Beach area associated with the demolition or alteration of the Library, and associated with increased density and more intense land uses. Additionally, this section does not discuss the impacts related to shade and shadows that will be cast due to the increased building heights. Furthermore, this section does not adequately discuss the impacts that will be caused by new sources of light and glare introduced by the construction of new buildings in the area.

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HBDR-10

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- **Noise:** The EIR does not identify and analyze the impacts associated with the addition of the Cultural Arts Center, and the noise related to the attendance of 300,000 to 400,000 annual visitors thereto. This analysis is crucial to the EIR because a substantial number of residents live in noise sensitive locations near the Library.

| HBDRA-11
- **Population and Housing:** The Project will induce substantial population growth in the Project area. The Project area is already overcrowded and the resulting residential density will exceed residential capacity therein. This is a significant unavoidable impact that should be identified as such in the EIR.

| HBDRA-12
- **Utilities and Service Systems:** Significant unavoidable impacts will result from cumulative impacts of developments in the Project Area. Specifically, water supply and infrastructure will be adversely affected. These impacts should be specifically identified as significant unavoidable impacts in the EIR.

| HBDRA-13

II. **INADEQUATE AND INCOMPLETE ANALYSIS OF ALTERNATIVES**

An EIR must describe a reasonable range of alternatives to the project, or to the location of the project, that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. CEQA Guidelines §15126.6. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. *Id.*

"Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)." *Citizens of Goleta Valley v. Board of Supervisors* (1990), 52 Cal. 3d 553.

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A. Unreasonable Range and Description of Alternatives.

Section 6 of the EIR briefly discusses three alternatives to the Project: the No-Project Alternative, the Conservative Market Demand Development Alternative, and the Reduced Development Alternative.

The description of the two development alternatives states that these alternatives will reduce the square footage of the proposed additional development that will result from the Project. These alternatives do not specify to any degree where the reduction in square footage will occur. Further, these alternatives do not even discuss the reconfiguration of the existing districts, let alone provide an alternative to the Project's plan to combine the 11 existing districts into 7 new districts.

Indeed, the descriptions of these alternatives are so vague that the City cannot accurately compare the Project to the alternatives. For example, it is impossible to determine from the EIR **where** the reduction in proposed development will occur. The public and the City also cannot determine whether the proposed combination of the 11 existing districts into the 7 new districts will be the same as proposed for the Project.

In addition, none of the alternatives propose to build the Cultural Arts Center on a location other than the Library site. As discussed above, the Library is an historical resource, pursuant to CEQA Guidelines §15064.5. It is imperative that an EIR analyze an alternative that avoids the destruction and/or alteration of an historical resource.

As stated in CEQA Guidelines §15126.6, subdivision (f)(2), when determining when an EIR must include analysis of alternative locations, the "key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." Building the Cultural Arts Center on a location other than the Library site will eliminate the unavoidable significant impact of destroying or altering an historical resource. The EIR does not discuss a single alternative location that would avoid the significant impact of demolishing or modifying the Library.

In sum, the EIR does not discuss a reasonable range of alternatives to the Project, does not describe the alternatives to the Project in sufficient detail, and does not provide adequate alternatives to the location of the Cultural Arts Center. Such analysis omissions are violations of CEQA Guidelines §15126.6.

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B. Incomplete Analysis of Alternative Impacts.

The EIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. CEQA Guidelines §15126.6(d). However, the discussion in the EIR of the environmental impacts that would be caused by the project alternatives merely states whether the alternatives would result in more or less impacts. Almost no information is provided that quantifies the impact differentials.

Section 6 of the EIR does not include sufficient information to allow for meaningful evaluation, analysis, and comparison with the Project. Merely stating that an alternative will result in more or less impacts does not provide the public and the City enough information to adequately analyze the alternatives to the Project.

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Moreover, Section 6 of the EIR does not discuss the unavoidable significant impacts associated with the destruction or modification of an historical resource, the Library. As discussed above, the EIR is required to include an alternative that proposes building a Cultural Arts Center on a location other than the Library site. Therefore, Section 6 must also discuss the corresponding differences in significant impacts to cultural resources between the alternatives.

C. Failure to Identify an Environmentally Superior Alternative Amongst the Development Alternatives.

Because the EIR identifies the No-Project Alternative as the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative amongst the other alternatives. CEQA Guidelines §15126.6(e). In fact, Section 6.5 of the EIR correctly recognizes this requirement. However, the EIR inexplicably fails to select an environmentally superior alternative amongst the other alternatives.

Rather than reach the obvious conclusion, that the Reduced Development Alternative is the environmentally superior alternative, the EIR fails to select an environmentally superior alternative amongst the other alternatives at all. Instead, the EIR curiously states that each development alternative does not reduce or eliminate significant impacts. P. 6-13.

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First, the Reduced Development Alternative reduces all impacts, including significant impacts, when compared to the impacts caused by the Conservative Market

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Demand Alternative and the Project. The Reduced Development Alternative has a maximum development potential that is much smaller than either development alternative. For example, the retail development is almost **half** the size of the retail development for the Conservative Market Demand Alternative and the Project, respectively.

Likewise, the maximum development potential for restaurant uses, office uses, residential uses, and the Cultural Arts Center are also almost **half** the size for the Reduced Development Alternative compared to the Project. Compared to the Conservative Market Demand Alternative, the maximum development potential of the restaurant uses are only app. **60%**, office uses app. **40%**, and the Cultural Arts Center **half**.

When development directly corresponds to environmental impacts, as is the case with the Project, it is axiomatic that the development alternative that provides for the least development is the environmentally superior alternative. However, the EIR fails to acknowledge this. Indeed, the selection of the environmentally superior alternative is so undeniable that it appears that the preparers of the EIR purposefully avoided selecting the Reduced Development Alternative as the environmentally superior.

Section 6.5 of the EIR, which discusses the environmentally superior alternative, is cleverly written to avoid making such an identification. This is inadequate and deprives the public and the City of the most vital piece of information needed to decide which alternative to select. The purpose of the EIR is to inform the public and the City of the environmental impacts associated with the proposed project, and alternatives to the project.

Accordingly, the conclusion reached in Section 6.5 does not comply with the requirement of CEQA Guidelines §15126.6(e). The EIR must choose an environmentally superior alternative amongst the development alternatives.

D. Incomplete Analysis of the No-Project Alternative.

Like the alternatives to the Project discussed in Section 6 of the EIR, the No-Project Alternative is vaguely analyzed and its impacts are discussed in only general terms. Pursuant to CEQA Guidelines §15126(e), the "purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project."

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Here, the public and the City are not provided with enough information and analysis in the EIR to make an accurate assessment of the adverse environmental impacts that will be caused by the No-Project Alternative. The EIR only generally states in each environmental topical area that the impacts would be less, or that the impacts would vary depending on a series of several factors. No impacts are detailed or quantified. Accordingly, the No-Project Alternative analysis is incomplete and inadequate in violation of CEQA Guidelines §15126(e).

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III. PIECEMEALING

CEQA Guidelines define "Project" to mean the "whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change in the environment. CEQA Guidelines 15378(a). "Project is given a broad interpretation in order to maximize protection of the environment." *McQueen v. Board of Directors of Midpennsulia Region Open Space District*, 202 Cal. App. 3rd 1136 (1988).

California courts have held that a lead agency must analyze each "project" consisting of a part of an entire action in a single environmental review document and not "split" a project into two or more segments. This approach ensures "that environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991), 233 Cal. App. 3d 577, 592.

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The EIR does not review the entire action that is contemplated, which is tantamount to unlawful piecemealing. The Project is merely one piece of a much greater project that entails updating the Specific Plan, amending the General Plan, amending the Zoning text, amending the Local Coastal Program, and building the Cultural Arts Center on the Library site. Accordingly, the environmental analysis relating to the amendment to the General Plan and the construction of the Cultural Arts Center is required to be in the EIR.

A. The EIR Must Analyze the Environmental Impacts Associated with the Construction of the Cultural Arts Center.

As discussed in detail in Section I(A) of this Comment Letter, one of the primary purposes of the Project is to build the Cultural Arts Center on the Library site. However,

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none of the impacts associated with building the Cultural Arts Center are discussed in the EIR. This constitutes unlawful piecemealing.

In 1988, the California Supreme Court held that "an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." *Laurel Heights Improvement Association v. Regents of the University of California* (1988), 47 Cal. 3d 376, 396.

The demolition or alteration of the Library, and the construction of the Cultural Arts Center, are reasonably foreseeable consequences of the Project. The Project specifically amends the Specific Plan to allow for the construction of the Cultural Arts Center **on the Library site**. In addition, the specifications for the Cultural Arts Center, such as the requirement that there be no net loss of green space, are drafted in such a way that it is **impossible** to build the Cultural Arts Center without demolishing or drastically altering the Library.

Additionally, the demolition or alteration of the Library, and the construction of the Cultural Arts Center, are significant in that they substantially change the scope of the environmental effects associated with the Project. Therefore, pursuant to *Laurel Heights*, the EIR must include an analysis of the environmental effects associated with the demolition or alteration of the Library and the construction of the Cultural Arts Center.

Despite the obvious Project impacts associated with demolishing or altering the Library, and associated with constructing the Cultural Arts Center, the EIR fails to discuss these impacts. Instead, the EIR ignores these impacts in their entirety and erroneously claims that such impacts should be analyzed in a separate EIR. Deferring the environmental analysis of the entire Project constitutes unlawful piecemealing, in violation of CEQA. Accordingly, the EIR is inadequate to serve as the environmental document for the Project.

B. The EIR Must Analyze the Environmental Impacts Associated with Amending the General Plan.

The Project states that, in order to adopt the DTSP Update, which is inconsistent with the General Plan, the Zoning text, and the Local Coastal Program, the City must amend the General Plan, the Zoning text, and the Local Coastal Program. Without

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amending these documents, the Project would not be consistent with one of its objectives: to be consistent with and to further the objectives of the General Plan by providing detailed criteria for development within the DTSP area and public streetscape improvement. P. 4-113.

Despite recognizing that the Project requires the amendment of the General Plan, the Zoning text, and the Local Coastal Program, the EIR fails to analyze the environmental impacts associated with such amendments. Indeed, the EIR only analyzes these impacts in one section thereof, Section 4.7.

Furthermore, the City has not provided the text of the amendments of the General Plan, the Zoning text, and the Local Coastal Program to the public. Indeed, according to Jennifer Villasenor, Associate Planner for the City, these amendments **are not completed** and **will not be available** until after close of the public comment period on the EIR. As such, the public cannot view these amendments, let alone analyze the impacts associated with their adoption.

As discussed above, the EIR must analyze the whole of an action, which in this case includes the amendments to the General Plan, the Zoning text, and the Local Coastal Program. Accordingly, the EIR does not analyze the whole of the Project, and is therefore inadequate to serve as the environmental document for the Project.

C. The EIR Must Analyze the Environmental Impacts Associated with the General Plan Circulation Element Update.

The City is proposing to update the City's General Plan Circulation Element (the "Circulation Element Update"). The purpose of the Circulation Element Update is to evaluate the long-term transportation needs of the City and to present a comprehensive plan to accommodate those needs. The entire Circulation Element is being updated including goals, policies, and objectives pertaining to transportation needs and LOS standards. The proposed Circulation Element covers various circulation issues such as regional mobility, roadway circulation, neighborhood traffic management, public transportation, transportation demand management, parking, pedestrian, bicycle, and equestrian paths, waterway facilities, and scenic corridors.

The Project and the Circulation Element Update are so closely related that, in certain areas, they are actually one and the same project. The Project and the Circulation Element Update both require amendments to the General Plan and will both alter the

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planning goals and strategies in the Project area. Both projects will significantly impact traffic and LOS in the Project area. Furthermore, both projects will result in significant cumulative impacts that must be analyzed. Evaluating the Project and the Circulation Element Update in separate EIR's effectively chops the environmental analysis of the entire project into segments.

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Segmenting the environmental analysis of the Project and the Circulation Element Update is unlawful piecemealing, in violation of CEQA. Accordingly, the EIR is inadequate to serve as the environmental document for the Project.

IV. **THE PROJECT SHOULD NOT BE APPROVED BECAUSE IT WILL CAUSE EXCESSIVE SIGNIFICANT UNAVOIDABLE IMPACTS**

The Project will cause an excessive amount of significant unavoidable impacts, especially when compared to the available alternatives to the Project. Many of these significant unavoidable impacts are identified in the EIR, many more are not. Because these significant unavoidable impacts are cumulatively so great, the Project should not be approved.

The Project area is nearly completely built out under the current DTSP. Indeed, the development in the Project area has almost completely maximized the allowable density. In short, there is simply no room left to expand existing densities. However, simply expanding existing densities appears to be the main purpose of the Project.

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Adding several hundred thousand square feet of retail, office, residential, restaurant, hotel, and cultural facilities and reducing ratios of required parking will exacerbate the overcrowding that already exists under the current DTSP. This overcrowding will reduce the quality of life for visitors and residents alike.

Additionally, the Project fails to comply with its stated vision elements, which are detailed on PP. 3-8 and 3-9 of the EIR. The vision elements that the Project fails to achieve, without limitation, are as follows:

- **Provide connections to and protecting established residential neighborhoods and orienting intensive land uses away from these neighborhoods:** the Project proposes to extend intensive land uses into the established residential neighborhood in the vicinity of the Library site by

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building the Cultural Arts Center, which will attract approximately 300,000 to 400,000 people annually to the facility.

- **Providing view, light, and air corridors to the ocean:** The Project proposes to increase height restrictions in areas along Pacific Coast Highway which will eliminate existing view, light, and air corridors to the ocean.
- **Providing locations for public parking:** As discussed above, the Project will result in **decreased** public parking. The proposed mitigation measures are inadequate to overcome the increased parking demand.
- **Providing and maintaining a safe environment for everyone:** As noted in the EIR, and discussed above, the Project will result in significant unavoidable impacts to public services, such as police and fire services.

Furthermore, the Project will result in extensive **significant unavoidable impacts**, including, without limitation, the following:

- **Aesthetics:** There will be significant adverse impacts to the visual character of the downtown Huntington Beach area associated with the demolition or alteration of the Library, and associated with increased density and more intense land uses. In addition, there will be significant adverse impacts to existing views along Pacific Coast Highway, from 6th Street to 9th Street, resulting from a change to building height from 35 feet to 55 feet.
- **Air Quality:** The projected construction NO_x emissions related to the Project are **greater** than the significance thresholds established by the South Coast Air Quality Management District. Additionally, the Project is inconsistent with the South Coast Air Quality Management Plan because of increases in traffic and population. P. 4-48. Projected long-term ROG and PM₁₀ emissions will unavoidably exceed the South Coast Air Quality Management District thresholds by 40% to 45%. P. 4-52. Finally, projected long-term PM_{2.5} emissions will unavoidably exceed the new national emission standard, as detailed on P. 4-43 of the EIR.
- **Noise:** The Project will result in significant unavoidable impacts related to construction of developments associated with the Project. P. 4-152.

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- **Parking:** There will be significant unavoidable impacts to parking resulting from the addition of hundreds of thousands of square feet of residential, office, retail, restaurant, hotel, residential, and cultural facilities and further reduction of ratios of required parking. The EIR incorrectly concludes that there will be no such impacts because of a "toolbox" of proposed mitigation measures. These mitigation measures are an ineffective way of reducing parking demand, as discussed further above.
- **Population and Housing:** The Project will induce substantial population growth in the Project area. The Project area is already overcrowded and the resulting residential density will exceed residential capacity therein.
- **Public Services:** Additional fire personnel, facilities, and/or equipment will be needed in relation to future development proposals per the Project, and due to the increased demand for emergency personnel caused by the additional population that will occupy the Project area.
- **Recreation:** The development of the Cultural Arts Center will result in the loss of at least a portion of the Triangle Park green space. Residents of the Project area will only be able to use the green space for public recreation to the extent that the green space is not being utilized for Cultural Arts Center related activities and functions. Furthermore, the City is also not in compliance with the General Plan Requirement that the City maintain five acres of parks per every 1,000 Huntington Beach residents. Although the EIR claims that the City is close to compliance with this requirement, this is not true. A measurement of the City's parks reveals that the City has overestimated the acreage of existing parks and is further from compliance with this requirement. Eliminating public park acreage by developing the Cultural Arts Center will exacerbate the City's current non-compliance with this requirement.
- **Traffic:** As detailed above, the LOS at a significant number of intersections will decrease as a result of the Project. The cumulative impacts of multiple decreases in LOS in the project area will create significant traffic problems. The projected additional daily trips per day of at least 13,397 will gridlock the Project area.

HBDRA-23
cont.

PALMIERI, TYLER, WIENER, WILHELM & WALDRON LLP

Jennifer Villasenor
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- **Utilities and Service Systems:** Water supply and infrastructure resources will be adversely affected by the increased demand resulting from the Project.

HBDR-23
cont.

V. **FAILURE TO ANALYZE CUMULATIVE IMPACTS ASSOCIATED WITH PACIFIC CITY PROJECT**

In June 2004, the City Council approved the Pacific City mixed use project (the "Pacific City Project") on a 31.5 gross acre site along Pacific Coast Highway, between Huntington Street and First Street. According to the City of Huntington Beach's website, the mixed use project will consist of 191,000 sq. ft. of retail, office, restaurant, cultural, and entertainment uses; a 163,000 sq. ft., 165 room, eight story, luxury boutique hotel, spa, and health club; and 516 condominium units within a mix of two, three, and four story buildings.

The commercial portion of the project includes carts and kiosks, outdoor dining, alcoholic beverage sales, live entertainment indoors and outdoors, and dancing within the proposed restaurants and hotel development. Parking will be provided in two, two-level subterranean parking structures.

HBDR-24

Although the Pacific City Project was approved over five years ago, very little construction has taken place since then. Indeed, the majority, and most disruptive, of the construction work has yet to begin, and may begin at any time. Because the Pacific City Project has cleared all necessary hurdles to begin construction, the construction of the Pacific City Project may coincide with development related to the Project.

Therefore, there is a strong probability that there will be significant cumulative impacts related to the construction activities of both projects in the downtown area. Specifically, there will be debilitating impacts to parking and traffic in the downtown area, amongst other impacts. These cumulative impacts should have been analyzed throughout the EIR. They were not. Accordingly, the EIR is inadequate to serve as the environmental document for the Project.

VI. **INCONSISTENCIES WITH THE GENERAL PLAN**

California Government Code § 65454 provides that "No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the

HBDR-25

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general plan." The DTSP Update is fundamentally inconsistent with the City's General Plan, specifically, the Historic and Cultural Resources Element ("HCR").

The HCR lists "local landmarks considered to be of significant importance to the local community" as identified by the Historic Resources Board ("HRB") and states that the "intention of the HRB [is] to place these structures and places on a City listing for protection and/or preservation..." P. II-HCR-6. As previously noted, the Library is identified as such a local landmark of significant importance. Table HCR-2.

The HCR expresses substantial concern over the facts that "a significant number of Huntington Beach's historical resources have been destroyed [between 1985 and 1996]," and "downtown historic resources are extremely vulnerable to change" (P. II-HCR-15). As a result, the HCR sets forth the following issue:

"Downtown commercial and residential areas are experiencing extreme development pressures to intensify their land uses. No guidelines exist to protect and/or restore the historic character of these older areas. As a result, older structures are being demolished for construction of new buildings. *The City is losing the historic character of the area.*" P. II-HCR-20 (emphasis added).

To address this issue, the first goal of the HCR (HCR 1) is "To promote the preservation and restoration of the sites, structures and districts which have architectural, historical and/or archaeological significance to the City of Huntington Beach." P. II-HCR-23. Similarly, the first objective (HCR 1.1) is to "Ensure that all the City's historically and archaeologically significant resources are identified and protected." P. II-HCR-23. Nonetheless, the DTSP Update largely ignores the HCR in its entirety and does little of anything to implement the goals and objectives of this element of the General Plan requiring the protection and preservation of City's dwindling historically significant resources.

Moreover, the DTSP Update does not even provide that the HRB is to serve in an advisory capacity to the Planning Commission, as is set forth in the current DTSP. The HRB serves an important role in protecting and preserving structures of historical significance but is seemingly bypassed altogether under the DTSP Update. As noted above, one of the deficiencies of the EIR is that it fails to analyze the impacts associated with the exclusion from the DTSP Update of the HRB's advisory role.

HBDRA-25
cont.

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Page 24

Lastly, the DTSP Update does not account for the current Implementation Program set forth by the HRB for a "Celebration Plaza" that is to connect the Arts Center and the Library. P. II-HCR-29. In order to remain consistent with the HCR element of the General Plan, the DTSP Update must consider and incorporate the HCR's Implementation Programs. The failure to do so is yet another example of the DTSP Update's inconsistency with the General Plan, and the absence of any analysis of the impacts associated with the effect of the DTSP Update on the Implementation Program is another deficiency of the EIR.

HBDR-26

Thus, the foregoing reveals that, rather than "reinforce[ing] all elements of the General Plan" (P. 2-2), the DTSP Update has been prepared without any meaningful regard for the HCR and is inconsistent with the City's General Plan.

VII. USE OF TRIANGLE PARK AS CULTURAL ARTS CENTER VIOLATES USE RESTRICTION

The property on which the City proposes to build the Cultural Arts Center (known as Triangle Park) is subject to a valid use restriction requiring that the property be used as a public park. If the City proceeds with the plan for a Cultural Arts Center, the resulting violation of said use restriction could cause the City to forfeit ownership of the property.

By deed dated August 7, 1917 (the "1917 Deed"), Huntington Beach Company ("HBC") conveyed Lots 1-18 of Block 505, comprising the bulk of Triangle Park, to the City. The 1917 Deed contains an express use restriction providing that the City must "maintain in good condition the aforesaid property as a public park and for no other purpose, otherwise the title hereby granted shall revert to and be vested in the grantor herein, or in its successors or assigns, and it or its successors or assigns shall be entitled to the immediate possession thereof." Such use restrictions are commonly used and generally enforceable in California.

HBDR-27

A subsequent deed dated January 25, 1921 (the "1921 Deed"), by which HBC conveyed the remaining portion of Block 505 and all of Block 405, did not alter the validity of the use restriction contained in the 1917 Deed. Although not expressly set forth in the 1921 Deed, by law, HBC could not have granted or otherwise affected any interest in Lots 1-18 of Block 505 since its ownership rights in such property had already been conveyed by the 1917 Deed.

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To the extent the use restriction was violated due to the use of the property as a library, the statute of limitations may have run on any related enforcement action. The use restriction may be enforced against a new violation, however, in the form of the Cultural Arts Center, and such violation could lead to the forfeiture of the entire property conveyed by the 1917 Deed.

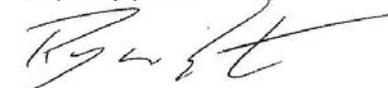
HBDRA-27
cont.

VIII. CONCLUSION

The EIR violates CEQA and the CEQA Guidelines, and is therefore inadequate to serve as the environmental document for the Project. The EIR does not adequately address the significant adverse impacts associated with the Project; the EIR fails to adequately analyze Project alternatives; the EIR unlawfully piecemeals the Project and defers analysis of impacts of reasonably foreseeable consequences of the Project; the Project will result in excessive significant unavoidable impacts; the Project is inconsistent with the Huntington Beach General Plan; and the use of Triangle Park as a Cultural Arts Center violates a recorded land use restriction on such property.

HBDRA-28

Very truly yours,

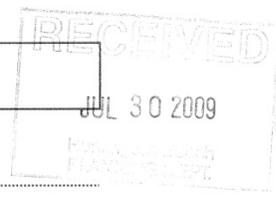


Ryan M. Easter

RME:fff

cc: Michael H. Leifer, Esq.
Huntington Beach Downtown Residents Association

David P. Larson
217 6th Street, Huntington Beach, CA 92648



July 28, 2009

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

Dear Ms. Villasenor:

I looked through the five inch thick Draft Environmental Impact Report and was able to find my area of concern. I'd like to submit a comment on tiered beach parking, pg. 3-29. It indicates that the podium parking at the beach lots will be below the height of Pacific Coast Highway. An unobstructed view of the surf from the Bolsa Chica inlet to Twin Dolphin Street is something no city has in Orange County.

LARS-1

Please, no compromise on this issue and have the podium parking as far below PCH as possible.

Thank you.

Sincerely,

A handwritten signature in cursive that reads "David P. Larson".

David P. Larson
714-943-5916
Encl.

September 2, 2009

Hand Delivered

To: Ms. Jennifer Villasenor
Associate Planner
City of Huntington Beach
Planning Department
2000 Main Street



Subject: Huntington Beach Downtown Specific Plan No 5
Program Environmental Impact Report (EIR)

Dear Ms. Villasenor

1. We are long time Huntington Beach residents. We strongly reject the proposed District- 7 beach that allows the construction of parking structures along the beach from Main Street to Golden West.
2. The beaches are for everyone to enjoy, not to be destroyed by parking structures that will produce unsafe exhaust, noise and damage to the environment. This proposal will permanently disturb the quality of life for the residents by polluting and damaging the beach environment.
3. There is also a major concern to the safety of pedestrian and children playing at the beach, to be faced with cars going in and out of the proposed beach parking structures.
4. Visitors to Huntington Beach escape the bad air quality at their cities and come to enjoy the clean air at HB beautiful beach but the proposed parking structures will eliminate the need for the visitors to come to our city.
5. Currently, the visitors to Huntington Beach do not like the south side of the pier due to the fact there are many structures along the beach, so they park their cars and walk to the north side of the Pier to enjoy the beauty, peace and quite nature of the north side of the beach. To put parking structures on the north of the Pier definitely will discourage visitors from coming to Huntington Beach. The cities of Newport Beach or Long Beach are not proposing putting parking structures along their beaches.
6. We are completely against these proposed parking structures and against the tricky tactics that the city is using against their residents by proposing parking structures in the EIR without addressing it separately for the residents to voice their concerns.
7. A proposal similar to this one was suggested few years back but was strongly opposed by thousands of residents. It is a waste of time and tax payers' money to propose the same issue again hoping to get different results without any regards to the environmental destruction of our beautiful beach. The people voice was loud and clear on the previous parking structure proposal that was defeated few years ago.

MOST-1

8. Huntington Beach is being advertised as Surf City. The City spent lots of funds to get this name officially recognized. Building concrete parking structures along the beach will destroy the name and the environmental value of our beautiful sandy beaches.

MOST-1
cont.

DO NOT MESS WITH OUR BEACH

SALWA MOSTAFA
Name (Print)


Signature

1314 PCH #1 B, HB, 9 2648
Address

CC: Huntington Beach City Planners
Huntington Beach City Mayor
California Coastal Commission



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

Re: Draft Environmental Impact Report of July 20, 2009

Dear Ms. Villasenor:

The members of the Pierside Homeowners Association (Pierside), by a nearly unanimous vote, has authorized our Board of Directors (Board) to send you these comments on the referenced Draft EIR dated July 20, 2009. Our Town Homes have 16 residences at Pierside, bounded on two sides by Sixth Street and Orange Avenue in downtown. Our Board recommends that the City abandon its proposals to build a cultural center as a major tourist attraction, including an underground parking structure, at Main Street Library (Library) and its surrounding historic Triangle Park (Park). Some of our reasons for this recommendation are as follows:

PHOA-1

1. Citywide, the City has too little parkland to meet its General Plan objective. Although the Draft EIR on page 2-15 claims that the City has met its park requirements within the DTSP boundary, this claim includes the open spaces at the tourist dominated beaches, which have relatively very little green space. Triangle Park is the only park away from the beaches in the DTSP, and the only significant amount of green space for downtown residents away from the beaches, and away from their crowds of tourists.
2. Although the Draft EIR (page 2-16) calls for no net loss of green space at the Library and Park, a possible new green belt around the proposed cultural center, which would be much larger and more visitor-intensive than the Library, and which could include as many as 400 underground parking spaces, will not be comparable to the current pastoral setting of the Park, for downtown residents, for their children, and for their dogs.
3. The Draft EIR (page 2-17) states that the DTSP currently has a parking deficiency for only 15 days per year, 4% of total days for the year, only during summer special events. We believe that it would be a waste of scarce tax dollars to build

PHOA-2

PHOA-3

PHOA-4

structured parking for only 15 days per year. Moreover, any new structured parking should be located near the DTSP's main attraction, the beaches, and away from the DTSP's residential areas, including away from the Park and Library. For example, we believe that among the six major parking lots and garages in downtown, Plaza Almeria's garage is one of the most under-utilized, on account of this parking garage's distance from the beach, two to three blocks. Yet, of course, Plaza Almeria's garage is a full one to two blocks closer to the beach than the underground parking proposed for the Library and the Park.

PHOA-4

For the above reasons and others, we recommend that the City preserve the Library and Park in their current land uses and configurations.

Thank you for your support.

Board of Directors
Pierside Homeowners Association

Richard J. Plummer
940 11th Street
Huntington Beach, CA 92648
(213) 999-6418
plumbeach@aol.com

September 2, 2009

Jennifer Villasenor
Associate Planner
City of Huntington Beach Planning Department
2000 Main Street, 3rd Floor
Huntington Beach, CA 92648

Re: Downtown Specific Plan No. 5 Program Economic Impact Report

Dear Ms. Villasenor:

I have reviewed the proposed Huntington Beach Downtown Specific Plan Update (DTSP) and the draft Environmental Impact Report (EIR). I believe the DTSP and the EIR does not adequately address many issues and the EIR does not comply with CEQA.

1. The Downtown core area currently has a large number of restaurant/bars and the cumulative effect of adding more restaurant/bars will create a significant impact upon the neighborhood. The DTSP and EIR do not adequately address the following issues:
 - a. There will be greater life/safety issues as they relate to more patrons leaving new restaurants under the influence of alcohol and walking or driving through the neighborhood. The future cumulative effect will be deadly and is not adequately addressed.
 - b. At restaurant/bar closing time (approximately 1:30 AM) over 2,000 patrons exit upon the main street core area. This many people clustered, after hours of drinking, are difficult to manage. Police issues are not addressed to manage the additional patrons from the addition of more restaurants as described in the DTSP.
 - c. Lack of alternative transportation options at closing time because of the large number of additional patrons departing, all at the same time.
 - d. The increase of noise and air pollution from the police helicopters trying to manage the departure of additional patrons at closing time.
 - e. The negative impact on aesthetics and image by having additional restaurants/bars concentrated in one area
 - f. Since the DTSP is changing the process how alcohol licenses are permitted and granted to restaurants, the effect of future establishments serving alcohol has not been properly addressed.

PLUM-1

2. The Kimley-Horn Parking Master Plan Study dated March 2009 conducted the parking survey on August 18 and 23, 2007. This Parking Study does not adequately analyze the current Downtown parking issues for the following reasons:
 - a. The survey was conducted during the second half of August 2007 after many students have returned to school or are preparing for school. The primary demographic group populating DTHB in summer are young people (15 to 25 years old).
 - b. New businesses have opened and occupancy has increased since August 2007. Parking is significantly in higher demand and the shortage of parking has gotten worse.
 - c. The Parking Study does not analyze building occupancy, a basic factor in most parking studies. During the time of the study, many on the DTHB buildings had significant vacancy that, upon stabilized occupancy, would significantly increase parking demand.
 - d. The DTSP and EIR are voluminous documents and they do not adequately summarize the total number of new parking stalls that will be added by all new proposed developments within the DTSP. The cumulative effect of parking from some projects such as the proposed Waterfront Hotel is not adequately mentioned.
 - e. The Parking study does not adequately analyze the effects of; parking occupancy with certain garages charging higher parking fees and having long exit cueing, private and public validations effect on parking demand, and the beach parking lots posting "Full" signage at entrances during mid-day to discourage parking.
 - f. The Parking Study states that mix-use projects with clustered uses (retail, office, residential, etc.) will create less trips and require less parking demand. This theory works with clustered uses that include grocery stores, medical office space, hardware stores, etc that would actually minimize the number of trips. The DTSP does not encourage these types of uses, thus it understates the future parking demand.
 - g. The Strand parking garage is now open and should be included in the Parking Study.
 - h. The alternative parking solutions such as a valet system and automated parking garage are not feasible. Unless the entire garage is controlled and operated by one parking operator, they can not obtain or afford liability insurance. It is not feasible to have entire large garages operate with valet. The numbers of possible valet spaces are substantially overstated. There are very few automated parking garages in Southern California. They require large ground floor queuing areas, and they are designed for long term parking.

3. The In-Lieu parking program, mentioned in the DTSP Parking section, does not adequately describe the number of outstanding In-lieu parking stalls that the City of HB needs to build, or the outstanding fees to fund alternative parking facilities. The city has undercounted these stalls. The Parking Study depends upon the DTSP stated number of outstanding parking stalls, and the DTSP future parking supply would be significantly affected once a proper accounting is concluded. This is a very important component of the Parking Plan, current inventory, and the future in-Lieu parking program.

4. The DTSP mentions the need for new bicycles stands and the alternative transportation mode the bicycle provides to this neighborhood. During peak times there are thousands of bicycles on the Downtown streets and parked in the neighborhood. Many visitors now drive within a mile of Downtown, park the car, and ride their bicycles into the Downtown neighborhood. This

PLUM-2

PLUM-3

PLUM-4

<p>neighborhood has an unusually large usage of bicycles that is typically not experienced in other areas of California. This issue should be studied. The DTSP has no survey of bicycle usage, effects on traffic, or storage during peak times, nor is there an adequate analysis of future effects from new developments. There is no measure of the bicycle usage on air pollution. The DTSP and EIR do not adequately address the use, traffic and storage of the bicycle.</p>	<p>PLUM-4 cont.</p>
<p>5. The impact of noise upon this neighborhood was not adequately addressed in the DTSP or EIR. The noise survey was conducted on a non-peak, mid-week day at lunchtime, in early December 2008, and no noise monitors were located in the first three blocks of Main Street. There is no mention in the DTSP or EIR of the primary existing noise issue in this neighborhood. This is daytime and nighttime noise from HB Police helicopters. With future proposed development and higher density, there clearly will be higher demands for the HB Police to patrol this neighborhood with helicopters. This will create more noise and more air pollution upon the neighborhood.</p>	<p>PLUM-5</p>
<p>6. The DTSP calculates the need for more police services upon full development build-out based upon the number of new residential units. On page 4-164 of the DTSP, the police staffing ratio is 1.1 officers per 1,000 residents. Adding 1562 residents will require the addition staffing of 1.5 police personnel. The DTSP and EIR do not adequately address the very high concentration of alcohol-serving restaurants (36 establishments within a few city blocks) and the future impact of new restaurants on this neighborhood. Clearly, many more police personnel will be required as the cumulative impact of adding more restaurants, retail and hotels, to a concentrated area. Also, keeping an accounting of the number of the existing and future Downtown restaurants/bars, indoor and outside patron capacity, and hours of closing; will allow the police to manage closing time issues and provide the Zoning Administrator with more knowledge when considering granting additional restaurant uses with or without alcohol consumption.</p>	<p>PLUM-6</p>
<p>7. The DTSP appears fractured in it approach to address the EIR effects. Projects within the entire DTSP area not always addressed. The Waterfront Hotel is missing from the DTSP total count of rooms, rooms square feet, restaurants square footage, and parking stalls. The new approved additional development to Pierside Pavilion is missing. When residential units and hotel rooms are mentioned in the DTSP, the estimated size of their square footage is omitted. Listing all their major characteristics including parking stalls would create a more complete summary of all future development located throughout the DTSP area, and summarizing them on one page would allow the reader to understand the overall size of the entire DSTP and EIR. The entire development project should be summarized or else the DTSP and EIR are inadequate.</p>	<p>PLUM-7</p>
<p>8. Since the July 23, 2008 Natelson Dale Market Study was completed there has been a generational shift in the US economy. Financing for commercial development is currently not existed. Rents are much lower, tenant demand weaker. Building values and land values have dropped to 50% of their 2006 peak. It will take many years for commercial development to recover. Customer's habit to dine at restaurants has changed to lower price points and fewer visits. This Market Study is now overly optimistic, not feasible, and needs to adjust to the new economy we are entering.</p>	<p>PLUM-8</p>
<p>9. The DTSP states the beach parking lots adjoining the pier may have tier parking levels in the future. These proposed parking levels would not be built above the grade level of Pacific Coast Highway to</p>	<p>PLUM-9</p>

maintain ocean views. What the DTSP does not address is the lost views of the beach area and the surf, while standing near Pacific Coast Highway. It also does not address the aesthetics of the view from the beach, of this multilevel garage. Currently, the beach parking lots are attractively landscaped and this would be replaced with the less desirable view of the parking garage. The DTSP and EIR does not adequately address the aesthetics of the beach tiered parking.

PLUM-9
cont.

The EIR does not adequately address the significant adverse impacts of the proposed development. Please send me your response.

Sincerely,



Richard J. Plummer

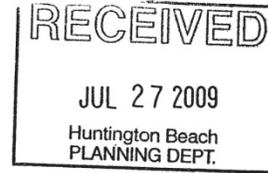
RJP:lj

Wine, Linda

From: Villasenor, Jennifer
Sent: Monday, July 27, 2009 4:47 PM
To: Wine, Linda
Cc: Fauland, Herb
Subject: Comments Submittal -- Downtown Parking Study
Attachments: PRT_Detailed_V1 3.pdf; RMedel_FTB_Comment_V1.21.pdf; Kellee Fritzal.doc; HB_2008_V1.21.pdf

Late communication - parking

Jennifer Villasenor
City of Huntington Beach



From: Roy Reynolds [mailto:roy.reynolds@prtstrategies.com]
Sent: Monday, July 27, 2009 4:33 PM
To: Villasenor, Jennifer
Cc: Bohr, Keith
Subject: Comments Submittal -- Downtown Parking Study

714.531.7076
www.prtstrategies.com

PRTStrategies

July 27, 2009

Ms. Jennifer Villasenor
Associate Planner
Economic Development Department
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Dear Jennifer:

PRT Strategies has thoroughly reviewed both recent studies involving Huntington Beach's Downtown area. As many are aware, including HB Tomorrow, none of your consultants have proposed a transit solution which would partly resolve two very significant and disparate issues:

- Unlike the existing OCTA bus system, a transit system **targeted** at a middle-class demographic, one which offered a *quick and comfortable on-demand, secure and private* ride to the area, would attract this very desirable demographic to the Downtown from anywhere along the Beach/Edinger Corridors (as proposed in the attached to Rosemary Medel) AND potentially from the Anaheim and Disney Resorts (as linked [here](#) and [here](#) - these animated PowerPoints are also available on a CD we'll be posting you). Estimates are that Huntington Beach draws about 13 million visitors annually to the beach and Downtown area. Anaheim and Disney draw double that

REY-1

about 27 million tourists and conventioners per year, and with our PRT technology, these visitors could be less than a 30-minute ride to your Pier and Downtown businesses.

- In the attached, we're proposing a 24/7/365 computerized state-of-the-art Personal Rapid Transit (PRT) system as a solution which also brings these potentially millions of visitors to the Downtown WITHOUT AUTOMOBILES which Kimley-Horn indicates will be very difficult to accommodate. This demographic has no way to reach the area unless expensive rental cars or taxis are employed as we believe they will NOT ride the bus system – if this was already the case, it would have been discovered and touted by your consultants. As we're proposing an elevated system, certainly there will also be a reduction in traffic congestion – PRT competes with no other system in its own space and does not require parking at its stations. Access to the Downtown by buses is also limited by its narrow streets and lack of convenient stops – and the system does not provide shuttle service (think "horizontal elevator") that would be desirable between Main Street and the Hyatt/Hilton/Pacific City complex.

REY-1
cont.

The most promising attribute in our recommendation is that PRT could be funded by OCTA's Measure M (Project S was estimated at \$1 billion) and not out of the City's constrained budget. Further, unlike conventional transit, PRT is extremely amenable to Public/Private Partnerships and we believe it quite conceivable that your local hotels, shopping centers and "big box" retailers would be willing to fund their own stations and, possibly, vehicles in partial support of the system's cost (on-board and on-vehicle advertising is also a considerable revenue source). Considering that, our vendors also advise us that PRT should cost only \$30 million/mile, roughly one-fifth the cost of a comparable at-grade light rail system.

Our recommendations for PRT somewhat match, but on a far grander scale, the shuttle system that Kimley-Horn proposed. But, that (early to late night required) scheme is still automobile focused, causing continued traffic and congestion in the City and requiring fares and parking spaces which the user might not appreciate paying for (if that was contemplated as a revenue generator, otherwise it's a considerable expense). Our recommendation could mitigate the need to "contract additional spaces on vacant parcels" – rather, this real estate might better be used for revenue properties, possibly generating property and business taxes. As we recommend PRT for the commercial and retail areas of the City, we believe Downtown area residents would be inclined to use it, reducing congestion and competition for parking since this demographic does not seem to use the OCTA bus system.

Please be aware that during our research, neither RRM, FTB or either of their two parking and traffic consultants we willing to return our telephone calls or meet with us regarding any of this material – we're then unable to provide you any feedback we might have received from these firms. Neither was Huntington Beach's 2nd District Representative to the OCTA Board willing to meet with us regarding our ideas and proposals. Neither was Stanley Smalewitz or Kellee Fritzel (letter attached) of your Department willing to meet with us. We did appreciate a cordial meeting with Mayor Bohr (a former EDD staffer) a few months ago and were able to make our points and have his attention to our ideas.

PRT is viable now, has been proven in U.S. revenue service and has been declared "ready for primetime" by the City of San Jose. Our most promising vendor has recently been safety-certified by the Swedish Rail Authority and is working with my firm to explore opportunities in the United States. We have recently approached the City of Anaheim for consideration as an alternative for a collector/distributor system in their Resort area (ARTIC ↔ Disneyland) – should this succeed, we'd be perfectly positioned to extend this system into Huntington Beach using either the Santa Ana River and/or Beach Blvd. This also connects your residents to the Metrolink and creates the potential for it to feed visitors to your City.

PRT has the potential of bringing visitors AND revenue to your City – it would be an asset, resolving traffic and congestion problems rather than creating them. Put another way, **PRT technology would increase visitation to the Downtown and decrease parking requirements**, and without reducing revenue currently collected from your existing resources.

We'd appreciate the opportunity to formally present this to your Department as it should be interested in the business development and revenue potential and, when appropriate, to the Planning Commission and the City Council. If we can answer any questions for you, please contact me directly. Thanks for your consideration and interest.

Best regards,

Roy Reynolds

Roy Reynolds
Managing Director
PRT Strategies

16129 Challis St.
Fountain Valley, CA 92708

roy.reynolds@prtstrategies.com
www.prtstrategies.com

Office: 714.531.7076

cc: Mayor Keith Bohr

COMMENTS BY VINCE RILEY ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR:
THE HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN (DTSP)

Date: 1-September-2009

To: Jennifer Villasenor, Associate Planner

City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648
Phone: (714) 374-1661



From: Vince Riley

609 - 9th Street
Huntington Beach, CA 92648
Phone: (714) 330-4854
E-Mail: vdriley@yahoo.com

Summary:

The following is a summary of my comments on the Draft EIR for the Huntington Beach Downtown Specific Plan (DTSP).

1. My main objection is the Draft EIR conclusion that "scenic vistas" will not be adversely affected by the changes in New District 1 as discussed below.
2. In addition, I believe the Draft EIR did not adequately evaluate the potential impact of increased pedestrian and vehicular traffic resulting from the new arts venue proposed at the existing Triangle Park Library location as discussed below.

I own a lot at 314 - 7th Street and a single family residence at 609 - 9th Street. As a concerned homeowner, and current resident, of downtown HB please consider my comments during your review of the Draft EIR.

Comments:

1. Effect of the DTSP on Scenic Vista in the Reconfigured District 1 Area between 6th and 9th

The Draft EIR states that the DTSP "would not result in any substantial adverse effects on the scenic vistas". In particular, this issue is discussed during several of the questions listed in Section 4.1.3.

• **Section 4.1.3 of the Draft EIR discusses the following question: "Does the project result in a substantial adverse effect on a scenic vista?"**

A) The Draft EIR acknowledges that maximum building heights will increase from 35 feet to 55 for the downtown area between 6th Street and 9th Street in Existing District 1. The DTSP proposes to include this area of downtown in the New District 1. Section 4.1.3 of the report states that:

- *"The most significant changes would occur in District 1 on Pacific Coast Highway from 6th Street to 9th Street where allowable buildings heights are proposed to increase from 35 feet to potentially 55 feet. While this increase may block individual views of the beach and the ocean from existing residential uses north of this area (where building heights would remain 35 feet), upper story setbacks, residential buffer requirements, design guidelines, and the City's design review process would restrict the potential for projects to substantially reduce existing views. With implementation of the requirements of the DTSP Update (e.g., adherence to design requirements and development standards), it is not anticipated that the DTSP Update implementation would result in any substantial adverse effects on the scenic vista."*

RILE-1

B) Obviously, the report does not feel that a 20 foot height increase will pose a significant obstruction to scenic vistas (even though the issue is repeated as the "most significant alteration" in the subsequent two questions discussed in Section 4.1.3).

RILE-2

COMMENTS BY VINCE RILEY ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR:
THE HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN (DTSP)

- The primary issue with the Draft EIR evaluation is that most of the residents living north of Walnut can't see either a) the ocean, or b) the beach from their property (even if they were standing on a 3rd floor balcony), so I do not understand why a view of the ocean, or the beach, would ever constitute the primary criteria for deciding if a "scenic vista" is effected by allowing a 55 foot tall building on PCH. I guarantee that several blocks of people living north of Walnut will be able to see a new 55 foot tall building in front of them on PCH – which seems like a obstruction to the skyline vista.
 - Just estimating the average 1st and 2nd floor residential elevations, I would say the 3rd floor deck on most residential properties in downtown HB is between 20 foot and 22 foot from grade. Therefore, "eye level" for most people standing on a 3rd floor balcony of their residence would be approximately 25 to 27 foot from grade. If the top of a new building on PCH is allowed to increase from 35 feet to 55 feet, the top of the new building would be approximately 27 to 30 feet above eye level of the person who is standing on a 3rd floor balcony! **I'm stunned that a Draft EIR does not consider this "a substantial adverse effect on the scenic vista"!** Seriously, how can the Draft EIR conclude that a building roof line approximately 30 foot above eye level does not adversely effect on the scenic vista when a homeowner is trying to view the sunset while standing on a 3rd floor balcony?
 - In Section 4.1.3, the Draft EIR also concludes that "... upper story setbacks, residential buffer requirements, design guidelines, and the City's design review process would restrict the potential for projects to substantially reduce existing views." Clearly, the Draft EIR is simply sidestepping the issue of a scenic obstruction by implying that the new maximum height restriction does not mean the City will permit construction of a 55 foot high building that alters the visual landscape. Clearly the Draft EIR did not review the new Shorebreak Hotel – which is a massive structure that blocks views and it was approved for construction by the City!
 - I'm not a surveyor, but I would estimate the top of the new Shorebreak Hotel on 6th Street is approximately 50 feet tall (at least) and I can see at least the upper 10 feet (maybe the upper 15 feet) of the Hotel when I'm standing, at grade, on the back property line of my lot at 314 - 7th Street!
 - My lot is located between Olive and Orange – which is about 0.3 miles from the 6th Street corner of the Shorbreak Hotel. The upper story setbacks on the Shorebreak Hotel only appear to be about 10 feet, and the elevation and setback for this hotel was permitted by the City Planning Department, so it is extremely difficult to believe that the City is going to ensure that "scenic vistas" are not obstructed if the new DTSP is approved. **The Draft EIR should have concluded that restricting the maximum height to 35 foot is the only sure way to ensure that future projects will not "substantially reduce existing views"**.
- C) In the downtown area, the main "scenic vista" that most residents have is a nightly view of the sunset, but a 55 foot high building is guaranteed to obstruct the sunset view at least part of the year.
- The Draft EIR does not include any "shade sweep studies" to define the reduction in sunlight due to massive 55 foot tall buildings and the Draft EIR does not seem to place any value on the existing view enjoyed by every homeowner with a 3rd floor deck!
- D) Based on a review of the DTSP maps, it appears that Existing District 1 was entirely moved into New District 1 and approximately one block of Existing District 2 was shifted into New District 1. From my review of Existing District 1, the properties are substantially undeveloped, but I believe this is due in part to uncertainty by developers as to what would be permitted in this area. Clearly people are willing to develop these properties even with a 35 foot maximum height restriction - as indicted by the near complete development of the properties along PCH between 9th Street and Goldenwest.

RILE-2

RILE-3

RILE-4

COMMENTS BY VINCE RILEY ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR:
THE HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN (DTSP)

- Why weren't both of these existing downtown areas (i.e., Existing District 1 and part of Existing District 2) moved into New District 4 instead of New District 1, and why does the maximum building height need to be increased to 55 foot in this specific area?
 - As a side note, the area north of 6th Street and PCH is substantially commercial. The existing commercial property owners north of 6th Street may not be too concerned about the views, but the area north and west of 7th Street and PCH is substantially residential and any obstruction of the views from the residences in that area should be given a higher significance in the Draft EIR.
 - I'm not familiar with how much tax revenue will be generated for the City by allowing 55 foot high buildings instead of 35 foot high building on the property between 6th and 9th Street (from PCH to Walnut). However, the entire DTSP area encompasses approximately 1.8% of the total land in HB, and the specific area I'm talking is only a small fraction of the total area included in the DTSP. Therefore, I doubt the City revenue will substantially change if the building height is restricted to 35 foot maximum in this small area.
 - Refer to Section 3.1.2 of the Draft EIR which states that the City of HB has approximately 200,000 people living in an area of approximately 28.5 square miles (18,240 acres). Section 3.1.1 of the Draft EIR states that the DTSP covers an area of 336 acres, which equates to only about 1.8% of the total land area in HB. The 3 square block area I'm writing about is less than 2 acres – which is only about 0.5% of the DTSP area!
- E) At the HB DTSP Public Review Meeting (on 13-August-2009), a one page summary of the Draft EIR Conclusions was distributed. The document lists "aesthetics" and "transportation/parking" under the category of "Less than Significant with mitigation/code requirements".
- I can not understand what "aesthetic" the Draft EIR talking about - unless it is the aesthetic from a new 5 story hotel building on PCH. The report clearly did not consider the aesthetic of residents living north of a 55 foot high building on PCH.

RILE-4
cont.

RILE-5

2. The potential impact of increased pedestrian and vehicular traffic due to a new arts venue in the new Cultural Arts Overlay does not appear to be adequately addressed in the Draft EIR

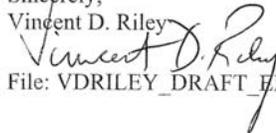
It is obvious to anyone living downtown that parking is a significant issue on weekend days. As a "destination city", it is natural for the City to desire increased visitor tax revenue, and I favor the idea of increased art and cultural facilities in HB. However, the current DTSP development at Triangle Park is very ambitious and the Draft EIR does not adequately address the impact of increased pedestrian and vehicular traffic.

RILE-6

- A) The Draft EIR does not estimate how many visitors will be attracted to the new cultural center; but, according to the HB Independent newspaper a study was performed for the Huntington Beach Marketing & Visitors Bureau – which has not been released to the public. However, on August 13, 2009, the HB Independent ran an article stating that they obtained a "draft copy" of the "market demand" study. According to the news article, the draft report estimates approximately 300,000 people per year would visit the new cultural arts center! The average number of people visiting during the "weekend" days could be significantly higher than the daily average of 822 since most visitors only stay for the weekend.
- Apparently the Draft EIR did have access to the HB Marketing & Visitor Bureau report. In addition, the Draft EIR did not discuss the number of potential visitors expected on a typical weekend day. However, the most disturbing problem is that the Draft EIR did not "base line" the existing pedestrian and vehicular traffic associated with the existing library facility in Triangle Park to assess the future impact of a new venue on the surrounding area.

Sincerely,

Vincent D. Riley



File: VDRILEY_DRAFT_EIR_COMMENTS_1-SEP-09

Page 3 of 3

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

Re: Draft Environmental Impact Report of July 20, 2009

Dear Ms. Villasenor:

The Board of Directors of the Townsquare Condominiums (Board) unanimously voted to send you this written public comment on the referenced Draft EIR of July 20, 2009. Our Board represents the 73 condominium owners at Townsquare, at the corner of Sixth and Main Streets in downtown. As an overarching recommendation, our Board wants the City to keep the Main Street Library building (Library) and its Triangle Park (Park) as they are presently exist.

The following comments to the Draft EIR support our recommendation of preserving the Park and Library.

- | | |
|--|--------|
| <p>1. On page 8-1 of the Draft EIR, Hodge & Associates (Hodge) lists the persons and organizations consulted in preparing the Draft EIR. It is noteworthy that not one of these persons or organizations represents downtown residents.</p> | TWNC-1 |
| <p>2. In Appendix E, page 22, of the Draft EIR, Hodge opines that there will be no significant noise impacts from retail to residential, that the only significant noise impacts will be from vehicle traffic. We agree that increased vehicle noise (almost 600 additional vehicle trips per day, page 4-194) will significantly adversely affect Townsquare Condominiums, due to the 200 to 400 potential new underground parking spaces at the Library and Park. We also think, however, that any retail uses at the Library and Park will have significant adverse noise impacts on our Condominiums. Much of the increased noise from retail will come from patrons as they come to and leave the proposed 150-seat theatre and 30,000 SF museum (page 4-194), and their related retail uses on site. We understand that the culturally related retail could include large, flexible special events spaces, including full alcohol and entertainment permits and outdoor areas. The number of alcohol serving establishments in downtown has mushroomed over the last 16 years from 18 to 38, today's number. All of the larger restaurants, bars, and nightclubs currently are two to three blocks away from the Library and Park site, all south of Olive. Introducing large special events venues at the Library and Park most certainly will increase negative noise impacts from these retail uses to the neighboring residences, including Townsquare Condominiums.</p> | TWNC-2 |
| <p>3. In Appendix E, page 10, the Draft EIR shows that the only existing noise measurements taken near the north end of downtown were at two</p> | TWNC-3 |

intersections: Main Street and Orange Avenue, and Palm Avenue and Lake Street. This first intersection is a full block south of the Library and Park, the proposed location of a possible cultural center and underground parking. The second intersection is two blocks away from the Library and Park. In order to accurately gauge the true adverse noise impacts from the proposed cultural center and underground parking, existing noise measurements should be taken at three additional locations: the intersection of Sixth and Main Streets, the intersection of Acacia Avenue and Main Street, and the 90-degree corner of Pecan Avenue.

TWNC-3
cont.

For these reasons and many others, we recommend that the City abandon its proposal for a cultural center and underground parking at the Library and Park.

We appreciate your consideration of our views.

Board of Directors
Townsquare Condominiums

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

Re: Draft Environmental Impact Report of July 20, 2009

Dear Ms. Villasenor:

The Board of Directors of the Townsquare Master Homeowners Association (Board) unanimously voted to send you these comments on the referenced Draft EIR dated July 20, 2009. Our Board provides representation for the 89 owners of the 73 condominiums and 16 Town Homes at Townsquare, in part bounded by Sixth Street, Main Street, and Orange Avenue in downtown. Based on our following comments to the Draft EIR, our Board urges the City to preserve as they are now the Main Street Library (Library) and Triangle Park (Park).

TWNM-1

We are advocating against the proposed cultural center and underground parking at the Library and Park for a number of reasons.

1. We believe that the Library and Park are both historically significant for downtown and all of Huntington Beach. Although the Library is listed in Appendix D, Page 11, as one of the City of Huntington Beach's Local Historic Landmarks in downtown, the Library oddly is the only older building on this list that does not have a National Register of Historic Places status code. We think the appropriate code for the Library is 3S, "appears eligible for listing as a separate property." Jerry Person, the City's Historian, has said that the Library would definitely qualify for the National Register of Historic Places. We understand that Galvin Preservation Associates is in the process of completing an expedited analysis for the City of the Library's historical significance, as a portion of this firm's updating (for the City's Centennial this year) of the City's 1983 inventory of historic structures. We think that the public review process on the Cultural Arts Overlay, and hence the City Planning Commission and Council votes, should not be completed until Galvin has finished its historical analysis of the Library building. As further evidence of our concerns, according to the City's Historic Resources Board, fifty percent (50%) of the structures on the City's 1983 inventory of historic resources have been demolished over the last 20+ years, many of which were downtown. At that rate of destruction of our City's history, by the end of the time frame for the new DTSP, again 20 years, our City may well have no historic structures that remain standing. We think this wholesale destruction of our City's and our downtown's history, including the possible demolition of the Library, is an unacceptable approach for the City to take, ironically in our City's Centennial year.

TWNM-2

2. At page 4-224, the Draft EIR states that 161 new **off-site** parking spaces area are needed in the area surrounding Triangle Park. Of course, all of these off-site spaces are to be built in lieu of parking that was not included in other downtown developments. If all of these 161 off-site spaces end up at Triangle Park, the total number of spaces at Triangle Park could reach as many as 400. As best we can tell, the cultural center's **on-site** parking needs could reach 235 spaces, to serve the proposed 150-seat theatre (0.3 spaces per seat, 45 spaces), 30,000-square-foot museum (3 spaces per KSF, 90 spaces), and as much as 10,000 square feet of restaurant and special events space (10 spaces per KSF, 100 spaces). This is a monstrously large amount of public parking next to established residential areas.
3. The Draft EIR on the DTSP acknowledges that air pollution levels for the long term will exceed Southern California and national thresholds for three types of pollution: inhalable particulates, fine particulate matter, and Reactive Organic Compounds (pages 4-33, -52, and Appendix B, page 29). These levels of air pollution, from the underground parking proposed for Triangle Park and from the estimated 600 additional vehicle trips per day from the proposed museum and theater, are far too high next to established residential areas. For these reasons, we are convinced that any downtown cultural center and new parking structure(s) should be located nearer to the beach and farther away from downtown's neighborhoods.

TWNM-3

TWNM-4

For all of these reasons, we recommend that the City preserve the Library and Park as they are now, and locate any cultural center or parking structures elsewhere downtown.

We appreciate your support.

Board of Directors
Townsquare Master Homeowners Association

Comments on DTSP DEIR / Sept. 2, 2009

MU/1

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

September 2, 2009
 Transmitted via email before COB.

Re: Downtown Specific Plan (DTSP) Draft Environmental Impact Report (DEIR)

I would like to request you postpone completion of the DTSP DEIR to allow for full consideration of two key elements: historical / cultural resources, and traffic circulation. The Historical Survey and the General Plan Circulation Element Update DEIR will not be available for public review and input until well after the DTSP review period has closed. This prevents the community from fully evaluating significant information that should be included in the vision for the downtown.

URASH-1

Historical / Cultural Resources

The Historical Survey currently in progress is the first update in twenty years, the last surveys being 1986 and an update in 1989. The 1989 update noted that during the three-year period between 1986 and 1989, approximately 19 percent of the sites considered historical were demolished. At that time, the State Office of Historic Preservation recommended the downtown area be designated as a "historic district", however this was not done.

URASH-2

In the last 20 years, it is likely that a great number of sites of historic or cultural value have been lost. As we near the end of Huntington Beach's Centennial year, we should place more importance on historic preservation. The DTSP notes the loss of historic resources in the downtown, but does not make a strong statement about historic preservation as an active goal. The National Historic Preservation Act (<http://www.nps.gov/history/local-law/nhpa1966.htm>) states "*the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.*"

The 1986 / 1989 Historical Surveys recommended the downtown "**New Deal**" era **Post Office (1936)** for listing on the National Register for Historic Places. However, this is not noted in the DTSP and no apparent action has been taken. With the federal government's consideration of the downtown Post Office building closure, this should be noted as a priority for historic registration and preservation. The building's location and scale would lend itself well for a cultural use, e.g. gallery or museum, while preserving its place in Huntington Beach history.

The **Original City Hall / Jail on 5th Street (1916)**—with its brick and iron-clad jail cells—remains only through luck. The alley way between Main Street and 5th Street (where the jail cells are located) is neglected as a potential area for beautification and historic preservation. Yet, with restoration, cobblestone or an appropriate historical roadway surface and more attractive management of the business use of the alley (e.g. overflowing trash bins, messy service bays), this area could function jointly for business and as an additional pedestrian pathway. When the City has major beach area events, the alleys get foot traffic anyway. Some of our restaurants utilize back patio dining overlooking the alleys. We should recognize alleyway joint use, better manage the trash collection and business use, and enhance these areas, rather than pretending they are not there. As an example, an enhanced Main Street / 5th Street alleyway and its early 1900s jail cells could be included on a historic walking tour, something currently not offered to our visitors but very popular in other communities. Cleaning up the alleyways also fits with the DTSP goal of "providing and maintaining a safe environment."

The **Main Street Library (1951)** is within the proposed cultural overlay and "celebration plaza" area. At one time, the Library functioned as the City's sole library and was part of the original civic center. While the process for its potential demolition is outlined in the DTSP, there is no

discussion regarding restoring and revitalizing the Library with a historic preservation approach. Adjacent to the old town residential zone, this area can be revitalized in a manner that preserves green park space, the mid-Century architecture, and its role as a historic, resident-serving resource. While this building also has been neglected, it can be restored without demolition. Consider restoration with a rooftop reading terrace (for readers, book clubs, author visits), sculptural public art in the park to identify the cultural zone, a reading garden area in the park for story telling and public readings—all of which would appeal to visitors, also. Rather than an oversized anchor concept (and its associated impacts), this would be more appropriate for an area that serves as a transition between the residential and tourist / commercial zones. The loss of a historic library and green public park space should not be considered.

URASH-3

These sites are representative examples of what we should be considering in the long-term view of the downtown. The juxtaposition of the Strand next to the historic Western "false front" of the Helme House Furnishing Co. is a more creative urban environment than homogenized, all-new development. We need the downtown area not only to provide links to the ocean (as noted in the DTSP vision), we also need it to provide links to different points in our 100-year past. Loss of key historical / cultural resources removes the "sense of place" from a community.

Traffic Circulation

The City plans to update the General Plan Circulation Element, which requires a separate Environmental Impact Report. A recent City Administrator's Report explains, "the purpose of the Circulation Element Update is to evaluate the long-term transportation needs of the city and present a comprehensive plan to accommodate those needs... the proposed Circulation Element covers various circulation issues such as regional mobility, roadway circulation, neighborhood traffic management, public transportation, transportation demand management, parking, pedestrian, bicycle, and equestrian paths, waterway facilities, and scenic corridors."

URASH-4

Traffic and parking are critical elements of consideration for the downtown. The evaluation of these elements without adequate consideration of the overall General Plan Circulation Element puts the community in the position of not having all the facts.

It is recommended the DTSP DEIR review not proceed on a separate track, or, prior to the citywide circulation update DEIR as both impact the other.

Additional points of consideration for the DTSP DEIR:

Parking – The Santa Barbara parking model utilizes a number of tree-lined, small, open parking lots in side street areas near State Street. It is very visitor friendly, good signage, and provides a safe environment for parking. Rather than centralized, large parking garages or oversized lots, this model utilizes infill areas or irregular-shaped lots to provide parking throughout its "main street" zone.

URASH-5

The parking for Zone A in the DTSP (the Cultural Arts Overlay Area) indicates "additional public parking in an underground structure," but does not indicate where this would be located or what hours it may operate. The community cannot adequately analyze the impact of underground Zone A parking, without specific information.

Underground / garage parking is more expensive to construct and maintain, and poses more security concerns for the public. Underground / garage parking provides increased opportunity for loitering, vagrancy, littering, and vehicle vandalism. Please see the "Benchmarking Summary by City" regarding problems posed by parking garage environments near entertainment zones in cities across the country ("Downtown Parking Garages Security Assessment Report," City of San Jose DOT, San Jose Police Department, <http://www.siredevelopment.org/Parking/PMP%20Update%20-%20Downtown%20Parking%20Garage%20Security%20Report.pdf>). The impact is additional cost for security, policing, and maintenance.

Building elevations – Increased building elevations will create a “canyon effect” which will create impacts relating to air and sound circulation, ambient temperature, and ocean views (contradicting the goals in the DTSP). It is recommended building elevations not be increased in the Cultural Overlay zone, but perhaps include some modest, varied increases as one moves closer to Pacific Coast Highway. Increased building heights will meet the threshold for significant impacts.

URASH-6

Trolley – I fully support the “hop on, hop off” trolley concept. I would encourage the City make a commitment that any future trolley system is required to be electric or natural gas powered, to avoid increased emissions, increased vehicle noise, and high fuel costs.

URASH-7

Solid waste – The DTSP projects an increase in solid waste and that development will be required to follow a recycling program. It is not clear if this effort only includes the provision of recycling bins, or if there will be a more involved effort to reduce waste production. I would encourage a very active program for the downtown commercial / tourist area businesses to help them reduce waste, recycle, and better manage the alleyway waste bins. The present-day frequency of overflowing trash bins is evident in the downtown, creating odor and public health concerns, as well as an unattractive environment. This will only increase if the DTSP’s projected growth is realized. The DTSP DEIR should require an assessment of the adequacy of the current bin count, their condition, their proper or improper use by businesses, and require the development of an action plan to more aggressively address the solid waste issue in the downtown.

URASH-8

Green building – The City has made a commitment to “green building.” I would encourage an effort to more fully incorporate this in the DTSP. As noted in the DTSP, “the majority of the DTSP area is already covered by impervious area,” however, the plan only addresses how new development can mitigate the expected increase in impervious areas. It would benefit the DTSP to include an effort to reduce impervious areas over time. For example, existing open air parking areas should eventually resurface with porous surface materials and landscaping to reduce runoff. The DTSP should also make a commitment to prevent any decreases in landscaped areas or green park areas. I applaud the DTSP’s mention of green roofs, swales and rain gardens, and also would encourage this be applied to existing properties where feasible. Green building measures should not only be required for new development; we should look to where the green approach can be applied over time to existing development.

URASH-9

Thank you for the opportunity to comment on the DTSP DEIR.

Mary Urashima
 19432 Pompano Lane, #110
 Huntington Beach, CA 92648

DTSP Update
 Draft EIR – public comment meeting
 08-13-09

Public Comments

<p><u>Richard Plummer</u>: How are cumulative impacts from noise from bars/restaurants addressed? Is it a significant impact to residents, in terms of noise and crowds, from increasing restaurant square footage? What about police helicopter noise resulting from crowds at restaurants?</p>	<p>AUGMTG-1</p>
<p><u>Commenter</u>: Higher densities will add need for more parking and cause more traffic.</p>	<p>AUGMTG-2</p>
<p><u>Commenter</u>: There is inconsistent enforcement of parking meters in Downtown.</p>	<p>AUGMTG-3</p>
<p><u>Commenter</u>: Was increased traffic addressed in assessing air quality impacts?</p>	<p>AUGMTG-4</p>
<p><u>Vince Riley</u>: If there is an existing parking problem, why are impacts less than significant? How was it determined that impacts to aesthetics are less than significant from 6th to 9th on PCH when allowable building heights are increasing from 35' to 55'?</p>	<p>AUGMTG-5</p>
<p><u>Richardson Gray</u>: What are the noise impacts from a cultural center/concert hall? Main St. library has been nominated for listing on National Register. Aesthetic impacts of cultural center on Main Street library site cannot be mitigated. Traffic from cultural center will have impacts.</p>	<p>AUGMTG-6</p>
<p><u>Commenter</u>: District 1 changes will have huge impact on residents in downtown and City of Huntington Beach</p>	<p>AUGMTG-7</p>

