

Chapter 3 RESPONSES TO COMMENTS

3.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

In total, 18 comment letters regarding the Draft EIR were received from three State departments, five regional and/or local agencies, three organizations, five private entities, and two individuals. In addition, verbal comments and associated speaker cards were received at the Pacific City Draft EIR Public Information Meeting that was held on November 13, 2003. Table 3-1 provides a comprehensive list of commenters in the order that they are presented in this section.

Table 3-1 Comment Letters Received During the Draft EIR Comment Period		
No.	Commentor/Organization	Page
State Departments		
1.	Department of Conservation, State of California, December 1, 2003	3-3
2.	California Department of Transportation, December 3, 2003	3-5
3.	Department of Toxic Substances Control, November 4, 2003	3-10
Regional/Local Agencies		
4.	Steven Bromberg, Mayor of the City of Newport Beach, December 3, 2003	3-13
5.	Huntington Beach Union High School District, October 27, 2003	3-16
6.	County of Orange Planning & Development Services Department, December 3, 2003	3-17
7.	Orange County Transportation Authority, December 3, 2003	3-21
8.	Southern California Association of Governments, November 25, 2003	3-23
Organizations		
9.	City of Huntington Beach Environmental Board, November 24, 2003	3-25
10.	Huntington Beach Tomorrow, December 3, 2003	3-28
11.	Orange County Coastkeeper, December 1, 2003	3-30
Private Entities		
12.	Lewis Brisbois Bisgaard & Smith LLP, December 3, 2003	3-35
13.	Orosz Engineering Group, Inc., December 3, 2003	3-43
14.	Orosz Engineering Group, Inc., December 4, 2003	3-45
15.	Pacific City Action Coalition, December 3, 2003	3-48
	Pacific City Action Coalition, Attachment A, December 3, 2003	3-64
	Pacific City Action Coalition, Attachment B, December 3, 2003	3-71
	Pacific City Action Coalition, Attachment C, December 3, 2003	3-75
16.	Robert Mayer Corporation, December 3, 2003	3-78
	Kimley-Horn and Associates, Inc., Attachment A to Robert Mayer Corporation Letter, December 2, 2003	3-92
	Richard Watson & Associates, Inc., Attachment B to Robert Mayer Corporation Letter, December 2, 2003	3-104
Individuals		
Written Letters		
17.	Mr. Mark D. Bixby, December 2, 2003	3-133
18.	Mr. Paul Cross, November 14, 2003	3-152

Table 3-1 Comment Letters Received During the Draft EIR Comment Period

<i>Verbal Comments</i>	
Pacific City Draft EIR Public Meeting, Verbal Comments, November 13, 2003	3-157
Mr. Mike Churchin, Attachment to Verbal Comments, November 13, 2003	3-161
<i>Speaker Cards</i>	
Mr. Mark D. Bixby, November 13, 2003	3-163
Mr. Frank C. Brucculeri, November 13, 2003	3-164
Mr. Al Calonico, November 13, 2003	3-165
Mr. Mike Churchin, November 13, 2003	3-166
Mr. Paul Cross, November 13, 2003	3-167
Ms. Laura Knox, November 13, 2003	3-168
Ms. Fay Mathis, November 13, 2003	3-169
Mr. John Sisker, November 13, 2003	3-170
Mr. John Sisker, second submittal, November 13, 2003	3-171

3.2 COMMENTS AND RESPONSES TO COMMENTS

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

The following 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 DEPARTMENTS



DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

November 26, 2003

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DEC 0 1 2003

DIVISION OF OIL,
GAS, & GEOTHERMAL
RESOURCES

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ARNOLD
SCHWARZENEGGER
GOVERNOR

Mary Beth Broeren, Principal Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648

Subject: Draft Environmental Impact Report, Project Title: Pacific City
EIR 02-01, SCH No. 2003011024

Dear Ms. Broeren:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced Draft Environmental Impact Report for the Pacific City Project in Huntington Beach. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4 of the California Code of Regulations. We offer the following comments for your consideration.

DOC-1

The proposed project is located within the administrative boundaries of the Huntington Beach oil field. There are numerous plugged and abandoned wells within the project boundaries. These wells are identified on Division map 135 and records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

DOC-2

Furthermore, if any additional abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

DOC-3

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division's Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

DOC-4

Ms. Mary Beth Broeren – Principal Planner - City of Huntington Beach

November 26, 2003

Page 2

Determination of the adequacy of any proposed methane mitigation measures for the project is beyond the Division's authority. However, the Division recommends that any plugged and abandoned well be vented if a structure is to be built over or in proximity to a well.

DOC-5

If any structure is to be located over or in the proximity of a previously plugged and abandoned well, the well may need to be plugged to current Division specifications. Section 3208.1 of the PRC authorizes the State Oil and Gas Supervisor (Supervisor) to order the reabandonment of any previously plugged and abandoned well when construction of any structure over or in the proximity of the well could result in a hazard. The cost of reabandonment operations is the responsibility of the owner of the property upon which the structure will be located.

DOC-6

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Pacific City Project. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

DOC-7

Sincerely,



Paul L. Frost
Associate Oil & Gas Engineer

cc: Linda Campion, Division of Oil, Gas, and Geothermal Resources, Sacramento

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 2724-2267
Fax: (949) 724-2592



*Flex your power!
Be energy efficient!*

FAX& MAIL

December 3, 2003

REC'D
DEC 1 2003

Mary Beth Broeren
City of Huntington Beach
2000 main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH#: 2003011024
Log #: 1193B
SR: PCH

Subject: Pacific City

Dear Ms. Broeren,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Pacific City Project. The project proposes to develop a 31.5-acre vacant site bounded by Pacific Coast Highway (PCH), 1st Street, Huntington Ave, Atlanta Ave into a mixed-use commercial and residential center including a 400-room hospitality/hotel, 240,000 square feet of retail, office, restaurant, cultural, and entertainment facilities, 516 condominiums, and improvements to vehicular and pedestrian circulation. The nearest State Routes to the project site are PCH and SR-39.

DOT-1

Caltrans District 12 status is a responsible agency on this project and has the following comments:

1. Page 2-21 of Chapter 2: State facility improvements mentioned in the Caltrans Transportation Concept Report (previously known as Route Concept Report) are not programmed or funded, therefore should not be treated as committed improvements. Please clarify the network assumption (lane numbers) for Pacific Coast Highway (PCH) in years 2008 and 2020 analysis.
2. Table 3.14-10, Section 3.14, Chapter 3 – Project Traffic Generation Forecast:
 - a. The 5,000 square feet (sf) reserved for the surfing museum should be included in the total square footage for Retail/Restaurant. By removing 5,000 sf from the 180,000 sf, the forecasted trips reduce from 9,947 to 9,769, thus giving incorrect traffic counts.
 - b. The internal capture rates used for the trip reduction are too high. Caltrans TIS guideline recommends 5% for internal capture rate. Please provide detailed justification for these high reduction rates (both internal and mode shift). Please refer to the TIS Guidelines provided to you as an attachment to Caltrans letter dated February 5, 2003.
 - c. Appendix C, which is referred to as Trip Reduction Flow Diagram, is not included in Appendix H – Traffic of the DEIR. Please provide a copy of Appendix C.
3. Page 3.14-30, Chapter 3: The summary of the percentage of Residential project-related traffic surpasses 100%. Please verify.

DOT-2

DOT-3

DOT-4

DOT-5

DOT-6

"Caltrans improves mobility across California"

4. Page 3.14-51, Section 3.14, Chapter 3 - Future Year 2008 with Proposed Project: Transportation Planning questions the use of City of Huntington Beach thresholds for roadway link impact analysis. By applying the city guidelines as identified on Page 49 of Appendix H and Page 3.14-28 of Chapter 3, none of the impacted segments on the state facilities (PCH and Beach Blvd.) would be mitigated. Same comment applies to Year 2020 with Proposed Projects on page 3.14-55. Please explain how the adjacent intersections operate at the acceptable LOS while the segment fails? DOT-7
5. For future reference, we recommend that the roadway segment level of service (LOS) should be based on the Peak Hour/Peak Period rather than the ADT (Table 3.14-5 & 6, Page 3.14-20, Section 3), since it is a better indicator of the roadway performance. DOT-8
6. Page 63 -Pedestrian Pathway: The project is anticipated to generate substantial amount of pedestrian traffic that will impact the level of service at the crosswalks and intersections in the vicinity of the project area. Particularly, the crosswalk on PCH at 1st Street, Huntington Street and Main Street. In order to adequately address the impacts on these locations the following is requested:
 - a. It is not clear whether there is a pedestrian bridge to be constructed as part of this project. Please clarify. The Department's concern is pedestrian circulation impact to PCH. DOT-9
 - a. It is not clear whether there is a pedestrian bridge to be constructed as part of this project. Please clarify. The Department's concern is pedestrian circulation impact to PCH. DOT-10
 - b. The pedestrian circulation pattern will be different before and after the bridge construction. Please address this timing issue and submit engineering plans and schedule of the pedestrian bridge construction to Caltrans (Traffic Operations North) for review and comment. DOT-11
 - c. Submit estimated project pedestrian volumes at the above intersections. DOT-12
 - d. Submit the intersection capacity analysis including the pedestrian volumes with and without the pedestrian bridge. DOT-13
7. Currently PCH at 1st Street is not provided with a crosswalk at the south leg. If a sidewalk is warranted to accommodate the project pedestrian traffic, the project proponent is responsible for the crosswalk installation and the signal modification. DOT-14
8. Section 3.8, *Hydrology and Water Quality*, discusses drainage facilities on and around the project site, and mentions some proposed changes to these facilities. Please note, the Caltrans NPDES Unit must approve any changes to State drainage facilities. DOT-15
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.) occurs in the vicinity of the Caltrans Right-of-Way, an encroachment permit would be required and environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans requirements, additional documentation (e.g. Native American Heritage Commission consultation for cultural resources) would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near Caltrans Right-of-Way. (See Attachment: *Environmental Review Requirements for Encroachment Permits*) DOT-16

Mary Beth Broeren
December 3, 2003
Page: 3

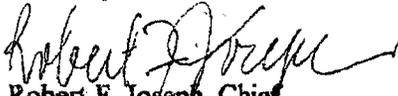
10. All work within the State Right of Way must conform to Caltrans Standard Plans and Standard Specifications for Water Pollution Control, including production of a Water Pollution Control Program (WPCP) or Storm Water Pollution Prevention Plan (SWPPP) as required. Any runoff draining into Caltrans Right of Way from construction operations, or from the resulting project, must fully conform to the current discharge requirements of the Regional Water Quality Control Board to avoid impacting water quality. Measures must be incorporated to contain all vehicle loads and avoid any tracking of materials, which may fall or blow onto Caltrans roadways or facilities. (See Attachment: *Water Pollution Control Provisions*)

DOT-17

Please continue to keep us informed of any future developments, which could potentially impact the transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

DOT-18

Sincerely,



Robert F. Joseph, Chief
IGR/Community Planning Branch

c: Terry Roberts, Office of Planning and Research
Terri Pencovic, Caltrans HQ IGR/Community Planning
Gail Farber, District 12 Deputy Director of Planning
Saied Hashemi, Traffic Operations North
Leslie Mandersheid, Environmental Planning B
Charlie Larwood, Transportation Planning

ENVIRONMENTAL REVIEW REQUIREMENTS FOR ENCROACHMENT PERMITS

Any Party, outside of Caltrans, that does work on a State Highway or Interstate Highway in California needs to apply for an encroachment permit. To acquire any encroachment permit, environmental concerns must be addressed. Environmental review of encroachment permit applications may take 3 weeks if the application is complete or longer if the application is incomplete. For soil disturbing activities (e.g. geotechnical borings, grading, usage of unpaved roads from which dirt and other materials may be tracked onto the State/Interstate highways, etc.), compliance with Water Quality and Cultural Resources Provisions are emphasized. Surveys may/ may not be soil-disturbing activities, depending on the site and survey method.

A complete application for environmental review includes the following:

1. If an environmental document (CE, EIR/EIS, ND, etc.) has been completed for the project, copy of the final, approved document must be submitted with the application.
2. **Water Quality Provision:** All work within the State Right of Way must conform to Caltrans Standard Plans and Standard Specifications for Water Pollution Control including production of a Water Pollution Control Program or Storm Water Pollution Prevention Plan as required. The applicant must provide Encroachments with a copy of the Storm Water Pollution Prevention Plan (SWPPP) including Best Management Practices (BMPs) to be implemented for construction activities impacting Caltrans Right of Way, prepared for this as required by the NPDES Statewide Storm Water Permit for General Construction Activities. If no SWPPP has been prepared for this project, then the applicant must follow the requirements described in the attached Water Pollution Control Provisions (please see attachment).
3. **Cultural Resources Provisions:** If not included in the environmental document, before permit approval and project construction, the encroachment permit applicant must complete a Cultural Resource Assessment pursuant to Caltrans Environmental Handbook, Volume 2, Appendix B-1, and Exhibit 1, as amended. The Cultural Resources Assessment ascertains the presence or absence of cultural resources within a one-mile radius of the project area and evaluates the impact to any historical/cultural resource. Cultural Resources include "those resources significant in American history, architecture, archaeology, and culture, including Native American Resources" (Caltrans Environmental Handbook, Volume 2, Chapter 1, as amended)). The Cultural Resource Assessment must include:
 - a) a clear project description and map indicating project work, staging areas, site access, etc.;
 - b) a Record Search conducted at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. For information call (714) 278-5395;
 - c) proof of Native American consultation. Consultation involves contacting the Native American Heritage Commission (NAHC), requesting a search of their Sacred Lands File, and following the recommendations provided by the NAHC. For information call (916) 653-4082;
 - d) documentation of any historic properties (e.g. prehistoric and historic sites, buildings, structures, objects, or districts listed on, eligible for, or potentially eligible for listing on the National Register of Historic Places) within a one mile radius of the project area;
 - e) and a survey by qualified archaeologist for all areas that have not been previously researched.

The SCCIC and NAHC have an approximate turn around time of 2 weeks.

4. **Biological Resources Provisions:** Work conducted within Caltrans Right of Way should have the appropriate plant and wildlife surveys completed by a qualified biologist. If the information is not included in the environmental document, Environmental Planning requests that the applicant submit a copy of the biological study, survey, or technical report by a qualified biologist that provides details on the existing vegetation and wildlife at the project site and any vegetation that is to be removed during project activities. Official lists and databases should also be consulted for sensitive species such as the California Natural Diversity Database and lists provided by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Any impacts that affect waterways and drainages and/or open space during construction, or that occur indirectly as a result of the project must be coordinated with the appropriate resource agencies. As guidance, we ask that the applicant include:
 - a) clear description of project activities and the project site
 - b) completed environmental significance checklist (not just yes and no answers, but a description should be given as to the reason for the response),
 - c) staging/storage areas noted on project plans,
 - d) proposed time of year for work and duration of activities (with information available),
 - e) any proposed mitigation (if applicable to the project),
 - f) and a record of any prior resource agency correspondence (if applicable to the project).

ATTACHMENT CALTRANS DISTRICT 12

WATER POLLUTION CONTROL PROVISIONS

Any runoff draining into Caltrans Right of Way must fully conform to the current discharge requirements of the Regional Water Quality Control Board (RWQCB) to avoid impacting water quality. Permittee shall fully conform to the requirements of the Caltrans Statewide National Pollutant Discharge Elimination System (NPDES) Storm Water Permit, Order No. 99-06-DWQ, NPDES No. CAS000003, adopted by the State Water Resources Control Board (SWRCB) on July 15, 1999, in addition to the BMPs specified in the Caltrans Storm Water Management Plan (SWMP). When applicable, the Permittee will also conform to the requirements of the General NPDES Permit for Construction Activities, Order No. 99-08-DWQ, NPDES No. CAS000002, and any subsequent General Permit in effect at the time of issuance of this Encroachment Permit. These permits regulate storm water and non-storm water discharges associated with year-round construction activities.

Please note that project activities should pay extra attention to storm water pollution control during the "Rainy Season" (October 1st – May 1st) and follow the Water Pollution Control BMPs to minimize impact to receiving waters. Measures must be incorporated to contain all vehicle loads and avoid any tracking of materials, which may fall or blow onto Caltrans Right of Way.

For all projects resulting in 0.4 hectares (1 acre) or more of soil disturbance or otherwise subject to the NPDES program, the Contractor will develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) conforming to the requirements of the Caltrans Specification Section 7-1.01G "Water Pollution Control", the Department's Statewide NPDES Permit, the General NPDES Permit for Construction Activities, and the Storm Water Quality Handbooks "Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual", and "Construction Site Best Management Practices (BMPs) Manual" effective November 2000, and subsequent revisions. In addition, the SWPPP must conform to the requirements of the SWRCB Resolution No. 2001-046, the Sampling and Analytical Procedures (SAP) Plan.

For all projects resulting in less than 0.4 hectares (1 acre) of soil disturbance or not otherwise subject to the requirements of the NPDES program, the Contractor shall develop, implement, and maintain a Water Pollution Control Program (WPCP) conforming to the requirements of the Department's Specifications Section 7-1-.01G (Water Pollution Control), and the Storm Water Quality Handbooks: "Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual" and "Construction Site Best Management Practices (BMPs) Manual" effective March 2003, and subsequent revisions.

Copies of the Permits and the Construction Contractor's Guide and Specifications of the Caltrans Storm Water Quality Handbook may be obtained from the Department of Transportation, Material Operations Branch, Publication Distribution Unit, 1900 Royal Oaks Drive, Sacramento, California 95815, Telephone: (916) 445-3520. Copies of the Permits and Handbook are also available for review at Caltrans District 12, 3347 Michelson Drive, Suite 100, Irvine, California 92612, Telephone: (949) 724-2260. Electronic copies can be found at <http://www.dot.ca.gov/hq/construc/stormwater.html>

Revised 10/23/01



Department of Toxic Substances Control



Edwin F. Lowry, Director
5796 Corporate Avenue
Cypress, California 90630

Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Gray Davis
Governor

RECEIVED
NOV 07 2003

November 4, 2003

Ms. Mary Beth Broeren
Principal Planner
Department of Planning
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

NOTICE OF COMPLETION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PACIFIC CITY PROJECT (SCH #2003011024)

Dear Ms. Broeren:

The Department of Toxic Substances Control (DTSC) has received your Notice of Completion (NOC) of a draft Environmental Impact Report (EIR) for the above-mentioned Project.

DTSC-1

Based on the review of the document, DTSC's comments are as follows:

1) The draft EIR needs to identify and determine whether current or historic uses at the Project site have resulted in any release of hazardous wastes/substances at the Project area.

DTSC-2

2) The draft EIR needs to identify any known or potentially contaminated sites within the proposed Project area. For all identified sites, the draft EIR should evaluate whether conditions at the site pose a threat to human health or the environment.

DTSC-3

3) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials/wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination. Also, it is necessary to estimate the potential threat to public health and/or the environment posed by the site. It may be necessary to determine if an expedited

DTSC-4

DTSC-5

DTSC-6

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations and policies.

DTSC-6

- 4) All environmental investigation and/or remediation should be conducted under a Workplan which is approved by a regulatory agency that has jurisdiction to oversee hazardous waste cleanups. The draft EIR states that upon completion of the remediation program, approval of a Site Closure Report by the oversight agency is required prior to redevelopment of any site with identified environmental concern. Except for petroleum hydrocarbon, the City of Huntington Beach, the identified oversight agency, may not have the jurisdiction to oversee hazardous waste cleanups.

DTSC-7

- 5) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property."

DTSC-8

- 6) According to the draft EIR, volatile organic compounds (VOCs) detected at the site were compared with the U.S. Environmental Protection Agency's preliminary remediation goals (PRGs) and recommended no further action. DTSC recommends that a site-specific health risk assessment, using a residential scenario, be conducted and reviewed by a regulatory agency that has jurisdiction to oversee hazardous substance cleanups. PRGs are screening criteria and are not intended as cleanup standards.

DTSC-9

- 7) The draft EIR states that all soil samples collected from the excavation, following the removal of the impacted soil, contained soluble lead at concentrations below the California Code of Regulations Title 22 action level of five (5) parts per million (ppm). Appendix E, Summary of Hazardous Materials Investigations on the Project Site, also states that lead concentration in soil were compared with the Soluble Threshold Limit Concentrations (STLCs) and Total Threshold Limit Concentrations (TTLCs). TTLCs and STLCs are not cleanup standards. They are used for classification of hazardous wastes. Therefore, DTSC recommends that a site specific risk assessment using a residential scenario be conducted and reviewed by a regulatory agency.

DTSC-10

- 8) Appropriate investigation should be conducted to determine whether the project site is contaminated with polychlorinated biphenyls (PCBs).

DTSC-11

Ms. Mary Beth Broeren
November 4, 2003
Page 3 of 3

- 9) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the draft EIR should identify how any required investigation and/or remediation will be conducted, and the government agency to provide appropriate regulatory oversight.

DTSC-12

DTSC provides guidance for preparation of a Preliminary Endangerment Assessment (PEA), and cleanup oversight through, the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at www.dtsc.ca.gov.

DTSC-13

If you have any questions regarding this letter, please contact Mr. Johnson P. Abraham, Project Manager, at (714) 484-5476.

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch
Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

REGIONAL/LOCAL AGENCIES



CITY OF NEWPORT BEACH

OFFICE OF THE MAYOR

Mayor

Steven Bromberg

Mayor Pro Tem

Tod W. Ridgeway

Council Members

Garold B. Adams

John Heffernan

Richard A. Nichols

Gary L. Proctor

Don Webb

November 26, 2003

Ms. Mary Beth Broeren
Planning Department
2000 Main Street
Huntington Beach, CA 92648

Dear Ms. Broeren:

Pacific City Project Draft Environmental Impact Report

Thank you for the opportunity to comment on the Pacific City Project Draft Environmental Impact Report (Draft EIR). The City of Newport Beach has an Environmental Quality Affairs Citizens Advisory Committee (EQAC), which reviews NOPs and Draft EIRs prepared for Newport Beach projects, as well as projects in adjacent communities that may impact Newport Beach. EQAC reviewed this Draft EIR and prepared the following comments on the document, along with the City's Public Works staff. EQAC's comments were approved by the Committee on November 17, and by the City Council on November 25. Please note that the City did not receive or provide comments on the IS/NOP, but EQAC did review the summary of comments provided as an appendix to the Draft EIR as part of its review of this document.

CNB-1

Air Quality

Section 3.2.2 – Regulatory Framework. The existing localized carbon monoxide concentrations shown on Table 3.2-5 exceed the future (2010) with project localized carbon monoxide concentrations shown on Table 3.2-7. This outcome is counterintuitive. An explanation of why air quality improves in the future with the project should be provided.

CNB-2

Section 3.2.4 – Project Impacts, indicates the current and projected population and employment for Orange County. These figures are incorrect and should be updated.

CNB-3

Section 3.2.6 – Mitigation Measures and Residual Impacts. The mitigation measures as currently written are too vague and uncertain,

CNB-4

and will not necessarily result in reductions in air quality impact. Comments on specific mitigation measures are presented below:

↑ CNB-4
CNB-5

CR AQ-E – An explanation of the type of wind barrier that will be implemented should be provided.

CNB-6

CR AQ-F – An explanation of what is meant by a remedial operation and how it will reduce fugitive dust should be provided.

CNB-7

MM AQ -1 through AQ-6 rely on contract specifications as an implementation method.

CNB-8

The developer and the contractor have a financial incentive not to comply with these mitigation measures. A description of the City's inspection program and how it will function to ensure mitigation measures are carried through should be provided.

CNB-9

MM AQ-4 – The contractor should be required to rely on electric utilities, and not be given the option of using electric utilities to the extent feasible.

CNB-10

MM AQ-6 – It is suggested that performance standards be required to ensure that energy efficient appliances are installed.

CNB-11

Hydrology and Water Quality

Table 3.8-4, Policies Applicable to Hydrology and Water Quality. Policy 6.1.25 states that new development will minimize the creation of impervious areas. We suggest that the developer strongly consider using porous pavement and swales wherever possible, especially in the street and parking areas, to help divert run-off water back into the earth.

CNB-12

Transportation and Traffic

The City of Newport Beach is concerned about the size of the project relative to the area covered by the traffic study. The draft EIR traffic study includes Pacific Coast Highway only as far as the Brookhurst intersection within the City of Huntington Beach. The scope of the study should be extended along Pacific Coast Highway up to the intersection with Dover Drive. This will cover several major arterial intersections, such as PCH/Superior and PCH/Newport Boulevard that would potentially be impacted by a project of this size. The Project Trip Distribution diagrams indicate that almost 25% of the project traffic is anticipated to use Pacific Coast Highway in Newport Beach. The impacts of this additional traffic, some 3000 daily trips, must be analyzed in detail.

CNB-13

In addition to extending the geographical scope of the traffic study, the key intersection analysis, as described on page 3.14-52, should include scenario 4 (without the 19th Street Bridge over the Santa Ana River). The completion of this link is not a certainty, and our understanding is that the City of Huntington Beach has agreed to analyze projects with and without the 19th Street Bridge.

CNB-14

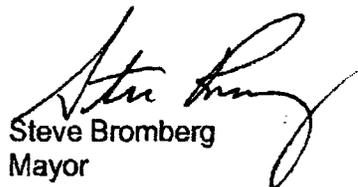
The Congestion Management Program (CMP) analysis is incomplete and further substantiates the need to extend the boundary of the study. The CMP, as adopted in Orange County, requires the analysis to extend to the point that project traffic falls below 3% of the roadway's LOS E capacity. In the case of West Coast Highway in Newport Beach, this threshold is 1689 daily-trips and the traffic study indicates the project volume is around 3000 daily trips, well in excess of the threshold.

CNB-15

The City appreciates the opportunity to comment on this DEIR, and we look forward to reviewing responses to our comments. If Newport Beach staff can assist in the preparation of responses, please call Assistant City Manager Sharon Wood at 644-3222 or Traffic and Development Services Manager Rich Edmonston at 644-3345.

CNB-16

Sincerely,


Steve Bromberg
Mayor

Cc: Environmental Quality Affairs Committee
Rich Edmonston, Transportation and Development Services
Manager



**HUNTINGTON BEACH UNION
HIGH SCHOOL DISTRICT**

10251 Yorktown Avenue • Huntington Beach, California 92646-2999
(714) 964-3339 FAX (714) 963-7684

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FAX TRANSMITTAL

Date: October 27, 2003

TO: Mary Beth Broeren
FAX No.: 714-374-1540

From: Patricia Koch
FAX No.: 714-963-7684

Number of Pages (excluding cover page)

Response requested

Comments:

We have downloaded Pages 3.12-3 and 3.12-4 from the Pacific City Project Draft EIR. We request that you correct the section on Schools to indicate that the High School District "also serves substantial portions of the City of Westminster and City of Fountain Valley".

HBUHSD-1

Misc/Cities/Draft EIR

Our mission is to educate all students, responding to their diverse needs, using a challenging curriculum with multiple avenues of learning, to develop creative, responsible and productive members of our community.



County of Orange
Planning & Development Services Department

RYAN G. SPEIGLE
DIRECTOR
100 N. FLOWER ST.
SANTA ANA, CALIFORNIA
MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

NCL 03-111

December 3, 2003

Mary Beth Broeren, Principal Planner
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92648

SUBJECT: DEIR for the Pacific City Project

Dear Ms. Broeren:

The above referenced project is a Draft Environmental Impact Report (DEIR) for the City of Huntington Beach. The project will provide a mixed-use visitor-serving commercial center with a residential village located on a 31.5-acre vacant downtown parcel on the inland side of Pacific Coast Highway.

OCPD-1

The County of Orange has reviewed the DEIR and offers the following comments:

WATER QUALITY

1. The water quality impacts of the project should be reviewed in accordance with the provisions outlined in Exhibit 7-1 of the 2003 Countywide Drainage Area Management Plan (DAMP). At a minimum, the following information should be provided:
 - a. A review of DAMP Exhibit 7.1 Table 7-1.1, Priority Projects Categories. Projects that fall into one of these categories should be carefully reviewed for potential stormwater/urban runoff impacts.
 - b. Identification of receiving waters. The EIR should identify all receiving waters that may receive runoff from the project site.
 - c. A description of the sensitivity of the receiving waters. In particular the EIR should identify Areas of Special Biological Significance, water bodies with Total Maximum Daily Loads (TMDLs), and 303(d) listed impaired water bodies that may be impacted by the proposed project. For example, Huntington Beach State

OCPD-2

OCPD-3

OCPD-4

OCPD-5

Park is listed on the 2002-303(d) list as impaired for enterococci, with an estimated impacted area of 5.8 miles. The project is located within 0.75 miles of the site of impairment.

OCPD-5

- d. An identification of hydrologic conditions of concern, such as runoff volume and velocity, reduction of infiltration, and any increase of flow, frequency, duration, and peak of storm runoff.

OCPD-6

- 2. Implementation of post-construction Best Management Practices (BMPs) consistent with the Water Quality Management Plan (WQMP) program in Section 7 and Exhibit 7-II of the 2003 Countywide DAMP. This includes describing commitments to installation and maintenance of site design, source control and treatment control BMPs consistent with the DAMP New Development and Significant Redevelopment Program. Under the new Municipal Stormwater NPDES permit and the 2003 DAMP, this project will be considered a priority project and will require appropriately sized treatment control BMPs to be included in the WQMP.

OCPD-7

- 3. Mitigation for the construction phase of the project should include compliance with the State General Construction Permit and the inclusion of the following as general or specific notes on project plan sheets:

- a. Sediment from areas disturbed by construction shall be retained on site using structural controls to the maximum extent practicable.
- b. Stockpiles of soil shall be properly contained to eliminate or reduce sediment transport from the site to the streets, drainage of facilities or adjacent properties via runoff, vehicle tracking, or wind.
- c. Appropriate BMPs for construction-related materials, wastes, spills or residues shall be implemented to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.
- d. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to reduce or remove sediment and other pollutants.
- e. All construction contractor and subcontractor personnel are to be made aware of the required best management practices and good housekeeping measures for the project site and any associated construction staging areas.
- f. At the end of each day of construction activity all construction debris and waste materials shall be collected and properly disposed in trash or recycle bins.
- g. Construction sites shall be maintained in such a condition that a storm does not carry wastes or pollutants off the site. Dischargers other than stormwater (non-stormwater discharges) are authorized under California's General Permit for Storm Water Discharges Associated with Construction Activity only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or

OCPD-8

reduction of pollutants. Non-stormwater discharges must be eliminated or reduced to the extent feasible.

Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, solvents, detergents, glues, lime, pesticides, herbicides, fertilizers, wood, preservatives, and asbestos fibers, paint flakes or stucco fragments; fuels, oils, lubricants and hydraulic, radiator or battery fluids; concrete and related cutting or curing residues; floatable wastes, wastes from any engine/equipment steam cleaning or chemical degreasing; wastes from street cleaning; and super chlorinated potable water line flushing and testing.

During construction, disposal of such materials should occur in a specified and controlled temporary area on-site physically separated from potential storm water runoff, with ultimate disposal in accordance with local, state and federal requirements.

- h. Discharging contaminated groundwater produced by dewatering groundwater that has infiltrated into construction site is prohibited. Discharging of contaminated soils via surface erosion is also prohibited. Discharging of non-contaminated groundwater produced by dewatering activities requires a National Pollutant Discharge Elimination System (NPDES) permit from the San Diego Regional Water Quality Control Board.

- 4. The EIR should discuss the potential impacts of the proposed new storm drain line at First Street to the water quality issues identified for the Pacific Ocean at Huntington Beach State Park. Due to the project's proximity to Huntington Beach State Park, a project design goal should be to eliminate all dry weather and low-flow discharges from the site using site design and source control BMPs as described in the 2003 DAMP Section 7 and its exhibits. The 2003 DAMP can be found at: http://www.ocwatersheds.com/StormWater/documents_damp.asp.

Section 3.8.2 Regulatory Framework

- 5. The State Construction General Permit now requires the submittal of a NOI Package and preparation of a SWPPP in the following situations:

"Dischargers whose projects disturb 1 or more acres of soil or whose projects disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit 99-08-DW(Q)). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility."

OCPD-8

OCPD-9

OCPD-10

This section should be rewritten to reflect that this requirement is applied to projects that are one (1) or more acres in size, not five (5).

↑ OCPD-10

- 6. The section should also include the requirement to prepare a WQMP that describes all post-structural BMPs.

] OCPD-11

CULTURAL/HISTORICAL

- 7. The mitigation language in the EIR should be updated to use current standard conditions for cultural resources management so that any recovered artifacts and fossils are prepared properly and their disposition is addressed as needed. The County of Orange Curation Project, funded by a TEA grant, has produced a set of guidelines and procedures as a model for cultural resource professionals to use in the field and in preparing the collections, including a recommended database. This information may be accessed on the California State University Fullerton Anthropology Department website. <http://anthro.fullerton.edu/orangecocuration>.

] OCPD-12

- 8. MM CR-1c states that in case of unique archaeological resources being found, they "shall be cleaned and catalogued for curation at a facility acceptable to the City of Huntington Beach." We encourage the City of Huntington Beach to follow the Orange County Board of Supervisors' intent to keep resources within the county. Thus, the EIR language should be changed to require that resources collected from the site during grading/or and construction should be donated to a suitable repository "within Orange County." Prior to donation, the certified paleontologist should prepare the fossil collection "to the point of identification."

] OCPD-13

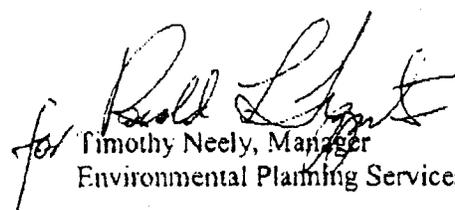
- 9. The project proponent should be prepared to pay "potential curation fees" to the County or other suitable repository for the long-term curation and maintenance of donated collections.

] OCPD-14

Thank you for the opportunity to respond to the DEIR. If you have any questions, please contact Charlotte Harryman at (714) 834-2522.

] OCPD-15

Sincerely,

for 
Timothy Neely, Manager
Environmental Planning Services Division



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Chief Executive Officer

December 3, 2003

Ms. Mary Beth Broeren, Principal Planner
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92648

Subject: Huntington Beach Pacific City DEIR

Dear Ms. Broeren:

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document and has the following comments:

OCTA-1

Master Plan of Arterial Highways (MPAH)

The proposed project would construct Pacific View Avenue as a two lane divided street, although the DEIR states a ninety foot right-of-way would be dedicated to allow for future ultimate widening to four lanes. Both the Orange County Master Plan of Arterial Highways (MPAH) and the City of Huntington Beach General Plan classify Pacific View Avenue as a primary (four lane divided) arterial. While this is correctly stated in the DEIR, OCTA wishes to reaffirm the necessity of preserving the ability in the future to complete the street to its ultimate four lane width. As such, the 55 on-street parking spaces located on Pacific View Avenue must be considered temporary, since they will occupy right-of-way needed for the ultimate widening of the street.

OCTA-2

Bus Facilities

OCTA currently operates bus service to the area via Routes 1, 25, 29, 172, and 173. OCTA currently has a bus stop at northbound PCH/farside Huntington St and eastbound Atlanta Ave/farside 1st St. It is recommended that a "farside" type turnout be placed at these locations in conjunction with this development.

OCTA-3

In order to access this facility, many of the OCTA buses operate on Huntington, Atlanta, 1st and PCH. It is imperative for OCTA bus operations that this facility and adequate access to this facility be maintained. Furthermore, OCTA would recommend that any improvements in the area consider the impact on OCTA bus operations.

OCTA-4

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92663-1584 / (714) 560-OCTA (6282)

Ms. Mary Beth Broeren
December 3, 2003
Page 2

OCTA appreciates the opportunity to review and comment on this project.
Please contact me with any questions or concerns at 714-560-5749 or
cwright@octa.net.

OCTA-5

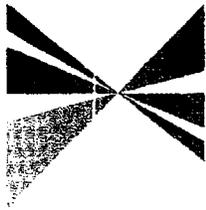
Sincerely,



Christopher Wright
Associate Transportation Analyst

TOTAL P.03

SOUTHERN CALIFORNIA



ASSOCIATION OF GOVERNMENTS

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San Bernardino County: Paul Biene, San Bernardino County • Bill Alexander, Rancho Cucamonga • Edward Burgnon, Town of Apple Valley • Lawrence Dale, Borslow • Lee Ann Garcia, Grand Terrace • Susan Longville, San Bernardino • Gary Oviatt, Ontario • Deborah Robertson, Rialto

Ventura County: Judy Mikels, Ventura County • Glen Beterra, Simi Valley • Carl Murehouse, San Buenaventura • Juni Young, Port Hueneeme

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

November 25, 2003

Ms. Mary Beth Broeren
Principal Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648

RECEIVED
NOV 20 2003

RE: Comments on the Draft Environmental Impact Report for the Pacific City Project – SCAG No. 1 20030596

Dear Ms. Broeren:

Thank you for submitting the **Draft Environmental Impact Report for the Pacific City Project** to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, 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-1

It is recognized that the proposed Project considers the development of a mixed-use, visitor-serving commercial center with a residential village. Major components include a 400-room hotel, 240,000 square feet of commercial and office uses and up to 516 condominium units. The 31.5-acre site is located at the southeast intersection of Atlanta Avenue and Huntington Street, in the City of Huntington Beach.

SCAG-2

SCAG staff has evaluated the **Draft Environmental Impact Report** for consistency with the Regional Comprehensive Plan and Guide and Regional Transportation Plan. The Draft EIR includes a discussion on the proposed Projects' consistency with SCAG policies and applicable regional plans, which were outlined in our February 4, 2003 letter on the Notice of Preparation (NOP) for this Draft EIR.

SCAG-3

The Draft EIR, in Sections 3.2-Air Quality, 3.3-Biological Resources, 3.4-Cultural Resources, 3.6-Geology and Soils, 3.9-Land Use and Planning, 3.11-Population and Housing, 3.12-Public Services, 3.14-Transportation/Traffic, and 3.15-Utilities and Service Systems cited SCAG policies and addressed the manner in which the proposed Project is consistent with applicable core policies and supportive of applicable ancillary policies. The Draft EIR incorporated a side-by-side comparison of SCAG policies with a discussion of the consistency or support of the applicable policies with the proposed Project. This approach to discussing consistency or support of SCAG policies is commendable and we appreciate your efforts. Based on the information provided in the Draft EIR, we have no further comments. A description of the proposed Project was published in the October 16-31, 2003 Intergovernmental Review Clearinghouse Report for public review and comment.

SCAG-4

If you have any questions, please contact me at (213) 236-1867. Thank you.

Sincerely,

JEFFREY M. SMITH, AICP
Senior Regional Planner
Intergovernmental Review

ORGANIZATIONS



Environmental Board

CITY OF HUNTINGTON BEACH

Post Office Box 190 • Huntington Beach, California 92648

November 24, 2003

NOV 24 2003

Ms. Mary Beth Broeren
City of Huntington Beach
Planning Department
2000 Main Street, 3rd Floor
Huntington Beach, CA 92648

Subject: Draft Environmental Impact Report (Pacific City)

Dear Ms. Broeren:

The Environmental Board of the City of Huntington Beach is pleased to submit comments and recommendations regarding the subject Draft Environmental Impact Report ("DEIR"). We believe that the DEIR overall is thorough and well prepared. We concur that the following are significant, unavoidable adverse impacts that would result from project implementation.

HBEB-1

- Air Quality:
 1. Peak construction activities associated with the proposed project could generate emissions that exceed SCAQMD thresholds.
 2. Daily operation of the project would generate emissions that exceed SCAQMD thresholds.
- Transportation:
 1. Under Year 2008 conditions, implementation of the proposed project would significantly affect the operating conditions of the intersection of Pacific Coast Highway and Warner Avenue.

HBEB-2

After reviewing the DEIR and discussing it at our November 6, 2003 meeting, the Environmental Board voted to submit comments and recommendations reflecting the issues discussed below.

HBEB-3

1. Typically we would request efforts to maximize percolation of storm water into the groundwater aquifer. However, in this case, the groundwater aquifer has no beneficial use due to the level of Total Dissolved Solids.
2. In the event that the project scope changes, we recommend that the twenty-foot wide public access corridor through District 8A be retained, as well as public access through District 7. It has been our experience that public access included in some projects has not been adequately marked so that the public realizes these areas are for their use. Therefore, we recommend that the public access corridor be prominently marked identifying it as public access. The proposed

HBEB-4

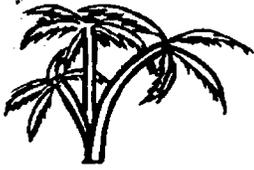
HBEB-5

- method of identification should be included in the Signage Plan submitted to the City Engineer for approval. HBEB-5
3. The proposed project includes installation of Storm Drainage Filters to remove contaminants from storm water that is directed from the site, however, no information is included that explains how this equipment will be maintained to insure that it will properly function throughout the life of the project. Please include a description of who will be responsible for maintaining the equipment as well as information as to how performance will be insured. This information should be included in a plan submitted to the City for approval. HBEB-6
4. With the projected addition of approximately 1400 residents, we believe that an analysis should be included that evaluates the impact of pedestrians crossing Pacific Coast Highway. During weekend periods, we believe that there could be a significant increase in pedestrian traffic across Pacific Coast Highway due to residents seeking use of the beach as well as visitors parking at the beach and walking to the commercial facilities proposed by the project. We are concerned that this additional pedestrian traffic may adversely impact vehicular traffic and safety of the pedestrians thereby making the pedestrian overpass a necessity. Also, sufficient space must be allocated on either side of PCH to allow for required access by handicap individuals to the elevated pedestrian overpass, including elevators or ramps. HBEB-7
HBEB-8
5. On page 3.1-47, mitigation CR AES-D states, "Prior to occupancy, all new and existing overhead utilities shall be installed underground in accordance with the City's Underground Utility Ordinance". However, elsewhere in the document, it suggests that the 16 KV electrical lines will not be relocated. Would you please clarify these apparent discrepancies? Also, if the 16 KV lines are not to be relocated underground, please include a discussion of reasons. HBEB-9
6. We appreciate the detailed study of the impacts of vehicular lights on adjacent residential areas when exiting the garage areas of the project, however, we believe that vertical movement of vehicles due to roadway imperfections and gutters will cause headlights to shine above the limits shown in the DEIR causing a nuisance to residential neighbors. We recommend an addition evaluation to determine the feasibility of orienting the garage egress at an angle such that the headlights are directed in a path that is more toward the street and less toward the residences. Alternately, landscaping could be installed across the street from the development at each egress point to block light from vehicles. HBEB-10
7. An explanation of the timing of traffic improvements particularly at the intersection of PCH and Warner and on Atlanta Ave. east of the project site should be provided. The discussion should contain an explanation of the approval and review process as well as likelihood and timing of completion of these improvements. HBEB-11
8. Because of the project's traffic and air quality impacts, greater consideration should be given to the promotion of other modes of transportation besides personal vehicles that could offset these impacts. HBEB-12

9. The air quality analysis notes that the project is anticipated to result in some trip reduction thereby providing beneficial air quality impacts. Additional explanation should be included as to the basis for these conclusions.] HBEB-13
10. The village green should remain public to address significant impacts to open space.] HBEB-14
11. Bacterial removal from dry weather flows to address water quality issues should be given consideration.] HBEB-15
12. A discussion should be included as to how construction related water contamination is addressed.] HBEB-16
13. A discussion should be included as to how hazardous materials will be handled during site excavation and preparation.] HBEB-17
14. Mitigation Measure CR AQ-B should be modified to require the applicant to notify property owners within at least 500 feet of the perimeter instead of 300 feet.] HBEB-18
15. Mitigation Measure AQ-5 should be modified as follows:
 - Bullet No. 7 – Revise to read, “Sweep streets throughout the day”] HBEB-19
 - Bullet No. 9 – Revise to read, “Apply water at least three times daily or more as needed...”
 - Bullet No. 10 – Revise to read “...10 MPH...” instead of “...15 MPH...”
16. Mitigation Measure AQ-6 should be modified as follows:
 - Bullet No. 1 – Revise to read, “Use solar or low-emission/high efficiency water heaters...”] HBEB-20
 - Bullet No. 2 – Revise to read, “Provide high efficiency heating...”
17. Lastly, we recommend that a procedure for auditing the construction activities be included. Although the developer has described how contracts with builders will include requirements for implementing mitigations to reduce detrimental air and water releases from the site, experience suggests that construction contractors frequently fail to monitor these mitigations. Developers may not feel responsible for how well the construction contractor manages environmental controls. However, we believe that the developer is ultimately responsible for insuring implementation of the mitigation measures. We recommend that the developer should produce a plan to audit performance of the construction contractor, for approval by the City.] HBEB-21

Yours truly,


Al Hendrick, Chairman
ENVIRONMENTAL BOARD



HUNTINGTON BEACH TOMORROW

P. O. BOX 865, HUNTINGTON BEACH, CA 92648
"Making a difference today for Huntington Beach tomorrow"
Phone: (714) 840-4015 E-Mail: info@hbtomorrow.org

December 3, 2003

Mary Beth Broeren
Planning Department
City of Huntington Beach
Huntington Beach Ca 92648

Subject: Comments on Draft EIR for the Pacific City Project

Section 3.2 - Air Quality

CR AQ-B Require applicant to notify property owners within at least 500 feet of the perimeter, not 300 feet. HBT-1

MMAQ-5 Bullet#7: Change to read "Sweep streets throughout the day" instead of ..."end of day"

Bullet #9: Change to read "Apply water at least three times daily or more as needed.." HBT-2

Bullet#10: Change to read "...10 MPH..." instead of "...15 MPH"

MMAQ-6 Bullet#1: Change to read: Use solar or low-emmission/high efficiency water heaters ... HBT-3

Bullet#2: Change to read "provide high efficiency heating..."

Section 3.10 - Noise

Trash collection noise is not discussed. Add trash collection services for hotel, commercial and residential shall be performed between the hours of 8 AM and 5 PM. HBT-4

Section 3.12 - Public Services

The section on existing Police services does not discuss the use of helicopter patrols that has effectively acted as a force multiplier for officers on duty. HBT-5

Section 3.14 - Transportation/Traffic

MM TR-1&2 Place a requirement on the developer that ties the project phasing to the actual construction of improvements at PCH & Warner and PCH and Seapoint. HBT-6

MM TR-3 Require the developer to include the pedestrian bridge in all plans now and that provisions for a Measure C vote and dedication of required land be stipulated. HBT-7

MM TR-3 The DEIR does not address the traffic bottleneck on Atlanta Ave. east of the project. The obvious solution is to widen Atlanta between Huntington and Delaware. This will be controversial and costly but necessary to mitigate the problem. HBT-8

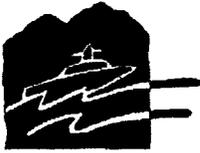
MM TR-3 Additional bus stop locations and foot traffic paths must be clearly defined to accommodate the amount of anticipated use. HBT-9

MM TR-3 It should be clearly noted in the DEIR that the Hamilton Ave. extension and the Santa Ana River Crossing at Banning/19th Street are projects that are unbudgeted, unwanted by the residents and whose futures are very much in doubt. HBT-10

Section 3.15 - Utilities and Service Systems

The Orange County Sanitation District discharges waste southwest (of the mouth) of the Santa Ana River, not north as stated in Wastewater Services. HBT-11

Edward Kerins
President
Huntington Beach Tomorrow



ORANGE COUNTY COASTKEEPER

441 Old Newport Blvd. Suite 103 Newport Beach, California 92663
Office: (949) 723-5424 Fax: (949) 675-7091 Email: coastkeeper1@earthlink.net
<http://www.coastkeeper.org>

RECEIVED
DEC 02 2003

December 1, 2003

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

RE: Comments on the EIR for the Pacific City development

Dear Ms. Broeren

The Orange County Coastkeeper is a non-profit organization with a mission to protect and preserve the marine habitats and watersheds of Orange County through education, restoration, policy advocacy, and enforcement. Our interest in this project is to ensure that a state-of-the-art-water quality management plan is designed and implemented. Additionally, we want to see a plan implemented whereby no net increase of pollutants will be discharged from the site to the beach across Pacific Coast Highway. We have been meeting with representatives of the applicant and in these initial stages of entitlement; they have been both cooperative and committed to develop such a plan.

OCC-1

Orange County Coastkeeper has identified issues we feel are important to the development of an appropriate water quality management plan. In reviewing the most recent EIR, we see significant changes in the storm water discharge points of the project. The current water quality plan shows the majority of area (26.9 of the 34.6 acres) draining from the project to First Street, under PCH, and discharging onto the beach. We are concerned the applicant has chosen to discharge the majority of runoff directly onto the beach rather than discharging along Atlanta Avenue, upgrading the pump station, and ultimately the Talbert Marsh. In light of this major alteration in the water quality plan, it is essential that the applicant adhere to a higher standard of treatment rather than the ordinary employment of "Best Management Practices" (BMP's) stipulated in the Drainage Area Management Plan (DAMP) and the City's regulations.

OCC-2

We feel there are issues that must be addressed and components that must be included in an appropriate and sophisticated water quality management plan:

OCC-3

1) **Talbert Marsh:** The plans call for runoff to be discharged to the Talbert Marsh, an analysis of the treatment capacity of the Talbert Marsh should be completed. It is essential there be assurances that appropriate cleansing capacity exist. The residence time, area, flora, and water volumes must be calculated and proven effective in order to ensure true natural treatment as a Best Management Practice.

OCC-4

2) The project includes storm water storage facility, which is necessary to meet as a minimum standard, the 85th percentile requirement of the storm water permit, and the City's 20 c.f.s. discharge limitations onto the beach. Coastkeeper urges the City to make certain the sizing of the water storage facility (0.82 acre-feet) is adequate to attenuate flows that exceed 20 c.f.s.

OCC-5

3) Coastkeeper believes the City is missing an opportunity to enhance water quality of urban runoff by not entering into an agreement with applicant to collect and treat runoff from the surrounding developed downtown area adjacent to the project. Now is the opportunity for the City to be innovative. A plan could be negotiated with the applicant that would drain a section of downtown area flows through the applicant's filtration facility to improve the water quality before discharging it onto the beach.

OCC-6

4) The City should carefully consider the potential utilization of the small vacant City-owned lot at First Street and Atlanta Avenue for underground storm water storage before treatment. A metered -parking lot could easily be Constructed at grade. With this facility, the City and the applicant, by mutual agreement, could collect storm flows from the downtown area then slowly release the water through the applicant's filtration facility before it is discharged onto the beach. By over-sizing the facilities that discharge to First Street, the City and the applicant both have the potential to develop an arrangement whereby all parties benefit.

OCC-7

5) For low-flow discharges from drainage area "A" that are to be diverted to the Orange County Sanitation District, there should be a long-term agreement between OCSD and the applicant and/or City for such a diversion.

OCC-8

6) It is our strong conviction that water discharged via First Street storm drain for discharge onto the beach **MUST** be treated to higher levels than those specified in the stormwater permit. **ALL** water discharged onto the beach across from First Street should be treated so that common pollutants found in urban runoff such as metals, nitrates, oils and grease, including bacteria, are removed. We support the use of Stormwater Management media filters for removal of metals and hydrocarbons, however, ozone or ultraviolet treatment devices are needed to accomplish bacteria removal.

OCC-9

Water storage facilities are necessary to collect water from high intensity

OCC-10

peak storm flows so water can be released through these filtering devices at a slower rate of 20 c.f.s.

OCC-10

7) The beach is the City's major economic engine. Coastkeeper believes ANY discharge onto a beach that accommodates heavy recreational uses should meet the numeric standards of the California Toxics Rule (CTR) and additionally treat to remove bacteria.

OCC-11

8) We suggest a monitoring program for both construction and post construction phases of the project. The applicant should develop an aggressive Storm Water Pollution Prevention Plans (SWPPP) and the City should both monitor and enforce the SWPPP. There should be post construction monitoring for a period of at least three years, preferably five years, to ensure the overall water quality management plan is effectively working and meeting the CTR standards.

OCC-12

9) Currently, only 7.7 acres of the 34.6 acre project is planned to discharge through the Atlanta Storm Water Pumping Station and diverted to the Orange County Sanitation District during non-storm low flow periods. The larger 26.9 acre drainage "B" will receive no diversion. This is more reason to highly treat the more polluted low flows at the First Street discharge. In summer months with high recreational use on the beach, the bacteria as well as all other typical urban pollutants must be removed before any discharge to the beach occurs.

OCC-13

10) The EIR (3.8-21) states, "Flows exceeding attenuation limits would be allowed to run off via surface streets, and the drainage study has indicated that the volume of this run off would not impact drainage systems or flood traffic lanes." This statement is saying that the difference between a 25-year storm event and a 100-year event will be discharged onto the surface streets along First Street and will not cause an impact to either the drainage systems or traffic lanes. Coastkeeper finds it difficult to agree with this statement and would like to see the study proving there would be no impact from discharging large flows onto First Street and into PCH.

OCC-14

Coastkeeper realizes some of the components we are suggesting are difficult to implement and go beyond what current regulations dictate. If the City is truly committed to water quality and innovation, it will give serious consideration to what is best for Huntington Beach and the millions who recreate on the beaches, rather than what is the "maximum extent practicable" (MEP). We interpret MEP as "the least for the cheapest". This project is virtually on the beach, not miles inland, therefore, the standards you apply must take into account that these are direct discharges into the ocean.

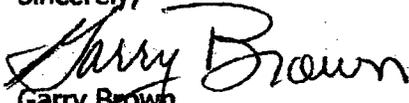
OCC-15

Our conversations with the applicant have certainly given us the impression that they stand willing to develop such a water quality plan, with the only condition being that the final plan is fair. We challenge the City to creatively design a water quality management plan that goes the extra mile to ensure coastal water protection. The water quality plan described in this EIR is, in our opinion, very inadequate given its proximity to Huntington Beach's fragile economic engine and delicate coastal resource.

OCC-16

Thank you for your consideration.

Sincerely,


Garry Brown
Executive Director

PRIVATE ENTITIES

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DEC 03 2003

LEWIS BRISBOIS BISGAARD & SMITH LLP

ATTORNEYS AT LAW

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December 3, 2003

VIA MESSENGER

City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

Attn: Mary Beth Broeren

Re: Public Comments Re Pacific City DRAFT Environment Impact Report

Dear Ms. Broeren:

We have been retained by South Coast Angus, LLC ("South Coast") to lodge formal public comment with the City of Huntington Beach ("the City") in response to the City's invitation to provide public comments regarding the Pacific City Draft Environmental Impact Report ("EIR"). You may recall that we attended the November 13, 2003 public meeting, scheduled by the Planning Commission for the City of Huntington Beach, and we placed, on the audio-taped record, public comments regarding the draft EIR, specifically referencing deficiencies in section 3.5 [Energy and Mineral Resources] of the draft EIR and the incorporated appendices referenced therein.

LBBS-1

This serves to further memorialize and delineate the comments we made at the November 13 meeting, and now does so formally on behalf of South Coast.

A. FUNDAMENTAL DEFICIENCIES IN THE DRAFT EIR

1. Summary of Inadequacies of Section 3.5 of the EIR [Energy and Mineral Resources]

LBBS-2

In direct contradiction of the City's Municipal Code and zoning laws, the EIR proposes to eliminate direct access to Oil Overlay C at the proposed Pacific City development site. The zoning laws of the City and the City's Municipal Code established the mineral rights of the City and private mineral owners to the minerals found at the region in the City, designated as Oil

LOS ANGELES	SAN FRANCISCO	SAN DIEGO	COSTA MESA	SAN BERNARDINO	SACRAMENTO	NEW YORK	LAS VEGAS
213.250.1800	415.362.2580	619.233.1006	714.545.9200	909.387.1130	916.564.5400	212.232.1300	702.366.9212

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Page 2

Overlay C. The proposed Pacific City development, through the draft EIR, seeks to repeal the agreements reached between the City, the State of California and the California Coastal Commission and the statutory mandate of section 4.14.03 of the Downtown Specific Plan and Chapter 15.50 of the City's Municipal Code, specifically the consolidation of the City's oil fields and authorized direct access points in the City to the Huntington Beach oil field. The proposed alternative to direct oil production access at Oil Overlay C, by the EIR, is slant drilling at another region--not identified in the EIR-- in the City. The slant drilling, as proposed by the EIR, effectively and absolutely bars direct access to Oil Overlay C, as intended by the City's Municipal Code and zoning laws. Indeed, glaringly absent from the EIR is any discussion of how the proposed slant drilling preserves the legislative intent of, and complies with section 4.14.03 of the Downtown Specific Plan and Chapter 15.50 of the City's Municipal Code, and how the proposed slant drilling is a safe, effective and feasible alternative to the existing laws of the City by providing direct access to Oil Overlay C.

LBBS-2

Without any detailed, or authoritative analysis, the EIR proposes slant drilling at an unidentified location in the City in an apparent effort to satisfy the statutory requirements of section 4.14.03 of the Downtown Specific Plan and Chapter 15.50 of the City's Municipal Code, and in an apparent attempt to mitigate the potential specter of claims that slant drilling constitutes an unlawful taking of the mineral rights of private mineral owners. More disturbing is that the proposed slant drilling belies established black letter law, that the mineral estate owner is the dominant estate or tenement, and the surface estate owner is the subservient estate or tenement.

LBBS-3

The EIR refers to an alleged "consultation" between the City's fire department the City's petro-consultant, Mel Wright, concerning the feasibility of slant drilling "near" the project site, however, no discussion of the factors and concerns allegedly considered by Mr. Wright, to support his purported opinion that slant drilling was a feasible alternative to extracting mineral resources directly on top of Oil Overlay C, is found in section 3.5 of the EIR or any of the appendices to the EIR. Surprisingly, the opinions and conclusions of the City's petro-consultant, Mel Wright, were not memorialized so as to provide credible support for the proposed alternative of slant drilling.

LBBS-4

2. General Comments

At the November 13 meeting, the agents for EIP presented the public with three questions, as follows:

1. Did the EIR capture the impact(s) of the Pacific City project on the City?
2. Did the EIR address those impact(s)

LBBS-5

December 3, 2003

Page 3

3. Did the EIR provide adequate mitigating alternatives to address the impact(s) of the Pacific City project on the City?

↑
LBBS-5

First, the scope of the public inquiry presented by the agents for EIP did not adequately address all phases of the impact on the mineral and energy rights of Huntington Beach mineral owners as the public inquiry EIP was limited to two phases of the project, (1) during construction, and (2) post construction. As such, the scope of EIP's public inquiry did not take into account the impact(s) on the City, its residents, and its resident business owners *before construction* commences, and the impact(s) on Oil Overlay C. As designed and currently proposed to the City, the Pacific City project completely covers Oil Overlay C, and does not provide direct access for oil production from Oil Overlay C. The EIR suggest that oil production may be accessed by slant drilling, but fails to provide any meaningful analysis in support thereof.

LBBS-6

Second, the EIR does not sufficiently state, in any detail, an analysis outlining the proposed mitigating alternatives to the impact(s) of the Pacific City project on the energy and mineral resources available to resident mineral owners and the City, including but not limited to, the potential wrongful taking of the Oil Overlay rights established by Chapter 15.50 of the City's Municipal Code, and why the proposed mitigating alternatives do not violate the City's zoning laws.

LBBS-7

In sum, while EIR recognized the purpose, and public policy of the City supporting the establishment of Oil Overlay C at page 3-15-4 of the EIR, it is resoundingly silent as to how the rights of resident mineral owners will be preserved, as currently proposed.

LBBS-8

2. Conformity With The Chapter 15.50 Of The City's Municipal Code And Downtown Specific Plan, Section 4.14.03

It is unclear from the EIR that the City and/or the developer of the Pacific City project intend to comply with Chapter 15.50 of the City's Municipal Code, specifically §15.50.010. Section 15.50.010 established the intent of the City, along with the intent and agreement of the State of California and the California Coastal Commission, to consolidate the oil operations in and around the City and off the shores of the City. The EIR does not provide any analysis as to how the City and/or the developer intend to comply with § 15.50.010 of the Municipal Code, or if it does not comply, how the violation should be mitigated.

LBBS-9

- a. **Was it the intent of the City, through the passage of Chapter 15.50, to consolidate the oil production/ operations throughout the city by reducing access to the Huntington Beach oil field by establishing three (3) primary access points at Oil Overlay A, Oil Overlay B and Oil Overlay C?**

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The EIR fails to explain, in any detail, how the proposed mitigating alternative of “slant drilling” at site separate and apart from the location of Oil Overlay C conforms with section 4.14.03 of the Downtown Specific Plan, and Chapter 15.50 of the City’s Municipal Code.

b. Does the City intend to enforce section 4.14.03 of the Downtown Specific Plan, and Chapter 15.50 of the City’s Municipal Code, and thereby preserve the rightful access of resident mineral owners to Oil Overlay C?

LBBS-10

c. If so, then does the City intend to require the developer of Pacific City to set aside at least 2 acres at the Pacific City site pursuant to the requirements of section 4.14.03 of the Downtown Specific Plan?

Impact EM-3 of the EIR, at page 3.5-10, shows that as currently proposed, the Pacific City plan does not propose or allow for existing and/or expanded oil production on the property as required by section 4.14.03. Section 4.14.03 specifically requires,

“[t]he [conceptual site] plan *shall include at least one (1) oil island of not less than two (2) acres in size* for new oil well drilling and oil production. *Such island(s) shall be incorporated into the overall development plan* so that noise, odor and visual impacts on the residences are minimized, and safe access to the oil site(s) is provided. Findings that at least one such island so designed is incorporated into the plans shall be made by the Planning Commission before approving any development project.”

LBBS-11

The EIR does not address how the proposed Pacific City project provides for a two (2) acre oil island over Oil Overlay C, and as statutorily mandated by section 4.14.03.

d. Was it the intent of the City, through the passage of section 4.14.03 of the Downtown Specific Plan, to preserve subterranean direct access to the minerals in the Huntington Beach oil field by designating Oil Overlay C?

LBBS-12

e. Prior to, or at the time of the City’s decision to approve the location of Oil Overlay C, did the City consider the geological and engineering impact(s) on the residents of the City and the City by establishing a region of the Huntington Beach oil field, such as Oil Overlay C? If so, what were the potential impact(s) considered by the City?

LBBS-13

Appendix A of the EIR, at page 22, recognizes the potential significant impact(s) and value of the mineral resources that are located in the region of the City designated as Oil Overlay

LBBS-14

C. The text of section 3.5 of the EIR, however, obliquely references Appendix A, but then fails to connect its application to the discussion set forth in the EIR.

↑
LBBS-14

f. Was public safety a factor in the City decision-making analysis when it considered creating direct access to the Huntington Beach oil field at the regional location designated as Oil Overlay C?

LBBS-15

g. If the City approves the Pacific City plan as currently proposed, is it the intent of the City to preserve the designated Oil Overlay regions, specifically Oil Overlay C, as established by section 4.14.03 of the Downtown Specific Plan and Chapter 15.50 of the City's Municipal Code? And, how will it comply with section 4.14.03 of the Downtown Specific Plan and Chapter 15.50 of the City's Municipal Code?

LBBS-16

h. If the City intends to approve the Pacific City plan, including EIP's proposal of slant drilling at an unknown site in the City, then how does the City intend to comply with section 4.14.03 of the Downtown Specific Plan and Chapter 15.50 of the City's Municipal Code?

LBBS-17

As currently proposed in the EIR, there is no detailed analysis as to how the Pacific City project intends to preserve the legislative intent of section 4.14.03 of the Downtown Specific Plan and Chapter 15.50 of the City's Municipal Code City insofar as it relates to the preservation of the Oil Overlay C, or how it intends to preserve the historical agreements between the City, the State of California, and the California Coastal Commission relating to Oil Overlay C, as embodied by section 4.14.03 of the Downtown Specific Plan and Chapter 15.50 of the City's Municipal Code.

LBBS-18

B. MISLEADING AND FALSE REPRESENTATIONS IN THE EIR

1. Misrepresentations of Purported Statements by Mel Wright That Other Sites Are Available

The EIR indicates Mel Wright, referred to in the EIR as the City's Consultant, that there are off site locations that one can drill from to reach the minerals under the Pacific City property, so that, in Pacific City's opinion, thought wrongly implying it is Mr. Wright's opinion, it is no longer necessary to reserve such natural resource production site as called for in Natural Resource Overlay C and previously approved by the State Land Commission, Coastal Commission, and the City.

LBBS-19

December 3, 2003

Page 6

a. However, in our discussions with Mr. Wright, he indicated that he never spoke to the Pacific City representatives, and the last work he remembers performing as a consultant for the City of Huntington Beach, in the early 1990s, was surveying for possible drilling locations in the Huntington Beach Onshore Area, without regard to any "01" zoning (oil production and new drilling, such as the approved overlays here). Mr. Wright never indicated there were any other "01" zoning, and instead has informed us that there are no other possible "01" locations in the area.

LBBS-20

b. Even moving across the zoning street to an existing "0" only site (existing production), would require obtaining approval from various state agencies, to approve any further drilling from the existing site, plus the unit operator of the majority of units mineral rights.

LBBS-21

c. The nearest other alternative site is more than a mile and half away, many thousands of feet away, while the minerals in the area are as shallow as 500 feet. This would require not just directional drilling, but almost pure lateral drilling. The costs of drilling such a well are not economically reasonable or feasible.

LBBS-22

d. Since the 1920s, there have been regulations on where and when to drill, ending with residual locations, agreed to by all responsible agencies in the State of California and the City, including the "01" zoned Resource Overlay here in question.

LBBS-23

Thus, contrary to the "opinion" of Pacific Cities, as stated in the EIR, the Resource Overlay in question here is the ONLY economically feasible drilling site in the area that is currently so approved by the responsible state agencies.

LBBS-24

2. Misrepresentations that Build-Up of Underground Natural Gas in the Area Is Purportedly Insignificant

The EIR wrongly suggests there are no significant amounts of methane in the area to be remediated. This is incorrect.

LBBS-25

a. The closest existing active oil well has reported build up pressure caused by natural gas, on the casing side of the well, that exceeds 1000 lbs per square inch, within several hours of the well being shut in, indicating very significant natural gas pressures remain in the reservoir.

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Page 7

b. The decades of oil production has created pressure voids, and in those pressure voids, natural gas escapes solution and fills those pressure voids, building up significant pressures as more and more gas escapes from its natural solutions in liquids such as water, due to the low pressure. Local conditions then allow these pockets of natural gas to easily migrate to the surface, and once there, they become potentially explosive – such as the occasional explosions and fires in the Los Angeles Farmers Market area.

LBBS-26

d. This potentially dangerous problem is remediated by injecting liquids such as water into the gas pockets voids. The more dense liquid forces the natural gas in the pockets back into suspension within the liquid, as the liquid fills those pockets.

LBBS-27

This injection remediation requires an active drill site, such as the "01" zoned site in question here. The loss of the site will mean the loss of any feasible, meaningful opportunity to remediate this potentially significant problem for the residents of the City.

LBBS-28

3. Implicit Misrepresentation that Existing Mineral Owners Will Not Be Denied Access to Very Substantial, Multi-Million Dollar Mineral Reserves

The EIR implicitly represents to the existing mineral owners that they will be able to capture their very valuable (multi-million dollar) mineral rights.

Those mineral owners include not only voting tax payers within the City but even the City itself (which could, e.g., help fund schools as done in Beverly Hills).

a. As discussed above, there are no other zoned, approved, feasible, economical drill sites in the area, zoned as "01".

LBBS-29

b. The regulation of oil and gas production and the Natural Resources Overlay concept was designed as a compromise between mineral owner's and the surface owners. Mineral owners normally own the "dominant tenement", which would otherwise control over the rights of all the surface owners. Thus the creation of the Overlays was intended as a compromise, to allow substantial surface development, while reserving sufficient surface area for use by the dominant tenement mineral owner's to drill for and produce the minerals.

Thus, loss of this sole remaining site is would mean City will have denied the existing mineral owners their constitutional right to property, without providing just compensation.

LEWIS BRISBOIS BISGAARD & SMITH LLP

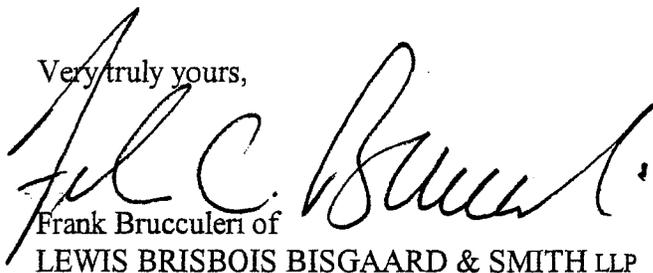
December 3, 2003

Page 8

In conclusion, we are happy to meet with the City or anyone else concerned to discuss in more detail these and other relevant points related to this development.

LBBS-30

Very truly yours,



Frank Bruculeri of
LEWIS BRISBOIS BISGAARD & SMITH LLP

LMK



Orosz Engineering Group, Inc.

1627 Calzada Avenue
Santa Ynez, California 93460
Phone/FAX 805-688-7814
email oeg@quixnet.net

OEG Reference 120203

December 3, 2003

Honorable Members of the Planning Commission
c/o Ms. Mary Beth Boreren
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Via FAX 714-374-1540

Subject: Pacific City EIR

Dear Planning Commission Members:

On behalf of the Pacific City Action Coalition, Orosz Engineering Group, Inc (OEG) has conducted a preliminary review of the subject project traffic analysis contained in section 3.14 of the EIR, and Appendix H of the EIR.

OEG(A)-1

Our review noted two areas of interest: Trip Generation Reductions and Shared Parking Analysis. The following comments are made with respect to these two issue areas.

Trip Reduction Methodology

No supporting information was provided to document how the hotel, office, retail/restaurant, and residential uses could result in the trip reductions listed in Table 3.14-10. The missing technical data was noted to be available at the City, but the City Clerk provided the same information (a note stating that the information was available at the City) that was available on-line. The note also indicated that the parking analysis was updated in October 2003. Whether the most recent data was used in the EIR analysis is unclear. Without reasonable documentation for this information, the reductions should not be taken. The analysis may underestimate the potential impacts of the proposed project. Additional information on the trip reductions is necessary and should be available for public review.

OEG(A)-2

Shared Parking Analysis

Based on the limited data available, there are adjustments that impact the shared parking analysis due to the seasonal variation in parking demands that are not addressed. It is not clear from the EIR analysis if the peak parking demand noted is for a summer weekday or summer weekend day. This should be clarified.

OEG(A)-3

Further, a net surplus of 8 parking spaces in a total of 1543 spaces or 0.5% is not reasonable. Parking studies have shown that a parking facility appears full to a driver at 85-90% occupied. With this in mind and the uncertainty of the reductions for interaction with off-site uses, the parking proposed is approximately 150 spaces short at peak times. In a beachfront

OEG(A)-4

Honorable Members of the Planning Commission
c/o Ms. Mary Beth Boreren
December 3, 2003
Page 2

environment, parking shortages are problematic and could lead to residential neighborhood parking intrusion. This issue should be clarified or addressed in the final environmental analysis or if not remedied, a significant environmental impact should be identified.

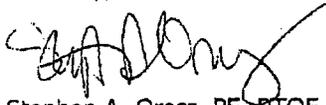
OEG(A)-4

Clarification of these two issues is requested to be available for public review. When the data is available, another public review period should be noticed.

OEG(A)-5

Should you have any questions regarding this information, please contact us.

Sincerely,



Stephen A. Orosz, PE, PTOE
Orosz Engineering Group, Inc



Orosz Engineering Group, Inc.

1627 Calzada Avenue
Santa Ynez, California 93460
Phone/FAX 805-688-7814
email oeg@quixnet.net

OEG Reference 120203

December 4, 2003

Honorable Members of the Planning Commission
c/o Ms. Mary Beth Boreren
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Via FAX 714-374-1540

Subject: Pacific City EIR

Dear Planning Commission Members:

On behalf of the Pacific City Action Coalition, Orosz Engineering Group, Inc (OEG) has conducted a preliminary review of the subject project traffic analysis contained in section 3.14 of the EIR, and Appendix H of the EIR, and detailed information not made available to the general public but provided by the document preparer. This letter is an update to that submitted on December 3, 2003, with additional issues generated by the review of the technical information in Appendix C of the Traffic Study and pages 69,70 & 71 of the traffic study. This information was not readily available and had to be obtained from the document preparer, Linscott, Law & Greenspan. The data became available to us on December 3, 2003 at 4:52 PM.

OEG(B)-1

Our review noted two areas of interest: Trip Generation Reductions and Shared Parking Analysis. The following comments are made with respect to these two issue areas.

Trip Reduction Methodology

No supporting information was provided to document how the hotel, office, retail/restaurant, and residential uses could result in the trip reductions listed in Table 3.14-10. The missing technical data was noted to be available at the City, but the City Clerk provided the same information (a note stating that the information was available at the City) that was available on-line. The note also indicated that the parking analysis was updated in October 2003. After additional research, the missing technical data was provided by the Engineering firm of Linscott, Law & Greenspan. Whether the most recent data was used in the EIR analysis is unclear. Without reasonable documentation for this information, the reductions should not be taken. The analysis may underestimate the potential impacts of the proposed project. Additional information on the trip reductions is necessary and should be available for public review.

OEG(B)-2

After receipt of the trip reduction flow map from the traffic engineer, we have reviewed the assumptions used in the analysis. The trip reduction flow map has two components – Internal Capture and Mode Shift. The Internal Capture trip reduction percentages seem reasonable given the size of the project. However, the mode shift or draw from existing traffic sources

OEG(B)-3

adjacent to the site seems too high. What the percentages used in the analysis assume the following:

Hotel Traffic – Every day 80 of the 400 rooms are filled from people already in the vicinity. This traffic would include employees and guests. This seems to be extremely aggressive.

Retail/Restaurant – Every day 35,000 square feet of space is used by people already in the vicinity. This is the equivalent of seven fast food establishments or two sit-down type restaurants. This seems to be overly aggressive.

Residential – Every day the tenants in 52 of the 516 housing units would work within walking distance of off-site destinations. Conservatively speaking this would mean that about 100 people would walk to work from the site to off-site establishments. This does not make sense.

Office – Every day 6,000 square feet of office space is utilized by people living in the immediate vicinity and walking to work on-site.

While some synergy may occur with unmet existing travel demands from existing off-site uses, the percentages used in the traffic analysis seem overly aggressive and underestimate the potential traffic impacts to the adjacent road system. Unless the assumptions are backed-up with some reasonable supporting data, the trip reductions for the mode shift should be removed from the analysis and the intersection impacts reassessed. Additional mitigation measures may be required to mitigate the additional traffic trips.

Shared Parking Analysis

Based on the limited data available, there are adjustments that impact the shared parking analysis due to the seasonal variation in parking demands that are not addressed. It is not clear from the EIR analysis if the peak parking demand noted is for a summer weekday or summer weekend day. This should be clarified.

The initial reduction of the City parking codes for the Retail, Restaurants, and Hotel operations are reasonable. It is logical for the customer driven uses to have some interaction with other similar uses in the vicinity, however, the reduction in parking demand for office uses does not make sense. A more reasonable analysis would not include a reduction for office parking demands, unless documentation is provided to support the reduction.

The shared parking detailed analysis provided by the traffic consultant was reviewed and appears to be consistent with accepted practices for shared parking analysis.

However, a net surplus of 8 parking spaces in a peak demand total of 1543 spaces or 0.5% is not reasonable. Parking studies have shown that a parking facility appears full to a driver at 85-95% occupied. The effective parking supply is the peak parking demand plus 5-10% of the total. This factor reduces the need to search the entire system for the last available spaces. It also allows for operating fluctuations, vehicle maneuvers and vacancies created by reserving

OEG(B)-3

OEG(B)-4

OEG(B)-5

OEG(B)-6

OEG(B)-7

Honorable Members of the Planning Commission
c/o Ms. Mary Beth Boreren
December 4, 2003
Page 2

spaces for certain users, and make s up for losses attributable to mis-parked vehicles, etc¹. With this in mind and the uncertainty of the reductions for interaction with off-site uses, the parking proposed is approximately 75-225 spaces short at peak times. In a beachfront environment, parking shortages are problematic and could lead to residential neighborhood parking intrusion. This issue should be clarified or addressed in the final environmental analysis or if not remedied, a significant environmental impact should be identified.

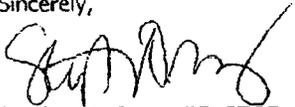
OEG(B)-7

Clarification of these issues is requested and should be made available for general public review. After the general public has had adequate time to review the data available, another public review period should be noticed.

OEG(B)-8

Should you have any questions regarding this information, please contact us.

Sincerely,



Stephen A. Orosz, PE, PTOE
Orosz Engineering Group, Inc

¹ *The Dimensions of Parking, Fourth Edition*, Page 29, Urban Land Institute, 2000

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Pacific City Action Coalition
16787 Beach Blvd., #316
Huntington Beach, Ca 92647

December 3, 2003

Ms. Mary Beth Broeren
City of Huntington Beach Planning Department
2000 Main St.
Huntington Beach, CA 92648

Re: Pacific City Environmental Impact Report No. 02-01 Response

Dear Ms. Broeren:

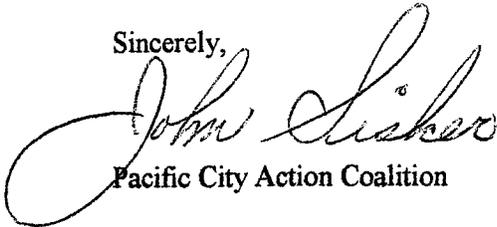
Enclosed is the Pacific City Action Coalition's response to the Pacific City Draft Environmental Impact Report. Included in the response are consultant comments from the Urban Planning and Consulting Group and Dr. Matthew Macleod, which are included in the body of the response and Attachment A. Additional comments from Coalition members are contained in Attachments B and C.

PCAC-1

If you have any questions, please call (714) 430-8596. Thank you for the opportunity to comment on this matter.

This letter is being sent via fax, email and hand delivery this date.

Sincerely,



John Lisher
Pacific City Action Coalition



8 Via De La Mesa
Rancho Santa Margarita, CA 92688
(949) 233-1814
(949) 459-1620

November 26, 2003

Pacific City Action Coalition
16787 Beach Blvd., #316
Huntington Beach, CA 92647

RE: Response to the Pacific City Draft Environmental Impact Report No. 02-01

We have reviewed the Draft Environmental Impact Report for the Pacific City project and present the following comments and observations.

Project Description

The project is a mixed-use visitor-serving commercial center together with a residential village located on a 31.5-acre vacant parcel in the City downtown on the inland side of Pacific Coast Highway. Major project components include:

Visitor-serving Commercial Center

This component would occupy approximately 10.6 acres of the site adjacent to PCH and provide hospitality and commercial facilities. Upscale-oriented hospitality facilities (hotels) would include up to 400 guest rooms and associated amenities, and up to 240,000 square feet of commercial uses that could include retail, office, restaurant, cultural and entertainment facilities. Approximately 2 to 8 story buildings are proposed on this site, consisting of 8-story hotel and 2 to 3 stories of retail and office uses.

PCAC-2

Residential Village

The residential component would occupy the approximately 17.2-acre northeastern portion of the project site. A total of 516 condominiums would be developed at an average of 30 dwelling units per acre. Development would include 2- to 4-story structures with a variety of architecture, dwelling unit types and sizes, clustered around recreational amenities to serve the residents of the village. Parking would be provided in a subterranean garage and in surface parking areas along the interior collector street.

Vehicular and Pedestrian Circulation Improvements

Vehicular and pedestrian access to the project site would be provided by a combination of existing and proposed roadways. Pacific View Drive would be extended through the site in a 90-foot right of way. On Huntington Street, between Pacific View Drive and Pacific Coast Highway, additional right of way would be dedicated west of the centerline to allow for the full secondary arterial right of way with sidewalks and curb and gutter

improvements. On Atlanta Avenue, between 1st Street and Huntington Street, additional right of way would be dedicated south of the centerline to allow for arterial improvements.

Setting

Project Area is bounded by 1st Street on the west, Huntington Street on the east, Atlanta Avenue on the north, and Pacific Coast Highway to the south. The project site is also located within the California Coastal Zone and the Main-Pier Redevelopment Project Area. The project would be constructed in major phases over a two- to ten-year period, beginning in 2004. The project site is currently vacant, although construction activities and various land uses on the project site have occurred since the late 1800s.

Southern California Edison currently maintains aerial transmission lines along the 1st Street property boundary and regional 66KV transmission facilities along the Atlanta Avenue site boundary. On-site oil facilities have been abandoned and soil remediation is underway, with completion expected in 2003. A portion of the southwesterly corner of the site was recently used as a staging/storage facility for beach cleaning equipment for the City of Huntington Beach. The site is no longer used for this purpose, although a storage bin remains on the property.

As of 1999, a portion of the site was listed as an archeological resource (ORO-149). Portions of the site may contain paleontological resources.

Remediation

In 1996, prior to the acquisition of the site by Atlanta Huntington Beach, LLC, Shea Vickers development, LLC, the prior owner, initiated an extensive site investigation and subsequent oil remediation program. Remediation of the site was performed pursuant to a Remediation Work Plan approved by the Huntington Beach Fire Department and included excavation and stockpiling of oily soil and the abandonment of several oil wells. In March 1998, an application was filed by Shea Vickers Development, LLC for a Coastal Development Permit to allow remedial grading of the property to remove oily soils and to import approximately 23,630 cubic yards of soil. This request was tabled and was not acted upon by the Zoning Administrator.

CEQA

In January 2003, the City of Huntington Beach issued a Notice to Prepare an Environmental Impact Report. Citing CEQA Section 15183(a), an EIR has been prepared for the project. The EIR addresses impacts related to aesthetics, air quality, biological resources, cultural resources, energy and mineral resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and utilities, recreation, transportation and traffic, and utilities and service systems.

PCAC-2

Project Objectives

Several objectives were identified for the project; they include:

1. Assist in the implementation of the City's General Plan, downtown specific plan, and redevelopment plan.
2. Enhance the downtown area as a destination for visitors by expanding hotel, retail, and entertainment opportunities.
3. Expand residential opportunities in the downtown to provide for a greater number and variety of housing options and a stronger base for the commercial sector of the downtown.
4. Enhance the community image of Huntington Beach through design and construction of high quality development consistent with the urban design element of the General Plan.
5. Ensure adequate utility infrastructure and public services for new development.
6. Mitigate environmental impacts to the greatest extent possible.

PCAC-2

Analysis

The following project related impacts were considered significant and unavoidable in the EIR:

1. Air Quality
2. Transportation – under the Year 2008 conditions, project would significantly affect the operating conditions of the intersection of PCH & Warner Avenue and PCH at Seapoint by increasing traffic volumes.

Project Alternatives

Three project alternatives were considered; they are:

1. No Project Alternative/No Development
2. Reasonably Foreseeable Development
3. Reduced Project Alternative, which would reduce the commercial component of the proposed project and is considered by the EIR as environmentally superior alternative to the project.

Project Impacts

PCAC-3

The analysis provided in the EIR for the following topics are considered weak:

↑ PCAC-3

Air Quality.

This section omits an important threshold of significance required by CEQA, which is the creation of objectionable odors affecting a substantial number of people. If this threshold of significance were analyzed, the impacts could be considerable significant and would change the complexity of the conclusions derived from the project.

PCAC-4

This section also fails to analyze the environmental impacts of paint and other solvents that may be used during post construction of the site. Most air quality analyses have standard conditions dealing with this issue, including type of paint to be used on buildings and the quantity that can be painted on a daily basis.

PCAC-5

Most importantly, the proposed mitigation measures are weak and inadequate for a project of this magnitude. A more thorough air quality analysis needs to be prepared, including the environmental effects of this project's pre-, during-, and post-construction impacts on surrounding land uses (the mobile home park) and other sensitive receptors.

PCAC-6

For additional comments, see Attachment A

PCAC-7

Cultural Resources.

Because of the paleontological discoveries on the site, and potential for archaeological discoveries) the site contains a California prehistoric archaeological site CA-ORA-149), adequate mitigation measures need to be in place to prevent annihilation of any precious paleontological or archaeological artifacts. These mitigation measures should include standard, acceptable measures widely used in the industry.

PCAC-8

Energy and Mineral Resources.

The project site is located within the Huntington Beach Oil Field and is designated as District No. 8A by the Downtown Specific Plan. The site is also identified as an oil overly "C" district to allow for existing and/or expanded oil production on the property.

A Phase II environmental analysis and aerial maps of the site identified 10 aboveground storage tank, pipelines, 20 abandoned oil wells, and abandoned water well. The proposed project would result in the development of residential uses on a portion of the site underlain by mineral resources. However, the only mitigation measure proposed under this section pertains to an energy conservation plan. No mitigation measures are proposed for handling the oil and water wells identified on the site.

PCAC-9

At a minimum, this EIR should identify a contingency plan for dealing with the potential discovery of oil wells and water wells.

Geology and Soils.

Groundwater was encountered at depths ranging from 5 to 24 feet below ground surface on this site. The site is also located within a methane overly district in the City's General Plan. A soils testing plan is therefore required as part of project implementation.

PCAC-10

There is a high potential for ocean-related corrosion to building materials due to the site's proximity to the Pacific Ocean (500 feet). Additionally, project implementation would locate structures on soils that are considered potentially expansive, unstable, prone to settlement, and corrosive. 15-20 feet of loose-to-medium dense alluvial deposits found in the southeastern portion of the site where the hotel and portions of the commercial development are proposed, are settlement prone.

PCAC-11

However, only one mitigation measure was proposed. This mitigation measure requires the grading plan to include recommendations of a proposed soils and geotechnical analysis. This is not acceptable. The results of the soils and geotechnical analysis should be the driving factor in the location of buildings on the site. Mitigation measures need to be identified to deal with the issues related to expansive, unstable and corrosive soils. These measures need to be identified in the EIR and not in a separate document to be prepared in the future.

For additional comments, see Attachment A

PCAC-12

Hazardous Materials.

The project site was identified in the State of California Hazardous Materials Database. There is a potential for residual oil contamination in the soil and possible methane emissions. There are also unclosed oil wells and a site investigation has revealed the presence of oil-impacted soils with total recoverable petroleum hydrocarbon levels above allowable limits. There also is the presence of lead-impacted soil and methane gas accumulation on the site.

The MM HAZ-1: This mitigation measure delays the findings of a potentially significant impact to prior to issuance of a grading permit. The concern with this approach is that if PCB were detected, members of the public and other who have commented in this EIR would not be privileged to such information and the accepted method of remediation. Also, if the remediation delays the project or causes a significant change in the project, the EIR would not have analyzed it and there is no avenue for the public to request preparation of adequate environmental documents to address the issue.

PCAC-13

MM HAZ-2: Same comments as in MM HAZ-1, above.

PCAC-14

MM HAZ-3: The public is entitled to the contents of the remediation plan proposed under this mitigation measure. This is delaying an impact to a future time convenient to the developer rather than the public. All related impacts of this project should be disclosed now and adequate remediation recommended. The remediation plan

PCAC-15

should be outlined in the EIR so that monitoring of the impact can be carried out in conformance with CEQA.

PCAC-15

For additional comments, see Attachment A

PCAC-16

Hydrology and Water.

The project site has the potential to affect drainage facilities at the Atlanta Stormwater Pump Station and the First Street Storm Drain System. Potential water table contamination has not been adequately addressed. The EIR's position is that since the ground water in the vicinity of the project site is not potable (due to possible salt contamination from the Pacific Ocean), this impact is not significant. Our contention is that water table contamination is an environmental concern regardless of the quality of the water. There are no mitigation measures proposed to address possible groundwater contamination. In addition, the EIR mentions an oily soil remediation process currently underway on portions of the project site pursuant to CUP 00-36 and Coastal Development Permit 00-09. However, the EIR fails to incorporate the recommendations or conditions of approval of these discretionary actions into the EIR as possible mitigation measures. This is crucial since portions of the site in questions are critical to overall development of the project. The EIR should provide the link between these actions.

PCAC-17

PCAC-18

For additional comments, see Attachments A and C

PCAC-19

Land Use and Planning.

There are relatively few structures more than four-stories high along the waterfront area. The proposed hotel would add an 8-story tower to the waterfront area. The proposed development would generate approximately 601 employees and 1,419 residents. The project includes land uses more intense than those surrounding the site and would increase development density of the area. The northerly portion of the site would be developed with high-density residential uses. The mobile home park located to the east of the project site is developed at Medium Density with up to 15 units per acre, half of the density of the proposed development.

PCAC-20

The area is identified with one-story high building; the project proposes two-to-three story buildings in some areas and four-story buildings in others.

The proposed 90-foot separation between the hotel and commercial areas and the residential area is inadequate based on the level of activity proposed within these uses.

PCAC-21

This section of the EIR fails to address land use compatibility issues between existing developments within the project vicinity and the proposed project. Also, this development requires special permits to allow structures within 50-foot front yard setback from PCH. Special permits are also required for front yard setback encroachment from Pacific View Avenue and for the parking garage ramps to exceed the City standard of 10%. The EIR did not disclose why these special permits are

PCAC-22

PCAC-23

necessary or recommend alternative designs to eliminate the need for the special permits. Also, the EIR did not disclose what the proposed parking garage ramp standard would be. Additional discussion is required in this area. The proposed project density of 30 d.u. to the acre exceeds that of any existing development within vicinity of the project. This impact is not thoroughly analyzed in the EIR and the conclusion that the proposed project would not substantially conflict with existing permitted uses can be challenged.

PCAC-23
PCAC-24
PCAC-25

For additional comments, see Attachment B

PCAC-26

Noise.

It does not appear that the mitigation measure proposed in MM N-2 is adequate to address the noise impacts identified in the EIR.

PCAC-27

For additional comments, see Attachment C

PCAC-28

Population/Housing.

The proposed project may not meet the City's affordable housing requirements.

PCAC-29

Public Services.

The proposed project would add residential and visitor-serving uses to the area, and would increase demands on police protection. Mitigation Measure MM PS-4 requires that prior to building permit issuance, the applicant consult with the Huntington Beach Police Department regarding the provision of adequate crime prevention design measures. The stage prior to issuance of building permits is too late to implement any crime prevention design elements. This needs to be done at the planning stages or the design review stage to ensure that the recommendations of the Police Department are incorporated into project design.

PCAC-30

Recreation.

The City's total of 906.7 park acres fall short by 48.3 acres the identified ratio of five acres of park land per 1,000 persons. Project implementation would not provide adequate recreational facilities to meet increased demand from the project.

PCAC-31

Mitigation Measure MM REC-1 does not include language that is clear as to what the obligations of the project proponent is in regards to parkland mitigation.

Transportation/Traffic

Based on the current parking problems within the project area, the use of an internal capture/mode shift is unnecessary and undermines the understanding of the true impacts of this project on transportation, traffic and parking.

PCAC-32

Also, the use of a 1% growth factor in the volume of traffic at key intersections is too low to provide a true picture of conditions. A 2% or 2½% factor would provide the type of responses needed to truly analyze impacts. PCAC-33

It is also not clear why the Future Year 2008 conditions with the proposed project are not different from the Future 2008 conditions without the project considering the project contributes an underestimated 12,002 daily trips. PCAC-34

No analysis was presented in the EIR to support the conclusion in Impact TR-8. The parking reductions proposed in the EIR and the liberal use of off-site parking spaces for the project masks the actual parking impacts of this development and does not aid in resolving the parking situation within the project vicinity. PCAC-35

The use of parking demand reduction is not appropriate in this case because of the existing parking conditions within the area. There is a 20% City parking code reduction, a 15% retail parking reduction, and a 5% residential parking reduction for a total proposed parking requirement of 1,482 spaces for all proposed uses. This is insufficient. PCAC-36

For additional comments, see Attachments B and C PCAC-37

Alternatives

The EIR identified three project alternatives - a no project alternative, a reasonably foreseeable alternative and the reduced project alternative. PCAC-38

The impacts related to the Reasonable foreseeable alternative were found to be more severe than the proposed project. The impacts of the reduced project alternative were found to be environmentally superior to the proposed project.

The reduced project was also found to meet the proposed project goals and objectives and implementation would result in a project with significantly less impacts on the environment. This alternative will provide less visitor-serving commercial uses but maintain the same level of residential development. This alternative is highly recommended. PCAC-39

Conclusion

In summary, environmental documents are informational documents required to provide detailed information on proposed developments and recommend adequate mitigation measures along with such disclosure. This EIR has not done a good job with recommending adequate mitigation measures to the project's identified impacts.

PCAC-40

Sincerely,
THE URBAN PLANNING CONSULTING GROUP

For comparison, the following information was presented to the City as part of public comments on the notice of preparation of the EIR earlier this year. It is clear that the recommendations in the comments have not been followed.

PCAC-41

Remediation

In 1996, prior to the acquisition of the site by Atlanta Huntington Beach, LLC, Shea Vickers development, LLC, the prior owner, initiated an extensive site investigation and subsequent oil remediation program. Remediation of the site was performed pursuant to a Remediation Work Plan approved by the Huntington Beach Fire Department and included excavation and stockpiling of oily soil and the abandonment of several oil wells. In March 1998, an application was filed by Shea Vickers Development, LLC for a Coastal Development Permit to allow remedial grading of the property to remove oily soils and to import approximately 23,630 cubic yards of soil. This request was tabled and was not acted upon by the Zoning Administrator.

PCAC-42

CEQA

In January 2003, the City of Huntington Beach issued a Notice to Prepare an Environmental Impact Report. Citing CEQA Section 15183(a), the EIR being prepared for the project is considered subsequent to EIR 82-2, which is a Program EIR for the Huntington Beach Downtown Specific Plan. According to Environmental Assessment 02-05, prepared by the City of Huntington Beach, the project site has been addressed on a programmatic level of part of the analysis included in several Program EIRs prepared by the City. These documents, in addition to EIR 82-2, include: The Huntington Beach General Plan Update EIR 94-9, and the Huntington Beach Redevelopment Project EIR 96-2.

PCAC-43

Existing Analyses

Traffic

Linscott, Law & Greenspan, engineers, prepared a traffic impact analysis report for the Pacific City project in April 2002. The report concluded that the Pacific City project is expected to generate,

PCAC-44

Phase I and II combined, 12,076 daily vehicle trips (one half arriving, one half departing), with approximately 752 vehicle trips anticipated during AM peak hour (416 inbound, 336 outbound) and 1,122 vehicle trips (579 inbound, 543 outbound) forecast during the PM peak hour.

According to the 2002 report, there are four related projects, identified from a list of 14 potential related projects provided by the City, which are included in the General Plan Update Analysis (The Strand, The Waterfront Ocean Grand Resort, The Beachside Project, and The Boardwalk Project) in the City of Huntington Beach that could impact the key study intersections and roadways. The total forecast traffic generation for the related projects in the City of Huntington Beach is estimated at 25,750 two-way vehicle trips per day with 1,752 AM peak hour trips (802 inbound, 950 outbound) and 2,297 PM peak hour trips (1,320 inbound, 977 outbound).

PCAC-44

Proposed Improvements

In conjunction with development of Pacific City, the project frontages of Atlanta Avenue, 1st Street, and Pacific Coast Highway will be widened to accommodate anticipated traffic. Pacific View Avenue will be extended through the project from Huntington Street to 1st Street as a 52-foot roadway within a 90-foot right-of-way. A traffic signal will be installed at the project access driveway on Pacific Coast Highway, at the existing median break, and two pedestrian bridges are proposed across PCH for improved access to the beach.

PCAC-45

Water Supply Assessment

Hunsaker & Associates prepared a Water Supply Assessment for the Pacific City Development in November 2002. The City's public works department contracted with Tetra Tech, Inc. to perform a computer model hydraulic analysis of water services for the Pacific City project site and the surrounding area based on City Planning data, and data provided by the applicant. The analysis noted various water distribution system deficiencies resulting from the proposed project that will require mitigation (in the form of infrastructure improvements), to meet the demands of, and for the benefit of the proposed project and the surrounding area. The report concludes that, upon completion of the improvements identified in the report, the City of Huntington Beach can provide adequate water supply for the proposed development, in accordance with the adopted Water Master Plan.

PCAC-46

Analysis

The City of Huntington Beach has prepared Environmental Assessment 02-05 that identified potentially significant environmental factors as a result of the proposed project. These factors are: Land Use, Population and Housing, Geology and Soils, Hydrology and Water, Air Quality, Transportation and Traffic, Biological resources, Mineral Resources, Hazards and Hazardous materials, Noise, Public Services, Utilities/Service Systems, Aesthetics, Cultural Resources, Recreation, and Mandatory Findings of Significance. On the basis of this initial evaluation, the City of Huntington Beach has determined that an Environmental Impact Report is required.

PCAC-47

The Pacific Action Coalition Group would like the City of Huntington Beach, as Lead Agency in preparation of the environmental documents for this project, to consider the following recommendations:

PCAC-48

Hazards and Hazardous Materials:

The Initial Study indicates that the property north of the Huntington Shores Motel was formerly occupied by a (natural) gas plant. This resulted in the presence of Benzene and Toluene leaking into the soil from the condensate due to processing of the gas. No recent tests have been conducted in this or adjacent areas of the site. The last tests occurred in 1996 and are not current enough (See Phase II Investigation Report/Remediation Plan Atlanta Areas - December 1996).

PCAC-49

Additional soil gas testing for volatile organic compounds was only conducted in certain portions of the site. With 20 oil wells scattered throughout the property, the likelihood that contamination was limited only to the region tested is remote at best (See Remediation Plan, Rev. 3 Atlanta Site - May 2002).

PCAC-50

State Division of Oil and Gas records show that the re-abandonment of the oil wells in the late 1990's was necessary to stop leaking gas. They had been previously abandoned in the late 1980's. The wells have not been tested by Oil and Gas since the re-abandonment and the agency states that their tests are only good for a one-year period. **Thus the wells must be re-tested to ensure there are no leaks presently.** And there remains the question of the extent of any groundwater contamination (See Remediation Plan).

PCAC-51

Because of a lack of recent extensive soil gas and oil well testing, there is a likelihood that contaminants exist which have not yet been identified exist. Therefore, any additional excavation or movement of the soil would be premature until the site's true soil condition regarding hazardous materials is known.

PCAC-52

Transportation/Traffic:

Residents believe keeping Huntington Street in its present width and alignment, except for some curb and sidewalk improvements (on Pacific City side) will not work. Residents would also like to see some improvements into the entrance / exit of Pacific Mobile Home Park, along with curb improvements or installation of sidewalks, removal of overhead utility poles, and a retaining/sound (and for esthetics) wall on mobile home park side of Huntington Street at developers expense (without removing any homes).

PCAC-53

- Consideration should be given to relocating the entrance/exit of Pacific Mobile Home Park to present dead-end configuration of Delaware Street, and officially abandoning the Delaware Street extension south of Atlantic Avenue to connect with Huntington Street at Pacific View Avenue.

PCAC-54

- The City should consider abandoning the extension of Delaware Street, which is currently on the Orange County Master Plan of Arterial Highways (MPAH) and Huntington Beach Precise Plan of Street Alignments (PPSA) as this new extended configuration. PCAC-55
- The developer should be required to pay for all related traffic improvements, removing of Pacific Mobile Home Park entrance from Huntington Street to Delaware Street, and the installation of curbs, sidewalks, infrastructure improvements, underground utility poles, retaining walls, etc., all around the mobile home park. No mobile homes should be affected along Huntington Street. Developer should be required to relocate those affected with new Delaware Street entrance back into the park. PCAC-56
- Sound walls should be constructed around and on park side because of noise from increased traffic due to Pacific City development. PCAC-57
- Consideration should be given to Pacific View Avenue (Walnut Avenue) extension from 1st Street to 6th Street, and Pacific View Avenue (Walnut Avenue extension from Beach Blvd. to connect with Hamilton / Victoria (Costa Mesa) and the 55 freeway. PCAC-58
- The City should consider the possible extension of Delaware Avenue south of Atlantic Avenue. PCAC-59
- Residents believe that the parking projections for the Hyatt/Hilton Waterfront Projects may be incorrect because it is based solely on total valet parking. Lessons learned from this development should be applied to the proposed project to avoid the same problems. PCAC-60
- The parking garages should be designed to fit hotel tour buses and moving vans and trucks. Moving vans and trucks currently park on Pacific View Avenue because they will not fit into parking garage. PCAC-61
- In preparation of the EIR, the City should revisit all previous reports and findings (EIR) for the Waterfront Resort and/or expansion projects in regards to Pacific City. Information need to be updated to current standards and conditions, as it appears Pacific City is now exceeding all original projections. PCAC-62
- Residential and retail development will likely increase traffic significantly during peak commuter hours, weekends and during the summer. The EIR should consider impacts on traffic flow/congestion in the immediate vicinity of the property and regionally (e.g., Beach Blvd, Goldenwest St., PCH and freeways). PCAC-63
- Impacts from traffic/parking needs for site workers, materials/waste delivery to/from site need to be addressed in the EIR to minimize impacts on the neighborhood and ensure access to adjacent resident sites is not impeded. PCAC-64

- Specifics regarding proposed pedestrian access for the public should be stated in the EIR. For example, hours that public access will be available must be stated. Also, since the pedestrian access ways are proposed to be gated, availability of the access to the public should be considered such that public access will not be further restricted than initially proposed. PCAC-65
- Bicycle lanes should be maintained on all streets surrounding the site. No non-pedestrian access (e.g., bicycles, skates, etc.) is proposed through the facility. Therefore lanes for safe travel for bicyclists and skaters must be provided on streets surrounding the site. PCAC-66
- Since zoning allows higher buildings on the east (Huntington Street) side than on the north (Atlanta St.) and west (First St.) sides, and since the site is surrounded on the east, west and north by residential homes, the City should consider the same height restriction on the west side as for other adjacent residential areas. This would ensure that ordinances for aesthetics (e.g., view, glare, noise, etc.) are appropriately maintained for residents adjacent to the west of the site. PCAC-67
- Any future traffic studies must take into account peak periods for the region. This is particularly relevant to this project as the new Hyatt Hotel just south of the site hosts an 110,000 square foot convention center, which will bring thousands of business travelers to the area. The Linscott study doesn't appear to address this. PCAC-68
- The impact of the increased density of the project on access and service to existing neighborhoods such as the adjacent Pacific Mobile Home Park, homes along Atlanta and Huntington streets as well as patrons of the commercial and residential parts of the development should be carefully studied. The Linscott study did not seem to address this issue. PCAC-69
- Any proposed parking analysis should account for (1) project usage, (2) Hyatt's new convention facility and (3) regional parking during the height of the summer tourist season. PCAC-70
- The anticipated increase in residential and retail population as a result of the project will impact already overcrowded parking conditions downtown. The specific number of parking spaces to be provided for residents, guests and commercial vehicles must be provided in the proposal so that the sufficiency of parking proposed can be evaluated based on the estimated demand for resident, guest and commercial visitor parking. The proposal also notes that on-street parking on adjacent streets will be allowed. Currently there is no on-street parking allowed on Atlanta and Huntington since these are single lane roads. Again, this proposal taxes the existing single lane roadways and the proposal does not state that dedicated right of way will be used for additional vehicle and PCAC-71

bike lanes, or space for on street parking. The proposal only notes that sidewalk and curb and gutter improvements will be made.

PCAC-71

- How will buses be accommodated along adjacent streets with the increased traffic?

PCAC-72

- The project is anticipated to increase traffic on Huntington Street and surrounding streets. Huntington Street is proposed to be widened to a 90-foot right-of-way. Where would the additional ROW be taken from? From the developer property or public and/or residential property?

PCAC-73

Public Services

- In light of the \$7 million City of Huntington Beach deficit due to the current State budget crisis, the EIR should identify project impacts on current public services such as Fire, Police and Lifeguard services.

PCAC-74

- The EIR should clarify whether the proposed roadways within the residential development would be private or public. If the roadways are public, impacts for access for Police and Fire departments in emergency conditions should be analyzed.

PCAC-75

Public Beach Access

- While not specifically addressed in the Initial Study, the issue of public beach access is critical for any coastal development. The EIR should identify the project's impacts on beach parking during peak summer months. The Linscott study does not seem to address this critical peak period.

PCAC-76

Aesthetics

- The EIR should address impacts on the elimination of existing ocean views of residents in adjacent neighborhoods along Huntington, Atlanta and First streets, and propose measures to preserve the vistas the residents have had for years.
- Impacts from shade and shadows, light from both the commercial and residential parts of the project, and glare should be adequately addressed, as they will severely impact surrounding neighborhoods.

PCAC-77

PCAC-78

Recreation

- With city park ratios of five acres per 1,000 persons, how is .90 acre for the project's park space allowed? Is one fifth or less of the required space acceptable? There must be both an increase in park space and reduced density to accommodate this guideline.

PCAC-79

Noise

- The EIR must specifically propose mitigation measures to address the issue of excessive noise during the construction phase on neighboring development. In addition, the city should inform the public how compliance with noise regulations will be enforced. PCAC-80
- Noise during site operations during/following completion of the construction phase also needs to be addressed. Hotel, bars, restaurants, and other commercial facilities proposed to operate at the site will create noise that may be a nuisance to neighboring residents. PCAC-81

Schedule for Construction and Operations

- The construction schedule proposed is basically without restrictions and does not consider the adjacent land use and quality of life of the neighbors. The proposed operating schedule is 7 a.m. to 8 p.m. Mon-Sat. This schedule should be restricted to Mon - Fri only, with working hours restricted to allow neighbors morning and evening hours undisturbed by noise. Recommend 9 a.m. to 6 p.m. operating schedule Mon - Fri. The approved schedule should remain in effect for the life of the project or until adjacent site uses change. In addition, set-up for site work should be monitored by the city so that residents are not exposed to excessive noise and emissions from idling trucks, and loading/unloading operations at times outside the construction schedule. PCAC-82
- The timetable for construction should be specific with regard to when public access ways and other facilities (public park space, etc.) are to be constructed. Provisions should be included that require completion of the promised public facilities to be provided (parks, street improvements, etc.) on a specified schedule. PCAC-83

ATTACHMENT A

PACIFIC CITY DRAFT EIR RESPONSE HAZARDOUS MATERIALS

The Pacific Action Coalition has researched records and interviewed Huntington Beach residents and city officials about the presence of hazardous materials on the site of the proposed Pacific City development. An environmental chemist consulting for the Pacific City Action Coalition reviewed the Hazardous Materials section of the Pacific City Draft Environmental Impact Report and other reports describing remediation and characterization activities on the site. This document presents the Coalition's concerns related to hazardous materials on the site that are not satisfactorily addressed in the Draft Environmental Impact Report. We conclude with a recommended course of action that will ensure adequate assessment and mitigation of environmental and human health risks associated with development on the Atlanta Avenue site.

PCAC(A)-1

THE EIR CLAIMS AREA D NEEDS INVESTIGATION, BUT THE PRIOR TESTING THERE HAS BEEN KEPT SECRET.

(1) The EIR, in Section 3.7-10 states, "The area where further investigation is necessary is Area D, in the southwestern portion of the site... These areas do not include former oil wells or storage tanks. Sampling completed as part of the 1996 Phase II Investigation delineated the areas where remediation was necessary. Test results from that sampling effort did not detect that the contamination on the northern and eastern portions of the site had migrated to this area on the western portion of the site."

PCAC(A)-2

The EIR implies that no remediation is necessary in the western part of the site while at the same time saying that further investigation is necessary.

What the EIR fails to address is the testing which had been conducted in Area D by developer Makar Properties, Chevron and their consultant, Harding ESE in late 2001 or early 2002, identifying potential groundwater contamination by hydrocarbons.

PCAC(A)-3

According to a sworn affidavit by Kamron Saremi of the California Regional Water Quality Board, Chevron's consultant, Harding ESE, approached him in 2002 with a proposal to leave contaminated soils in place which were near groundwater in the west central portion of the site.

PCAC(A)-4

Saremi visited the site with Chevron and their consultant. He stated that Harding ESE presented groundwater testing samples to him taken from sample bores in the impacted area, the sampling area being approximately one acre. Saremi said the vertical extent of impacted soil was approximately five to ten feet below the ground surface. He stated that Chevron knew that a City of Huntington Beach requirement mandated the soil involved would have to be excavated.

Saremi told the consultant that the groundwater test results necessitated them conducting more extensive testing in a larger area and suggested they submit a work plan for this purpose. Chevron said they would talk to their consultant and prepare a work plan for submittal. Chevron then contacted Saremi two weeks later and said they had decided to work with the City of Huntington Beach to implement the required soil excavation.

PCAC(A)-4

These test records have been requested from the City and developer Makar for months and have not been disclosed to the public.

PCAC(A)-5

A document dated January 3, 2002 was then submitted to Saremi and cc'd to the City's Fire Department, Chevron and developer Makar referencing the above discussion. The report includes a groundwater testing plan, but references the **southeastern** part of the site, an area totally separate from the section visited and discussed by Saremi.

PCAC(A)-6

(2) The EIR, in Section 3.7-17 states, "While not anticipated once closure reports have been submitted, the possibility remains for unidentified soil contamination... or for unidentified underground storage tanks to be encountered during grading or excavation activities... It is possible that underground tanks may have been in use at the project site prior to permitting and record keeping requirements."

A sworn affidavit by resident John Sisker, identified six to eight narrow, cylindrical tanks with pipes extending into the ground, located near First Street, approximately halfway between Atlanta Avenue and Pacific Coast Highway, the same area as the potential groundwater contamination noted above. These tanks and pipes are believed to be the type used in distilling or separating operations that separated and distributed crude oil into gasoline and diesel fuels.

PCAC(A)-7

It is likely that the tanks referred to are located in the west central part of the site, Area D, and were repositories for the gasoline products referenced above.

There is therefore evidence that the southwestern portion of the site (Area D) is contaminated with petroleum hydrocarbons, but the extent and composition of this contamination has not been characterized in the EIR and no plan for remediation of this area has been submitted. The potential impacts of contamination in Area D on workers and residents near the development are unknown, but must be analyzed in the EIR rather than deferred until after development has already proceeded.

PCAC(A)-8

(3) In 1990, a warning sign identifying the presence of carcinogens and chemicals which may cause birth defects was present on the site, but has since been removed. This warning was precipitated by the Proposition 65 guideline regarding potential groundwater contamination. Where are the test results or reports which generated this warning? It is believed that Chevron, who owned the property at the time, was aware of prior groundwater contamination and has reports indicating such.

PCAC(A)-9

(4) The EIR states, in Section 3.7-10, that “groundwater beneath the project is also brackish due to saltwater intrusion, and as such, is not used as potable water by the City” as a justification for why groundwater contamination should not be a concern.

PCAC(A)-10

This statement ignores the scientific fact that petroleum contamination on the Pacific City site could potentially pose health risks to residents of the adjacent community, particularly if there are low molecular weight carcinogenic hydrocarbons such as benzene, toluene, ethyl benzene and xylene (BTEX) at the site.

If present at sufficient levels, BTEX could form a non-aqueous phase that would leach through the soil to the soil-groundwater interface and spread out along the top of the groundwater. This could lead to exposure of residents in nearby houses by infiltration of vapors and subsequent inhalation.

PCAC(A)-11

A study released last year in the American Journal of Industrial Medicine found an increased risk of gliomas (a type of tumor) in Swedish men and women over two decades when occupationally exposed to petroleum products and other chemicals such as arsenic and mercury.

PCAC(A)-12

The study is indicative of current research interest in this area, and is particularly relevant given the recent cases of brain stem glioma among Huntington Beach residents who lived along Yorktown Avenue and were potentially exposed to oil field contamination.

The EIR does not address the possible impacts of hydrocarbon contamination of groundwater on residents living adjacent to the site, and the extent of this groundwater contamination remains unknown.

PCAC(A)-13

THE EIR IDENTIFIES AREA A AS HAVING COMPLETED REMEDIATION.

(1) The EIR states in Section 3.7-7 that the soil involved in the 1999 export to the Hyatt (approximately 215,000 cubic yards) exceeded city specifications for hydrocarbon contamination and was either excavated or remediated on site.

PCAC(A)-14

The EIR also states in section 3.7-17, “Residual oil could be present in the areas remediated, and this cannot be confirmed until closure reports have been submitted and accepted by the City Fire Department that verify the site has been satisfactorily remediated.”

The “Final Environmental Closure Report” for the Hyatt submitted to the city by Hyatt developer Robert Mayer Corporation claimed there was no evidence of contaminated soil in any of the samples tested and thus contained no documentation of either excavated or remediated soil.

PCAC(A)-15

The Mayer Corporation conducted limited sampling in Area A during the period of August through September 1999, even though soil continued to be excavated and transported through November of that year.

PCAC(A)-16



Residents John Sisker and Ron Satterfield completed sworn affidavits attesting to soil being vented for a period of six months to one year after being stockpiled at the Hyatt location. It is believed that the venting was carried out to purge the soil of low molecular weight hydrocarbons (BTEX chemicals).

PCAC(A)-16

Photos of the site taken during the 1999 soil transport reveal the soil to be very dark and in some instances, nearly black. Considering the site's history of oil production, it is likely that the soil samples taken did not accurately reflect the nature and extent of the area's contamination.

Furthermore, mixing of soils as a type of "remediation" does not remove contaminants from the site, leaving the possibility that high concentrations of contaminated soil could still exist.

PCAC(A)-17

(2) Mayer Corporation has a history of non-compliance with state and local requirements spanning the last decade, including:

A 1990 class action lawsuit filed by Pacific Mobile Home Park residents against the Mayer Corporation for violating AQMD dust control guidelines while constructing the Hilton hotel. Ironically, the dust which covered homes in the park came from stockpiles of soil at the Pacific City site, which at the time had signs posted warning of soil contamination. The suit was settled for \$100,000.

A 1991 AQMD lawsuit filed against the Mayer Corporation for dust control violations during the construction of the Hilton hotel which was settled for \$15,000.

PCAC(A)-18

Several neighborhood complaints were lodged with both the AQMD and the City during the 1999 soil transport. Although the Mayer Corporation had a dust control plan in place, measures to control the dust were not implemented until the surrounding homes had been covered with dust.

A \$55,000 fine assessed by the Regional Water Quality Control Board for stormwater runoff violations occurring in December, 2002. Among the violations were the dumping of sediment laden storm water directly into the storm drain.

According to Seaside Village residents, who face the new residential development behind the Hyatt hotel, the Mayer Corporation continues to violate Water Board guidelines by allowing runoff from the project to impact their homes.

The above facts raise several questions – (1) Did the City's Fire Department know that there was contaminated soil which was found and not included in Mayer's report? If so, why did they sign off on the project? (2) Was the Fire Department unaware of any such findings? (3) Where are the records to support the EIR's claim that the soil was contaminated, excavated and remediated, despite months of requests from both the city and developer Makar for more details on Mayer's report, (4) Was the contaminated soil actually excavated and remediated on site or just transported as eyewitness accounts verify, (5) Why is the soil contamination being disclosed now despite the public being told

PCAC(A)-19

for years that the soil involved was clean? (6) Does this mean that the "Final Environmental Closure Report" for the Hyatt was inaccurate? (7) If so, why doesn't the EIR address this issue?

PCAC(A)-19

(3) Moreover, the 1996 Phase II Study shows four areas that were "surgically excavated" to remove hydrocarbon contaminated soil for remediation by mixing. Three of these four areas are marked in the EIR map, Figure 3.7-1, as part of Area A where remediation has been deemed complete. However, one of the four areas, Surgical Excavation Number 1 on the 1996 map, is part of Area B in the EIR map, where remediation is "currently underway."

PCAC(A)-20

Thus, as Surgical Excavation Number 1 in 1996 was not effective at cleaning up the site, why would the other three excavations in Area A be considered effective?

(4) In Section 3.7-5, the EIR references reports of a former gas plant, identified by a Chevron employee interviewed for the 1995 Phase I Study. The plant reportedly operated at the corner of First Street and Atlanta Avenue, north of the site.

The EIR then makes two statements, (1) "...no documentation exists to support the existence of a gas plant" and, (2) "If a gas plant did exist on property adjacent to the project site, toxic contaminants associated with gas condensate from a gas plant could remain in the soil."

PCAC(A)-21

The EIR should not use a lack of documentation from half a century ago as justification for questioning the plant's existence

At the same time, the EIR acknowledges that the former Chevron employee who identified the gas plant was also correct in stating that toxic contaminants could remain in the soil.

Once again, several questions are raised, (1) Where are the test results, documents or statements to support the above statement?, (2) Is the EIR relying on the Chevron employee's statement for this information?, (3) Wouldn't the Chevron employee's statement regarding the gas plant's existence then be reliable?

The EIR again contradicts itself. Section 3.7-5 states, "These contaminants would be localized on the site and would not be expected to have migrated across First Street through the soil to the project site... As such, these contaminants are not expected to exist on the northwestern portion of the site or otherwise affect soils on the property site." While Section 3.7-18 states, "Due to the migratory nature of oil in the soil, the risk remains for oil contamination to exist in soil areas that have not been previously trenched for sampling and investigation."

PCAC(A)-22

Which of these statements is accurate?

If the first statement is true, are there test results to substantiate it? Is there new testing of the northwest part of the site which has not been disclosed?

Or is the EIR relying on the 1996 Phase II testing of the northwest portion and/or the 1999 testing by Mayer, both of which have been contradicted in the EIR itself.

PCAC(A)-22

THE TEST RESULTS ARE CONTRADICTORY AND UNRELIABLE

(1) The EIR states in Section 3.7-9 that 1999 hydrocarbon testing in the southeastern part of the site revealed levels of up to 130,000 mg/kg for shallow soil and 68,000 mg/kg for deep soil. These levels are 15 to 100 times higher than the prior testing conducted in the 1996 Phase II Study by Chevron's consultant, Harding Lawson.

PCAC(A)-23

As some of the areas tested in 1999 and 1996 overlap, this seems to indicate that the site became more contaminated over time. How is this possible?

Or does this mean that the 1996 Phase II Study was inaccurate?

Where are the test results and sampling maps to accompany the 1999 testing?

These documents have been requested from the city and developer Makar for months and have not been disclosed to the public.

PCAC(A)-24

(2) Developer Makar, along with Chevron and their consultant Harding Lawson made an exemption request to leave approximately 800 cubic yards of contaminated soil surrounding a water main in Area C. They wanted to rely on BTEX testing from the 1996 Phase II Study, even though no testing in the impacted area was conducted during that period.

PCAC(A)-25

The original exemption request was recommended for approval by the city's consultant, Geosciences Analytical, whose principal, Fleet Rust was convicted in 2002 of falsifying methane monitoring data to the City.

The developer and Chevron withdrew their exemption request shortly after the Pacific City Action Coalition disclosed the above details to the public.

CONCLUSIONS

The Pacific City Draft Environmental Impact Report's Hazardous Materials section relies heavily on prior studies conducted by developer Makar Properties, Chevron and their consultant(s) Harding Lawson and Harding ESE, and the Robert Mayer Corporation. These studies were sanctioned and approved by the City of Huntington Beach and their consultants.

PCAC(A)-26

As previously illustrated, the studies have been shown to be misleading, incomplete and contradictory and thus unreliable. One of the consultants involved in assessing the site was even convicted of submitting fraudulent test results for another site.

The City of Huntington Beach has improperly sanctioned and distributed much of the misleading data and been negligent in its role of ensuring compliance with established laws and regulations.

The only fair conclusion is that the parties involved – developer Makar Properties, Chevron and their consultants along with the City of Huntington Beach, cannot be relied upon to provide an objective, accurate characterization of the environmental conditions at the Pacific City site.

PCAC(A)-27

Given the potential community health risks involved as a result of not properly assessing conditions at the site, the only viable alternative is to have testing done by an independent firm, mutually selected by the developer, Chevron, the city and the Pacific City Action Coalition, paid for by the developer and Chevron, who is responsible for the site clean-up.

ATTACHMENT B

ISSUES INVOLVING PACIFIC MOBILE HOME PARK SURROUNDING STREETS AND POTENTIAL WETLANDS

These comments address the Pacific City project impacts to Pacific Mobile Home Park and the Draft EIR's failure to analyze the ultimate outcome during and after build-out of Pacific City to Pacific Mobile Home Park. This would include the Delaware Street extension, which the EIR seems to indicate would eliminate the mobile home park and the widening of Atlanta Avenue between Huntington Street and Delaware Street.

PCAC(B)-1

According to Mayor Connie Boardman, the City has been meeting with the owners of Pacific Mobile Home Park, Mark Hodgson and brothers as to the impact Pacific City will have on the park and the residents.

PCAC(B)-2

Any and all known future impacts to this mobile home park and the residents must be disclosed. The residents have been told, both directly and indirectly, that the present owners of this park intend to keep said property as a mobile home park well into the future. Residents, acting upon this information, are putting in new homes as well as fixing up existing ones. The Environmental Impact Report fails to address the project's impact on the park.

PCAC(B)-3

THE FOLLOWING CONCERNS HAVE NOT BEEN ADDRESSED BY THE EIR:

PCAC(B)-4

TOTAL AND ULTIMATE IMPACT(S) TO PACIFIC MOBILE HOME PARK:

Regarding Huntington Street, Atlanta Avenue, Delaware Street (extension), and Pacific View Avenue

PCAC(B)-5

- Precise alignments and/or improvements
- Mobile home park entrance/exit
- Total number and identification of mobile homes to be displaced
- Ingress/egress from Huntington Street and Atlanta Avenue into Pacific City and/or Pacific Mobile Home Park
- Number of inlets and outlets
- Set back requirements on street, restricted flow of traffic
- Intended land use if not a mobile home park
- Time frame
- Known factors by park owners/management company

PCAC(B)-6

PCAC(B)-7

PCAC(B)-8

PCAC(B)-9

PCAC(B)-10

PCAC(B)-11

PCAC(B)-12

ULTIMATE EXTENSION OF DELAWARE STREET:

Regarding the Master Plan of Arterial Highways and City Circulation Element from Atlanta Avenue to Pacific View / Huntington Street

- Will eliminate Pacific Mobile Home Park
- Time frame

PCAC(B)-13

THE TAKING (POSSIBLE EMINENT DOMAIN) OF ANY OR ALL OF PACIFIC MOBILE HOME PARK:

- Compensation to residents / landowner
- Market value
- Time frame

PCAC(B)-14

THIRTEEN, TEN AND/OR SIX FOOT EASEMENT(S) INTO PACIFIC MOBILE HOME PARK:

- Parallels Huntington Street
- City and/or Edison easement
- Effects on mobile home park
- Time frame

PCAC(B)-15

PACIFIC VIEW / HUNTINGTON STREET:

- Designated for signalized intersection
- When and what configuration
- Eliminate connect to pacific view/dead end
- Time frame

PCAC(B)-16

THE PRECISE WIDENING / REALIGNMENT OF HUNTINGTON STREET, ATLANTA AVENUE, AND 1ST STREET AND RELATED INTERSECTIONS:

- All projected / future circulation elements and traffic flow patterns
- Configuration for all curbs, gutters, sidewalks, pedestrian paths, bikeways, on-street parking, underground utilities and other infrastructure needs; curb cuts, bus routes, ingress / egress into development and/or surrounding communities
- Needs to be determined for both sides of each street
- Time frame

PCAC(B)-17

THE EIR FAILS TO ADDRESS HOW THE PACIFIC CITY SITE AND/OR OTHER ADJACENT PROPERTIES WILL BE USED FOR ANY FUTURE PARKING ISSUES:

- The Waterfront Hilton/Hyatt not providing adequate parking for guests and/or employees
- Has no parking areas for tour buses and/or moving vans for convention equipment

PCAC(B)-18

- Hotel employees still required to park off-site at peak times, and have been since the early 1990's, on the Pacific City site itself
- Impact to surrounding neighborhoods when Pacific City site is no longer available for overflow Waterfront parking
- It is believed Waterfront hotel employees are being charged if they do park within the parking areas that were supposed to be part on the approved on-site employees parking management plan
- Some employees parking within the beach public parking lot instead, and before hours to avoid being charged

PCAC(B)-18

TAKING OF HOUSES / PROPERTY ALONG DEVELOPED SIDE OF ATLANTIC AVENUE:

- Possibly through future eminent domain
- Any improvements to existing road circulation
- Time frame

PCAC(B)-19

IMPACT ON THE CITY OF NEWPORT BEACH:

- With the addition of 3,000 cars per day to the Pacific City site alone, the City of Newport Beach anticipates that at least half these cars will end up in their city
- This will cause increased traffic on already congested Pacific Coast Highway and other roads within their city
- Concerns about the proposed 19th Street bridge across the Santa Ana River – what if the bridge isn't built? How will traffic be handled in this case?

PCAC(B)-20

POSSIBLE SIGNIFICANT WETLANDS VEGETATION AND/OR PONDING ON SITE:

- Potential wetlands vegetation and ponding identified by Mark Bixby was not adequately addressed in the EIR
- Developer Makar Properties was stopped twice in September of 2003 for grading without a permit immediately after Bixby's presentation to the City Planning Commission

PCAC(B)-21

PROPOSED MITIGATIONS

- The widening of Huntington Street, from Pacific View Drive to Atlanta Avenue, for proper traffic flow for north / south circulation (including right- and left-hand turn pockets, center landscaping, bicycle lanes) using the Pacific City developers property. We oppose any encroachments into surrounding neighborhoods including that of Pacific Mobile Home Park. PCAC(B)-22

- The widening of Atlanta Avenue from Huntington Street to Delaware Street to be configured so that no existing mobile homes will be effected within Pacific Mobile Home Park. PCAC(B)-23

- Elimination of the decades-old realigned plans and proposed Delaware Street extension, as currently projected on both the City and County master traffic plans. The extension is intended to connect Delaware Street with Huntington Street at Pacific View Drive, thus eliminating Pacific Mobile Home Park according to the Pacific City Environmental Impact Report (EIR). PCAC(B)-24

- Full and complete disclosure from the owners and property management company regarding impacts to Pacific Mobile Home Park. PCAC(B)-25

- Reducing the proposed density of 516 residential units, as this will cause major traffic and parking impacts in the region, particularly during the summer months. PCAC(B)-26

- Maintaining as many existing view corridors for all residents in the surrounding neighborhoods. PCAC(B)-27

- Perform a totally new and updated traffic study using today's actual traffic flow, street congestion, parking issues, etc., which would then be the basis for any future traffic projections because of Pacific City. PCAC(B)-28

- Pacific Mobile Home Park, and/or other adjacent properties, not to be used as a solution for future parking and/or other related issues, by Makar Properties, the Robert Mayers Corporation, and/or the City. PCAC(B)-29

ATTACHMENT C

PACIFIC CITY ACTION COALITION DRAFT EIR COMMENTS

- The EIR does not adequately address amplified noise from the commercial portion of the development. Significant impact has been experienced in the neighborhoods surrounding the Hyatt as they frequently have outdoor amplified concerts/events that intrude on the generally low level noise of a residential area. PCAC(C)-1

- The EIR does not adequately outline “public access” to the bridge over PCH that is proposed. If the measure of “public access” experienced at the Hyatt project is an indicator, this would be deemed unacceptable. Public access and utility should include consideration of useful route, maximum width, clear signage or views indicating access, no limits/obstructions on public access i.e. events/restrictions on common beach access modalities such as bikes/roller blades/wagons. Access should be clear and functional for all these modes. PCAC(C)-2

- The EIR does not adequately address light contamination that results from significant use of “up” lighting as demonstrated by the Hyatt. Impact on surrounding neighborhoods is significant at night and intolerable during the frequent foggy weather we experience near the beach. PCAC(C)-3

- Erosion control was poorly managed at the Hyatt development and the residential project to the North of it despite fines and significant community/public works/water quality board involvement. There needs to be clearly outlined process with active city involvement, oversight and significant negative impacts to the developer should erosion control fall out of substantial compliance. The city public works department was unable to change the gross inconsideration and impact of silted storm drainage into neighboring communities and our wetlands/ocean. PCAC(C)-4

- The timeline proposed is unacceptable. If the developer is hindered by finance concerns (as experienced by the Hyatt project) perhaps a more stable, more aptly funded developer should be considered. **IF** such a timeline is unavoidable, the impacted residents should be afforded EXTRAORDINARY accommodation in minimizing intrusion and impacts (noise blankets, temporary relocation, monitoring of air/noise/storm drain quality). PCAC(C)-5

- Alternatives to the proposed density were not adequately explored in the EIR. Current development at the Waterfront residential project is not as dense, yet the EIR states that lower densities would not meet current planning goals. PCAC(C)-6

- Pedestrian access in and around the project is not adequately address in the EIR. If this project were to be an asset to the community and not just to the developers that sell it, pedestrian issues would be a primary consideration. Sidewalks on all borders and throughways to the property, clear rights of way for pedestrian and bicycle/roller blade traffic would create a project open to area residents and facilitating access to commercial, pier, beach and downtown venues by paths other than PCH. The “commercial” aspects of the Hyatt project were oversold to the community PCAC(C)-7

and remain primarily hotel oriented. Sidewalks on one side of the street and not the other create an uninviting environment for local pedestrian traffic... a major source of revenue in the off-peak seasons.

PCAC(C)-7

- The balance of commercial to residential space is too far toward residential. If this project and the city are to seek destination status, there needs to be a greater draw than very dense resident traffic/consumption. This city could use a few more active cash registers in the primary tourism areas adjacent to the coast. High quality dining absent the pricing and limitations of a hotel venue are the first opportunities that come to mind.

PCAC(C)-8

- Parking, while it may be in compliance with code, is inadequate for a "destination" project, and does not consider the downtown area as having been built prior to generation of current parking codes. Parking for residential and commercial uses is inconvenient and inadequate. Multi level garage parking may put money in the pockets of some and "adequately" manage focused concerns, but ample street and single level parking creates the feeling of open space and quality of life that the pier/downtown area is worthy of. It is of interest to note that the Hyatt directs its employees to park in the adjacent communities when holding large events ... presumably because the parking designed is inadequate to accommodate both employees and guests. The downtown area can ill afford this impact.

PCAC(C)-9

- Increased traffic in the area is inevitable. While traffic studies in the EIR don't suggest a traffic light at the intersection of Atlanta and Huntington, common sense does. As frequent travelers to this intersection confidently state, summer traffic is already a concern, without the proposed development. Without a timed break in traffic, access to downtown areas becomes tenuous and crossing Atlanta via the crosswalk at Delaware to access the local park quite hazardous due to the incline, lines of sight and speed along the wide Atlanta corridor.

PCAC(C)-10

- Significant unavoidable impact on traffic at PCH and Warner creates a question of air quality impact on the Bolsa Chica. Idling traffic can already be a problem as commuter traffic backs up from Warner south along PCH. There is no consideration of air quality impact due to idled traffic for this avian sanctuary or for the wetland areas south of the development that will experience increasing traffic loads and idle time.

PCAC(C)-11

- Significant conflicting messages exist regarding traffic concerns as they relate to the county plan. Most proximate is the extension of Delaware to the south. Is this being proposed and used in traffic projections? Are the traffic projections considering the 19th street bridge over the Santa Ana River? These two issues are contentious and are not reliably prone to inclusion or exclusion when projecting traffic impact.

PCAC(C)-12

- Impact on local schools should be considered WITH projected impacts of current and planned future development in the downtown area.

PCAC(C)-13

- Height or number of stories above curb height should be portrayed. The 4 story limitation presented for the Hyatt was misleading to the public as the project resulted in a final height far above that presented publicly when soil compaction and parking garage additions to height were added. PCAC(C)-14
- Traffic impacts to the south including nearest freeway access to the 55 are not addressed in the EIR draft. PCAC(C)-15



THE
ROBERT MAYER
CORPORATION

RECEIVED
DEC 03 2003

December 3, 2003

Ms. Mary Beth Broeren
City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, California 92648

Re: Draft Environmental Impact Report No. 02-01 for the Pacific City Project

Dear Ms. Broeren:

The Robert Mayer Corporation submits the following comments with regard to the Draft Environmental Impact Report No. 02-01 ("DEIR") for the Pacific City Project ("Project"):

RMC-1

1. The City's "Notice of Availability of the Draft Environmental Impact Report No. 02-01 for the Pacific City Project" is misleading in that it erroneously states that the Project's Transportation/Traffic impacts would be mitigated to a "less-than-significant level." As is described in the DEIR, there are transportation impacts that are significant and unavoidable (see page xxii and 3.14-65). Therefore, the availability of the DEIR should be re-noticed to obviate the misleading effect of the original notice, in that some members of the public who may be interested in reviewing and commenting on projects primarily when they exacerbate traffic conditions might well have chosen not to participate in the DEIR process here, believing that the traffic impacts of the Project would be fully mitigated to a level of insignificance, when in fact they would not be.

RMC-2

2. As described in detail in the attached report prepared by Kimley-Horn Associates (see Exhibit "A" to this letter, which is incorporated by this reference as if fully set forth herein), the traffic and parking analyses in the DEIR are deficient for several reasons. First, the traffic study erred in its analysis of the required signalization at the intersection of Atlanta Avenue and Huntington Street. Such signal should in fact be the responsibility of the Project.

RMC-3

3. The traffic analysis also made various assumptions regarding internal capture rates that resulted in a substantial theoretical reduction in the traffic generated by the Project. However, not only were the assumptions used different than the accepted ITE methodology, but no support for the method used was provided. An important issue to consider is whether any

RMC-4

significant reduction in traffic generation is warranted, no matter what methodology is used, given the significant reduction that can result from such assumptions.

RMC-4

4. In addition to the internal capture assumptions, the traffic study then applied unsupported mode-shift reductions to the traffic generation of the Project. These assumptions, discussed in greater detail in the attached Kimley-Horn report, assume a significant portion of visitors to the Project are beach and downtown visitors who came for other purposes, and then also decided to patronize the Project by walking ¼ to ½ mile to the Project and back again. Such an assumption is unlikely at best. Moreover, when one computes the actual effect of the percentage reductions used to the trip count estimated for the Project, the calculation reveals the assumption that on an average weekday (not peak weekend) some 3,000 people each day and 330 people in the evening peak hour, will walk to the Project from the beach or downtown area. On a typical non-summer weekday this would appear to be an extremely optimistic assumption, which if true, would likely render the downtown area virtually vacant of visitors.

RMC-5

5. Although the Downtown Specific Plan provides that the Project site "is not intended to compete with the downtown commercial core," the DEIR inconsistently assumes that the site *will* compete with the downtown commercial core by estimating and planning that an unrealistically large percentage of trips to the Project site will come from the downtown area.

RMC-6

6. We also believe that the traffic study improperly assumes that a significant percentage of trips to the Project's restaurants are from existing beach visitors, who typically are not dressed for, or otherwise prepared to patronize, quality sit-down dining establishments. This drop-in dining situation has *not* been significantly experienced at the Hilton or Hyatt hotels at The Waterfront for these reasons.

RMC-7

7. The use of both internal capture rates and questionable mode-shift assumptions is an overly optimistic approach to estimating traffic generation without reliable factual support for the use of either assumption individually, let alone in combination. The traffic study's impact calculations should be run assuming there is no internal capture or mode-shift effect occurring, so that the full impact of such an important assumption is understood and disclosed.

RMC-8

8. The traffic study also failed to consider the fact that Mayer Financial Ltd. ("Mayer") entered into a Development Agreement and a Disposition and Development Agreement ("Agreements") in September 1998, entitling Mayer to develop a third 300-room hotel on the site immediately south of the existing Hilton Hotel within The Waterfront development site. As the successful developer of both the Hilton and Hyatt Hotel projects, Mayer fully intends to proceed with the third hotel project as contemplated in the Agreements. The DEIR's 2008 near term traffic analysis, however, failed to consider the traffic from this third hotel at The Waterfront, thus undermining the validity of all traffic calculations in the traffic study.

RMC-9

9. The shared parking analysis is similarly flawed. First, as explained more fully in the Kimley-Horn report, the shared parking analysis incorrectly underestimates the amount of parking required under the City codes by not calculating the demand of the hotel meeting space or spa, which it later does consider in subsequent calculations. It similarly errs when making a comparison to requirements under the Downtown Parking Master Plan. Therefore, shared parking study greatly understates the proposed reduction in parking from code requirements. Code requirements are approximately 2,155 to 2,488 spaces (depending on the actual amount of meeting space in the hotel), and the proposed Project parking is 1,535 spaces, a reduction of up to 953 spaces or 38%.

RMC-10

10. The shared parking study also relies upon all of the unsupported trip generation reductions from internal capture and mode-shift assumptions in the traffic study, and applies the percentage reduction in trip generation to the initial parking demand *before considering shared use*. Therefore, the shared use calculations already were pre-discounted for internal capture and mode-shift effects (which are analogous to shared parking concepts). As a result, there is a double discounting occurring; which well understates the parking needs of the Project.

RMC-11

11. As the Kimley-Horn report discusses in greater detail, the shared parking analysis also makes incorrect computational reductions for use of facilities by hotel guests, and further dubious assumptions walk-in traffic from the beach and downtown areas. As the report notes, it is unusual for a development to assume that 15 to 20% of its parking demand will be satisfied by off-site parking supplies that are located up to ½ mile away, especially in an area where existing parking demand can be substantial. If the assumptions in the shared parking study for walk-in traffic prove incorrect, the Project's parking demand could spill over into the downtown and beach parking lots, further impacting these parking areas. The DEIR failed to adequately discuss this potential impact.

RMC-12

12. The DEIR also includes the phrase "parking demand interaction with . . . the downtown parking supply" and the shared parking study assumes such interaction in its calculations. However, as discussed in the Kimley-Horn report, the distance from the downtown parking supply to the Project site is too great to reliably be considered as a factor. In fact, the Project is outside of the Downtown Master Parking Plan zone. Nonetheless, the parking analysis assumes that the Project is within that zone and assumes that there is a significant interaction with the downtown parking supply. As a result of such assumption, the shared parking study is fatally flawed.

RMC-13

13. The Project also improperly relies on beach parking to satisfy the Project's parking needs, as the DEIR often uses the phrase "parking demand interaction with the beach" and the shared parking analysis uses this interaction as a basis to reduce parking. However, City codes and Coastal Act policy preclude a project from relying on beach parking. Thus, the

RMC-14

component of "parking demand interaction with the beach" should be separately identified and eliminated from the analysis.

RMC-14

14. The shared parking analysis also improperly assumes artificially low percentages for non-guest use of meeting rooms on weekdays (85%) and weekends (75%). These assumptions are based on one sample of information at a distant property. Our company's experience in this coastal location with its Hilton and Hyatt Hotel operations, particularly in the summer months, shows that there is nearly 100% non-guest use of the meeting rooms on some weekends (for weddings and other large social/charitable events held while the hotel is fully occupied with vacation-oriented guests). Further, the DEIR inappropriately uses *average* situations, rather than *peak demand*, and thus the figures are misleading and serve to underestimate the true parking demand.

RMC-15

15. Additionally, the hotel occupancy rates used for Tables 5 and 6 in calculating the shared use numbers indicate a lower occupancy on weekends than on weekdays. This is supported by neither common sense nor our company's experience in the operation of the hotels at The Waterfront in this suburban resort location. Occupancy rates and room rates actually rise on the weekends at the Hilton and Hyatt Hotels. Further, the assumption of only a 60% occupancy rate on Saturday at 1:00 p.m. is absurdly low. A great majority of weekend guests check in Friday night for a 2-night stay, and the Hilton runs at virtually 100% occupancy on most Saturdays. At 1:00 in the afternoon, on summer weekends, most all guests are either in their room, at the pool, or on the beach, and their cars are in the parking garage. Thus, the parking assumptions provide an unrealistically low *average* demand, rather than predicting *peak* usage in a shared use environment. Thus, it improperly understates the parking impacts of the Project.

RMC-16

16. For purposes of determining demand, the parking study also erroneously uses a figure of 9,300 square feet for the meeting space in the proposed hotel, while it actually is proposed to be 16,000 square feet. (Table ES-1 on Page xvii.) Thus, the parking demand is further understated. On the other hand, if in fact the project will only provide 9,300 square feet of meeting space, the entitlement application and project description should be amended to reflect this figure.

RMC-17

17. The shared parking study also assumes an unrealistically low use of meeting space at 30 square feet per person. Large banquet events often seat people at 12 square feet per person. The assumption of 2.5 persons per car is also unsubstantiated by any empirical evidence. Rather than the resulting low figure of 124 spaces being required for this meeting space, as the attached Kimley-Horn report suggests, 266 to 457 spaces may be required for the meeting space at the Project's hotel, depending on the actual total size of the meeting space.

RMC-18

18. The shared parking study also fails to take into account valet use. The Hyatt Hotel uses 100% valet parking, while the Hilton Hotel currently uses a mix of valet and self-

RMC-19

parking and will probably convert to 100% valet in the near future. The Project parking study fails to consider that valet operations require parking spaces that are segregated from general public parking, so that valet staff can have readily available numbered spaces for quick placement and retrieval. This component of parking demand, which may be all of the proposed Project's hotel use, should be excluded from consideration of shared use, since it cannot be shared with other users.

RMC-19

19. The DEIR's Project Description states that while the "interim condition" of Pacific View Avenue will contain angled parking on the south side of the roadway, the "ultimate condition" will have no angled parking. (Page 2-20.) Elsewhere, however, the DEIR states that angled parking *will* be provided in the long term. (Pages 3.14-26; 3.14-70.) Not only is this misleading, but if in fact angled parking is allowed on Pacific View Avenue in the immediate proximity to the main entry and the four-way intersection at the center of the Project, conflicting traffic patterns and delays will result. The impacts of this design are improperly deferred, especially in light of the fact that Pacific View Avenue is a 10,000+ ADT street with peak uses occurring in hotel, restaurant, and retail uses. In Mayer's developed hotel projects to the east, on-street parking is prohibited on Pacific View Avenue between Huntington Street and Beach Boulevard in order to ensure adequate emergency vehicle access to the hotels. This same standard should apply to the Project because of public safety concerns and because it is acknowledged in the DEIR that the Project design does not provide adequate emergency access. (Pages xxxiv, 3.12-10.) Nothing is provided in the Project conditions to mitigate the acknowledged inadequate emergency access. (*See, e.g.*, pages 3.14-72 through 3.14-77 [dealing only with non-emergency access to the Project].)

RMC-20

RMC-21

RMC-22

20. If in fact there will be an interim design condition, followed by an ultimate configuration, there is no explanation in the DEIR of what criteria triggers the requirement that the configuration be changed to the ultimate design. If such a change is anticipated as mitigation measure against future impacts, the DEIR is also unclear as to whether this is a Project requirement, and/or what the funding source for such change is.

RMC-23

21. Exacerbating the problems caused by the angled parking on Pacific View Avenue is the fact that the Project design proposes primary and secondary intersections that serve as entries to both the residential and commercial portions of the Project. The primary entry indicates a circular drive for entry into both the hotel and retail portions. It is likely that severe congestion will occur at this main intersection during peak periods, where inbound hotel or banquet guests may queue up to the hotel porte-cochere and completely block access in the intersection and into the garage and retail portion. This will cause additional emergency access problems. (Page 3.12-10 [the garage "could be a constrained access point in an emergency situation where vehicles are attempting to exit the facility and emergency response personnel need to gain entry"].) At The Waterfront site to the east, the hotel entries are not combined with other uses or intersections, and a separate entry to the residential component away from the hotel

RMC-24

RMC-25

entries avoids such conflicts. The Kimley-Horn report also suggests that these angles parking spaces will disrupt eastbound traffic flow on Pacific View Avenue. ↑ RMC-25

22. Left-turn lane lengths on Pacific View Avenue may be insufficient to handle peak period volumes for turns into the main entry and need to be further studied and modified. RMC-26

23. As noted in the Kimley-Horn report, the traffic study may also underestimate the volume of traffic on Pacific View Avenue when considering the Project's total generation, the generation of the adjacent hotel and residential uses at The Waterfront, and the assumption that a percentage of trips on Pacific Coast Highway will divert to Pacific View Avenue through the Project. As a result, the difficulties with the one-lane street design, inadequate left-turn lanes, on-street parking and combined-use entry intersections may be exacerbated and not adequately disclosed in the DEIR. RMC-27

24. Lastly, with respect to the traffic and parking analyses, is the fact that the list of preparers in Chapter 6 of the DEIR indicates that LSA Associates, Inc. ("LSA") prepared the transportation/circulation portion of the DEIR. You have explained that Linscott Law and Greenspan ("LLG") prepared these reports for the Project applicant, and the City retained LSA to review these reports. Upon my request you did locate and provide a copy of the LSA report. However, CEQA requires that the City make all reports referred to in the DEIR readily available for inspection by the public. The LSA report was not posted on the City's website as was the rest of the DEIR, nor included with the documents made available for public review at the City Planning Department counter or the public library. It is only by the most detailed scrutiny that a reader might find the reference to the LSA report, since it appeared on the 489th of the 495 pages of the DEIR. It appears that I may be the only person who noted the existence of the LSA report and requested a copy. RMC-28

This matter is important because the LSA report did question several issues in the LLG analyses. Some of the requested corrections and clarifications were made in the subsequent draft by LLG that was included with the DEIR. However, not all the important issues were addressed or clarified. In particular, we note that LSA stated the following:

Table 10: Provide an explanation for Internal Capture and Mode Shift percentages that are used for each land use. There are no empirical data provided in the analysis or in any citation of a professional source to support the assumptions that are included in the picture in Appendix C. In order to provide some level of assurance and reasonability, more data and analysis should be included to justify the Trip Reduction Flow Diagram and the resulting adjustments to the gross trip generation. (emphasis added.) RMC-29

It appears that no empirical data or professional source was provided to support the internal capture and mode-shift assumptions to justify the reductions in gross trip generation (which were also then incorporated into the shared parking analysis.) Based on the above comment in the LSA report, and the fact that no additional supporting information was provided, the reductions in trip generation must be concluded to be unreasonable. The matter has also been more fully discussed previously in paragraphs 3 and 4 of this letter and in the Kimley-Horn report.

RMC-29

We believe that the City's failure to include the LSA report in the published DEIR documentation, particularly in light of the fact that it contained information that questioned critical assumptions made in the traffic and shared parking analyses, did not serve the purpose of providing a full and complete disclosure of the potential circulation impacts associated with the Project. Therefore, the availability of the DEIR should be re-noticed and the LSA report should be included in the published DEIR documentation with clarification as to what portions of the LSA report were and were not revised in the LLG analyses, so that members of the public who may be interested in reviewing and commenting on the DEIR might have the opportunity to more fully understand the information regarding potential circulation impacts which is in the City's possession.

RMC-30

25. The DEIR's alternatives analysis is also deficient. CEQA requires that an EIR describe a *reasonable range* of alternatives to the proposed project, or to its location, that would feasibly attain most of the project's basic objectives while reducing or avoiding any of its significant effects. The DEIR ignores potentially viable offsite and onsite alternatives. Only one alternative site was considered (the Nesi Ascon site), and it was summarily rejected because it (i) is zoned solely for residential use and thus would not meet Project objectives of generating employment and strengthening the City as a visitor-serving destination, and (ii) would require extensive remediation since it is a former dump site. (Pages 4-24 to 4-25.) Other alternative sites are apparently available, but have not been evaluated. Although the DEIR states that "there are a *limited number* of sites" that could accommodate the size of the Project (page 4-24), that suggests that the Nesi Ascon site is not the *only* alternative site available. Moreover, the current zoning of the property is irrelevant in that a project application could easily include a general plan amendment/zone change to accommodate the commercial aspects of the Project and thus meet Project objectives. Nor is there any indication that the remediation necessary for the Nesi Ascon site makes the site economically infeasible. After all, the proposed Project site also requires extensive remediation because of the presence of hazardous materials. (Chapter 3.7.) More alternative sites should thus be evaluated.

RMC-31

26. A second "alternative" that was summarily rejected by the DEIR was the "Limited Development Alternative." This alternative eliminated all office and hotel uses and included only 96,000 square feet of commercial use, which represents an approximately 85-percent reduction in the non-residential portion of the Project. Predictably, this extreme

RMC-32

Ms. Mary Beth Broeren

December 3, 2003

Page 8

alternative was rejected because (i) it failed to meet the Project's objectives of strengthening visitor-services of the area and the need for hotels in the downtown area to support the expansion of other services, and (ii) according to the Applicant, the reduction in the commercial/resort uses would "likely" render the Project infeasible. (Page 4-25.) No actual evidence, however, is presented to show infeasibility on economic grounds. Moreover, this "alternative" should not have even been considered for it was known to be untenable from the outset. It is obvious that such an extreme reduction of the commercial aspect of the Project, along with the complete elimination of hotel and office uses, would disable the alternative from meeting the project's defined objectives. The summary rejection of patently untenable alternatives does not satisfy an agency's obligation to consider a reasonable range of alternatives.

RMC-32

27. A third "alternative" that was summarily rejected by the DEIR was the "Reduced Residential Density Alternative," which focused on an unspecified decrease in the number of condominiums proposed as part of the Project. This alternative was rejected purportedly because it would not lessen the air quality and traffic impacts to less than significant levels. Again, there is insufficient evidence in the record, such as a discussion of the ADT involved as compared to the Project, to support that conclusion. Moreover, this approach erroneously assumes that an alternative must *completely avoid* a significant impact in order to be considered worthy of detailed analysis. Nothing suggests that reducing the residential portion of the Project would not *substantially lessen* the identified significant impacts, which is all that is necessary under CEQA to require analysis. Further, it should be noted that although the residential portion of The Waterfront site just east of the Pacific City site was originally zoned (and entitled through its original development agreement) for approximately 875 residential units, the density was later reduced to 184 units. Such reduction was found to be economically feasible, and substantially reduced the potential environmental impacts of that project. It is therefore logical to study in detail a substantial reduction in residential density as one of the project alternatives at the Pacific City project.

RMC-33

28. The DEIR misleadingly states that, aside from the alternatives summarily rejected, three alternatives were selected for detailed analysis: (i) The "No Project/No Development Alternative," (ii) the "Reasonably Foreseeable Development Alternative," and (iii) the "Reduced Project Alternative." This is misleading in that the first two purported alternatives are really just two aspects of the same "No Project" alternative which, under CEQA, *must* be evaluated in an EIR. (CEQA Guidelines § 15126.6(e) [the "No Project" alternative evaluation proceeds (i) along the "no build" line when the existing environment will be maintained if the project is disapproved or (ii) along the "foreseeable development" line when it is predictable that other development will be proposed if the project is disapproved].) Here, the "No Development Alternative" is irrelevant in that nothing indicates that disapproval of the Project would foreclose *any* development on the site. Moreover, this evaluation is redundant in that the DEIR already analyzes the Project's impacts against the baseline condition, which is the existing conditions on the site (the "no build" scenario). The only appropriate "No Project" evaluation in this case is

RMC-34

the "Reasonably Foreseeable Development Alternative," which assumes maximum build-out under the currently allowed land uses as designated in the Downtown Specific Plan.

RMC-34

29. Because the "No Development Alternative" is irrelevant under the circumstances, and because a "No Project" alternative is *required* to be analyzed in an EIR under CEQA, the DEIR actually analyzes only *one* true alternative to the Project, that being the Reduced Project Alternative. This limited review of alternatives is unreasonable. At the very least, the DEIR should also include an analysis of a "Reduced Hotel Alternative" for the Project, especially in light of the fact that, as the DEIR itself points out, the Downtown Specific Plan anticipates that visitor-serving commercial uses can be accommodated onsite with a **200-room hotel**. (Page 3.9-16.) And, because the commercial portion of the Project consists only of one- to three-story structures, it would certainly be reasonable, if only for aesthetic reasons, to at least explore a hotel of similar dimensions. Why would a three- or four-story hotel (100 to 200 rooms) not be considered when it obviously would have less severe impacts in terms of mass, bulk, and density of viewshed than the eight-story hotel proposed by the Project, and probably less severe impacts on *all* resources, including air quality and transportation (in that it would constitute a 35-50% reduction in commercial/resort uses)? Indeed, considering a Reduced Hotel Alternative would appear to be eminently more reasonable than considering, and then summarily rejecting, an alternative that includes an 85% reduction of non-residential uses (the Limited Development Alternative), or considering in detail an alternative that includes only a nominal 8% reduction of commercial uses (the Reduced Project Alternative).

RMC-35

Because the DEIR considered a reduced *residential* alternative and a reduced *commercial* alternative, but not a reduced *hotel* alternative, it apparently assumed that a 400-room hotel is the minimum size necessary to achieve Project objectives. As stated, the Downtown Specific Plan directly contradicts this assumption. Moreover, the DEIR completely fails to analyze the stated objective of increasing visitor-serving facilities in relation to the fact that the Downtown Specific Plan also stated in Section 3.2.2 that District Nine, the site of The Waterfront development immediately to the east of the Project, was anticipated to have a total of 300 to 400 hotel rooms developed at that location. Yet the Hilton and Hyatt hotels already have been constructed at The Waterfront site (for a total of 800+ rooms) and *a third hotel site for up to 300 rooms has been approved at The Waterfront site as well*. In light of these prior approvals that greatly exceed the objective for the number of hotel rooms expressed in the Downtown Specific Plan for District Seven and Nine combined, is there even a need for a hotel on the proposed site? If so, what capacity is needed to meet the City's expressed objective? To what extent would a 100- or 200-room hotel, which would reduce the environmental impacts of the Project and still be consistent with the Specific Plan for the area, still meet the objective? The DEIR addresses none of these conspicuous issues.

RMC-36

30. The failure of the DEIR to take into account the approved third hotel site for The Waterfront site also vitiates the adequacy of the DEIR's cumulative impact analysis. For

RMC-37

example, The Waterfront site's third hotel is not included in the cumulative impact section. (Pages 2-32 and 2-33.) Nor was the third hotel site mentioned in the discussion of surrounding uses. (Page 2-5.) Thus, the cumulative impact conclusions throughout the document are understated. For example, projected traffic from the third hotel's development is missing from the 2008 near term traffic analysis. These failures render the entire DEIR deficient.

RMC-37

31. The DEIR also fails to evaluate an alternative with both reduced commercial *and* reduced residential portions. There is no explanation as to why the alternatives are limited to an "either/or" context (either reduced commercial or reduced residential, but not a combination thereof).

RMC-38

32. Nor does the DEIR explain why a reconfigured Project was not evaluated. This would seem to be reasonable in light of the fact that the hotel, which would have the highest concentration of people, is proposed for the southeast portion of the site, which has the highest liquefaction potential, the highest settlement potential, and the most corrosive soils.

RMC-39

33. The DEIR also fails to adequately evaluate the impacts of the Project on the wetlands onsite. It concedes that the site "in its current state, could be considered a wetland due to the presence of hydrophytic vegetation within the remediation pits." (Page 3.3-22.) It then states that under the law, the Applicant will have to review the conditions that exist at the site after the soil remediation pits are refilled, and if potential wetlands are identified at that time the Applicant would be required to obtain permits from the City and the California Department of Fish and Game. The DEIR then simply concludes that compliance with existing laws, including the State's "no net loss" policy, would ensure that the impacts are less than significant because any loss of wetlands could be mitigated by restoring or otherwise providing for additional wetlands offsite. This analysis is deficient for several reasons:

RMC-40

First, the analysis assumes that the Applicant will automatically be permitted to refill the remediation pits. Under the California Coastal Act, the Applicant may not be allowed to destroy those wetlands by refilling the pits.

RMC-41

Second, even were refilling allowed, the analysis erroneously assumes that a "no net loss" policy would apply to any wetland condition that still existed, allowing the Project to proceed as long as there were offsite mitigation. Because the site is within the coastal zone, the applicable policy would *not* permit the Applicant to destroy wetlands and mitigate that loss offsite. (*Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493.) Development of wetlands with any of the proposed Project uses would not be allowed under Public Resources Code section 30233(a). Indeed, as the experience at The Waterfront project showed, even with offsite mitigation approvals pre-dating the Bolsa Chica case, and the specific, affirmative vote of the Coastal Commission to allow offsite mitigation, the Commission's staff intervened to derail

RMC-42

the offsite mitigation. Therefore, the assumption that offsite mitigation could occur is unreasonable. RMC-42

It should be determined now whether the Applicant will be allowed to destroy those portions of the site that constitute wetlands as part of the remediation of the site. If not, the extent of the wetland parameters should be determined and mitigation measures developed (e.g., relocating structures away from the wetlands) to avoid any impact thereon. It is improper to defer such determinations to sometime in the future, especially in light of the fact that the DEIR erroneously assumes that the property owner will automatically be allowed to refill the remediation pits and that any impact on wetlands can be addressed by offsite mitigation. RMC-43

34. The DEIR also fails to adequately evaluate various impacts, unlawfully defers analyses and mitigation, and fails to impose concrete, effective, and enforceable mitigation measures. For example, many of the mitigation measures discussed in the DEIR are couched in vague and unenforceable terms. Thus, the Project is required to use non-reflective facade treatments and to not use electrical generators powered by internal combustion engines during construction, but only "to the extent feasible." (DEIR, pp. xxiv, xxv.) Further, contract specification language to mitigate air quality impacts need only be reviewed (but not approved) by the City. (*Id.*, pp. xxiv to xxvi; compare with xxix, xxxii, and xxxiii where other plans and permits are required to be reviewed *and approved.*) No performance standards are imposed to ensure that mitigation will actually effectively occur. Agencies cannot rely on vague, incomplete, or untested mitigation measures, and an EIR is inadequate if suggested measures are so undefined that it is impossible to evaluate their effectiveness. (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal. App. 3d 61,79.) RMC-44

35. In other portions of the DEIR, certain impacts are identified as potentially significant, but are not mitigated as required by CEQA. For example, the DEIR finds that construction effects associated with on-site recreational facilities would significantly affect the environment over the short term. Although no mitigation measures are imposed to deal with these impacts, the DEIR simply concludes that the impacts are less than significant. (Page xxxv.) The conclusion does not jibe with the analysis or the requirements of CEQA. RMC-45

36. Other analyses conclude that no mitigation measures are necessary because the impacts involved are less than significant. The reasons cited, however, do not support the conclusions. For example, the DEIR states that police services are currently provided at a ratio of 1.1 officers for every 1,000 residents, which is considered merely "adequate," and that police equipment is at "minimum levels." (Pages 3.12-10, 3.12-11.) Although the DEIR acknowledges that the project will reduce the existing service ratio to 1.09 officers per 1,000 residents and will put an increased burden on police equipment, it simply concludes that this impact is less than significant because "the City is not considered a high crime area." (Page 3.12-11.) This misses the point. Presumably, the perceived adequacy of the *current* service ratio and equipment levels RMC-46

already takes into account the crime rate in the City. And, if police services are at minimum levels now, logically the development of a significant new project with new demands, but with no increase in public safety resources, would mean that the police department would be functioning below minimum levels once that project is developed, whether or not the City is a high crime area. Thus, this impact is significant and must be mitigated.

RMC-46

37. Similarly, the DEIR states that the proposed project could release toxic air contaminants, but not in significant amounts. (Pages xxvi, 3.2-18.) The basis of this finding is not disclosed, and the document simply concludes, without any *quantification*, that any impacts would be less than significant. The DEIR should evaluate the Project's potential cancer risks from diesel sources under the SCAQMD's guidance document on this topic, "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis," which is available online. The lack of any quantification or information as to the basis of DEIR's conclusion does not comport with the substantial evidence standard required for an EIR.

RMC-47

38. As for the DEIR's air quality analysis in general, the SCAQMD CEQA Air Quality Handbook requires that the *most current* EMFAC emissions factors and projected future CO concentrations (both provided online) be used in determining on-road mobile source vehicle emissions and CO Hotspots Analysis. It is not clear from Air Quality Data (Appendix B of the DEIR) whether the DEIR complied with these requirements.

RMC-48

39. Another example of an area where mitigation measures were improperly deemed unnecessary is emergency access. The DEIR acknowledges that the Project "could result in several thousand persons on the site simultaneously," and that the subterranean garage "could be a constrained access point in an emergency situation where vehicles are attempting to exit the facility and emergency response personnel need to gain entry." (Page 3.12-10.) This is also acknowledged in the Executive Summary where it states that "project design may not provide adequate emergency access." (Page xxxiv.) The mitigation measures dealing with public service impacts, however, simply provide for fire-rated stairs, a mechanical smoke removal system, and dedicated rooms for the fire department to observe, monitor, and control emergency systems. Nothing is provided to mitigate the acknowledged inadequate emergency access. (Page 3.12-15.)

RMC-49

Despite the acknowledgement that project design does not provide adequate emergency access and the dearth of mitigation measures to deal with that inadequate design, the DEIR concludes that the project would *not* result in inadequate emergency access, and concludes that public service impacts are less than significant. (Pages xxxiv, 3.14-72, xxxvii [project "would not result in inadequate emergency access"].) No evidence supports this finding. (Pages 3.14-72 to 3.14-77 [only non-emergency customer/service access driveways are addressed].) In fact, the finding is directly contradicted by the referenced portions of the DEIR.

RMC-50

40. The DEIR finds that the southeastern corner of the Project site (where the hotel is to be located) is "underlain by loose to medium dense alluvial deposits," and that the "potential for liquefaction within the alluvial area . . . varies from moderate to high to very high, with most of the area designated *high to medium* potential . . ." (Pages 3.6-8 to 3.6-10.) On the contrary, Figure 3.6-3 shows that most of the area is designated as *very high* potential. (Page 3.6-9.) Thus, the DEIR's liquefaction analysis is based upon a faulty premise and understates potential impacts. Moreover, the fact that the southeast portion of the site has the highest liquefaction potential, the highest settlement potential, and the most corrosive soils also establishes that the DEIR should evaluate an alternative that re-locates the hotel, which would have the highest concentration of people, to a different portion of the site.

RMC-51

41. The DEIR also fails to evaluate certain impacts altogether. For example, although the Project provides for 516 units of housing, it generates more new jobs (601) than housing. (Pages 3.11-13, 3.11-17.) Because of the current housing shortage in Orange County, the DEIR should evaluate whether the Project will exacerbate the County's jobs/housing imbalance and, if so, the environmental impacts that could result from that. It has failed to address this issue.

RMC-52

42. Another example of the failure to adequately evaluate impacts is in the area of hydrology/storm drainage. As set forth in the attached report of Richard Watson & Associates, Inc., an expert in storm water issues (see Exhibit "B" to this letter, which is incorporated by this reference as if fully set forth herein), the DEIR fails to evaluate the fact that the proposed storm water filtration system does nothing for bacterial levels, yet discharges directly to the beach. The current site drainage goes to the Atlanta pump station, and during the dry weather months, that discharge is diverted to the Orange County Sanitation District. Because of this diversion program in large parts of the City, bacterial levels at the beach have fallen. The proposed change in the drainage pattern, notwithstanding the proposed filtration systems by Stormwater Management, Inc., will have an adverse effect on bacterial levels at the beach. As a result, as the attached report states, "There is a high probability that the project will violate water quality standards for pathogens unless additional treatment control BMPs are added to the project to remove bacteria and viruses from dry-season and first-flush flows before they are discharged to South Beach." Further, as the report describes in greater detail, the DEIR is deficient and in error by reporting that no significant environmental impact will result.

RMC-53

43. The DEIR also failed to adequately consider the option of upgrading the Atlanta Stormwater Pumping Station to accept the Project's storm water flows. Rather, the DEIR concludes, "the project would result in decreased flows to the Atlanta Stormwater Pumping Station, which would be a beneficial effect". However, improving the capacity of the Atlanta Stormwater Pumping Station would have the *more* beneficial effect of allowing dry-season flows to be diverted to the Orange County Sanitation District, and further, to increase public safety by reducing the generalized risk of flooding associated with the apparent existing under-capacity of the Atlanta Stormwater Pumping Station.

RMC-54

44. Lastly, the DEIR failed to consider the fact that the existing First Street storm water outfall at the beach currently discharges waters containing bacteria and other pollutants from other existing portions of the City directly onto the City's busiest beach and into the ocean. Low flows and nuisance discharges currently pond at the outfall discharge point, at least allowing the potential for some elimination of pathogens from prolonged UV exposure and drying, but significant public exposure and health risk still does exist in this condition. See the photographs attached as Exhibit "C" to this letter illustrating this point. A warning sign is posted at the outfall that states,

RMC-55

"WARNING! RUNOFF/STORM DRAIN WATER MAY CAUSE ILLNESS -- AVOID CONTACT WITH PONDED OR FLOWING RUNOFF AND THE AREA WHERE RUNOFF ENTERS THE OCEAN"

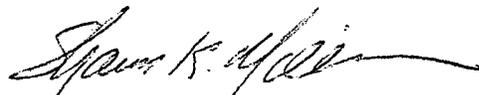
Even if the additional storm water flow from the Project were fully sterilized, the additional quantity of water discharging at the outfall created by the new 26.9 acres of tributary area from the Project would potentially cause the existing polluted and ponded water to flow into the ocean when previously it would not have; thereby *transporting* pathogens to the ocean and increasing the risk of unsafe bacteria levels within the ocean waters. It hardly need be mentioned, but even the remote possibility that bacteria levels in the ocean might be increased, creating the specter of renewed beach closures and adverse publicity for the City, is a significant environmental and economic risk that should have been disclosed in the DEIR and should be unquestionably avoided.

RMC-56

Thank you for the opportunity to review and comment on the proposed Project. Because the DEIR has failed to comply with CEQA in the manner described above, it is respectfully requested that the City reevaluate the many environmental impacts of the Project, revise the environmental documents, and re-circulate the revised documents for additional public comment.

RMC-57

THE ROBERT MAYER CORPORATION

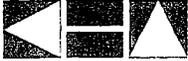


Shawn K. Millbern

Senior Vice President, Development

Attachments: Exhibit "A": Kimley-Horn Associates report
Exhibit "B": Richard Watson & Associates, Inc. report
Exhibit "C": Photographs of First Street Storm Drain Outfall

**EXHIBIT "A" TO COMMENT LETTER
KIMLEY-HORN REPORT**



Kimley-Horn
and Associates, Inc.

■
Suite 140
2100 W. Orangewood Avenue
Orange, California
92868

December 2, 2003

Mr. Shawn Milbern
The Robert Mayer Corporation
660 Newport Center Drive, Suite 1050
Newport Beach, CA 92658

Subject: Pacific City Traffic Study Review

Dear Mr. Milbern:

We have reviewed the Traffic Impact Analysis (LLG, April 21, 2003) and Parking Study (LLG, October 15, 2003) for the Pacific City development in the City of Huntington Beach. Our review comments are attached.

RMC(A)-1

Our review focused on the underlying trip generation and parking assumptions for the development, and the project's traffic and parking impacts on the area immediately surrounding the project site. Please contact me if you have any questions, or if you need additional information.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Serine Ciandella, AICP
Associate

Pacific City

Traffic Study Review

Atlanta Avenue at Huntington Street Signal

Item 7. on page ii of the Executive Summary of the Traffic Study states:

“As indicated in the 1998 Updated Waterfront Ocean Grand Resort Transportation and Circulation Analysis, the intersections of Beach Boulevard at Pacific View Avenue and Atlanta Avenue at Huntington Street were assumed to be signalized intersections and analyzed as such.”

RMC(A)-2

This statement is repeated on page 50 of the Traffic Study, and is referenced again on page 62.

With regard to the intersection of Atlanta at Huntington, this statement is in error. The Waterfront study did not analyze the intersection of Atlanta Avenue at Huntington Street. The intersection is still unsignalized, and the Waterfront Ocean Grand project is not conditioned to signalize the intersection.

RMC(A)-3

In the Pacific City Traffic Study, although the statement was made several times that the intersection was assumed to be signalized, the Year 2008 intersection analysis summary presented on Table 12 (page 52) indicates that the intersection of Atlanta / Huntington was assumed to be unsignalized in the “Without Project” condition, and signalized in the “With Project” condition. Furthermore, based on the intersection analysis worksheet in Appendix D, if left unsignalized, the project traffic will cause the intersection to worsen from LOS “D” to LOS “E” (45.78 average seconds delay per vehicle).

RMC(A)-4

The Pacific City project should be responsible for installation of a traffic signal at the intersection of Atlanta Avenue at Huntington Street, for the following reasons:

- The intersection is located at the northeast corner of the project site, and the project will widen the street along the project frontage to provide additional travel lane width.
- The project trip distribution assumptions, presented on Figures 7A-7C (pages 34-36), assume over 20% of the project traffic will travel through the intersection.
- The intersection will operate at LOS “D” (28.0 average seconds delay per vehicle) in the evening peak hour without the project.
- If left unsignalized, the project traffic will cause the intersection to worsen from LOS “D” to LOS “E” (45.78 average seconds delay per vehicle).

RMC(A)-5

Project Trip Generation

The project trip generation discussion for the Pacific City project, which starts on page 30, indicates that reductions in project traffic were taken into account for “internal capture” and “mode-shift”.

RMC(A)-6

Internal Capture

The internal capture reduction was applied to account for the trip interactions between the proposed uses within the project. Internal capture is a legitimate reduction of external trips for mixed-use developments such as Pacific City, and the methodology for calculating internal capture is well documented in the Institute of Transportation Engineers Trip Generation publication (6th Edition).

RMC(A)-7

The ITE methodology for calculating internal capture applies percentages for interactions between pairs of land uses to both the trips originating from each land use, as well as the trips destined for each land use; compares the resulting trips between each pair; then selects the lesser of the two. The ITE methodology applies to midday, PM peak, and daily. ITE does not provide any internal capture assumptions for the AM peak hour.

RMC(A)-8

Using the specific mix of uses proposed in the Pacific City project, the ITE reduction for internal capture would be as follows:

Daily:	2,214 trips (13.4% reduction)
AM peak:	no reduction
PM peak:	234 trips (14.6% reduction)

RMC(A)-9

A copy of Internal Capture worksheets using the ITE methodology is attached.

The internal capture assumptions used in the Pacific City traffic study do not reflect the ITE methodology. The internal capture assumptions are presented in a hand-drawn diagram in Appendix C of the study. In some cases, the Pacific City reduction percentages are less than the ITE methodology. In other cases, the morning peak hour in particular, the Pacific City assumptions exceed ITE, since ITE does not provide for any AM peak internal capture reduction. In either case, no explanation for the percentages assumed in the Pacific City study is provided.

RMC(A)-10

For comparison purposes, the internal capture reductions assumed in the Pacific City traffic study are as follows:

Daily:	1,552 trips (9% reduction)
AM peak:	64 trips (10% reduction)
PM peak:	155 trips (10.2% reduction)

RMC(A)-11

The study should use the ITE internal capture assumptions (which will actually produce slightly greater reductions for the daily and PM peak hour conditions), or provide a source for the assumptions used.

RMC(A)-12

Mode-Shift

The Pacific City Traffic Study indicates that, in addition to the internal capture reduction, a mode-shift reduction was applied to the traffic generation forecast to account for the trip interaction between the Pacific City project uses and the beach and downtown areas. No other explanation is given, and no source for the percentage reductions is provided.

RMC(A)-13

“Mode shift” typically refers to a change in an individual’s travel mode from automobile to another mode, such as transit, rail, carpooling or vanpooling, bicycling, or walking. It does not

RMC(A)-14

typically refer to people who drive to one location, such as the beach or downtown area, and then opt to also patronize the Pacific City development by walking ¼ to ½ mile to and from the site.

RMC(A)-14

In effect, as used in the Pacific City report, the mode-shift reduction is really an expansion of the internal capture process to include the broader beach and downtown area by assuming that these popular areas provide a ready-made pool of customers. Just as people who are already on site at the Pacific City development will interact with other uses, the assumption is that people who are already in the downtown and beach area will also patronize the Pacific City uses.

RMC(A)-15

This assumes that people will a.) come to the downtown and beach area for a separate purpose or purposes, b.) decide to also patronize the Pacific City development, and c.) walk the ¼ to ½ mile to the Pacific City development and back again.

The hand-drawn diagram in Appendix C indicates that, over and above the internal capture reduction, 20% of the total daily retail and hotel traffic and 10% of the total daily residential and office traffic would be comprised of the people described in the preceding paragraph. These percentages equate to almost 3,000 trips per day (1,500 in and 1,500 out). In the PM peak hour, the percentages increase to 25% for hotel and retail, and 15% for residential, for a total reduction of 330 trips in the PM peak hour. Assuming an average of 2 people per car, the assumption is that 3,000 people each day and 330 people in the evening peak hour on a typical weekday will walk to Pacific City from the beach or downtown area.

RMC(A)-16

Again, these reductions are over and above the internal capture reductions. No justification for these percentages is provided.

RMC(A)-17

Even if one accepts the assumption that some people will leave their original downtown or beach destination and walk to Pacific City and therefore trip-making to the site is reduced, the quantity of the reduction is in question. The traffic study provided a detailed discussion on pages 2 and 3 and in Appendix J regarding typical weekday peak traffic vs. peak summer traffic, to justify conducting only "typical weekday" traffic analysis. And the trip generation discussion on page 30 states that, "Table 10 presents the daily, AM and PM peak hour traffic volumes on a "typical" weekday for the proposed project."

RMC(A)-18

A drive along PCH and Main Street in downtown Huntington Beach on a typical weekday during the months of October through May would suggest that the assumption that 3,000 people per day, and over 300 people in a single evening peak hour will leave their original downtown or beach area destination to walk to Pacific City and back again is an overly optimistic assumption. It seems more likely that patrons of the new Pacific City development will make Pacific City their primary destination, and perhaps walk across to the beach or to downtown as a secondary destination.

RMC(A)-19

The study should provide a source and justification for the mode-shift reductions, or the reduction in project traffic should not be taken. Further discussion of the issue of "capturing" customers from the ambient downtown and beach crowds is provided in the discussion of parking.

RMC(A)-20

Related Projects (Year 2008) Analysis

The Related Projects discussion in the Pacific City traffic study, which starts on page 40, presents a list of 14 planned and/or approved projects. Of the 14, the study indicates that one project and a portion of another project are to be completed after Pacific City, and therefore were not included in the traffic analysis.

RMC(A)-21

Of the two projects listed as scheduled for completion after Pacific City, one was the Hotel component of the Waterfront project, which is located immediately adjacent to the Pacific City project site. The study identifies the Waterfront project as follows:

“Waterfront Residential Development (184-unit residential development located at Beach Boulevard and PCH, adjacent to the Ocean Grand Resort project and a 300-room hotel to be constructed after 2008) *Residential component included in traffic impact analysis.*”

RMC(A)-21

Typically, any identified approved or pending project is included in the Related Projects analysis, even if there is a possibility that the project may not be completed by the analysis year. In the case of the Waterfront 300-room hotel, there is no restriction in place that would preclude the hotel from being constructed prior to 2008. Given the proximity of the future hotel site to the Pacific City project site, and the fact that the Waterfront Hotel could be developed prior to 2008, the Year 2008 analysis should be re-done to include the Waterfront Hotel.

RMC(A)-22

Parking

Project Summary

Comparing Table 2 of the Traffic Study (page 10) with Table 1A of the Parking Study (the first page following page 13), there are substantial differences in the retail and restaurant square footages, and a slight reduction in ballroom square footage. Which is the correct project summary? If the Traffic Study land use summary is correct (with the higher amount of restaurant square footage), the parking study has analyzed an incorrect land use mix, and assumes a lesser parking requirement.

RMC(A)-23

Total City Code Parking Requirement

The parking analysis understates the raw (unadjusted) project parking requirements per the City of Huntington Beach code requirements. On page 3 of the Parking Study, last paragraph, the city code requirement for Hotel is stated to be:

RMC(A)-24

“1.1 spaces per room of hotel use plus one space per passenger transport vehicle (minimum of two) and any additional uses within the hotel (i.e. banquet/meeting/ballroom, restaurant, and spa).”

RMC(A)-25

Table 2A indicates that the City Code parking requirement for the entire project would be 1,888 spaces, plus the 53 replacement spaces. But the hotel uses listed in the table include only the 400 hotel rooms and the 5,000-square-foot signature restaurant. The 16,000-square-foot Ballroom and the 15,000-square-foot Hotel Spa are not listed.

RMC(A)-26

Based on Shared Parking Table 5A of the Parking Study, the additional raw parking requirement for the ballroom would be 124 spaces (assuming only 9,300 square feet of assembly area, 30 square feet per person, and 2.5 persons per vehicle), and 90 spaces would be needed for the spa, for a total of another 214 parking spaces. Accepting the lenient calculations for the Ballroom (discussed in the next section), the total City Code parking requirement for the Pacific City project, including the 53 replacement spaces, would be **2,155 spaces**. Assuming the City’s actual parking requirement for Ballroom, as discussed in the next section, the parking requirement for the Ballroom would be 266 spaces (assuming 9,300 SF of assembly area) or 457 spaces

RMC(A)-27

(assuming 16,000 SF of assembly area), bringing the total City Code parking requirement for the Pacific City project to *2,297 to 2,488 spaces* (depending on the actual size of the Ballroom assembly area – see next discussion).

RMC(A)-27

Ballroom Parking Requirement

No discussion is provided to explain the parking assumptions associated with the Ballroom. Table 2A and Table 4A of the Parking Study summarize the project’s parking requirements, but make no mention of the Ballroom. The Shared Parking analysis does include the Ballroom.

RMC(A)-28

The Traffic Study lists the Ballroom as 16,000 square feet (Table 2, page 10). The Parking Study lists the Ballroom as 15,000 square feet (Table 1A). The shared parking analysis (Tables 5A – 6B) apply parking requirements to only 9,300 square feet of area. Presumably, the 9,300 square feet is the actual assembly area, exclusive of pre-function, kitchen, hallways, bathrooms, and storage areas. This should be confirmed, and if so, it should be clearly stated as such.

RMC(A)-29

The Shared Parking tables indicate that the parking requirement for the Ballroom (listed in column 3, with the heading of Hotel Conference/Meeting Rooms) is derived by dividing the 9,300 square feet by 30 square feet per person, and then assuming that people will arrive 2.5 people to a vehicle, for a parking requirement of 1 space per 75 square feet. What is the basis for these assumptions? The City of Huntington Beach City code calls for 1 parking space per 35 square feet of assembly area, or 1 space per 3 fixed seats. Assuming 9,300 square feet of assembly area, the Ballroom parking requirement would be 266 spaces. If the actual Ballroom (assembly area) is 16,000 square feet, the parking requirement would be 457 spaces. The Ballroom parking requirement needs to be clarified and included in the parking analysis.

RMC(A)-30

Parking Reductions

In addition to not including the parking requirement for the Ballroom and the Hotel Spa, the parking study then proceeds to take further compounded parking reductions for 1.) shared parking relationships among mixed uses, 2.) guest use of hotel facilities, and 3.) walk-in traffic from the downtown and beach areas.

RMC(A)-31

Shared Parking

In general, the shared parking analysis was conducted in accordance with the Urban Land Institute Shared Parking methodology. While some of the time-of-day usage factors included in the ULI Shared Parking report may not be directly applicable to a beach resort development such as Pacific City, in general, a shared parking approach is an appropriate application for a mixed-use development such as Pacific City.

RMC(A)-32

It should be noted, however, that the valet parking operation proposed for the hotel component of the project could have an adverse impact on the success of a shared parking program. How many parking spaces will be designated for valet use only? Shared parking is based on the premise that any parking space can be occupied by any use on the site, and that parking that is not needed by one use at a particular hour of the day will be available to all other uses, if needed. Spaces that are set aside for valet parking will not be available to visitors of the restaurant and retail components of the project. The ULI shared parking analysis indicates that the hotel will be operating at 60% of its peak during the midday, when retail is at 95% and restaurants are at 100%. Will the 177 un-used hotel spaces be available for use by other visitors to the site, or will they be marked valet only?

RMC(A)-33

Guest Discount for Hotel Uses

While a shared parking approach is an appropriate application for a mixed-use development such as Pacific City, to apply a discount to account for guest use of the hotel facilities on top of the ULI discount is not. The City requires that the parking code be applied to individual on-site hotel amenities, such as the spa, restaurant, and ballroom, to account for the fact that providing these facilities on site not only attracts outside customers, but also results in hotel guests staying in the hotel, rather than leaving to go to off-site businesses. Whether the customer of the restaurant or spa or ballroom is a guest or a non-guest, a parking demand is generated. To discount the parking requirement to account only for non-guest use of the facilities, and then to further discount that parking demand by the ULI time-of-day usage factors results in a double parking discount.

RMC(A)-34

For example, at 7:00 PM, the ULI weekday chart on Table 5A shows that the hotel parking demand would be at 75%, which would mean that at that time, 110 of the 442 hotel parking spaces would be available for use by customers of other Pacific City uses. Presumably, 25% of the hotel guests have left the hotel for some purpose, such as dinner. At the same time, the signature restaurant is shown to be at 100%. But the adjustment at the top of the table assumes that only 25% of the demand at the restaurant is non-guests, and that the parking demand for the restaurant would only be 13 spaces, which would mean that 37 of the 50 restaurant spaces would also be available to be shared by other uses. This suggests that between the hotel and the signature restaurant, a total of 147 spaces are available to be shared by customers of other uses within the Pacific City development. But the assumption that only 25% of the restaurant demand is non-guests means that 75% of the restaurant demand would be hotel guests. 75% of the 50 parking spaces for the signature restaurant (37 spaces), would be needed by the hotel guests, because they didn't leave the hotel for dinner. So, between the hotel and the restaurant, the number of spaces available to be shared would be 110 spaces, not 147. The same argument applies to the discounts taken for non-guest patrons of the Ballroom and the spa. The double discount is inappropriate, and should be corrected.

RMC(A)-35

Walk-In Discount

The earlier discussion regarding "mode-shift" trip reduction comes up again with regard to the parking analysis. The Parking Study assumes a discount in parking requirement to account for patrons who will walk in from the surrounding downtown and beach areas. What is the basis for assuming a 20% reduction in parking for the restaurants and 15% for retail? It seems more likely that people wishing to patronize the new Pacific City retail and restaurant uses will want to drive directly to Pacific City, and park close to their destination, rather than walk ¼ to ½ mile from downtown and beach areas.

RMC(A)-36

In addition to the issue of walking distance, it is assumed that the parking for Pacific City will be paid parking, and that the Pacific City shops and restaurants will validate parking in their own parking facilities. It is further assumed that Pacific City shops and restaurants will not validate parking tickets for people who park in City structures or in beach parking lots. It does not seem likely that Pacific City customers will leave their car in beach or downtown parking areas, where the cost to park will be their own expense, and walk to Pacific City and back again. It is more likely that people will prefer to park in the Pacific City parking areas within a comfortable walking distance of their intended destinations, and where they know their parking will be validated.

RMC(A)-37

It is also important to note that during the peak downtown and beach seasons, which are the times that would have the most potential for providing an ambient customer base for Pacific City, the downtown parking and beach parking are frequently impacted, and finding a parking spot can be difficult.

RMC(A)-38

It is unusual for a development to assume that 15 to 20% of a project's parking demand will be satisfied by off-site parking supplies that are located up to ½ mile away, especially in an area where existing parking demand is substantial. It is Pacific City's obligation to provide adequate on-site parking to satisfy its own parking demand, and to not expect the existing downtown and beach parking supply to satisfy 15 to 20% of its parking needs. If inadequate on-site parking is provided, then Pacific City parking demand could spill over into the downtown and beach parking lots, further impacting these parking areas.

RMC(A)-39

Parking Rates per Downtown Parking Master Plan

Although the Pacific City development is not located in Downtown Specific Plan area, the Parking Study does provide a parking summary (on Table 4A) using the Downtown Parking Master Plan codes for comparison purposes

RMC(A)-40

The Downtown Parking Master Plan has developed separate parking rates for downtown uses, specifically to account for the close interactions between the food, retail, and office uses in the downtown area. Downtown parking rates have been reduced by 40% for retail uses, and by 50% for office uses, when compared to City code. The restaurant rate is the same as the City code.

RMC(A)-41

Although the Pacific City development is not located within the Downtown Specific Plan area, due to its proximity to the area, it has been assumed that it will experience substantial interaction with downtown area. Accordingly, it would appear to have been appropriate for the parking for Pacific City to be based on the Downtown Master Plan parking rates (as shown on Table 4A in the Appendix G to the Traffic Study, and as clarified below), and forego the unsubstantiated discount for downtown and beach interaction.

RMC(A)-42

It should be noted that the parking rates shown on Table 4A of the Parking Study (in Appendix G to the Traffic Study) do not reflect the current Downtown Parking Master Plan parking rates shown in the Downtown Specific Plan (Revised 2/06/02). The parking rates shown on Figure 4.2 of the Downtown Specific Plan are 1 space per 333 SF of Retail (as opposed to 1 per 250 SF on Table 4A) and 1 space per 500 SF of Office (as opposed to 1 per 1,000 SF on Table 4A).

RMC(A)-43

Applying the Downtown Parking Master Plan rates to the project, and including parking requirements for the Spa (90 spaces) and Ballroom (266 to 457 spaces – see prior discussion), would produce a project parking requirement of 1,841 to 2,032 spaces.

RMC(A)-44

Conclusion

When evaluating the adequacy of the proposed parking supply of 1,543 spaces, consideration should be given to the "raw" parking requirement of 2,488 spaces, based on City parking code. The proposed parking supply represents a reduction of 945 spaces when compared to the City code, based on shared parking, walk-in business, and reductions for guest use of hotel amenities. This parking reduction represents 38% of the unadjusted parking requirement.

RMC(A)-45

The summary on page 11 of the Parking Study in Appendix G of the Appendix to the traffic study states,

✓ RMC(A)-46

“ . . . with the addition of the 53 spaces to be relocated on-site, the total parking demand for the Visitor-Serving commercial project is *1,535 parking spaces*. With a proposed on-site parking supply of 1,543 parking spaces, *a parking surplus of 8 spaces* is forecast.”

RMC(A)-46

With a parking reduction of 945 spaces, which depends on a number of concurrent reduction factors to be in effect at the same time (shared parking, walk-in business, and guest use of facilities), a parking surplus of 8 spaces seems to leave little room for error.

RMC(A)-47

Using the Downtown Parking Master Plan rates, which already take into account interactions and shared parking relationships between downtown uses, would result in a parking requirement of 1,841 to 2,032 spaces, which is more in keeping with the parking requirements for the downtown area.

RMC(A)-48

Pacific View Avenue Roadway Configuration

Page 86 of the Traffic Study states that Pacific View Avenue would operate at LOS B or better as a two-lane divided roadway between 1st and Huntington Streets under any of the four scenarios analyzed. This is based on a forecast of 8,000 to 11,000 ADT and a daily capacity of 18,000 ADT. What is the basis for assuming only 5% of the traffic on PCH will divert to Pacific View Avenue (in Scenario 1)? With the combination of traffic from the Waterfront development and the attractiveness of Pacific View as a parallel route between Beach Boulevard and 1st Street, and given the volume of traffic on PCH, it seems the daily volume on Pacific View Avenue could be substantially higher.

RMC(A)-49

The daily LOS notwithstanding, it seems the proposed diagonal parking along the south side of Pacific View Avenue between the project entrances has the potential to create conflicts with through and turning traffic. Drivers backing out of these spots, and other drivers waiting to take these spots will hinder the eastbound movement of other vehicles along Pacific View Avenue. This will be most noticeable on weekends and evenings, when traffic demands to and from the Pacific City development will be at its greatest.

RMC(A)-50

On a related note, Exhibit 18 of the Traffic Study (page 68) shows 30 angled parking spaces proposed, while the exhibit in Appendix K of the Traffic Study shows 39. Which is correct?

RMC(A)-51

MULTI-USE DEVELOPMENT -- INTERNAL CAPTURE WORKSHEET

PROJECT NAME: PACIFIC CITY
 PROJECT NO.:
 TIME PERIOD: DAILY

LAND USE A: RETAIL + HOTEL

ITE LU Code	Size	Total	Internal	External
Enter	6,491	598	5,893	
Exit	6,491	500	5,990	
Total	12,981	1,098	11,883	
%	100%	8%	92%	

RETAIL + HOTEL
 Land Use A
 Enter Demand 3% 198
 Exit Demand 3% 198
 Balanced 67

RETAIL + HOTEL
 Land Use A
 Enter Demand 4% 260
 Exit Demand 4% 260
 Balanced 99

RETAIL + HOTEL
 Land Use A
 Enter Demand 11% 714
 Exit Demand 11% 714
 Balanced 433

OFFICE
 Land Use B
 Enter Demand 15% 67
 Exit Demand 15% 67
 Balanced 67

OFFICE
 Land Use B
 Enter Demand 22% 99
 Exit Demand 22% 99
 Balanced 99

Balanced 99

Balanced 433

ITE LU Code	Size	Total	Internal	External
Enter	448	67	381	
Exit	448	108	340	
Total	896	175	721	
%	100%	20%	81%	

LAND USE B: OFFICE

OFFICE
 Land Use B
 Enter Demand 0% -
 Exit Demand 0% -
 Balanced -

OFFICE
 Land Use B
 Enter Demand 2% 9
 Exit Demand 3% 39
 Balanced 9

RESIDENTIAL
 Land Use C
 Enter Demand 0% -
 Exit Demand 0% -
 Balanced -

RESIDENTIAL
 Land Use C
 Enter Demand 33% 433
 Exit Demand 38% 499
 Balanced 499

RESIDENTIAL
 Land Use C
 Enter Demand 33% 433
 Exit Demand 38% 499
 Balanced 499

ITE LU Code	Size	Total	Internal	External
Enter	1,313	442	871	
Exit	1,313	499	814	
Total	2,626	941	1,685	
%	100%	36%	64%	

LAND USE C: RESIDENTIAL

Land Use >>>>	NET EXTERNAL TRIPS			Total
	A	B	C	
Enter	5,893	381	871	7,145
Exit	5,990	340	814	7,145
Total	11,883	721	1,685	14,289
Single Use Trip Generation	12,981	896	2,626	16,503
Internal Capture				0.134151

MULTI-USE DEVELOPMENT -- INTERNAL CAPTURE WORKSHEET

PROJECT NAME: PACIFIC CITY

LAND USE A: RETAIL + HOTEL

PROJECT NO.: 0

TIME PERIOD: PM PEAK

ITELU Code			
Size	Total	Internal	External
Enter	564	52	512
Exit	589	57	532
Total	1,153	109	1,044
%	100%	9%	91%

RETAIL + HOTEL
Land Use A
Exit Demand 3% 18

RETAIL + HOTEL
Land Use A
Enter Demand 2% 11

RETAIL + HOTEL
Land Use A
Exit Demand 12% 71

RETAIL + HOTEL
Land Use A
Enter Demand 9% 51

Balanced 8

Balanced 11

Balanced 50

Balanced 41

31%
OFFICE
Land Use B
Enter Demand

23%
OFFICE
Land Use B
Exit Demand

31%
RESIDENTIAL
Land Use C
Enter Demand

53%
RESIDENTIAL
Land Use C
Exit Demand

LAND USE B: OFFICE

ITELU Code			
Size	Total	Internal	External
Enter	25	8	17
Exit	122	14	108
Total	147	21	126
%	100%	15%	85%

OFFICE
Land Use B
Enter Demand 0% -

OFFICE
Land Use B
Exit Demand 2% 2

RESIDENTIAL
Land Use C
Enter Demand 0% -

RESIDENTIAL
Land Use C
Exit Demand 2% 3

ITELU Code			
Size	Total	Internal	External
Enter	160	52	108
Exit	77	41	36
Total	237	93	144
%	100%	39%	61%

LAND USE C: RESIDENTIAL

NET EXTERNAL TRIPS					
Land Use	>>>>	A	B	C	Total
Enter		512	17	108	637
Exit		532	108	36	676
Total		1,044	126	144	1,313
Single Use Trip Generation		1,153	147	237	1,537
Internal Capture					0.14558

**EXHIBIT "B" TO COMMENT LETTER
RICHARD WATSON & ASSOC., INC. REPORT**



Terri-

RICHARD WATSON & ASSOCIATES, INC.

Urban & Regional Planning

2 December 2003

Shawn K. Millbern
Senior Vice President
The Robert Mayer Corporation
660 Newport Center Drive, Suite 1050
Newport Beach, CA 92660

Dear Mr. Millbern:

Per your request, I have reviewed sections of the Draft Environmental Impact Report prepared by EIP Associates for the Pacific City Project in Huntington Beach. The sections that I have reviewed include the Executive Summary, Chapter 1 (Introduction), Chapter 2 (Project Description), Section 3.8 (Hydrology and Water Quality) of Chapter 3 (Environmental Impact Analysis), Appendix A (Initial Study/Notice of Preparation and Scoping Comments), and Appendix G (Drainage Study). My qualifications for conducting such a review are noted in the attached Statement of Qualifications.

RMC(B)-1

The focus of my review has been the potential water quality impacts and the post-construction best management practices (BMPs) incorporated into the project to address these impacts. I have identified several potential deficiencies in the Draft EIR and one potential impact that was not disclosed in the materials that I reviewed. All of the potential deficiencies discussed below are, at least in part, related to a water quality impact that was overlooked and thus not disclosed.

RMC(B)-2

Potential Adverse Impact of Changing Drainage Pattern Not Disclosed

A major water quality impact that is not adequately addressed in the Draft EIR is the impact of diverting surface runoff from 26.9 acres of the site from the Atlanta Stormwater Pump Station (ASWPS) to the First Street Storm Drain System (FSSDS). Section 3.8 of the Draft EIR indicates that the "predevelopment drainage area of 34.6 acres, currently tributary to the ASWPS, would be reduced to a 7.7-acre area."

RMC(B)-3

The analysis in the Draft EIR of the impacts to the beach and ocean water quality of diverting surface runoff from the Atlanta Stormwater Pumping Station to the First Street Storm Drain fails to address the potential impacts of reducing future dry weather urban runoff diversions to the Orange County Sanitation District (OCSA). Rather, the discussion of this diversion in the Draft EIR based on the Drainage Study prepared by Hunsaker & Associates focuses on first flush discharges as well as the 25 and 100 year storm events.

RMC(B)-4

The OCSD web site indicates that since initiation of the District's urban runoff program in 1999, there has been a decrease in bacterial water quality standard exceedances in Huntington State and City Beaches. The web site also includes the Atlanta Stormwater Pumping Station as one of the urban runoff diversion systems that had a combined average daily discharge of .893 MGD to the treatment plant.

RMC(B)-5

The diversion of urban runoff from 26.9 acres of Pacific City to the First Street Drain will mean that the majority of increased dry weather urban runoff from the property will not go to the OCSD for treatment. The Preliminary Water Quality Management Plan for the project proposes that instead of treatment through the OCSD system, onsite drainage areas would have first-flush and dry weather flows treated by filtration or by filtration and screening. The specific treatment devices proposed for use are the StormFilter and StormScreen treatment systems manufactured by Stormwater Management, Inc. These are well-recognized treatment systems for removing a number of important pollutants, including trash and debris, sediments, oil and grease, soluble heavy metals, organics and soluble nutrients. However, filtering and screening are not effective treatment methods for removing bacteria from stormwater or non-stormwater discharges. A StormFilter unit may reduce a limited amount of bacteria attached to nutrients in the discharges, but it will not disinfect the discharges. Stormwater Management and other companies are searching for methods to filter out human pathogens and other bacteria from discharges, but thus far have been unable to do so.

RMC(B)-6

The only way to significantly reduce bacteria in the stormwater and dry weather discharges from the Pacific City project to the beach would be to follow the StormFilter unit with a treatment BMP specifically designed to remove pathogens. Today, pathogen removal generally involves either ultra-violet treatment or ozone treatment. These treatment alternatives were not addressed in the Draft EIR because the bacteria problem was largely ignored in the document.

Probable Significant Impacts on Water Quality

The Draft EIR, in Section 3.8.3, points out that the proposed project would result in significant impacts on hydrology or water quality if it:

RMC(B)-7

- Violates any water quality standards or waste discharge requirements, or
- Otherwise substantially degrades water quality.

There is a high probability that the project will violate water quality standards for pathogens unless additional treatment control BMPs are added to the project to remove bacteria and viruses from dry-season and first flush flows before they are discharged to South Beach.

RMC(B)-8

Deficiencies in Draft EIR

Project Fails to Meet City's Project Objectives

The Pacific City project, as described in the Draft Environmental Impact Report prepared by EIP Associates, fails to meet two of the City of Huntington Beach's project objectives. It fails to:

RMC(B)-9

- Ensure adequate utility infrastructure and public services for the new development; and
- Mitigate environmental impacts to the greatest extent possible.

The Pacific City plan does not include appropriate stormwater quality infrastructure to mitigate to the greatest extent possible the adverse environmental impacts of diverting urban runoff from 26.9 acres of Pacific City from the Atlanta Stormwater Pump Station to the First Street Storm Drain that discharges across South Beach to the ocean.

RMC(B)-10

Currently, dry weather flows to the Atlanta Stormwater Pump Station are diverted to the Orange County Sanitation District for treatment of bacterial contaminants before the flows are discharged to South Beach. Similar treatment is currently being carried out in the City of Encinitas and is planned for the City of Malibu.

RMC(B)-11

Alternative types of treatment infrastructures are available to mitigate the adverse impacts of diverting drainage from the Atlanta Stormwater Pump Station. These technologies should be discussed in the EIR and one of these should be used to treat the dry weather flows and first flush stormwater flows before they are discharged onto South Beach.

RMC(B)-12

Errors in Summary Impact Table (Table ES-4)

There are four errors in the Hydrology and Water Quality section of the Summary Impact table. These errors relate to Impact HYD-1 and Impact HYD-2, which are described in the Draft EIR as follows:

RMC(B)-13

Impact HYD-1: The proposed project would not violate quality standards, waste discharge requirements, result in substantial sources of polluted runoff, or otherwise substantially degrade water quality.

Impact HYD-2: The proposed project would alter the drainage patterns of the site, but not in a manner that would create substantial flooding, erosion, or siltation on or off site, or result in substantial additional polluted runoff.



Table ES-4 erroneously states that no mitigation measure is required for either Impact and that the residual impact of each is "Less than significant." On page xxi the classification of "Less than significant" and "significant" for environmental impacts are defined as follows:

Less than significant (LS) – Results in no substantial adverse change to existing environmental conditions

Significant (s) – Constitutes a substantial adverse change to existing environmental conditions that can be mitigated to less-than-significant levels by implementation of feasible mitigation measures or by the selection of an environmentally superior project alternative.

It appears that the reason for the erroneous determinations is that the probable adverse impacts of shifting the runoff from 26.9 acres of the project to the First Street Storm Drain and South Beach were not considered. Neither the Drainage Study nor the Draft EIR presents a plan for removing bacteria from the dry-season flows that would otherwise be sent to the Orange County Sanitation District for treatment. There is no support in the EIR for the determination that no mitigation is required for Impact HYD-1 or for Impact HYD-2. Furthermore, given the problem with high bacteria counts in the surf zone along the beaches of Huntington Beach, it is necessary to treat the future dry weather urban runoff using either ultra-violet or ozone treatment before the residual impact of either Impact HYD-1 or Impact HYD-2 could legitimately be determined to be "less than significant," unless the runoff is sent to OCSO for treatment.

Inconsistencies with General Plan Elements

Because the proposed project does not adequately mitigate the potential adverse water quality impacts of shifting future urban runoff from the Atlanta Stormwater Pump Station to the First Street Storm Drain, it is inconsistent with at least two objectives and two policies of the General Plan Utilities Element presented in Table 3.8-2 of the Draft EIR and one policy of the General Plan Coastal Element presented in Table 3.8-4.

Objective U1.2: The proposed project is inconsistent with this objective because it does not ensure that the new development does not degrade the City's surface waters.

Objective U3.3: It is inconsistent with this objective because it does not evaluate a significant potential degradation from a planned storm drain to a sensitive environment, namely South Beach and the surf zone.

Policy U3.1.3: It is inconsistent with this policy in that it does not fully mitigate impacts of improvements to the drainage system.

RMC(B)-13

RMC(B)-14

RMC(B)-15

RMC(B)-16

RMC(B)-17

RMC(B)-18

RMC(B)-19

RMC(B)-20

Policy U3.3.3: The proposed project is inconsistent with this policy because it fails to implement the most efficient technology (ultra-violet and ozone) to control potential bacterial discharges through the First Street Storm Drain to South Beach.

RMC(B)-21

Policy C6.1.1 of the Coastal Element: The project is inconsistent with this policy in that it does not include mitigation measures to prevent the bacterial degradation of water discharge to the surface of South Beach, especially dry weather discharges that will no longer be diverted to OCSD for treatment.

RMC(B)-22

Cumulative Impacts

In the cumulative impacts discussion (Sub-section 3.8.5), the Draft EIR asserts that:

RMC(B)-23

“As all development is required to comply with applicable federal, State, and local regulations, cumulative development should not violate water quality standards or waste discharge requirements, and thereby would not result in a significant cumulative impact.”

The Draft EIR concludes that “the contribution of the proposed project to cumulative impacts on hydrology and water quality is less than significant” in part because “the project would result in decreased flows to the Atlanta Stormwater Pumping Station, which would be a beneficial effect.” In order to accurately conclude that the impacts on water quality are less than significant, the Drainage Study and the Draft EIR should be revised to address the bacteria water quality standards exceedances that could result from diverting future urban runoff from the Atlanta Stormwater Pumping Station to the First Street Storm Drain.

RMC(B)-24

Conclusion

A mixed use project of the magnitude and nature of Pacific City, that discharges stormwater and non-storm water flows primarily through a storm drain that outlets on the beach, has the potential to adversely impact water quality. As the Santa Ana Regional Water Quality Control Board commented in its letter of January 28, 2003, “There is widespread experience that urban development activity impacts water quality.” The project’s close proximity to the beach magnifies the importance of the discharges.

RMC(B)-25

Section 1.3 of the Draft EIR states that the document “has been prepared to identify any potentially significant impacts associated with the planning, construction, or operation of the project, as well as appropriate and feasible mitigation measures or project alternatives that would minimize or eliminate these impacts.” Unfortunately, the potential adverse impacts on water quality of shifting most of the post-construction drainage to the First Street Storm Drain, as well as two appropriate and feasible mitigation measures to minimize or eliminate the impact, have been overlooked.

RMC(B)-26

Mr. Shawn K. Millbern
2 December 2003
Page 6 of 6

Discussion of this potential impact and the mitigation measures that could reduce or eliminate it must be added to the EIR for the document to adequately inform decision-makers and the general public of the significant environmental effects of the project and to identify possible ways to minimize these impacts as outlined in Section 15121(a) of the CEQA guidelines.

RMC(B)-27

Sincerely,

RICHARD WATSON & ASSOCIATES, INC.



Richard A. Watson
President

RW/jm
Attachment



RICHARD WATSON & ASSOCIATES, INC.

Urban & Regional Planning

Statement of Qualifications

August 2003

DEVELOPMENT SERVICES • STORM WATER QUALITY • STRATEGIC PLANNING

21922 Viso Lane • Mission Viejo, CA 92691-1318 USA • 949.855.6272 • Fax 949.855.0403 3-111
www.rwaplanning.com • rwatson@rwaplanning.com

Introduction to RWA

Richard Watson & Associates, Inc. (RWA) is a planning and development services firm based in Mission Viejo, California. **RWA** works independently and in collaboration with other firms and consulting associates to provide planning and problem-solving services for private and public sector clients. **RWA** excels in assembling experts from complementary disciplines to form unparalleled project teams.

RWA stresses a practical approach to each assignment. This approach is based on firm President Richard Watson's broad range of hands-on experience in assessing situations and developing innovative methods to prevent or solve problems. Mr. Watson's development experience ranges in scale from individual parcels to planned communities to cities and counties to a multi-state economic development region. His extensive stormwater work includes contributing to the development of public policy regarding water quality, speaking at numerous conferences and workshops dealing with implementation of the stormwater program, and supporting private and public sector clients with stormwater quality management issues.

Richard Watson & Associates provides planning services in three (3) key areas:

- **Development Services**
- **Stormwater Quality Services**
- **Strategic Planning**

These areas encompass a variety of planning services and can be applied to a diverse array of projects. They are equally applicable to new development, redevelopment, or reuse. To enhance these services, **RWA** also offers clients on-site and on-line training as well as state of the art multimedia services.

Development Services

Richard Watson is a geographer/planner with over 25 years of experience in property assessment, advance planning, and project implementation. Mr. Watson is skilled at evaluating development potential and estimating short- and long-term development opportunities. He has assessed the feasibility of numerous development opportunities relative to local and regional infrastructure, economic and demographic projections, and market conditions.

During his 15-year employment with the Mission Viejo Company in Mission Viejo, California, Richard Watson developed a program that served as the framework for the land acquisition, property management, and development phases of the Company's inventory replacement program. He worked on planning and research to ensure the successful implementation of the Aliso Viejo and Mission Viejo Planned Communities in Southern California, and provided strategic support in solving environmental and infrastructure-financing problems related to the Highlands Ranch New Town in Colorado. He supervised the Company's wetlands program, which included developing major wetlands mitigation. Mr. Watson also supervised park planning, served as liaison with coastal planning agencies, and assisted with the planning and design of school sites for the Aliso Viejo Planned Community.

Through RWA, Mr. Watson prepares varied development plans for both private and public-sector clients, outlining the steps necessary to take a property from its present status to full planning and zoning entitlement. He is experienced in developing processes for meeting regulatory requirements, securing timely approval of plans and facilitating their successful implementation. He helps clients position themselves to act on investment opportunities by assessing economic factors, infrastructure, and other critical forces that shape market conditions.

Mr. Watson's expertise in the field has brought him to the attention of the international planning community. He served as the Team Leader of a development planning and engineering team for the MiraNila New Town project in Cebu, the Philippines. He provided planning support to Kaichuan Engineering and Development Company for an ecological hillside development project in Taipei, Taiwan and was an invited keynote speaker at a sustainable development conference in Taipei. In addition, Mr. Watson has been an invited speaker/panelist at International Urban Development Association (formerly International New Town Association) conferences in Europe. He has also served as a consultant on regulatory issues to the Building Industry Association of Southern California.

Richard Watson's professional affiliations include the American Institute of Certified Planners, the American Planning Association, the American Public Works Association, the

Building Industry Association of Southern California, the California Building Association, the California Planning Roundtable, the California Water Environment Association, the International Erosion Control Association, the Pacific Rim Council on Urban Development, the Urban Land Institute, and the Water Environment Federation

RWA Development Services include:

- Analyzing properties for development potential and feasibility;
- Assessing properties for regulatory constraints and opportunities, as well as potentially competing goals;
- Planning support for economic development, emphasizing balanced spatial organization and the creation of marketable land use;
- Initiating planning programs to secure planning and zoning entitlements for future development;
- Developing processes for securing timely approval of plans and facilitating their successful implementation;
- Providing expert witness testimony;
- Providing guidance in meeting regulatory requirements and complying with processing procedures; and
- Providing a variety of environmental analyses, with special attention given to topography, geology, soils, hydrology, biological resources, and stormwater quality.

RWA provides advice and assistance in carrying concepts to reality. We draw on a background of extensive practical experience to craft innovative planning solutions.

Stormwater Quality Services / NPDES

Richard Watson & Associates, Inc. (**RWA**) is uniquely qualified to help clients comply with the National Pollutant Discharge Elimination System (NPDES) and other stormwater quality regulations. Richard Watson has 12 years of experience in stormwater quality management, making him a valuable asset in navigating this complex regulatory environment.

An active participant in the California Stormwater Quality Association (formerly Stormwater Quality Task Force) since 1991, Mr. Watson is extremely knowledgeable about policies and concerns regarding stormwater. He has working relationships with State and Regional Board staff members, municipal NPDES program staff members, and water quality engineers and researchers throughout California. He is currently a member of the Executive Program Committee of the Association and Chair of its Watershed Management / TMDL / Impaired Waters Work Group.

Since 1997, **RWA** has served on a multi-disciplinary team assisting the California Department of Transportation (Caltrans) with stormwater quality issues. Richard Watson worked on the BMP Retrofit Pilot Program, for which he assisted with the siting of pilot retrofit best management practices (BMPs) at 33 locations in Caltrans District 7 (Los Angeles County) and District 11 (San Diego County). This pilot project was initiated to determine the cost-effectiveness and water quality benefits of structural BMPs when retrofitted into existing facilities.

Mr. Watson chaired the advisory team that developed a Long-Term Stormwater Compliance Strategy Program for Caltrans. This team, comprised of Caltrans personnel, consultants, and university researchers, directed several studies designed to increase understanding of the nature of stormwater quality problems, address potential solutions, and determine related costs. He also managed the Caltrans San Diego Water Quality Control Study (SDWQCS), a two-year study to determine the extent to which Caltrans should expand current practices to prevent stormwater pollution, control source, and/or treat discharges from its storm drain systems. The study addressed this objective through a watershed-based approach. The program consisted of five components: Outfall Inventory, Outreach and Partnering, Water Quality Assessment, Technology Assessment, and Scenario Development and Assessment. The SDWQCS was the first of many watershed programs to be developed in Caltrans Districts to establish priorities for stormwater controls.

Richard Watson has been one of the principal private sector contributors in the development of a workable General Permit for Stormwater Discharges Associated with Construction Activity in California. In addition, he served on the Technical Advisory Panel

for the development of the original Construction, Municipal, and Commercial / Industrial BMP handbooks for California. He also served on the Urban Development Technical Advisory Committee for review of the State's Nonpoint Source Pollution Management Program, which involved working with staff members of the State Water Resources Control Board, the California Coastal Commission, various Regional Water Quality Control Boards, and others to review the adequacy of nonpoint source pollution in California.

While employed by Mission Viejo Company, Mr. Watson handled numerous technical and policy issues in the development of both the Mission Viejo and Aliso Viejo planned communities in Orange County, including compliance with NPDES requirements. He developed the overall Mission Viejo Company NPDES program and supervised the development of comprehensive stormwater pollution prevention plans (SWPPPs) for Aliso Viejo and Mission Viejo.

RWA helped prepare a Post-Construction Stormwater Quality Program and Evaluation Monitoring Program for the Eastern Transportation Corridor in Orange County, California. (With RBF Consulting and G. Fred Lee & Associates for Silverado Constructors.) Project work included development of structural and non-structural post-construction BMPs for a 26-mile toll road and design of a monitoring program to evaluate impacts to beneficial uses of receiving waters for the stormwater runoff from the Corridor.

Mr. Watson assisted the County of Orange (California) with development of a Drainage Area Management Plan. In particular, he helped develop appendices dealing with construction and new development.

RWA, in association with David Taussig & Associates (DTA), prepared a Long-Term Financing Study for the Orange County Stormwater Program, Orange County, California. The study included a review of financing mechanisms used by municipal permittees, an evaluation of alternative financing mechanisms, the development of case studies, and the presentation of recommendations for implementing a preferred financing plan. **RWA** and **DTA** recently updated this study.

RWA also recently served on the RBF Consulting/Larry Walker & Associates project team to provide Stormwater Quality Management and NPDES Compliance Support for the County of Orange (California). For this project, Richard Watson developed a template for an extensive stormwater quality training program and coordinated the efforts of other consultant contributors.

In 1997, the National Water Research Institute (NWRI) invited Mr. Watson to participate in a Nominal Group Technique workshop to address potential stormwater harvesting; specifically, to identify significant barriers to harvesting stormwater as a viable component of the water supply. The resulting report serves as an action guide for NWRI and its co-sponsoring agencies.

Richard Watson actively participated in the work of the San Diego Bay Watershed Task Force, a stakeholder collaborative effort addressing stormwater pollution and other nonpoint source pollution that affects San Diego Bay. He was a member of the sub-committee addressing water quality issues in the Pueblo San Diego sub-watershed.

Richard Watson serves on the Southern California Water Resources Committee of the American Public Works Association and is a member of the California Building Industry Association Water Resources Task Force. He has contributed to the development of public policy related to planning, development, environmental management, and water quality, and is a frequent speaker at conferences and workshops dealing with implementation of the stormwater program.

Current projects include:

- Coalition for Practical Regulation
Technical Stormwater Quality Consultant for a group of more than 40 small and medium-sized cities in Los Angeles County
- County of San Diego, Department of General Services
Stormwater Quality Management / NPDES Compliance Support
- Hines Nurseries
Stormwater Quality Management / NPDES Compliance Support
- Talega, LLC
Stormwater Quality Management / NPDES Compliance Support
Refinement and implementation of SWPPP for Talega Planned Community

RWA's stormwater client list (past and present) also includes: Valley Crest; New Urban West, Inc.; AGK Group; Melville Realty Co., Inc.; New Center Company; Toys "R" Us; Musil, Perkowitz, Ruth, Inc.; and El Paseo Partners, Ltd.

Detailed Resume of Training Experience

Richard Watson has developed and taught university courses in Urban and Regional Planning, Physical Geography, and Transportation Planning. His training experience includes developing and conducting programs dealing with permit compliance for numerous public and private sector clients, including:

City of San Juan Capistrano, California Staff Training

Training included general awareness training for City staff and specific construction and corporation yard inspection training. The construction inspection training included both classroom and field training.

California Department of Transportation (Caltrans) Staff Training

This training session, prepared and conducted with Scott Taylor of RBF Consulting, dealt with General Permit compliance for the California Department of Transportation (Caltrans).

County of Orange (California) NPDES Permit Compliance Assistance – Training Component

RWA served as a member of the RBF Consulting/Larry Walker and Associates team providing NPDES permit compliance assistance to the County of Orange. Work on this project included developing training modules and conducting training sessions related to Plan Development, Existing Development, and Illegal Discharges/Illicit Connections. In addition, Richard Watson has worked with the County and the County's Public Education consultant to develop a template for consistent appearance and elements to be used in the various training modules being developed to meet new permit requirements.

County of San Diego, Department of General Services Staff and Contactor Training – Four Specialized Training Modules

This training focused on permit compliance for the Facilities Services, Fleet Management, and Facility Support Contracts Management Divisions of the Department of General Services, and tenant departments at County facilities. The concept of this program was to

integrate permit compliance as much as possible into existing programs in order to reduce the need for extra staff and to reduce long-term costs while increasing compliance.

DPR Construction, Inc.

Staff Training

This field staff training program was prepared and presented in collaboration with Scott Taylor of RBF Consulting. The three training sessions held -- two for DPR's San Diego Office and one for its Newport Beach, California office -- focused on compliance with California's General Construction Permit.

Talega Associates, LLC

Staff Training

In addition to revising and updating the Stormwater Pollution Prevention Plan (SWPPP) and conducting field reviews with US EPA Region IX, San Diego Regional Water Quality Control Board and Talega staff members, Richard Watson & Associates, Inc. prepared and presented a series of training seminars for Talega staff, contractors, and merchant builders. This training has focused on the needs of each group and has included participation by a city inspector. Annual refresher courses are presented each fall.

Valley Crest

Staff Training

RWA prepared and presented this training session for field staff in the San Fernando, California office of Valley Crest Landscape Development. The program focused on training field staff to effectively handle stormwater quality issues for a downtown street renovation project Valley Crest was working on for the City of Santa Monica, California.

Strategic Planning

Richard Watson & Associates, Inc. (RWA) combines analysis, experience, and insight in a practical and effective approach to strategic planning developed through 15 years of experience with the Mission Viejo Company. By monitoring local conditions, market fluctuations, economic trends and regulatory practices, we develop strategic plans to create competitive advantage and position. The central goal of a strategic planning program is to create and maintain value. The way to accomplish this is to creatively assess the future and act accordingly.

A Practical Approach to Strategic Planning

Strategic planning is an integrated decision-making process in which goals and the requirements for meeting them are clearly defined, helping to ensure coordination among decisions and to effectively direct efforts. **RWA** uses a semi-formal strategic planning approach, which is designed to promote strategic thinking without the expense or complication of establishing formal statistical analysis and modeling systems.

RWA emphasizes limited strategic analysis and the formation of strategies around which a development program could be structured. **RWA's** method is a comprehensive reasoning process that focuses on problem solving and future implications of current decisions. It promotes anticipation and timely response to the environment of constant change in which developers and municipalities operate.

A Strategic Plan developed by **RWA** involves a number of component plans that work together to help ensure successful completion of the project. We prepare a "Plan for a Plan" to outline the steps necessary to take a property from its present status to full planning and zoning entitlement. An Opportunity Plan positions the property owner to be ready to respond to changing market and regulatory conditions and to take advantage of future development and sales opportunities. Among the other plans that may developed are:

- Acquisition Strategy
- Political Strategy
- Government Relations Strategy
- Public Relations Strategy
- Community Relations Strategy
- Defensive Strategy
- Exit Strategy

RWA Multimedia Services

RWA provides a range of powerful multimedia tools to support and enhance our core planning services. We offer a unique combination of planning expertise and state-of-the art digital and multimedia technology to aid in training, documentation, litigation, and project proposals. Our ability to create and implement multimedia tools in-house assures the accuracy and confidentiality of the product, and gives clients the added convenience of an integrated planning and multimedia team.

On-site and Online Training

Insight and flexibility are key elements of **RWA's** training philosophy. Through our on-site training programs, we provide clients with comprehensive information tailored to their specific projects. Training by **RWA** integrates hands-on planning experience with compelling multimedia presentations that can include a range of photographic, video, and animation elements. Clients who incorporate training into their projects can utilize **RWA's** catalog of multimedia exhibits to help team members understand and navigate today's complex regulatory environment and realize maximum value.

To complete the training package, **RWA** offers online training as part of a scalable eLearning system. This system is capable of providing 24 hour-a-day access to training and testing for target audiences. With the ability to utilize PowerPoint slides, graphics, video, audio, and animation, this approach presents a highly flexible and effective instructional tool. In addition, this system can play a key role in verification of training/educational efforts to fulfill reporting requirements. Proof of user participation, as well as test results, can be delivered to supervisors in standard database formats. This application can be enabled via **RWA's** website, or the client's LAN/WAN or internet site, as required.

Project Documentation

Capitalizing on our expertise in project analysis and multimedia production, **RWA** is able to offer clients a tangible record of their project from inception to completion. This service can include written, photographic, video, 3-D animation, and time-lapse documentation. Clients can then utilize these records not only as proof of performance, but as a powerful marketing tool for future projects.

Contract Proposals and Interviews

RWA is experienced in creating successful proposals and interview presentations. In addition to serving as a team member on presentations, **RWA** can provide clients with presentation techniques and supporting media elements based on our thorough

understanding of the selection process for major contracts. Through these services, **RWA** can relieve many of the technical strains involved in the proposal/interview preparation process, allowing clients to focus on message.

Litigation Support

In addition to expert witness testimony, **RWA** can also provide clients with critical litigation support. These services can incorporate subject research and litigation-related multimedia services including videotaping, digital video editing, and 3-D animation. Clients can utilize these elements to dramatically enhance their ability to communicate complex concepts and arguments to key individuals in the litigation process.

Richard A. Watson, President
Richard Watson & Associates, Inc.

PROFESSIONAL EXPERIENCE:

1993 – present	Richard Watson & Associates, Inc. President
1993-1993	Culbertson, Adams & Associates, Inc. Vice President
1982-1993	Mission Viejo Company Associate Director and Director, Planning Research
1978-1982	Jack G. Raub Company (Became a division of Mission Viejo Company) Director of Advance Planning
1974-1978	Ozarks Regional Commission Regional Planner
1971-1974	Oklahoma State University Instructor, Department of Geography; Coordinator of Geography Extension
1970-1971	University of Alberta Sessional Lecturer, Department of Geography

PROFESSIONAL AFFILIATIONS:

American Institute of Certified Planners
American Planning Association
American Public Works Association
Building Industry Association of Southern California
California Building Association
California Planning Roundtable

Richard A. Watson, President
Richard Watson & Associates, Inc.

PROFESSIONAL AFFILIATIONS (continued):

California Stormwater Quality Association (formerly California
Stormwater Quality Task Force)
California Water Environment Association
International Erosion Control Association
National Association of Home Builders
Pacific Rim Council on Urban Development
Urban Land Institute
Water Environment Federation

EDUCATION:

Stanford University
History Major, 1960-1962

University of California, Los Angeles
B.A. Geography, 1964
M.A. Geography, 1969

University of Alberta, Canada
All requirements for Ph.D. except dissertation
Geography, with planning emphasis, 1967-1971

EXPERTISE:

Stormwater management and compliance
Development feasibility and due diligence
Planned communities; large scale development
Environmental analysis and planning
Economic development
Open space, park, and recreation planning
Resource management and mitigation
Strategic planning
Government and community relations
Project implementation

References Available Upon Request

PROJECT ASSIGNMENTS

Richard Watson & Associates, Inc. (RWA):

Major Project Assignments

- Stormwater quality management support for County of San Diego, Department of General Services
- Task leader / consultant team member supporting the County of Orange with Stormwater Quality Management / NPDES Compliance (member of RBF Consulting¹/Larry Walker & Associates project team)
- Stormwater quality consultant to Coalition for Practical Regulation (a group of more than 40 small and medium-sized cities in Los Angeles County)
- Stormwater quality consultant for California Department of Transportation (with RBF Consulting)
- Stormwater quality consultant to City of Mission Viejo
- Leader of master planning team for MiraNila New Town project, Cebu, The Philippines
- Eastern Transportation Corridor Runoff Management Plan Evaluation Monitoring Program (with RBF Consulting and G. Fred Lee & Associates)
- Consultant to Kaichuan Engineering and Development Company, Taiwan, on planning for ecological hillside community
- Land development workshop for the Department of Land Development, Taiwan Provincial Government, ROC
- Consultant and expert witness testimony for several property owners in major California eminent domain property condemnation cases
- Consultant on regulatory issues to Building Industry Association of Southern California
- Consultant to CDS Technologies, Inc. on introduction of continuous deflective separation stormwater treatment to Southern California
- Preparation of Stormwater Pollution Prevention Plans for construction and new development

Culbertson, Adams & Associates:

Major Project Assignment

¹ Formerly Robert Bein, William Frost & Associates

- Consultant to Mission Viejo Company on implementation of Aliso Viejo and Mission Viejo Planned Communities

Mission Viejo Company:

Major Project Assignments

- Directed planning and research to ensure the successful implementation of the Aliso Viejo and Mission Viejo Planned Communities
- Supervised Company Stormwater Quality Program
- Developed an Inventory Replacement Program to serve as a framework for property acquisition, property management, and planning for future development
- Provided governmental coordination with City and County officials in Kern, Orange, Riverside, San Bernardino, and San Diego Counties
- Developed property management programs for Mission Viejo Company properties
- Supervised park planning for the Aliso Viejo Planned Community
- Assisted with planning and design of school sites
- Worked with numerous engineering, design and construction disciplines as well as coordination with many public and private organizations
- Supervised Mission Viejo Company's wetlands program, securing appropriate permits and agreements as well as the development of major wetlands mitigation
- Made presentations to international media and development groups as well as to domestic financial groups
- Served as Conference Director when Mission Viejo Company hosted the International Urban Development Association (formerly the International New Town Association) Annual Conference in Mission Viejo and San Francisco
- Provided private sector perspective and contributed to revising the Land Use Element, the Noise Element, the Recreation Element, the Open Space Element, and the Safety Element to the Orange County General Plan

Jack G. Raub Company:

Major Project Assignments

- Directed five sections of Advance Planning, including Economic Planning, Environmental Analysis, Housing and Community Development, Policy Planning, and Resource Planning
- Supervised preparation of the Aliso Viejo Greenbelt Management Program

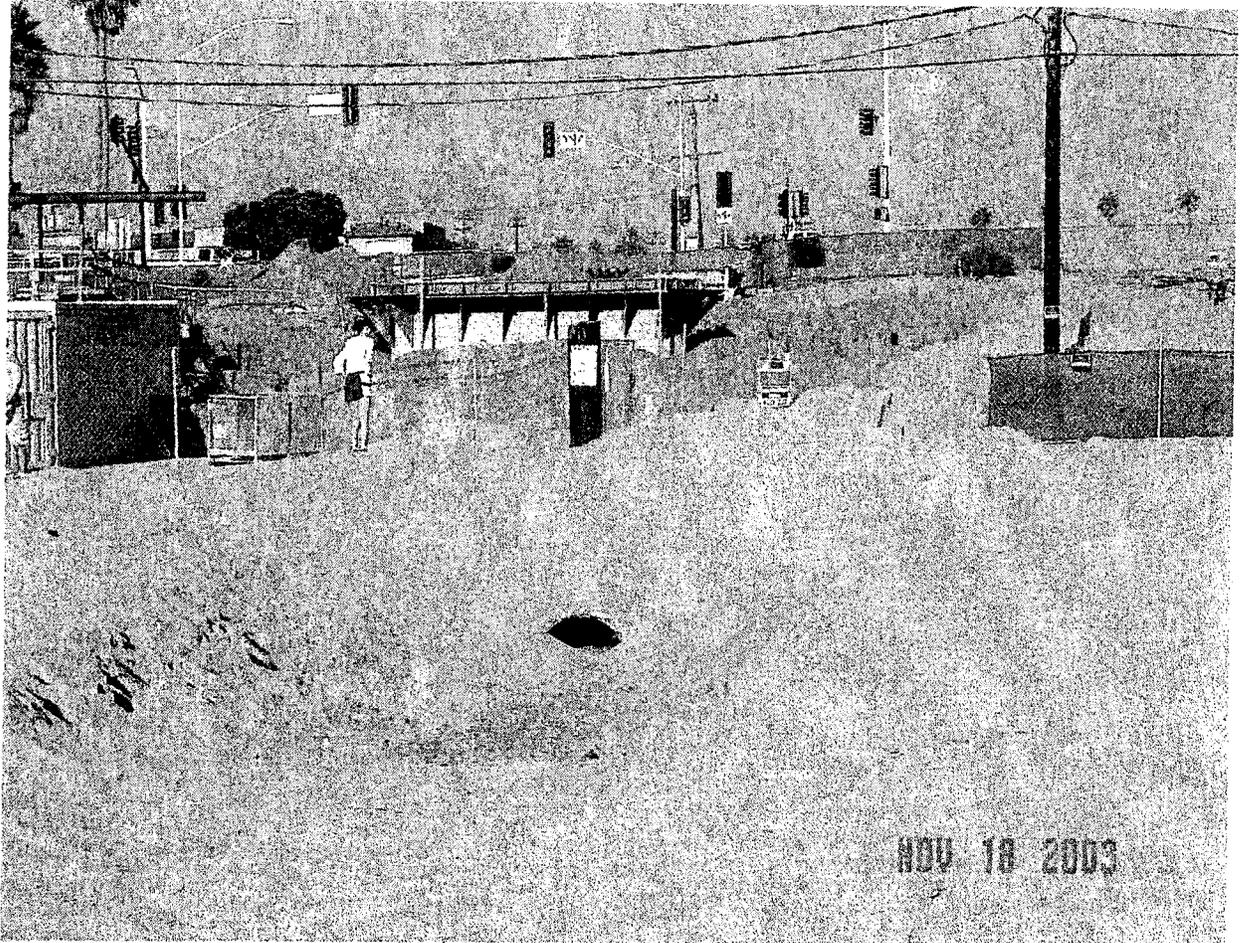
- Supervised preparation of the Local Coastal Program for the Aliso Viejo Planned Community
- Participated in preparation of the Aliso Viejo Planned Community Development Plan
- Conducted numerous negotiations with the County of Orange, the California Coastal Conservancy, and the California Coastal Commission
- Made frequent presentations to public agencies and citizen groups

Ozarks Regional Commission:

Major Project Assignments

- Developed a new Economic Development Action Plan for the five-state region
- Supervised the Commission's annual State Investment Planning process
- Reviewed individual infrastructure investment projects
- Developed the Commission's energy program
- Assisted in the development of a regional air service program
- Worked closely with five governors' offices and numerous federal, state and local agencies
- Coordinated public and private sector advisory groups

**EXHIBIT "C" TO COMMENT LETTER
PHOTOGRAPHS OF FIRST STREET STORM DRAIN OUTFALL**



View of outfall from beach looking towards First Street with ponding area in foreground.



View of outfall looking westward towards pier with ponding area in foreground.



Warning sign at outfall.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial statements. This includes not only sales and purchases but also expenses and income.

In the second section, the author details the various methods used to collect and analyze data. This involves a combination of direct observation, interviews, and the use of specialized software tools. The goal is to gather comprehensive information that can be used to identify trends and make informed decisions.

The third section focuses on the challenges faced during the data collection process. One major challenge is ensuring the accuracy and reliability of the data. This requires careful attention to detail and a thorough understanding of the underlying processes. Another challenge is the time and resources required to collect and analyze large amounts of data.

Finally, the document concludes with a summary of the key findings and recommendations. It highlights the importance of ongoing monitoring and evaluation to ensure that the data collection process remains effective and efficient. The author also provides suggestions for future research and improvements to the current methodology.

INDIVIDUALS

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The primary data was gathered through direct observation and interviews, while secondary data was obtained from existing reports and databases.

The third section provides a detailed description of the data analysis process. This involves identifying trends, patterns, and anomalies within the dataset. Statistical tools and software were used to facilitate this process, ensuring that the results are both accurate and reliable.

Finally, the document concludes with a summary of the findings and their implications. It highlights the key insights gained from the study and offers recommendations for future research and practice. The author expresses confidence in the validity of the results and hopes that they will be helpful to others in the field.

WRITTEN LETTERS

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The primary data was gathered through direct observation and interviews with key stakeholders. Secondary data was obtained from existing reports and databases.

The third section details the statistical analysis performed on the collected data. This involves the use of descriptive statistics to summarize the data and inferential statistics to test hypotheses. The results of these analyses are presented in a clear and concise manner, highlighting the key findings of the study.

Finally, the document concludes with a discussion of the implications of the findings and recommendations for future research. It suggests that further studies should be conducted to explore the long-term effects of the interventions and to identify additional areas for improvement.

December 2, 2003

Mary Beth Broeren, Principal Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648

RECEIVED
DEC 02 2003

RE: Pacific City DEIR No. 02-01

Dear Ms. Broeren,

I am writing this comment letter because 1) I am concerned that the Pacific City DEIR does not accurately represent the wetland indicator vegetation that can be found on the site and 2) the applicant has been acting in an egregiously bad-faith manner regarding vegetation removal from the site.

Bixby-1

Chronology

The chronology of my involvement with the Pacific City project is as follows:

Bixby-2

September 2, 2003 – My 1st site visit; no pictures taken. Half a dozen wetland indicator species found growing up against the property fence along the southern portion of Huntington St. Ponding observed in several locations with lush vegetation.

Bixby-3

September 7, 2003 – My 2nd site visit; 35 pictures taken. Wetland indicator species photographed: *Parapholis incurva* (Sicklegrass, OBL), *Heliotropium curassavicum* (Seaside heliotrope, OBL), *Polypogon monspeliensis* (Rabbitsfoot grass, FACW+), *Malvella leprosa* (Alkali mallow, FAC), *Bassia hyssopifolia* (Five-horn bassia, FAC).

Bixby-4

September 9, 2003 – 1st Planning Commission study session for Pacific City. I spoke during Public Comments and mentioned that wetland indicator vegetation had been found on the site.

Bixby-5

September 11, 2003 – Area residents report grading & vegetation removal activity on the site. The large ponding area at PCH & Huntington has been filled in. The smaller ponding area opposite the Pacific Mobile Home Park entrance has been partially filled in. Area residents complained to the city about dust blowing off of the site and the city issued a cease & desist order to stop the activity.

Bixby-6

September 14, 2003 – My 3rd site visit; 28 pictures taken. Wetland indicator species photographed: *Parapholis incurva* (Sicklegrass, OBL), *Heliotropium curassavicum* (Seaside heliotrope, OBL), *Malvella leprosa* (Alkali mallow, FAC), *Cynodon dactylon* (Bermuda grass, FAC).

Bixby-7

September 17, 2003 – Area residents report more grading & vegetation removal; 29 pictures taken. Small ponding opposite the mobile home park has now been completely filled in. A

Bixby-8

water truck was used in an attempt to reduce dust emissions, but area residents still noted blowing dust.

Bixby-8

September 18, 2003 – My 4th site visit; 5 pictures taken. Large piles of dead vegetation noted in several locations. I filed a written complaint with the California Coastal Commission Enforcement Division resulting in an investigation being opened.

Bixby-9

September 21, 2003 – My 5th site visit; 35 pictures taken to document changes since my September 14, 2003 site visit.

Bixby-10

September 23, 2003 – 2nd Planning Commission study session for Pacific City. I spoke during the study session and gave a brief summary of the recent grading & vegetation removal. During the 7PM portion of the meeting, I also gave a PowerPoint presentation which showed several sets of “before” and “after” pictures documenting changes on the site.

Bixby-11

October 6, 2003 – I gave a PowerPoint presentation (attached) during 7PM City Council Public Comments to bring the council up to date regarding recent events at the Pacific City site.

Bixby-12

October 9, 2003 – Area residents report more vegetation removal.

Bixby-13

November 16, 2003 – My 6th site visit; 20 pictures taken, vegetation mapped. Wetland indicator species photographed: *Heliotropium curassavicum* (Seaside heliotrope, OBL), *Polygonum monspeliensis* (Rabbitsfoot grass, FACW+), *Malvella leprosa* (Alkali mallow, FAC), *Spergularia marina* (Salt-marsh sand spurry, OBL), *Distichlis spicata* (Saltgrass, FACW).

Bixby-14

November 24, 2003 – Area residents report vegetation removal along Huntington St.

Bixby-15

November 28, 2003 – My 7th site visit; vegetation map refined. Additional areas of rabbitsfoot grass noted from last season. Alkali mallow has increased in number since my November 16, 2003 visit, both in terms of scattered individuals and the size of two large aggregations.

Bixby-16

DEIR Errors, Omissions, and Inconsistencies

Bixby-17

DEIR Volume I, Section 3.3 (Biological Resources) contains various errors, omissions, and inconsistencies:

1. Minor typos and/or taxonomic inconsistencies – some species names in Table 3.3-1 (Plants Observed on the Project Site) differ from the USDA NRCS PLANTS database at <http://plants.usda.gov/>:

Bixby-18

- o The DEIR lists the species name for “Crystalline iceplant” as “*Mesembryanthemum crystallinum*”, but PLANTS lists it as *Mesembryanthemum crystallinum*.

- The DEIR lists the species name for "Arrowgrass" as "*Triglochin concinna*", but PLANTS lists it as *Triglochin concinnum*.
- The DEIR lists the species name for "Sicklegrass" as "*Parapholis incurve*", but PLANTS lists it as *Parapholis incurva*.

Bixby-18

2. Species misidentification – Table 3.3-1 incorrectly lists the species for "Saltgrass" as "*Spartina*". The correct species name for the saltgrass that I have observed on the project site is *Distichlis spicata*. "*Spartina*" is actually the species name for cordgrass. Cordgrass requires full tidal flow which is obviously not present on the project site.

Bixby-19

3. Species omissions – Table 3.3-1 fails to list the following two wetland indicator vegetation species that are readily visible from the Huntington St. side of the project site fence:

- *Heliotropium curassavicum* (Seaside heliotrope, OBL) – multiple plants of this species were observed alongside Huntington St. during every site visit.
- *Malvella leprosa* (Alkali mallow, FAC) – this species differs from cheeseweed mallow in that the leaves are a lighter shade of green, with asymmetrical edges and crinkling, and the bloom is a lovely pale yellow flower about an inch in diameter. Many scattered alkali mallow plants can be found alongside Huntington St. from opposite of the mobile home park entrance down to Pacific Coast Highway. There are two large aggregations on the property – one of perhaps 25-30 square feet opposite of the mobile home park entrance, and another one of perhaps 50-100 square feet opposite of the Hilton hotel. The numbers of alkali mallow plants all along Huntington St. had definitely increased between my November 16th and November 28th site visits.

Bixby-20

4. Several passages in Section 3.3 assert or imply that all wetland indicator vegetation species were found down inside the soil remediation pits. This is simply not true. While the pits did support some lush wetland vegetation prior to the September 11th grading & vegetation removal, all of the species that I am able to observe from Huntington St. in November 2003 are located at or above the same grade as the adjacent street (see the annotated aerial map attached below for a list of these species).

Bixby-21

5. Table 3.3-1 neglects to include and explain the wetland indicator status codes associated with each wetland vegetation species. Because I believe this information will be useful to the Huntington Beach Planning Commission and City Council, I have attached a revised copy of Table 3.3-1 below along with the USDA explanation of the status codes. For example, *Heliotropium curassavicum*, *Spergularia marina*, *Triglochin concinnum*, and *Parapholis incurva* have all been found on the project site and are rated OBL (Obligatory) which mean that these species are found in wetlands 99% of the time.

Bixby-22

6. Page 3.3-9 under "Special Status Plants" says:

"Special status plant species known to occur in the proposed project region are summarized in identified in Table 1 of Appendix I. No special status plant species have been identified or are expected to occur on the project site."

Bixby-23

Table 1 of Appendix I lists *Suaeda taxifolia* (Woolly sea-blite) as a special status plant species, and Table 3.3-1 declares this species as being present during the September 24, 2003 EIP site survey. This directly contradicts the "no special status plants" assertion of page 3.3-9.

7. Mitigation Measure BIO-1 on page 3.3-24 says:

"If before the start of construction, substantial growth of native vegetation or sensitive habitats has occurred on the project site as determined by a qualified biologist, then special status plant or habitat surveys shall be conducted during the appropriate time of the year prior to construction of the proposed project, to determine the presence or absence of special status plant species or habitats. These surveys shall be conducted during the appropriate blooming period as determined by a qualified biologist."

The DEIR calls for future plant surveys to be performed during the "appropriate blooming period", and yet the only plant surveys done to date have been in December 2001 (the dead of winter) and September 2003 (near the end of the dry season). Given that maximal Huntington Beach Coastal Zone vegetation diversity occurs in the period February through May, the current plant surveys in the DEIR should be considered inadequate assessments of the vegetation species that will be impacted if this project is developed.

Bixby-24

Mitigation Measure BIO-1 is ultimately rendered moot by the excessive disking and other forms of vegetation removal that have been occurring with great frequency on the project site -- even during the dry season when plant growth activity is largely quiescent. If the applicant is truly serious about mitigating for any special status or wetland vegetation on the project site, then the frequent vegetation removal needs to stop so that the vegetation can be accurately surveyed prior to project approval.

Water Quality Comments

Page 3 of the Preliminary Water Quality Management Plan (PWQMP) in DEIR Volume II Appendix G boasts:

"The StormFilter is unique in its ability to meet current and future pollution challenges. No other system offers this degree of excellence and versatility."

Bixby-25

This sounds like it was cut/pasted directly from the vendor's marketing brochure, and therefore it needs to be viewed with skepticism. No system can accurately boast about meeting future challenges if the applicable regulatory measurements (TMDLs, etc) have yet to be established.

Bixby-25

Regardless of whether or not StormFilter (and StormScreen) live up to the vendor's hype, reliance on these systems as the sole structural BMPs shows a lack of progressive thinking. Why weren't natural treatment systems considered as a part of the treatment train for this project?

Bixby-26

As an example, consider the mini-wetlands treatment system installed at the Wild Oats shopping center located at 6550 E. Pacific Coast Highway in Long Beach:



Bixby-27

This small constructed wetland filters the runoff from the parking lot (left of frame) before it enters the storm drain system. Besides improving water quality, such natural treatment systems also provide habitat value and improved aesthetics.

Conclusions

Wetland Vegetation

The site visit by BonTerra Consulting in December 2001 only found 6 species of wetland indicator vegetation.

My access to the project site is limited to what I can see by naked eye, camera, and binoculars while standing on the public side of the perimeter fence. Despite this, my September 2003 site visits turned up an additional 6 species of wetland indicator vegetation that were somehow missed by BonTerra who presumably had full access to the project site.

At the September 9, 2003 Planning Commission study session, I mentioned that I had seen wetland vegetation on the project site. This apparently prompted EIP to do a supplemental vegetation survey on September 24, 2003 which turned up an additional 3 species of wetland indicator vegetation that had not been seen by either BonTerra or me.

What started out as only 6 species of wetland indicator vegetation has suddenly now become 15 species, which is pretty amazing considering 1) that all vegetation surveys to date have occurred in either the dead of winter or the end of the dry season, and 2) the recurrent and overzealous disking and vegetation removal.

It really makes a person wonder what would be seen on the project site during the peak February-May growing season. The DEIR's lack of data in this area demonstrates a clear lack of due diligence (at best).

While I give EIP credit for doing another vegetation survey on September 24, 2003, I believe that continued monitoring of vegetation is warranted between now and the eventual Planning Commission and City Council public hearings on this project.

Bixby-28

Bixby-29

Bixby-30

Bad-Faith Actions by the Applicant

The intent of the CEQA process is to fully disclose the environmental impacts caused by a project. Current project site biological resources must be accurately surveyed before biological impacts can be determined. The applicant has deliberately avoided conducting any vegetation surveys during the February-May time period when the greatest number of vegetation species would normally be present. Therefore the DEIR would seem to be inadequate regarding the impacts upon vegetation resources.

Bixby-31

The DEIR acknowledges that the California Coastal Commission uses a one parameter method for determining the presence of wetlands. Yet the applicant routinely removes all wetland vegetation (the one parameter most likely to apply at this project site) without any legitimate reasons to do so. This may be a gross violation of the California Coastal Act which prohibits the destruction of wetlands in the Coastal Zone.

Bixby-32

Further adding insult to injury, the applicant's frequent vegetation removal operations cause clouds of dust to blow off of the project site. The applicant is well aware of the concerns of neighboring residents regarding toxic soil contamination. But by allowing potentially toxic dust to blow into neighboring homes, the applicant demonstrates a callous disregard for the health of Huntington Beach residents.

Bixby-33

It is well within the applicant's power to make all of these issues disappear by simply allowing the vegetation to grow on the project site. If the vegetation were allowed to grow:

- An accurate vegetation survey could be performed that would comply with the spirit and the letter of CEQA;
- The Coastal Commission would be able to make an accurate determination about whether or not a one-parameter wetland exists at this site;
- Dense vegetation would help to prevent dust from blowing off of the project site.

Bixby-34

A Lack of Vision

The applicant takes a technical approach in designing structural BMPs to help ensure good urban runoff water quality, but ultimately demonstrates a lack of vision by ignoring the aesthetic benefits and habitat values that a mini-wetland natural treatment system could provide as part of the treatment train.

Bixby-35

Altering the project to incorporate one or two mini-wetlands would be a nice touch that would recognize the apparent wetland heritage of a place where 15 wetland vegetation species (and counting) still survive today.

Yours truly,



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Attachments:

- (A) DEIR Table 3.3-1 Plants Observed on the Project Site (Revised)
- (B) Wetland Status Codes Defined
- (C) Annotated aerial photograph showing wetland vegetation seen during November 2003
- (D) City Council Public Comments PowerPoint presented on October 6, 2003

Table 3.3-1 Plants Observed on the Project Site (Revised)

This revised version of DEIR Table 3.3-1 includes corrections for all of the errors and omissions mentioned above. Modifications have been highlighted.

Scientific Name	Common Name	Wetland Status Code
AIZOACEAE—FIG-MARIGOLD FAMILY		
<i>Mesembryanthemum crystallinum</i> ¹	Crystalline iceplant	
ANACARDIACEAE—SUMAC FAMILY		
<i>Rhus integrifolia</i> ¹	Lemonade berry	
APIACEAE (UMBELLIFERAE)—CARROT FAMILY		
<i>Foeniculum vulgare</i> ¹	Sweet fennel	FACU
ARALIACEAE—GINSENG FAMILY		
<i>Hedera helix</i> ¹	English ivy	
ASTERACEAE (COMPOSITAE)—SUNFLOWER FAMILY		
<i>Heterotheca grandiflora</i> ¹	Telegraph weed	
<i>Isocoma menziesii</i> ¹	Coastal goldenbush	FACW
BORAGINACEAE—BORAGE FAMILY		
<i>Heliotropium curassavicum</i> ³	Seaside heliotrope	OBL
BRASSICACEAE (CRUCIFERAE)—MUSTARD FAMILY		
<i>Brassica nigra</i> ¹	Black mustard	
CARYOPHYLLACEAE—PINK FAMILY		
<i>Spergularia marina</i> ¹	Salt-marsh sand spurry	OBL
CHENOPODIACEAE—GOOSEFOOT FAMILY		
<i>Atriplex semibaccata</i> ¹	Australian saltbush	FAC
<i>Atriplex lentiformis ssp. lentiformis</i> ²	Brewer's saltbrush	FAC
<i>Bassia hyssopifolia</i> ²	Five-horn bassia	FAC
<i>Suaeda taxifolia</i> ²	Woolly sea-blite	
<i>Chenopodium californicum</i> ²	California goosefoot	
<i>Salsola tragus</i> ¹	Russian thistle	
CYPERACEAE—SEDGE FAMILY		
<i>Cyperus eragrostis</i> ²	Tall flatsedge	FACW

Scientific Name	Common Name	Wetland Status Code
FABACEAE (LEGUMINOSAE)—LEGUME/PEA FAMILY		
<i>Acacia sp.</i> ¹	Acacia	
FAGACEAE—OAK/BEECH FAMILY		
<i>Quercus sp.</i> ¹	Ornamental oak	
JUNCAGINACEAE—ARROWGRASS FAMILY		
<i>Triglochin concinnum</i> ²	Arrowgrass	OBL
MALVACEAE—MALLOW FAMILY		
<i>Malva parviflora</i> ¹	Cheeseweed	
<i>Malvella leprosa</i> ³	Alkali mallow	FAC
MYRTACEAE—MYRTLE FAMILY		
<i>Eucalyptus globules</i> ¹	Tasmanian blue gum	
OXALIDACEAE—WOOD-SORREL FAMILY		
<i>Oxalis pes-caprae</i> ¹	Bermuda buttercup/sour grass	
POLYGONACEAE—BUCKWHEAT FAMILY		
<i>Rumex crispus</i> ¹	Curly dock	FACW-
POACEAE—GRASS FAMILY		
<i>Cynodon dactylon</i> ¹	Bermuda grass	FAC
<i>Distichlis spicata</i> ²	Saltgrass	FACW
<i>Polypogon monspeliensis</i> ²	Rabbitsfoot grass	FACW+
<i>Parapholis incurva</i> ²	Sicklegrass	OBL

1. Site visit by BonTerra Consulting on December 19, 2001
2. Site visit by EIP on September 24, 2003
3. Additional species noted by Mark Bixby on multiple site visits

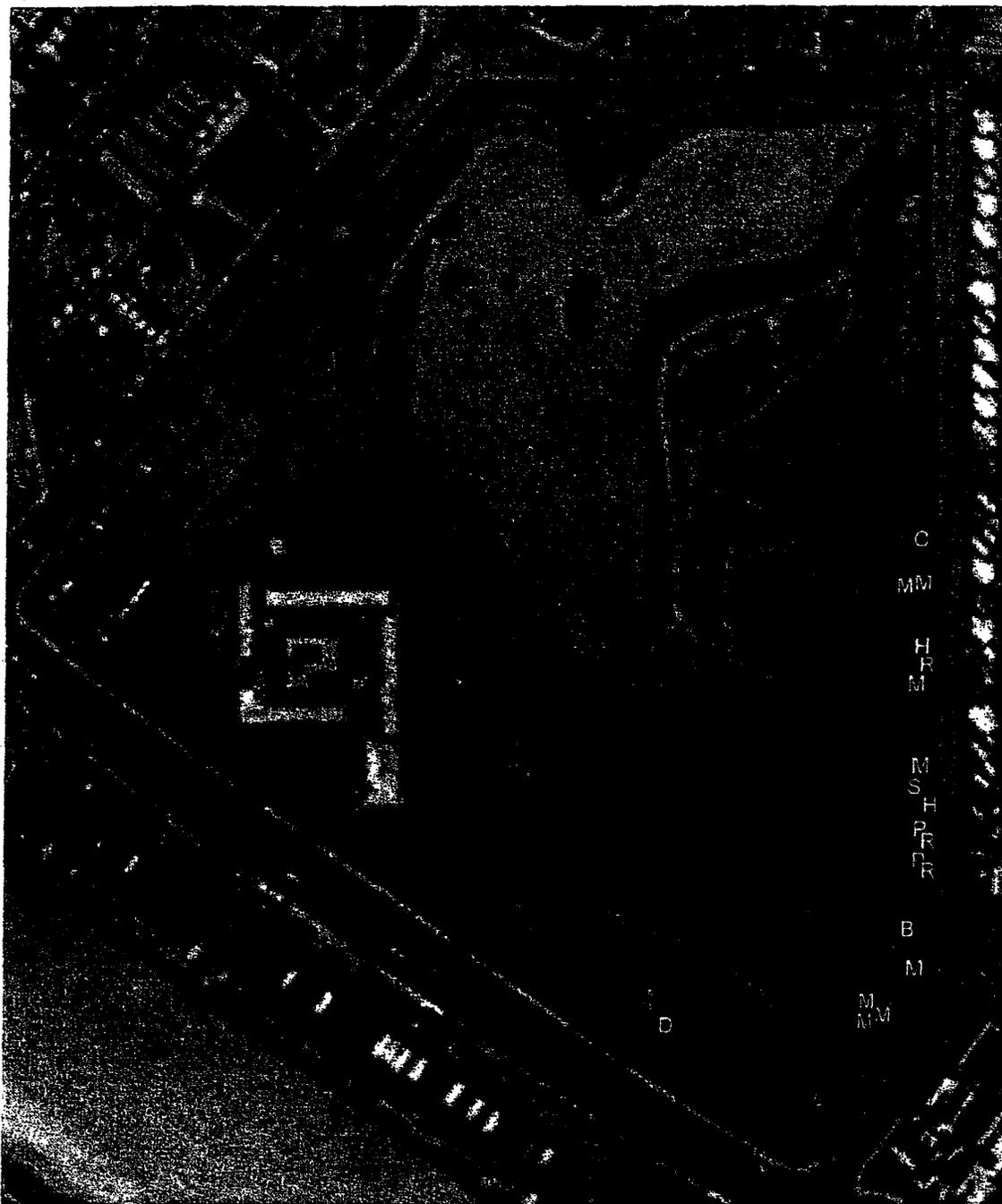
Wetland Status Codes Defined

From <http://plants.usda.gov/wetinfo.html>:

Code	Wetland Type	Comment
OBL	Obligate Wetland	Occurs almost always (estimated probability 99%) under natural conditions in wetlands.
FACW	Facultative Wetland	Usually occurs in wetlands (estimated probability 67%-99%), but occasionally found in non-wetlands.
FAC	Facultative	Equally likely to occur in wetlands or non-wetlands (estimated probability 34%-66%).
FACU	Facultative Upland	Usually occurs in non-wetlands (estimated probability 67%-99%), but occasionally found on wetlands (estimated probability 1%-33%).
UPL	Obligate Upland	Occurs in wetlands in another region, but occurs almost always (estimated probability 99%) under natural conditions in non-wetlands in the regions specified. If a species does not occur in wetlands in any region, it is not on the National List.

Wetland status codes "reflect the range of estimated probabilities (expressed as a frequency of occurrence) of a species occurring in wetlands versus non-wetland across the entire distribution of the species. A frequency, for example, of 67%-99% (Facultative Wetland) means that 67%-99% of sample plots containing the species randomly selected across the range of the species would be wetland. When two indicators are given, they reflect the range from the lowest to the highest frequency of occurrence in wetlands across the regions in which the species is found. A positive (+) or negative (-) sign was used with the Facultative Indicator categories to more specifically define the regional frequency of occurrence in wetlands. The positive sign indicates a frequency toward the higher end of the category (more frequently found in wetlands), and a negative sign indicates a frequency toward the lower end of the category (less frequently found in wetlands)."

Wetland Vegetation Seen during November 2003 Site Visits



- B = *Bassia hyssopifolia* (Five-horn bassia, FAC)
- C = *Cynodon dactylon* (Bermuda grass, FAC)
- D = *Distichlis spicata* (Saltgrass, FACW)
- H = *Heliotropium curassavicum* (Seaside heliotrope, OBL)
- M = *Malvella leprosa* (Alkali mallow, FAC)
- P = *Parapholis incurva* (Sicklegrass, OBL)
- R = *Polypogon monspeliensis* (Rabbitsfoot grass, FACW+)
- S = *Spergularia marina* (Salt-marsh sand spurry, OBL)

NOTE: nearly all plants listed on this map are found at or above street grade level. Each map letter indicates one or substantially more plants.

Pacific City

A Case Study in Bad-Faith Grading

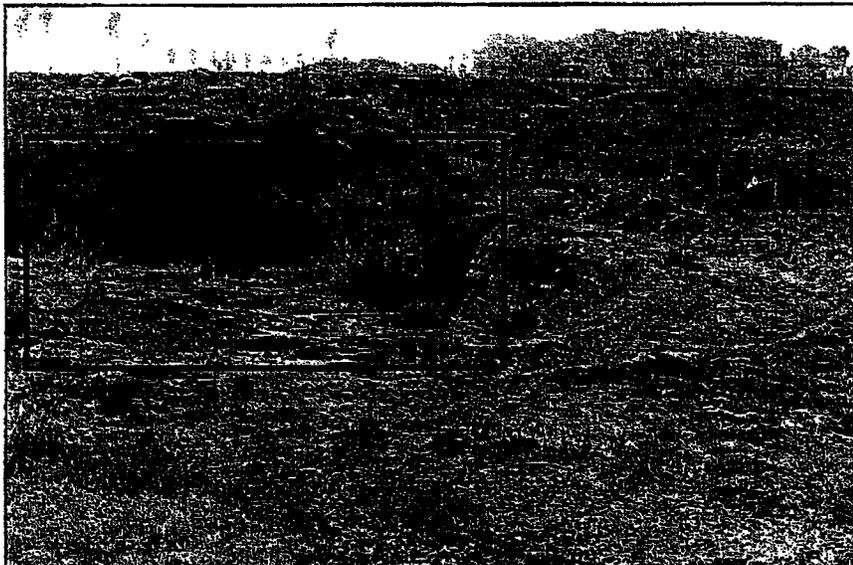
Mark Bixby
mark@bixby.org

Timeline

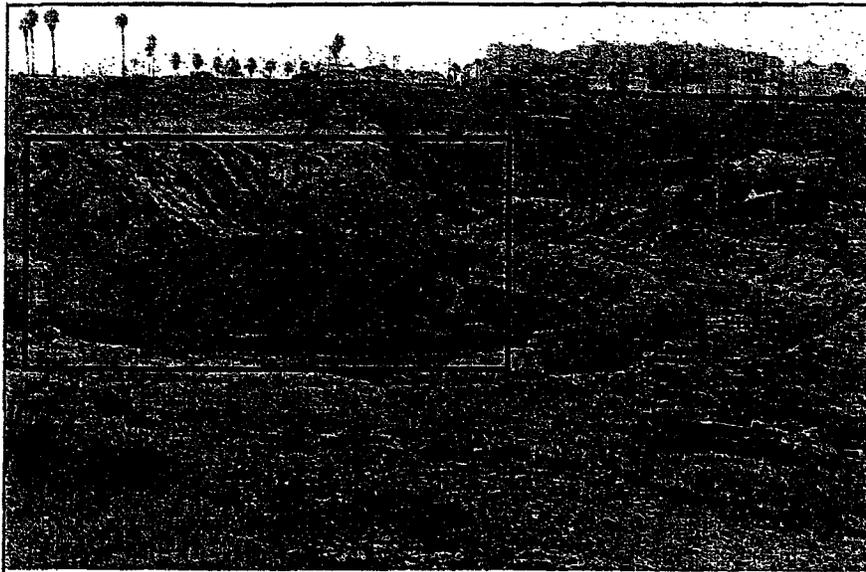
- 09/09/03 – wetland characteristics mentioned by me at PC study session
- 09/11/03 – pond filling & vegetation removal; stop work order issued by city
- 09/17/03 – stop work order ignored; more pond filling & vegetation removal
- 09/18/03 – complaint filed w/Coastal Commission Enforcement Division

Pacific Mobile Home Park

Looking west



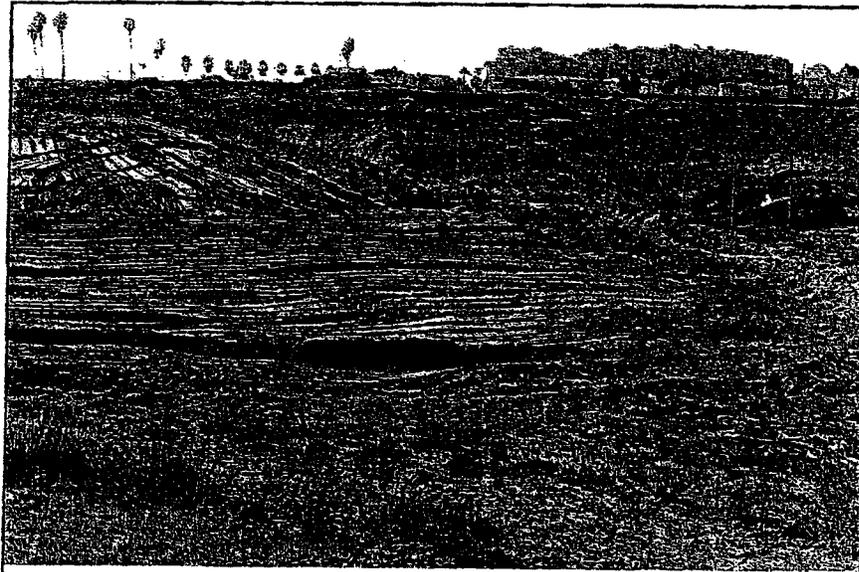
September 7, 2003



September 14, 2003



September 17, 2003



September 21, 2003

PCH & Huntington St.

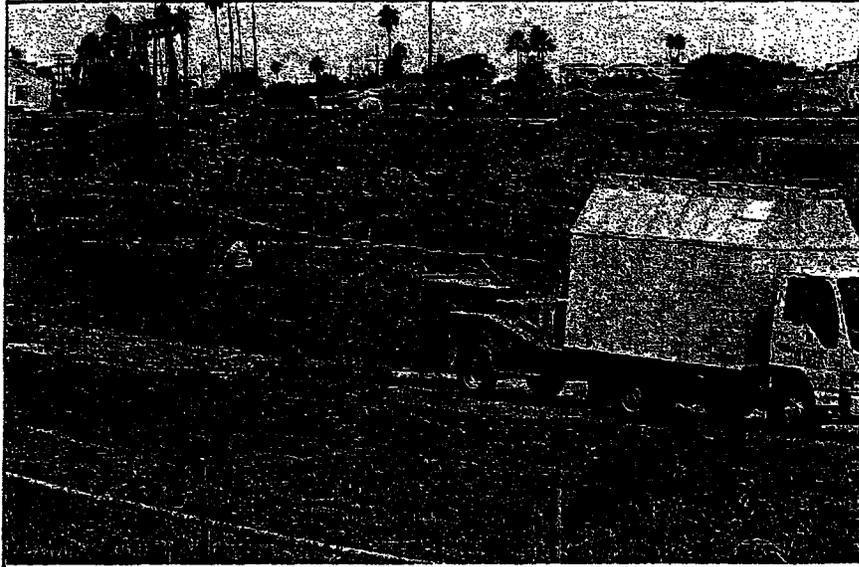
Looking west



September 7, 2003



September 14, 2003



September 17, 2003



September 21, 2003

Conclusions

- Egregious bad-faith actions by Makar
- Makes a mockery of the planning process
- Déjà vu (Shea Parkside grading abuses)
- Time for fines instead of wrist-slaps!

But wetland vegetation still exists!

Hopefully the DEIR will contain the whole truth and nothing but the truth

Continued monitoring is warranted...

Your Monitoring Help is Needed!

**Contact me for FREE training on how to
recognize wetland vegetation species
anywhere in Huntington Beach**

**Mark Bixby
mark@bixby.org**

Comments Of Paul Cross On Draft Environmental Impact Report No. 02-01 For The Pacific City Project

1. The project will destroy existing public sight-lines to the ocean enjoyed by users and residents of Huntington Street and Alabama Avenue. Statements in the EIR that there are no existing views of the ocean which are worth preserving at any point north of Atlanta Avenue are false and must be corrected. Pacific City will extend two and one-half city blocks, with a maze of buildings reaching 90 feet above sea level. For an unbroken quarter of a mile, no view of the ocean will remain for anyone north of Atlanta Avenue. There is no sense of city planning. Instead, the interest of the developer is placed ahead of the interest of the neighborhood north of Atlanta Avenue. Hundreds of pedestrians and vehicles travel south on Huntington and Alabama Streets and can view the ocean from vantage points north of Atlanta Avenue. These sight-lines should be maintained in keeping with virtually all other north-south, ocean-close streets of Huntington Beach.

Cross-1

2. The project will overload vehicular traffic on Huntington Street. This overload is not properly remedied by an existing proposal to extend Delaware Avenue through the middle of adjacent Pacific View Mobile Home Park. Two additional Huntington Street traffic lanes are required, both to be taken from the Pacific City project, not the adjacent mobile home park.

Cross-2

3. The extreme height of the buildings proposed for the Pacific City residential units (90 feet above sea level versus 10 feet for other homes along Huntington Street) will cast shadows over the first tier of mobile homes, and in some cases as far as the second and third tiers of the mobile home park. Therefore, for this additional reason, Huntington Street must be widened by two lanes into the Pacific City project. As well, a landscaped median strip along Huntington Street is necessary to filter the view downward from the condos to the mobile homes and upward from the mobile homes to the condos..

Cross-3

4. The public walkway through the project from Alabama Avenue to Pacific Coast Highway will not provide a view of the ocean except at the extreme south end of the walkway. This walkway is mandated by order of the California Coastal Commission and by an order of the City of Huntington Beach; and is the right-of-way of a former passenger railroad. Destruction of the ocean sight-line along the old railway right-of-way is contrary to the clear intent of City and Coastal Commission orders entered in 1995. Nothing is offered as recompense for this loss. Instead, the City appears eager to reward the developer at the expense of residents who would use the old railway trail.

Cross-4

5. The Pacific City project is to be constructed on a podium or platform rising 30 to 32 feet above sea level, and will not follow the natural downward slope of the land. For example, Huntington Street at its intersection with Pacific View Avenue is only 5 feet above sea level, yet except for a single tier of four story condos immediately adjacent to Huntington Street, all of the residential buildings will be placed on top of the 30-foot platform, and all except the tier directly along Huntington Street will be up to 60 feet higher than the podium level. Of the proposed 516 residential units, about 95 percent will be encased in a four story configuration. More specifically, only 10 of the units will present a two-story face and only about 15 more(those directly facing Atlanta Avenue)will rise three stories. Thus, the ambient height of the residential project will be 90 feet above sea level and not in keeping with the downward slope of the terrain. Although, there is a nominal 50-foot height limitation for four story residential units, that limitation permits a 3 or 4 foot addition at the base of a building and another 5 to 10 foot addition at the roof. Couple those extensions with a 30 to 32 foot high podium and there are buildings of up to 6 stories tall, much higher than anticipated by the California Coastal Commission. In this regard, the mounding of dirt to encompass a two story garage, with four floors of condos above, is still a six story building. By an order entered in 1995, the Coastal Commission contemplated that there would be an extension of Walnut Street which would follow the natural downward slope of the land from 1st Street to Huntington Street. Instead, the developer proposes to mound the land along virtually the entire length of a different street, Pacific View Avenue, thereby raising the level of the new east-west roadway to 29 to 30 feet above sea level for most of its length through the project. Only at the extreme east-end does Pacific View Avenue finally dip sharply down to meet Huntington Street.

Cross-5

which as noted is about 5 feet above sea level at that point. Thus, by eliminating the anticipated extension of Walnut Street and by building up the sloping land, the builder seeks to obtain six story building heights not authorized by the Coastal Commission. Reasonably, the developer must be compelled to reduce the elevation of the buildings which otherwise would be sited up 25 feet below the podium level. That is, should the builder wish to adhere to a concept of placing buildings on a tall artificial platform, sight-lines and air movements must not be thereby impaired. In this regard it is important to remember that the Coastal Commission rejected pre-1995 proposals to erect tall structures on the residential portion of Pacific City. The explicit four story height limitation of the Coastal Commission must be respected, and not corrupted by artifice. Clearly, over much of the site, the proposed podium is a third floor cover for six story buildings.

Cross-5

6. Bus pullouts must be provided along Pacific View Avenue, together with bus shelters, benches, and kiosks for the posting of bus schedules. Over 150 busses traverse the perimeter of Pacific City each day. The failure to adequately accommodate public transit at the site is shocking. The routing of busses along Pacific View Avenue will shorten the route of one-half of the daily busses by about one-half mile, and will save fuel and reduce pollution. As well, access to the site by handicapped individuals will be enhanced. Also, some automobile traffic will be eliminated and parking needs will be reduced. Indeed, merchants located at the commercial center of Pacific City could participate in a bus pass system for their bus using customers in addition to validation of parking for automobile using customers.

Cross-6

7. First Street is designed to be up to 100 feet wide, and at its endpoint with Atlanta presently has a cross-walk of 130 feet. This is far too wide and is unacceptable. Apart from being dangerous, the wide girth of the street transforms Pacific City into an island separate from downtown Huntington Beach. A median strip and traffic light will help but more needs to be done to make crossing 1st Street pedestrian friendly. The needed elimination of two lanes of 1st Street would only cause the loss of 16 parking spaces on the east side of 1st Street and 13 more on the west side of 1st Street. There still would be four traffic lanes, plus a median strip. The City owned sliver of land located at the corner of 1st Street, at its intersection with Atlanta-Orange, would provide supplemental parking to replace the loss of 29 parking spaces on 1st Street, if such should prove to be necessary. The two eliminated lanes of roadway could easily be ceded back to the developer. In return, some of the mitigating measures enumerated herein could be imposed as a tradeoff for the benefit of the City and its residents.

Cross-7

8. The proposed 516 residential units require 6.9 acres of additional city parkland. The developer seeks to meet that obligation by the payment to the city of "in lieu of fees" which may reach as high as \$12,000,000. The money would be spent at some indefinite point in the future for parkland located somewhere in Huntington Beach, but unfortunately not in the vicinity of the area impacted by Pacific City. There simply is no land available anywhere near Pacific City which can be converted to the required amount of public parkland. The ocean is not a proper substitute. Accordingly, the necessary parkland should come out of the Pacific City project itself. The outlines of an acceptable Pacific City parkland dedication is contained in a City of Huntington Beach Planning Department, Subdivision Committee publication dated October 21, 2003. Therein, as Item 3 a of Pacific City Subdivision, Suggested Conditions Of Approval - Tentative Tract Map No. 16338, the center of the residential complex would be fully opened to the public and would become part of downtown Huntington Beach, not an isolated island as presently planned by the builder. Inasmuch as the proper treatment of Huntington Street (wider by two lanes and a median strip) and a proper respect for the downward sloping nature of the terrain (true four and two story buildings, in place of six story buildings over much of the project), would cause the loss of some residential units, imposition of suggested condition of approval (Item 3 a) need not entail the loss of any additional residential units. Of course, if Huntington Street is not widened and if buildings five or six stories high measured from the natural slope of the land are allowed, then Item 3 a would require the loss of 60 units as specified therein, so as not to violate public parkland requirements.

Cross-8

9. Residential areas to the north of Pacific City may contain up to 25 units per acre, and can not exceed three stories. Except for Pacific City, no surrounding land is zoned for multiple family high density. There is a tract of land located behind the new Hyatt Hotel on Pacific View Avenue which was similarly zoned, but that land is being developed as medium density residential, two steps down from the plans of the developer for Pacific City. Circumstances have changed greatly after the 1995 action imposing a 30-unit limitation on Pacific City. For one thing, the developer has waited, and waited and waited to submit a reasonable plan for Pacific City. Upon information and belief, the site was purchased for \$20,000,000 and has a tax base well below the current market value of over \$100,000,000 for 31 acres of undeveloped Orange County ocean-front property. Here, keep in mind that any clean-up costs associated with the site must be borne by Chevron Corporation. With the huge and continuing escalation of property values along coastal California, the developer appears to have expended a tremendous amount of energy upon public relations and hardly any on actual development. The sound business judgement of the developer to await steep land value increases cannot be gainsaid. However, in the face of such delay, the City cannot be bound to an imagined promise that 30 units per acre can be erected no matter how many years have passed and no matter how circumstance have changed. The city is a place of one, two and three story homes. At the ocean, the sole residential high rise is Pier Colony, an abode of many weekend-summer time only residents. There is no need to build four more Pier Colonies at Pacific City, catering primarily to part-time residents. Merchants benefit from a steady stream of year-round inhabitants. Furthermore, utility and sales tax receipts of the city are significantly augmented by year-round "townies" as opposed to "weekenders". Zoning should comport with actual neighborhood circumstances. Thus, the project must step down from its multiple-family, high-density designation to one of moderate high density of not more than 25 units per acre with a 35 foot height limitation.

Cross-9

10. The downtown specific plan, among other things, provides incentives for affordable housing. A modest number of homes will be provided by Pacific City on and offsite for lower income residents. However, the vast majority of the proposed 516 residential units will sell at an average projected price of \$450 per square foot. Compare those prices, for example, with the ground rents of residents of the 250 pads at Pacific View Mobile Home Park of \$600 a month, and it becomes plain that Pacific City provides few incentives for affordable housing and more likely a disincentive should the future of the mobile home park be undercut by a need to construct roadways (Delaware Avenue or Huntington Street) into and over mobile home pads. Already, it appears that Atlanta Street will be expanded into the mobile home park, causing the loss of homes. As well, the City of Huntington Beach continues to plan for the routing of Delaware Avenue directly through the mobile home park so as to handle vehicular traffic upon the full build-out of Pacific City. What a mockery, 250 low cost housing units are lost, in return for a modicum of additional abodes generated by Pacific City.

Cross-10

11. During 1995, by Resolution No. 6685, The City of Huntington Beach, in accordance with the California Coastal Commission, adopted a coastal plan encompassing the area where Pacific City is to be constructed. That plan requires view, light and air corridors to the ocean with a mix of two to four story structures. Unfortunately, the proposed plan is one for a mass of tall buildings with an ambient height of 90-92 feet above sea level and as much as 85 feet above the street level of Huntington Street. Remember here that virtually all of the buildings will be affixed to an elevated platform of up to 25 or 27 feet above the surface level of portions Huntington Street, and that, as well, 10 additional feet can be added to reach the apex of the roof. Thus, buildings with a 50-foot- four story limit, actually are six stories in height, and should not be permitted.

Cross-11

12. The 66 - K V power line along Atlanta should be placed underground. Why the power line should continue as an eyesore and potential hazard is not explained or justified.

Cross-12

13.. Access to the proposed public walkway commencing at Alabama Street and extending through the project to Pacific Coast Highway must be improved beyond the present concept. Although there is a sidewalk on the north side of Atlanta Avenue west of Alabama, the sidewalk does not continue eastward in the direction of Huntington Street. This oversight should be corrected. Again it bears repeating that Pacific City must not be an island separate from downtown Huntington Beach. In short, the public's access to the pedestrian pathway should be safe and inviting, with full sidewalks on both sides of Atlanta Avenue extending from 1st Street to Huntington Street. There also must be a designated pedestrian crossover at Alabama, and a pedestrian controlled traffic signal at that location. In this regard, the proposed traffic light at 1st Street and Atlanta-Orange is not sufficient for the needs of pedestrians crossing Atlanta at the Alabama intersection. Residents on the perimeter of the project are expected to endure six years of construction with endless the clanging of pile drivers. After all of that, will we be confronted with just another inaccessible habitat for weekenders, with little connection to Huntington Beach?

Cross-13

14. The six to ten-year time frame for completing the project is excessive. The developer should be compelled to post a bond of in an amount sufficient to insure that construction is finished within two years.

Cross-14

15. Testing of the site for soil contaminants should be performed by an independent entity not selected solely by the developer or by Chevron.

Cross-15

Paul Cross

Submitted by Paul Cross, a resident of Huntington Beach at 109 Huntington Street, on November 14, 2003.

VERBAL COMMENTS

Verbal Comments
Pacific City DEIR Public Meeting - November 13, 2003

1. John Sisker (Pacific City Action Coalition & Mobile Home resident)

- The EIR did not address the extension of Delaware Avenue through Huntington Street to Mobile Home Park, but it is included in the traffic analysis
- When will this occur (2008-2020)?
- How will the extension affect traffic and overall circulation?

Verbal-1

Verbal-2

2. Paul Cross (Mobil Home resident)

- Submitted previous comments on Nov. 6th
- His scoping comments were not commented upon in the EIR
- Why has the planning for this project taken so long?
- The construction period is too long for the project
- The construction period should be shortened to no more than 2 to 3 years
- Need an independent study to characterize soil remediation conditions for closure report to ensure safety
- Maintain the existing sight line to the ocean along the east side of Huntington Street by moving the proposed hotel westward by approximately 30 feet to preserve the view corridor
- Street mouth at 1st Street and Atlanta Avenue is too wide, making it dangerous to cross
- Keep 1st Street narrower and consider giving up a portion of the street for additional parking

Verbal-3

Verbal-4

Verbal-5

Verbal-6

Verbal-7

Verbal-8

3. Mark Bixby

- The vegetation survey performed in September for the DEIR was much better; however, the survey missed two species
- The scientific name for Salt Grass used in the EIR incorrect
- He will be submitting a written report, and will identify the correct species names within it
- Vegetation table should be modified to include wetland indicator status of each species

Verbal-9

4. Faye Mathis (resident on Alabama, facing Atlanta Ave.)

- Concerned about the height (50 feet) of the development
- The height would obstruct views

Verbal-10

5. Al Calonico

- Concerned about the traffic on surrounding streets
- All streets, except PCH, are one lane in each direction
- What is being done to improve/widen the circulation on the surrounding streets?

Verbal-11

6. Mike Churchin

- Read written statement, provided as an Attachment to the Verbal Comments.

Verbal-12

7. Paul Cross

- Huntington Street should be widened by two lanes
- Mobil Home Park is put at great risk due to traffic conditions resulting from the project
- EIR does not adequately characterize the shadows that will be cast onto the Mobil Home Park from the new development; it will be cast three tiers back, and it should not matter if it is for a period of fewer than three hours
- The proposed condos will be too tall and will look down upon the mobil homes; a median strip on Huntington Street with associated landscaping would help filter the views
- Traffic conditions, loss of views, and extension of Delaware are all problems characterized as a death threat to the Mobil Home park
- Some accommodation has to be made now for the Mobile Home Park
- The City does not consider that the Mobil Home park even exists
- Height of the proposed buildings is not consistent with Coastal Commission adopted policies of a 4-story height limit. The project includes 4 stories of building plus the 2 stories of subterranean garage. The ground floor elevation would be above the existing ground level and taller than the development approved by the Coastal Commission; the configuration is too tall
- Sightline of the ocean should be provided by a pathway through the project; connection of surrounding area to the ocean must be maintained
- In favor of the commercial portion of the project, but not the residential because it is too high/dense
- He does not want the project to become another Pier Colony, which only appeals to weekend visitors so do not pay any sales or utility taxes

Verbal-13

Verbal-14

Verbal-15

Verbal-16

Verbal-17

Verbal-18

Verbal-19

Verbal-20

8. John Sisker

- Traffic bottleneck on Atlanta Avenue, Huntington Street, and Delaware Street would have to be alleviated
- Huntington Street needs to be widened by two lanes, but must not encroach into the Mobil Home Park
- Mobil Home Park owner is committed to upgrading the park, but plans show that the City does plan on the park being around in the future

Verbal-21

Verbal-22

9. Faye Mathis

- Plan for sidewalks on both sides of Atlanta

Verbal-23

10. Paul Cross

- Sidewalks are necessary to adequately connect pedestrians to the surrounding environment; need adequate public access on project site

Verbal-24

11. Mike Churchin

- Favor an alternative with decreased density for the project
- Why did the lower density project behind the Hyatt meet density requirements for the City, but this project needs increased density?
- Appropriate public access is needed for the project with wide walkways and views, not requiring the public to walk through a hotel wedding
- Amplified noise is unacceptable to nearby residents and needs to be analyzed
- Will there be outdoor concert venues?
- Concerned about the impacts of downtown development and commercial uses

Verbal-25

Verbal-26

Verbal-27

Verbal-28

12. Paul Cross

- No land is available in the nearby vicinity for a public park; with the development of 516 units, the developer will opt to pay in-lieu fees so that the City can buy parkland
- The two acre site should be a public park with two easements along First and Huntington Streets, which would become walkways
- Integrate project with the rest of downtown
- City should open up project as a way of providing needed parkland

Verbal-29

Verbal-30

Verbal-31

13. Laura Knox

- Read written statement, provided as Comment Letter LBBS in the Response to Comments document

Verbal-32

14. Mike Churchin

- Problems associated with pedestrian access through the project site and connection to the downtown area
- Significant up-lighting on hotels floods onto adjacent properties and creates a glare effect in the fog; lighting needs to be directed downward
- Existing requirements are not adequate to address erosion control problems
- Need strict enforcement and compliance to control the amount of silt that gets transported onto the beach from the project

Verbal-33

Verbal-34

Verbal-35

15. Paul Cross

- Approximately 150 buses traverse the perimeter of the project area

Verbal-36

- Approximately half of these buses turn on to Huntington Street towards Atlanta Avenue, and then turn on First Street towards PCH; buses could be re-routed to Pacific View Avenue
- Public transit through the project site should be provided (bus turnouts, kiosks, shelters, etc.)
- Why will the 66-kV powerline going to remain on the project site along Atlanta Avenue?; get rid of it or put it underground

↑ Verbal-36
 Verbal-37

Additional Discussion Items (dialogue among public)

- Parking remains a concern
- Hotel/commercial/residential uses from the proposed project must provide adequate parking
- When hotels (e.g., Hyatt) have large events, they ask employees to park on public streets; thus, although parking may meet code, its inadequate
- Clarify if Delaware extension is part of the project because the traffic analysis is based on that
- Traffic increase would imminently result from the project and Huntington Street and Atlanta Avenue would need more than a stop sign; there needs to be a traffic signal installed

Verbal-38
 Verbal-39
 Verbal-40

ATTACHMENT

(Written Input Provided by Mike Churchin at the Public Information Meeting)

EIR Questions

1. The EIR does not address (1) the potential groundwater contamination and testing which had been done by Makar and Chevron in the west central part of the site as documented by Water Board engineer Kamron Saremi and (2) the misleading documents submitted to the city by Harding ESE, Makar and Chevron's consultant, identifying the southeastern part of the site as the area in question.

Where are the test results documented by Saremi and why haven't they been addressed by the EIR and released to the public despite weeks of requests for their disclosure?

Churchin-1

Is this information so damaging that the city, Makar and Chevron are forced to hide it?

2. The EIR states in Section 3.7-7 that the soil involved in the 1999 export to the Hyatt exceeded city specifications for hydrocarbon contamination and was either excavated or remediated on site.

As the "Final Environmental Closure Report" for the Hyatt submitted to the city by Hyatt developer Robert Mayer Corporation finds no evidence of contaminated soil, does this mean that the Final report was inaccurate?

Which report is correct?

Churchin-2

If the soil was indeed contaminated as the EIR suggests, where are the test results to support this statement?

Where are the records of how much soil was excavated and where it was taken?

The public has not seen these reports despite several requests from both the city and Makar for more details on Mayer's report. And why is the soil contamination being disclosed now despite the public being told for years that the soil involved was clean?

Once again, was this information so damaging that the city, Makar and Chevron are forced to hide it?

3. The EIR states in Section 3.7-9 that 1999 hydrocarbon testing in the southeastern part of the site revealed levels of up to 130,000 mg/kg. This is approximately 15 to 100 times higher than the prior testing conducted in the 1996 Phase II Study.

As some of the areas tested in 1999 and 1996 overlap, does this mean that the site became more contaminated over time?

Churchin-3

Or does this mean that the 1996 Phase II Study was inaccurate?

Where are the test results and sampling maps to accompany the 1999 testing?

Once again, these documents have been requested from the city and Makar for months and have not been disclosed.

Churchin-3

Is this yet another example of the city, Makar and Chevron hiding damaging information?

4. In Section 3.7-5, the EIR references reports of a former gas plant, identified by a Chevron employee interviewed for the 1995 Phase I Study. The plant reportedly operated at the corner of First and Atlanta, north of the site.

The EIR then makes two contradictory statements. It states, "...no documentation exists to support the existence of a gas plant" and then states, "If a gas plant did exist on property adjacent to the project site, toxic contaminants associated with gas condensate from a gas plant could remain in the soil."

Churchin-4

What type of documentation would exist for an operation from a half century ago? Isn't a Chevron employee's statement verifying a gas plant sufficient?

The EIR also asserts that any toxic contaminants associated with gas condensate from a gas plant could remain in the soil.

How do you know that? Are there test results, documents or statements to support this?

Churchin-5

Or are you relying on the Chevron employee's statement for this information? If so, then wouldn't their statement regarding the existence of a gas plant also be reliable?

The EIR also states, "These contaminants would be localized on the site and would not be expected to have migrated across First Street through the soil to the project site. As such, these contaminants are not expected to exist on the northwestern portion of the site or otherwise affect soils on the property site."

Where is the data to support this? Is there new testing of the northwest part of the site which we don't know about?

Churchin-6

Are you relying on the Phase II testing of the northwest portion and/or the 1999 testing by Mayer? Both of these reports have been contradicted in the EIR itself.

Is this still another example of the city, Makar and Chevron hiding damaging information?

SPEAKER CARDS

SPEAKER/COMMENT CARD

Welcome to the
PACIFIC CITY EIR INFORMATION MEETING

Please complete this form if you wish to make public comments at this meeting. Please print.

YOUR NAME: Mark D. Bixby

ADDRESS: 17451 Hillgate Ln HB 92649-4707
Street City Zip Code

GROUP AFFILIATION (if any): _____ TELEPHONE: 714-695-0576

DATE: 10/13/03 DO YOU WISH TO SPEAK TONIGHT?: _____

COMMENTS: Table 3.3-1 on DEIR page 3.3-4 incorrectly
lists "Spartina" as the species name for saltgrass.
The correct species name is Distichlis spicata
which I have personally observed on the site.

Bixby(A)-1

City of Huntington Beach
2000 Main Street, Huntington Beach, CA 92648
Attn: Mary Beth Broeren

(Additional space on back)

Give this form to Staff. Speakers will be called on starting at approximately 6:30 p.m.

SPEAKER/COMMENT CARD

Welcome to the
PACIFIC CITY EIR INFORMATION MEETING

Please complete this form if you wish to make public comments at this meeting. Please print.

YOUR NAME: Frank C Bruculeri

ADDRESS: 11782 Berthelt St., Garden Grove, CA 92845
Street City Zip Code

GROUP AFFILIATION (if any): _____ TELEPHONE: _____

DATE: 11-14-03 DO YOU WISH TO SPEAK TONIGHT?: Yes

COMMENTS: The EIR does not properly address the geology + mineral resource issues consistent with the requirements of the Downtown Specific Plan (adopted June 1995 + amended 2-6-02 - Section 4.14 - Resource Production Overlay, Section 4.14.03 Oil Overlay "C" -> Specifically, the EIR conspicuously fails to mention a necessary reservation of at least 2 Acres on the project for City of Huntington Beach 2000 Main Street, Huntington Beach, CA 92648 oil + gas recovery +/or exploration as
Attn: Mary Beth Broeren (Additional space on back)

Give this form to Staff. Speakers will be called on starting at approximately 6:30 p.m.

Required by Overlay "C"!

With regard to this issue, the EIR in section "Impact EM-3" attempts to avoid the issue altogether + makes false +/or misleading statements with regard to the feasibility of slant drilling to the mineral resources located below the proposed project site. Moreover, the EIR fails to address the need for a platform on the project site from which oil + natural resource recovery could be accomplished with regard to minerals located in the areas adjacent to the project

Bruculeri: 1

SPEAKER/COMMENT CARD

Welcome to the
PACIFIC CITY EIR INFORMATION MEETING

Please complete this form if you wish to make public comments at this meeting. Please print.

YOUR NAME: AL CALONICO

ADDRESS: 9321 SUNRISE DR. A.B. 92646-5937
Street City Zip Code

GROUP AFFILIATION (if any): _____ TELEPHONE: 714-963-5736

DATE: _____ DO YOU WISH TO SPEAK TONIGHT?: _____

COMMENTS: CONCERNS ABOUT TRAFFIC PATTERNS
ON THE EAST-WEST-NORTH STREETS BORDERING
THE PACIFIC CITY PROJECT.

Calonico-1

City of Huntington Beach
2000 Main Street, Huntington Beach, CA 92648
Attn: Mary Beth Broeren

(Additional space on back)

Give this form to Staff. Speakers will be called on starting at approximately 6:30 p.m.

SPEAKER/COMMENT CARD

Welcome to the
PACIFIC CITY EIR INFORMATION MEETING

Please complete this form if you wish to make public comments at this meeting. Please print.

YOUR NAME: MIKE Churchin

ADDRESS: 7856 SEABREEZE DR. HB 92648
Street City Zip Code

GROUP AFFILIATION (if any): PAZ **TELEPHONE:** 714 5683715

DATE: 11/13/03 **DO YOU WISH TO SPEAK TONIGHT?:** YES

COMMENTS: - Amplified Commercial Noise
- Contaminants / Documentation
- "Public" Access - Erosion Control
- Down Lighting - Density - US -

City of Huntington Beach
2000 Main Street, Huntington Beach, CA 92648
Attn: Mary Beth Broeren

↓ Density of recent development

(Additional space on back)

Give this form to Staff. Speakers will be called on starting at approximately 6:30 p.m.

Churchin(A)-1

- pedestrian access to downtown (consider) for neighboring communities
- Parking inadequate

SPEAKER/COMMENT CARD

Welcome to the
PACIFIC CITY EIR INFORMATION MEETING

Please complete this form if you wish to make public comments at this meeting. Please print.

YOUR NAME: PAUL S. CROSS

ADDRESS: 109 HUNTINGTON ST, H.B. 92648

GROUP AFFILIATION (if any): HOMEOWNER Street City TELEPHONE: 969-2273 Zip Code

DATE: 11-13-03 DO YOU WISH TO SPEAK TONIGHT?: YES

COMMENTS: _____

City of Huntington Beach
2000 Main Street, Huntington Beach, CA 92648
Attn: Mary Beth Broeren

(Additional space on back)

Give this form to Staff. Speakers will be called on starting at approximately 6:30 p.m.

Cross(A)-1

SPEAKER/COMMENT CARD

Welcome to the
PACIFIC CITY EIR INFORMATION MEETING

Please complete this form if you wish to make public comments at this meeting. Please print.

YOUR NAME: Laura Knox

ADDRESS: 650 Town Center, Costa Mesa 92714

GROUP AFFILIATION (if any): _____ **TELEPHONE:** 714-545-9200

DATE: 11/13/03 **DO YOU WISH TO SPEAK TONIGHT?:** Yes

COMMENTS: _____

City of Huntington Beach
2000 Main Street, Huntington Beach, CA 92648
Attn: Mary Beth Broeren

(Additional space on back)

Give this form to Staff. Speakers will be called on starting at approximately 6:30 p.m.

Knox-1

SPEAKER/COMMENT CARD

Welcome to the
PACIFIC CITY EIR INFORMATION MEETING

Please complete this form if you wish to make public comments at this meeting. Please print.

YOUR NAME: JOHN SISKER
ADDRESS: 80 HUNTINGTON ST. #206 HUNTINGTON BEACH, CA 92648
GROUP AFFILIATION (if any): PACIFIC CITY ACTION/CAUTION TELEPHONE: (914) 536-3858
DATE: 11/13/03 DO YOU WISH TO SPEAK TONIGHT?: YES
COMMENTS: TRAFFIC CIRCULATION, ESPECIALLY HUNTINGTON STREET + DELAWARE AVENUE EXTENSION

Sisker-1

City of Huntington Beach
2000 Main Street, Huntington Beach, CA 92648
Attn: Mary Beth Broeren

(Additional space on back)

Give this form to Staff. Speakers will be called on starting at approximately 6:30 p.m.

SPEAKER/COMMENT CARD

Welcome to the
PACIFIC CITY EIR INFORMATION MEETING

Please complete this form if you wish to make public comments at this meeting. Please print.

YOUR NAME: JOHN SISKER

ADDRESS: 80 HUNTINGTON ST. #266 HUNTINGTON BEACH, CA 92648

GROUP AFFILIATION (if any): PACIFIC CITY TELEPHONE: (949) 536-3850

DATE: 11/13/03 DO YOU WISH TO SPEAK TONIGHT?: YES

COMMENTS: HOW WILL THE DEVELOPER ADDRESS THEIR AFFORDABLE HOUSING REQUIREMENTS? WHAT ROLE AND KNOWLEDGE DO THE OWNERS OF PACIFIC MOBILE HOME PARK PLAY IN THE LIFE OF THE MOBILE HOME PARK FOR DISCLOSURE NOTICES TO THE RESIDENTS?

Sisker-2

Sisker-3

City of Huntington Beach
2000 Main Street, Huntington Beach, CA 92648
Attn: Mary Beth Broeren

(OVER)

(Additional space on back)

Give this form to Staff. Speakers will be called on starting at approximately 6:30 p.m.

WHAT IS THE LIFE OF THE PARK? WHY NO DISCLOSURE TO THE RESIDENTS? WHAT ABOUT THE CITY HELPING THE RESIDENTS OF PACIFIC MOBILE HOME PARK ESTABLISH THE PARK AS AN OFFICIAL NON-PROFIT RESIDENT OWNED PARK? THIS WOULD HELP THE CITIES' AFFORDABLE HOUSING REQUIREMENTS AND MAY BE A SOLUTION FOR MAHAR.

Sisker-4

EVEN THOUGH THE INTENDED DELAWARE STREET EXTENSION TO CONNECT AT HUNTINGTON STREET AT PACIFIC VIEW DRIVE (2008-2010) IS NOT DIRECTLY PART OF PACIFIC CITY, IT IS INDEED REQUIRED FOR THE EIR AND TO JUSTIFY THE TRAFFIC FLOW, AND IS THEREFORE PART OF THE PROJECT.

Sisker-5

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