3.4 TOPICAL RESPONSES

There were three issues raised in a number of the comment letters: (1) Water Quality, (2) Traffic Generation, and (3) Shared Parking. Therefore, topical responses have been prepared that consider the key points of the comments on each of these issue areas and present one consolidated response on each issue.

Topical Response on Water Quality

This Topical Response addresses concerns related to drainage issues and bacterial contaminants in runoff from the project site. Information presented in this response has been reviewed and affirmed by City staff with expertise in water quality issues. As discussed on pages 3.8-20 of the Draft EIR, the proposed project would be divided into two separate drainage areas with separate storm drain systems, as illustrated by Figure 3.8-5. The intent of this configuration would be to reduce stormwater runoff directed to the ASWPS. The predevelopment drainage area of 34.6 gross acres, currently tributary to the ASWPS, would be reduced to a 7.7-acre area designated Drainage Area "A." The balance of the site would be designated Drainage Area "B," and stormwater flows would be directed to the proposed project-specific drainage system in First Street, discussed below.

All dry weather flows for the proposed project would be directed to ASWPS for treatment by OCSD. The reduction in stormwater flows directed to the ASWPS from the reconfiguration of the drainage areas on-site would result in a reduction in 100-year storm flow from 67.0 cfs to 21.8 cfs to the ASWPS. All proposed drainage improvements would be designed and constructed in accordance with the standards set by the City of Huntington Beach and the Orange County Flood Control District.

Runoff from the site is governed by the Santa Ana Regional Water Quality Control Board (SARWQCB) through the programs that implement water quality standards adopted by the SARWQCB. With, and through the authority of, the State Water Resources Board, the SARWQCB acts as the water pollution control agency for all purposes stated in the Clean Water Act in the Santa Ana Region. Section 3.8.2 of the Draft EIR discusses the Regulatory Framework applicable to the proposed project. As discussed under this section, the Clean Water Act, which is enforced through NPDES requirements, the applicable Basin Plan, and the Orange County Drainage Area Management Plan would apply to the site, and the project would meet all standards identified in these programs. The Drainage Study Including Preliminary Hydrology Analysis and Water Quality Analysis for Pacific City (Hunsaker & Associates 2003a) demonstrates the project would be in compliance with these standards once the final documents are submitted and approved. This report was reviewed independently by the City and the City's consultants in order to ensure its technical accuracy. Thus, the proposed project would conform to all water quality requirements adopted by

the SARWQCB. As discussed under Impact HYD-1 of the Draft EIR, the proposed project would not violate water quality standards or waste discharge requirements; result in substantial sources of polluted runoff; or otherwise substantially degrade water quality. Although bacterial contamination has been a subject of discussion in recent years, the SARWQCB has not adopted water quality standards for bacteria and pathogens in urban runoff. Further, according to the U.S. Environmental Protection Agency (U.S. EPA 1991):

> Stormwater runoff is often rich in bacteria originating from … non-human (and largely non-disease producing) sources and can contain high densities of indicator bacteria. Consequently, for receiving waters containing discharges which originate primarily from separate storm drainage systems (and do not contain sanitary wastewater), these indicators are ill-suited to accurately assess the water's disease-producing capabilities.

Dry-weather flows in the portions of the City that drain to the ASWPS are currently treated for bacterial contamination by the Orange County Sanitation District (OCSD). The basis for current treatment of dry-weather flows is set forth in Resolution No. OCSD 01-07, which acknowledges that certain types of dry-weather urban runoff create public health and/or environmental problems, and that this runoff is infeasible to economically or practically control. As the OCSD has limited capacity available in its system to allow dry-weather runoff to be accepted, only a portion of the dry-weather flows in portions of the City are discharged to the OCSD, and the treatment of dry-weather flows is not required by the SARWQCB. As discussed above, no standards have been adopted to address bacterial levels in runoff.

However, methods to disinfect runoff, thus treating the runoff for bacterial contamination exist and include ultra-violet treatment, ozone treatment, and chlorination/de-chlorination. The OCSD has identified that the RWQCB recognizes that the chlorination/de-chlorination process is the only feasible option to implement disinfection technology as quickly as possible, and this is the method currently used by OCSD to disinfect flows (OCSD 2002). Implementation of this method requires careful monitoring and management of hazardous materials required to complete the chlorination/de-chlorination process, which would result in secondary impacts if employed at the project site. Ultra-violet and ozone treatment require further investigation and study, and implementation of these treatment methods would involve detailed resource-intensive improvements, beyond typical Best Management Practices (BMPs). These improvements are currently under investigation by OCSD, the wastewater treatment provider for a 470-square-mile area. However, given the extent of efforts necessary to treat bacterial contamination in a manner that does not result in secondary impacts and the lack of adopted regulations addressing this issue, any of these undertakings would not be considered practical and are not statutorily required to address runoff from the 26.9-acre project site area.

Nevertheless, the proposed project would include various measures to reduce the potential for bacterial contamination of runoff. On-site drainage areas would have the first flush (85-percentile 24-hour storm

event or the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch per hour) and dry-weather flows treated by filtration systems included as part of project design. Also, as described on pages 3.8-18 to 3.8-19 of the Draft EIR, the Applicant would be required by the City to develop and implement a Water Quality Management Plan (WQMP) for the proposed project to maintain compliance with NPDES standards. The WQMP would include site design, source control, and treatment control BMPs to address the specific pollutants anticipated from the project and project site, and would detail the specific operation and maintenance of each BMP. These BMPs would range from general, relatively simple procedures, such as street-sweeping, to educational programs regarding a range of issues, such as disposal of hazardous/toxic wastes, pickup and disposal of animal feces, and detection and elimination of illicit dumping. In addition to ensuring that the project meets current water quality standards—including non-point sources of contamination—these BMPs would also reduce the potential for bacterial contamination of the water supply. In addition, the project would comply with the conditions of the City's NPDES Stormwater MS4 permit (NPDES No. CAS618030) and the Drainage Area Management Plan (DAMP) adopted under the terms of the permit. The goal of the permit is to protect beneficial uses of receiving waters by reducing pollutant loading to surface waters from urban runoff to the maximum extent practicable (MEP). MEP as defined in the permit, is the maximum extent feasible, taking into account considerations of synergistic, additive, and competing factors, including but not limited to gravity of the problem, technical feasibility, fiscal feasibility, public health risks, societal concerns, and social benefits. The Applicant would be bound by the City's Water Quality Ordinance, adopted to ensure compliance with the NPDES Stormwater Permit, applicable provisions of the DAMP, and the Statewide General Permit for Stormwater Discharge Associated with Construction Activity. With respect to dry weather flows, Drainage Area "A" would continue to go to the ASWPS for all dry-weather and stormwater flows. In addition, the dry weather flow for Drainage Area "B" can be routed into Area "A" and to the ASWPS, in order that, at the City's discretion, these flows may be routed for treatment by OCSD.

Section 3.8 of the Draft EIR has been revised to include additional information related to bacterial contamination in water quality. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

Topical Response on Traffic Generation

This Topical Response addresses comments stating that trip generation is too low. Trip generation presented in the analysis is based on standard industry data and location-specific characteristics of the area that the City has developed based on previous experience. The analysis considers a reasonable, conservative scenario for trips resulting from the proposed project.

Several commenters questioned the methodology for determining trip reductions. The reductions to base trip volume taken included reductions for internal capture and mode shift, as shown in Table 3.14-10 on page 3.14-29 in the EIR. The reductions vary based on trip generation time period [A.M. or P.M. peak hours, or Average Daily Trips (ADTs)]. Internal capture refers to reductions taken due to the interaction of uses on-site. That is, vehicular trips would be related to more than one of the uses on site. Internal capture ranges from 8 to 15 percent, based on the type of use and the time period. Reductions to the base trip volume can be applied through use of either a mode shift or pass-by traffic. Either of these methodologies support the concept that a portion of the trips resulting from the proposed project would be related to vehicular trips already on the roadway. A mode shift reduction was considered the more appropriate type of reduction to take due to the site proximity to the Downtown core district and recreation attraction; the project site is approximately 0.25 mile south of the core of the City's Downtown. It is reasonable to assume that customers would walk ½ mile, which takes approximately 9 to 10 minutes. As such, it is appropriate to expect that a portion of the persons in the Downtown area would access the project site. The outcome of either the mode shift or pass-by methodology would result in a similar total number of trips generated from the site, and the conclusions of the analysis would be the same. The mode shift for the proposed project ranged from 10 to 25 percent, based on type of use and time period. Consequently, overall trip reductions ranged from 18 to 32 percent for the proposed project.

To ensure that the analysis reflects industry standards for estimating trip generation potential, several factors were considered, including the following:

- Nationally accepted base trip generation statistics from the Institute of Transportation Engineers
- Typical character of sites used in compiling the ITE trip generation statistics (location, transit use potential, pedestrian accessibility, etc.)
- Assessment of potential interaction between individual uses within the development (mixed use/internal trip capture)
    - Potential interaction as indicated in the shared parking analysis
    - Multi-use development procedures and statistics identified in the ITE Trip Generation Handbook

- › Consideration of relevant traffic studies with internal trip capture (identified below)
- › Exercise of professional discretion for appropriate internal trip capture

- Assessment of potential interaction between project land uses and external attractions/uses
  - › Consideration of proximity to Downtown core as an example of interaction
  - › Consideration of relevant traffic studies with mode shift (identified below)
  - › Primary intent of development to capitalize on area activity such as beach, Downtown business core, transit use, pass-by trip potential and other area hotels
  - › Project's inherent support of destination resort concept for coastal visitors

ITE Trip Rates are considered "base trip rates" and reflect the number of trips that would occur from each use as a stand-alone development, with no reductions for transit, pedestrian uses, or individuals parking once and accessing more than one use. As such, it is appropriate to apply reductions to these base trip rates to reflect the local environment of the development, which influences the number of trips the project generates. This concept is specifically cited in the ITE Trip Generation Users Guide (ITE 1997) which states the following:

> Data were primarily collected at suburban locations with little or no transit service, near-by pedestrian amenities, or transportation demand management (TDM) programs. At specific sites, the user may wish to modify trip generation rates presented in this document to reflect the presence of public transportation service, ridesharing or other TDM measures, enhanced pedestrian and bicycle trip-making opportunities, or other special characteristics of the site or surrounding area.

Thus, as suggested by the ITE, trip rates were modified for the traffic study for the proposed project. The October 1998 ITE Trip Generation Handbook gives further guidance by presenting a review of the procedures and concepts that are applicable to mixed-use developments. While there is an entire chapter dedicated to this topic (Chapter 7), it specifically states: "the analyst is encouraged to make logical assumptions in his/her use of this procedure. In summary, use good professional judgment." Therefore, it is standard industry practice to apply trip reductions based on the professional discretion of the analyst.

CEQA practice permits disagreement among experts in the analysis. This is identified in CEQA Guideline Section 15151, which states that disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. *Practice Under the California Environmental Quality Act* (Stephen L. Kostka and Michael H. Zische), Section 13.26 expands on this concept by citing case law that the lead agency may rely on the conclusions presented in the EIR, even if other experts disagree with the data, analysis, or conclusions presented, *Laurel Heights Improvements Association v Regents of the University of California (1988))*. Disagreement was presented during the public Draft EIR review period, as presented in the comment letters. This Topical Response provides the supporting data to explain

why the methodology used in the analysis is appropriate, even though public commentors have identified disagreement with the conclusions.

The project itself represents a unique development in the area, and as a result, no one prior traffic study can be relied on as containing the data that would be appropriate to use in this analysis. The unique characteristics of the project include its size, mix of uses, and location. The project site, at 31.5 acres, represents a singularly large scale mixed use development in the Downtown- area. The site would result in internal capture rates unlike those experienced in smaller scale mixed use developments in the area, because the project site would include a greater number of uses that would share patrons as compared to smaller developments. With respect to the mix of uses, the project site would include four non-residential uses that would generate trips: hotel, retail, restaurant, and office. Mixed-use developments typically include only two or three different types of uses. The total of four types of uses increases the complexity of interaction among uses. With respect to the location, the project is sited immediately adjacent to not only the beach but also the Downtown core, in a location intended to maximize the project's interaction with these uses.

Notwithstanding the unique aspects of the project, several recent documents support the range of the internal capture and mode shift percentages used in the EIR. The Downtown Parking Master Plan (DPMP) is contained in Section 4.2.14 of the Downtown Specific Plan. The DPMP identifies reductions that average 38 percent of code requirement, based on the particular land use. While this Plan focused on parking use, it also demonstrates the synergy of the mix of retail and restaurant uses within proximity to beach amenities. This study supports the conclusion that a 30 to 40 percent reduction in overall trip generation has been experienced in the Downtown area compared with the individual base trip generation that would be estimated for stand-alone uses. The recently approved and certified "The Strand" EIR (SCH No. 2000051109), located at PCH and 5th Street also applied mode shift and internal capture reductions. This development includes approximately 100,000 square feet of commercial retail and a 152-room hotel. The trip reductions applied in that analysis included 30 percent reduction for mode shift and an internal capture rate of 10 percent. The Pointe Anaheim project in the City of Anaheim also exhibits characteristics similar to the proposed project. While this project is not in a beach community, the project site is situated adjacent to another regional attraction—Disneyland**.** That project includes hotel, theater, retail, restaurant, and entertainment uses totaling approximately 1.5 million square feet in all. The traffic analysis presented in the Mitigated Negative Declaration (City of Anaheim, 1999) used internal capture rates ranging from 20 to 30 percent and mode shift ranging from 45 to 55 percent. Therefore, as seen in these examples, the base trip generation reductions taken for the project, including mode shifts ranging from 10 to 25 percent and internal capture ranging from 8 to 15 percent, resulting in overall reductions ranging from 18 to 32

percent, are comparable to, and often less than, reductions taken for other developments that exhibit some similarity to the proposed project.

The project traffic generation contained within the Pacific City traffic impact analysis report, after application of the internal capture and mode shift reductions, is consistent with the appropriate vehicle traffic generation forecast for Pacific City based on the specific land use characteristics of the development, size, and location.

Topical Response on Shared Parking

This Topical Response addresses comments stating that the shared parking analysis is not appropriate. The shared parking analysis is based on industry data prepared by the Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), and the City's accumulated experience in parking demand characteristics. The analysis considers a reasonable scenario for parking demand resulting from the varying mix of proposed visitor-serving commercial uses (hotel, retail, office, restaurant, cultural, and entertainment); it does not include the residential portion of the proposed project.

The Topical Response on Traffic Generation demonstrates the appropriateness of the use of the mode shift for the project. This concept was also applied to the shared parking analysis. Therefore, refer to that Topical Response for an explanation of the basis for mode shift reductions, which are reflected in the shared parking analysis.

Shared parking accounts for the opportunity for a mix of land uses within one area to share the same parking supply without having to provide additional parking for each individual land use. This is due to variations in the peak hour of parking, and the multiple trip purposes that can be satisfied at a mixed-use project site. When uses share a common parking footprint, the total number of spaces needed to support the collective whole is determined by adding parking profiles (i.e., the percentage of spaces occupied at a given time), rather than individual peak ratios as represented in the City of Huntington Beach Zoning and Subdivision Ordinance (ZSO, Chapter 231—Off-Street Parking and Loading Provisions). The shared parking methodology is applicable to the commercial portion of the proposed project because the individual land uses (i.e., retail, restaurant, hotel, and office uses) experience peak demands at different times of the day. The base parking demand ratios are consistent with City code and are all design ratio demands without any reductions for seasonal variations. For analysis purposes, some ULI recommendations have been increased during particular times of day to provide a conservative approach. For example, ULI recommends occupancy of 30 percent of peak parking demand for hotel use during the noon hour, but this has been increased to 75 percent in the analysis.

A key factor in the shared parking analysis is the understanding that the peak demand for commercial parking spaces occurs during the midday hours of 12:00 PM and 1:00 PM, when the mode shift reduction factors discussed under the Topical Response on Traffic Generation are appropriately applied. The shared parking analysis for the proposed project considers parking demand during the weekday (Table 5A), and on the weekend (Table 5B). Parking demand in the visitor-serving commercial portion of the project site

would be higher during the week, primarily due to parking demand related to office space that would not occur on the weekend.

The Downtown Parking Master Plan (DPMP) contained in Section 4.2.14 of the Downtown Specific Plan validates and uses the concept of shared parking. Although the DPMP parking rates do not apply to the proposed project because the proposed project is not within the DPMP boundaries (which extends approximately one block east and west of Main Street, from PCH to Acacia Avenue). The project site is within the Downtown Specific Plan area, and therefore would interact with the Downtown, as patrons of the project site would include patrons of the Downtown area. Due to the uniqueness of the project, as discussed in the Topical Response on Traffic Generation, site-specific data were used to determine parking rates. In order to provide a comparison for these rates, the parking rates from the DPMP were applied to the project. Parking requirements under the DPMP, if they were applicable to the proposed project, would be 1,566 spaces, as shown in Table 4A, which is only slightly more spaces (31) than the 1,535 spaces required based on the project-specific shared parking analysis.

The project site is approximately 0.25 mile south of the core of the City's Downtown. It is reasonable to assume that customers would walk ½ mile, which takes approximately 9 to 10 minutes. As such, it is reasonable to expect that a portion of the persons in the Downtown area would access the project site. The analysis does not rely on the use of off-site parking facilities to meet project needs. Rather, through the application of the mode shift, it assumes that some vehicles will already be parked in the area, within walking distance of the site, and therefore, these vehicles would not be moved to park on the site.

A number of comments request detail on how the ballroom/meeting facilities and spa were included in the shared parking analysis. As identified in Table 2-5 on page 2-13 of the Draft EIR, 16,000 square feet are allocated to ballroom uses. Of this area, there would be 9,300 sf of useable space allocated to the ballroom. This space can be allocated as ballroom space/banquet facilities and conference space/meeting rooms. The space would generally be used for conferences and meetings during the week and banquet activities on the weekend. Thus, the terminology varies depending on the day of the week that is referred to, but, under any scenario, would include a maximum of 9,300 sf of useable space. This space is referred to as "ballroom" under this Topical Response. The usable space of the ballroom is a relatively small area. It represents less than 3 percent of the hotel square footage, and is far less than the adjacent Hyatt which includes approximately 52,000 square feet of meeting space, including a 20,000 square foot ballroom, or the adjacent Hilton, which includes approximately 19,000 square feet of ballroom space. City code requires 1.1 parking spaces per hotel room, which factors in parking demand associated with the ballroom and spa; parking demand for these uses are typically not counted separately. Consequently, Table 2A, which presents City Code parking requirements, does not include a separate line item for the ballroom or spa. As a

conservative measure, however, parking demand from these uses was included in the shared parking analysis, so that the total hotel parking demand exceeds City requirements. Columns 3 and 4 in Tables 5A and 5B identify parking demand from these uses.

As a validation for the total recommended parking demand in the shared parking analysis, the aggregate parking rate for full buildout of the retail portion (retail/commercial and restaurant uses) and hotel portion (including the signature restaurant, meeting space and spa service) was calculated and compared to industry standards. That is, at the 1:00 PM peak parking period, the number of spaces required based on the parking profile (i.e., the percentage of spaces occupied at a given time) was computed for all the uses associated with the retail portion of the project and all the uses associated with the hotel portion of the project. This data was then compared to industry standard parking requirements for each of these uses. For the retail portion of the project, the aggregate parking rate required for the 1:00 PM peak parking period is 4.56 spaces per 1,000 SF of gross leasable area (GLA). This requirement exceeds the rate of 4.35 spaces per 1,000 SF of GLA recommended for shopping centers less than 400,000 SF of GLA in size based on information provided in Chapter 2 of the *Parking Requirements for Shopping Centers: Summary Recommendations and Research Study Report*, 2nd Edition, Published by the ULI. For the hotel portion of the project (including the signature restaurant, meeting space and spa service), the aggregate parking rate for the 1:00 PM weekday peak parking period is 1.13 spaces per room, which is consistent with the design ratio for hotels of 1.1 spaces per room, and for the hotel weekday peak parking period, the aggregate parking rate is 1.35 spaces per room. As a result, consistent with the traffic generation forecast, the resultant peak parking demand is consistent with industry standards relative to the specific land use characteristics proposed within the Pacific City development.

Response to Comment Letter DOC
(Department of Conservation, State of California, December 1, 2003)

DOC-1 Comment noted. Please refer to responses to specific concerns identified below.

DOC-2 Figure 3.7-1 on page 3.7-8 of the Draft EIR illustrates the location of oil wells located within the project site. The City will consider inclusion of the location of oil wells on future maps.

DOC-3 MM HAZ-7 on page 3.7-21 of the Draft EIR requires consultation with DOGGR when construction is proposed over abandoned oil wells to determine if the plugging or re-plugging of the wells is necessary.

MM HAZ-8 on page 3.7-22 of the Draft EIR requires the re-plugging of abandoned oil wells to current DOC specifications if they are damaged during construction. The developer would ensure proper implementation of the reabandonment operation in compliance with all applicable laws and regulations.

DOC-4 MM HAZ-7 on page 3.7-21 of the Draft EIR also requires the Applicant to submit evidence of consultation with DOGGR indicating wells have been plugged or abandoned to current DOGGR standards prior to issuance of grading permits.

DOC-5 Page 3.7-16 of the Draft EIR identifies that the project would be required to adhere to City Specification 429, which specifies requirements for permits for construction within methane districts (i.e., in the vicinity of abandoned oil wells), including the provision of methane barriers and a gas collection system for structures. This requirement appears as CR HAZ-B on page 3.7-20 of the Draft EIR. Compliance with this specification would mitigate the potential presence of methane gas on the project site.

DOC-6 As stated on page 2-8 of the Draft EIR, oil well reabandonment was completed from 1997 through 1999. As such, all abandoned wells are anticipated to be in conformance with DOGGR standards. As stated on page 3.7-16 of the Draft EIR, the project would be required to comply with City Specification 422, which would ensure all wells are appropriately abandoned prior to construction. This requirement appears as CR HAZ-A on page 3.7-20 of the Draft EIR.

Impact HAZ-2 on page 3.7-18 of the Draft EIR addresses development over previously plugged and abandoned wells. MM HAZ-7 on page 3.7-21 of the Draft EIR requires consultation with DOGGR when construction is proposed over abandoned oil wells to determine if the plugging or re-plugging of the wells is necessary.

DOC-7 Comment noted.

Response to Comment Letter DOT
(California Department of Transportation, December 3, 2003)

DOT-1 Comment noted.

DOT-2 As identified on page 2-21 of the Draft EIR, "PCH will include completion of a third travel lane and an on-street bike lane along the project frontage. These improvements would be implemented by the proposed project …" In Year 2008, the lane geometry is existing plus a third northbound through lane. In Year 2020, the lane geometry is existing plus a third northbound and southbound through lane, consistent with County of Orange Master Plan of Arterial Highways. It is acknowledged that the improvements in the Caltrans Route Concept Report are not funded or programmed. However, since the third southbound lane on PCH is identified in both the Route Concept Report and the MPAH, it is reasonably foreseeable to consider that this improvement would be implemented by 2020 (17 years from when the traffic analysis was completed).

DOT-3 The Surf Museum is currently located at 411 Olive Avenue, three blocks west of the project site, and may be relocated to the project site. The Surf Museum is expected to generate nominal destination traffic. Museums typically generate very little weekday peak hour and daily traffic. In addition, if the museum is not constructed, the square-footage of this use would be eliminated from the project. Therefore, it is not appropriate to assume the museum area as a restaurant or retail use.

DOT-4 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of mode shift and internal trip capture. The project does not use the TIS internal capture rates, although all other TIS Guidelines are used in the traffic analysis. The internal capture rates are generally based on Tables 7.1 and 7.2 in the ITE *Trip Generation Handbook (October 1998)* and have been adjusted based on the project characteristics and the professional judgment of the project traffic engineer in consultation with the City based on experience in the area. In addition, the project internal capture rates are actually less than the ITE internal capture calculation worksheet methodology rates. The mode shift percentages conform to ITE recommendations and reflect traffic engineer and City experience of traffic in the area based on the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown

and adjacent hotel land uses. Clearly, guidelines do not address all conditions; the use of engineering judgment is appropriate for the proposed project analysis.

DOT-5 Although not provided in the Appendices to the Draft EIR, the Trip Reduction Flow Diagram, or Appendix C of the Traffic Analysis Impact Report for the proposed project, was available for review at the City as well as the City of Huntington Beach Central and Main libraries. However, as requested by the commenter, a copy of Appendix C was faxed to Caltrans on December 15, 2003.

DOT-6 Residential traffic would be distributed onto the surrounding street network. The discussion on page 3.14-30 of the Draft EIR identifies the portion of project traffic that would occur on Beach Boulevard, PCH, Atlanta Avenue, and Main Street. A portion of the traffic distributed onto Atlanta Avenue would also use Beach Boulevard, resulting in an overlap of the project distribution percentages. Consequently, the traffic percentages identified in this discussion add to over 100 percent.

DOT-7 The information presented on page 3.14-51 of the Draft EIR provides the future LOS without the proposed project, and the information of page 3.14-55 of the Draft EIR provides the LOS with the project. As shown on these pages, where the LOS exceeds significance criteria, it is due primarily to regional and background traffic. The proposed project would not result in additional traffic that would exceed significance criteria, and, consequently, no mitigation is necessary. With respect to the differences between LOS at intersections compared to roadway links, many of the study locations along PCH have additional lanes at the intersection compared to the roadway link, such as left turn lanes and right turn lanes, which provide for additional capacity and, therefore, improved LOS. In addition, analysis is presented for both ICU (City methodology) and HCM (Caltrans methodology).

ADT segment analysis is a general analysis tool that is based on several assumptions that derive an ADT capacity from a peak hour lane capacity. For basic transportation planning, this can be an effective though elementary tool. The traffic engineering profession has long acknowledged that peak hour analysis is a better indicator of system performance and that intersections almost always represent the most restrictive element of the system. Therefore, the analysis focuses on the peak hour intersection analysis as a predictor of system performance.

DOT-8 Comment noted. The City of Huntington Beach has determined that ADT level of service is appropriate for use in roadway segment level of service calculations, consistent with the policies contained in the City's General Plan Circulation Element rather than the peak hour period for roadway segments. Peak hour trips are used for the intersection analysis, which is typically the controlling element of the circulation system and results in the roadway improvements identified for the proposed project. Please refer to Response to Comment DOT-7 on page 3-186 for additional detail.

DOT-9 Figure 2-7 has been revised in the Final EIR to identify that crosswalks currently exist at the intersection of Huntington Street and PCH, and crosswalks that exist at the intersection of First Street and PCH, with the exception of the southern leg of this intersection, which is proposed as part of the project. Pedestrian access to the proposed project across PCH would be provided from these existing and proposed crosswalks. At these intersections, the maximum anticipated traffic signal cycle length would be 120 seconds, allowing 30 cycles each hour for pedestrians to cross PCH. Approximately 20 pedestrians can comfortably cross PCH within each crosswalk per cycle. Consequently, a total of 600 pedestrians could be accommodated within each crosswalk per hour, resulting in a total pedestrian capacity of 1,200 pedestrians per hour across PCH within crosswalks at both PCH/First Street and PCH/Huntington Street.

The Pacific City project would generate a maximum of approximately 500 pedestrians crossing within both crosswalks during the PM peak hour, due to the mode shift anticipated as a result of this project. This information is calculated through use of the data presented in Table 3.14-10 in the Draft EIR, which shows traffic generation for the proposed project. Tallying the mode shift vehicles during the PM peak hour, shown in the far right column, yields a total of 331 vehicles associated with the mode shift. Assuming 2 persons per vehicle, 662 pedestrians would be associated with the mode shift. The analysis conservatively assumes that 75 percent of these pedestrians parked at the beach and visited the project, which yields the conclusion of approximately 500 pedestrians (0.75 x 662) using the crosswalks during the PM peak hour. This pedestrian volume is below the maximum capacity of 1,200 pedestrians that could be accommodated in one hour at existing and proposed crosswalks. In addition, the level of service calculation for traffic at each intersection assumed adequate pedestrian crossing time for each cycle.

DOT-10 As noted on page 2-26 of the Draft EIR, the pedestrian bridge over PCH is proposed as part of the Pacific City Commercial Master Plan, but is not proposed to be constructed at this time. However, this element is analyzed in the Draft EIR, since it could be built in the future as part of the project. The Department's comment regarding pedestrian impacts to PCH is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

DOT-11 As required by the City and requested by the commenter, if proposed to be constructed in the future, construction of the pedestrian bridge would require additional review by the City and Caltrans.

DOT-12 Please see Response to Comment DOT-9 on page 3-187 for estimated pedestrian volumes.

DOT-13 Please refer to Response to Comment DOT-9 on page 3-187 for a discussion of pedestrian circulation. If in the future, a pedestrian bridge were to be constructed, additional pedestrian traffic could be accommodated that would positively impact the level of service at crosswalks and intersections by reducing the number of pedestrians at grade.

DOT-14 As shown on Figure 2-7 on page 2-25 of the Draft EIR, a crosswalk is proposed on PCH at First Street at the south leg. This figure has been revised in the Final EIR to identify existing crosswalks at all other portions of this intersection. The existing traffic signal would be modified in conjunction with the widening of 1st Street along the project frontage and the crosswalk improvements.

DOT-15 No changes to state drainage facilities are proposed.

DOT-16 Section 2.6.2 on page 2-31 of the Draft EIR identifies the need for encroachment permits, consistent with this comment.

DOT-17 As discussed under Impact HYD-1on pages 3.8-17 through 3.8-19 of the Draft EIR, the project includes measures to minimize water quality impacts during construction and operation. The project would comply with applicable requirements of the Statewide General Construction Activity Stormwater Permit, including SWPPP preparation. Because a SWPPP would be prepared, the project would conform to the Water

Pollution Control Provisions identified by Caltrans. The project would implement BMPs as appropriate, including containment of all vehicle loads and avoidance of tracking of materials, which may fall or blow into Caltrans roadways of facilities.

Runoff water quality from project operation would be addressed through a Water Quality Management Plan, which would serve as the manual to maintain water quality in conformance with the NPDES Permit and the County of Orange DAMP. Conformance with these water quality standards would, in turn, meet the current discharge requirements of the Santa Ana Regional Water Quality Control Board.

DOT-18 Comment noted.

Response to Comment Letter DTSC (Department of Toxic Substances Control, November 4, 2003)

DTSC-1 Comment noted. Please refer to responses to specific concerns identified below.

DTSC-2 Table 3.7-1 on page 3.7-2 of the Draft EIR provides the past uses of the project site based on site reconnaissance and review of files, aerial photographs, and previous environmental documentation. Pages 3.7-6 through 3.7-12 of the Draft EIR identified hazardous substances identified on site that have resulted from historic uses, which includes residual total petroleum hydrocarbons, lead, asbestos, and VOCs (2-butanone, acetone, and styrene). The extent of contamination and remediation strategies for these hazardous substances is also addressed throughout this section, including the need to delineate the nature and extent of contamination in some areas.

DTSC-3 Figure 3.7-1 on page 3.7-8 of the Draft EIR illustrates the project site and classifies areas on the site as one of the following: *(a)* remediation complete; *(b)* remediation underway; *(c)* remediation to be completed during project construction; or *(d)* further investigation necessary. Impact HAZ-1 on page 3.7-15 of the Draft EIR addresses potential threats to human health or the environment in these areas.

DTSC-4 MM HAZ-1 and MM HAZ-2 on page 3.7-20 of the Draft EIR require that site inspection and soil sampling be performed to identify the extent of contamination and potential remediation that may be required prior to the issuance of grading permits. MM HAZ-3 on page 3.7-20 of the Draft EIR requires the Applicant to consult with the City and other agencies to formulate a remediation plan for further soil contamination that exists on the site prior to the issuance of a grading permit. As identified on page 3.7-6 of the Draft EIR, the City Fire Department is the local oversight agency for this project.

DTSC-5 Please refer to Response to Comment DTSC-2 above for a discussion of hazardous substances identified on the project site.

DTSC-6 Please refer to Response to Comment DTSC-2 above for a discussion of hazardous substances identified on the project site. The site is currently fenced and is not accessible to the public. As such, no immediate threat from the site exists in its current condition. All remediation would be completed in conformance with applicable

polices. In addition, the Site Closure Report that will be prepared after completion of remediation at the project site must be reviewed and approved by the City of Huntington Beach Fire Department, which is the local oversight agency for cleanup of the site.

DTSC-7 The City of Huntington Beach Fire Department (HBFD) is the regulatory agency with local oversight for cleanup of the project site, as stated on page 3.7-6 of the Draft EIR. The primary contaminant of concern on-site is petroleum hydrocarbons. The HBFD is required to review and approve the Site Closure Report prepared following completion of remediation. If other agency oversight is required, it will be initiated by the City.

DTSC-8 As discussed on pages 3.7-3 through 3.7-5 of the Draft EIR, a search of federal, State, and local regulatory databases was completed to determine if any known contaminated sites were located on the property, or within one mile of the site. Since a border zone property refers to any contaminated property within 2,000 feet of the project site, this one-mile radius search revealed all known contaminated sites within this potential border zone. Since no known contaminated sites exist within 2,000 feet of the project site (according to the EDR radius map search performed for the Pacific City property and included in Appendix E of the Draft EIR), the proposed project is not considered within the border zone of a contaminated property. However, in the event that previously unknown soil contamination that could present a threat to human health or the environment is encountered during construction, construction activities in the immediate vicinity of the contamination would cease immediately, and a risk management plan would be prepared, according to MM HAZ-5 on page 3.7-21 of the Draft EIR.

DTSC-9 As discussed on page 3.7-6 of the Draft EIR, the HBFD is the local oversight agency for the project and will determine the appropriate remedial action that would be necessary prior to project construction. Remedial action is required when impacts to soil, groundwater, or other materials have been identified above acceptable local, State, or federal contaminant levels or preliminary remedial goals. In addition, as described in MM HAZ-3 and HAZ-4 on pages 3.7-20 through 3.7-21 of the Draft EIR, all remedial plans for the project site would be reviewed and approved by HBFD in accordance with City Specification No. 431-92.

DTSC-10

The text on page 3.7-10 of the Draft EIR has been revised to accurately reflect the soil contamination standards of the City Specification 431-92 rather than the Title 22 action standards, which addresses drinking water quality. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes. The response below reflects the revised language of this section.

As stated on page 3.7-10 of the Draft EIR, "…All soil samples collected from the excavation, following the removal of the impacted soil, contained soluble lead at concentrations below 5 parts per million (ppm) in accordance with the City of Huntington Beach Soil Clean-Up Standard Specification 431-92 (City Specification 431-92)." According to City Specification 431-92, the action level for lead in soils (i.e., the level that would trigger remediation) is when the total threshold limit concentration (TTLC) is greater than ten times the maximum concentration soluble threshold limit concentration (STLC); 50 ppm for TTLC or 5 ppm for STLC. While these measurements are used as a general hazardous waste classification, they are, nonetheless, the clean-up standards used for the project site as specified in City Specification 431-92.

As discussed on page 3.7-15 of the Draft EIR, "The City of Huntington Beach Specification 431-92, Soil Clean-Up Standard (City Specification 431-92), dated July 30, 1992 *governs* investigation and remedial efforts of contaminated soils. Soil cleanup standards for TRPH-impacted soils are set at less than 500 mg/kg and 1,000 mg/kg for residential and commercial sites, respectively. However, at sites where the acceptable thresholds for the EPA Test Methods 8015M, 8020 and 8270 are met, as expected at the project site, the soil cleanup standard is less than 1,000 mg/kg for residential sites and 2,000 mg/kg for commercial sites" (emphasis added). Thus, as required by MM HAZ-3 on page 3.7-20 of the Draft EIR, the Applicant shall, in consultation with the City of Huntington Beach and other agencies, as required, formulate a remediation plan for review and approval in accordance with City Specification No. 431-92.

DTSC-11

MM HAZ-1 on page 3.7-20 of the Draft EIR requires a site inspection to identify the potential for PCB contamination on the site prior to the issuance of a grading permit. If the potential for PCB contamination exists, then the Applicant must consult with the City, sample the soil to identify the extent of contamination, and implement an appropriate remediation plan.

DTSC-12 MM HAZ-5 on page 3.70-21 of the Draft EIR mitigates the potential for previously unknown soil contamination during construction by requiring the immediate cessation of construction activities and the preparation and implementation of a risk management plan if contamination is in fact encountered. Please refer to Response to Comment DTSC-4 on page 3-190 for information on how investigation and remediation would be conducted.

DTSC-13 Comment noted.

Response to Comment Letter CNB
(Steven Bromberg, Mayor of the City of Newport Beach, December 3, 2003)

CNB-1 Comment noted.

CNB-2 The condition in which future localized carbon monoxide (CO) concentrations would be lower than existing levels is due to anticipated improvements in vehicle emission rates projected for the future by the California Air Resources Board (ARB). These projections have two effects. First, the emission factors model published by the ARB and programmed into the simplified CALINE4 screening model that was used to predict localized CO concentrations in the Draft EIR identify reduced emissions per vehicle on an annual basis. Second, cleaner vehicles will reduce the ambient CO concentrations throughout the South Coast Air Basin and Source Receptor Area (SRA) 18 in which the City of Huntington Beach is located. The South Coast Air Quality Management District (SCAQMD) predicts that 1-hour ambient concentration of CO in SRA 18 will be reduced from 8.0 parts per million (ppm) in 2003 to 5.8 ppm in 2010. The 8-hour ambient concentration of CO in SRA 18 will slightly increase from 4.6 ppm in 2002 to 4.7 ppm in 2010. These conditions are reflected in the analysis presented in the Air Quality section of the Draft EIR.

CNB-3 As discussed on page 3.2-19 of the Draft EIR, the Growth Management Chapter of the Regional Comprehensive Plan and Guide (RCPG) forms the basis of the land use and transportation control portions of the 1997 Air Quality Management Plan (AQMP). Therefore, the analysis of the proposed project's consistency with the AQMP is based on the population and employment projections from the Growth Management Chapter of the RCPG. Although updated numbers for Orange County may be available, they are not applicable to this analysis.

CNB-4 This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

CNB-5 Comment noted. Please refer to responses to specific concerns identified below.

CNB-6 CR AQ-E on page 3.2-20 of the Draft EIR is a standard City requirement and thus, the type of wind barrier used for the project would be in accordance with City guidelines.

CNB-7 Remedial operations refer to soil remediation that may occur concurrently with project construction. The intent of the requirement is that the remediation work area be contained as much as possible and be staged such that fugitive dust associated with the remediation is minimized. It does not mean, as stated in the comment that remediation would reduce fugitive dust. Rather, when soil remediation is contained in single areas, better protective measures can be taken to control dust.

CNB-8 The Mitigation Monitoring and Reporting Program provides methods to ensure implementation of mitigation measures. The City would review and approve grading and building plans as appropriate for inclusion of the mitigation requirements at plan check, prior to issuance of permits. In addition, project conditions of approval would require a full-time monitor during construction activities in order to ensure that all mitigation and City conditions are appropriately implemented. Implementation would also be ensured by periodic, direct inspection by City staff.

CNB-9 Please refer to Response to Comment CNB-8 above for a discussion of the implementation of mitigation measures.

CNB-10 Because electrical supplies are readily available in the vicinity of the proposed project site, building contractors are expected to rely mostly on electricity from power poles during the construction phases of development. There may be some instances in which portable generators may need to be used for individual or short-term operations where wired electricity is not available. The City of Huntington Beach would not preclude the use of such equipment.

CNB-11 As part of the mitigation monitoring effort for the proposed project, project developers would be required to provide manufacturer's information indicating that developer-installed appliances are considered to be energy efficient. An example of energy efficient appliances are those identified with the "energy star" label. These types of appliances meet the intent of the recommended mitigation measure.

CNB-12 Use of porous pavement and swales is not required, as the project would have a less-than-significant impact on runoff and groundwater recharge. The project would predominantly include subterranean parking; therefore, porous pavement is not feasible. This comment is acknowledged, and the opinion of the commenter will be

provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

CNB-13 Based on the City of Huntington Beach 1 percent maximum ICU increase study area criteria, the intersection of PCH at Superior/Balboa in the City of Newport Beach, has a maximum possible ICU percent impact greater than 1 percent (2.1 percent in the PM peak hour). The intersection of PCH at Hoag Drive/Balboa Cove in the City of Newport Beach has a maximum possible ICU percent impact less than 1 percent (0.8 percent in the AM and PM peak hour). Therefore the intersection of PCH at Superior/Balboa defines the limit of the study area. An analysis of this intersection has been included in the Final EIR. This intersection is analyzed according to the City of Newport Beach methodology on a near-term Year 2008 and General Plan Buildout basis as well as according to the Caltrans methodology. Impacts at this intersection would be less than significant, and this analysis does not constitute "significant new information," as discussed in CEQA Guidelines Section 15088.5. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

CNB-14 As described on page 72 of Appendix H of the Draft EIR, model runs were completed with and without these two roadway improvements. The Year 2020 scenario reflects implementation of roadway improvements identified in the General Plan, including the bridge improvements, in the analysis. The analysis conforms to the adopted long-range plans for the transportation network in the City. The City of Huntington Beach does not require that elimination of the Banning/19th Street Bridge be analyzed because the bridge is currently contained in the City of Huntington Beach General Plan and Master Plan of Arterial Highways (MPAH), and the City has not taken a formal position to evaluate all projects with and without the crossing. Nevertheless, traffic volumes would not substantially change in the absence of the Banning/19th Street Bridge improvement. Further, impacts from removal of the bridge improvements are required to be analyzed in environmental documentation by OCTA, as the lead agency for that effort.

CNB-15 Based on the Orange County Congestion Management Program (CMP) study area "Radius of Development Influence" section of the CMP Traffic Impact Analysis (TIA), the study area is recommended to be defined by the CMP links which have a project impact of 3 percent or more of their daily LOS "E" capacity. On Pacific Coast Highway, the intersections between Goldenwest Street and Beach Boulevard in the City of Huntington Beach, which have been analyzed in the Traffic Impact Analysis Report

(Appendix H to the Draft EIR) for the proposed project, satisfy the CMP study area criteria. In response to this comment, the intersection of PCH at Superior/Balboa has also been analyzed for CMP impacts, as discussed below. The project's impact on the PCH roadway link south/east of Superior/Balboa falls below the 1,689 vehicles per day (3 percent) threshold, and, as such, does not require CMP analysis.

The intersection of PCH at Superior/Balboa has been analyzed consistent with Orange County CMP TIA criteria using 2003 existing peak hour traffic volumes provided by the City of Newport Beach Engineering Staff. Please refer to Chapter 2, Volume III of the Final EIR for the full data and analysis of this intersection. The analysis concludes that the intersection of PCH at Superior/Balboa is anticipated to operate at acceptable LOS C during the AM and PM peak hours in Year 2008 with the addition of proposed project traffic. Therefore, based on CMP impact criteria, the intersection of PCH at Superior/Balboa would not be significantly impacted by the proposed project traffic.

This analysis does not constitute "significant new information", as discussed in CEQA Guidelines Section 15088.5.

CNB-16 Comment noted.

Response to Comment Letter HBUHSD (Huntington Beach Union High School District, October 27, 2003)

HBUHSD-1 The text on page 3.12-3 of the Draft EIR has been revised to clarify which areas are served by the four HBUHSD high schools. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

Response to Comment Letter OCPD (County of Orange Planning & Development Services Department, December 3, 2003)

OCPD-1 Comment noted.

OCPD-2 Impact HYD-1 on page 3.8-17 of the Draft EIR provides a comprehensive discussion and analysis of the potential impacts of the proposed project on water quality. The proposed project is recognized as a priority project pursuant to the Model Water Quality Management Plan. As noted on page 3.8-19 of the Draft EIR, a Preliminary Water Quality Management Plan (PWQMP) has been developed for the project and outlines the comprehensive approach that would be used in the attainment of water quality goals required for the proposed project. The PWQMP is included as Appendix G to the Draft EIR. The plan conforms to the NPDES Permit and the 2003 DAMP, and supports the City's commitment to the protection and enhancement of coastal water quality. The plan also complements the goals and mission statement of the City of Huntington Beach Citywide Water Quality Management Plan Task Force. The PWQMP would serve as the foundation for the final WQMP and explains the methodology used to determine the types of management practices that are best suited for the proposed project in order to achieve the required water quality levels as detailed by the DAMP and local requirements. Filtration and screening of pollutant loads, including specialized filtration inserts for additional treatment of petroleum hydrocarbons, if necessary, would be included as part of the proposed project. All feasible recommended BMPs as incorporated into the 2003 DAMP Section 7 are included as an integral part of the proposed project. With implementation of these BMPs and the WQMP, all impacts related to water quality would be reduced to the maximum extent practicable, as required by the 2003 DAMP and City regulations.

OCPD-3 Please refer to Response to Comment OCPD-2 above. The proposed project has been identified as a priority project under the 2003 DAMP and potential stormwater and pollutant runoff impacts will be carefully considered as required.

OCPD-4 Section 3.8.1 (Existing Conditions, Regional Hydrology) on page 3.8-1 of the Draft EIR identifies the two main tributaries that drain into the Talbert Watershed: on the western side, the Talbert and Huntington Beach Channels drain through the Talbert Marsh before emptying into the Pacific Ocean. On the eastern side, the Greenville-

Banning Channel empties into the Santa Ana River. Downtown area site drainage has been identified in the Draft EIR as conveying runoff across Pacific Coast Highway to the Pacific Ocean, where the runoff discharges at South Beach via an open ditch. Discharge from the project site is conveyed to the existing 42-inch reinforced concrete pipe in Pacific View Avenue, through the Atlanta Stormwater Pumping Station (ASWPS), and eventually to the Huntington Beach Channel. All receiving waters that may receive runoff from the project site have thus been identified in the Draft EIR.

OCPD-5 TMDLs for receiving waters were not calculated as part of the hydrology study performed for the proposed project. With the inclusion of state-of-the-art filtration devices and other screening for pollutant loads, as noted in the discussion under Impact HYD-1 on pages 3.8-17 through 3.8-19 of the Draft EIR, impacts of the proposed project with regard to increased pollutant concentrations are reduced to a less-than-significant level. Please refer to the Topical Response on Water Quality on page 3-173 for discussion of bacteria with respect to water quality. It is recognized that Huntington Beach State Park is listed on the 2002-303(d) list as impaired for *Enterococci*, with an impacted area of approximately 5.8 miles. Additionally, the proposed project must meet all requirements related to water quality discharges. Therefore, no further analysis is necessary.

OCPD-6 The discussion under Impact HYD-2, on pages 3.8-20 through 3.8-23 of the Draft EIR, considers impacts of the proposed project on changes in drainage patterns and determined that discharge volumes from Area A would be reduced compared to existing conditions. The reduction in stormwater flows directed to the ASWPS from the reconfiguration of the drainage areas on site would result in a reduction in 100-year storm flow from 67.0 cfs to 21.8 cfs to the ASWPS. First-flush discharges and projected drainage conditions are summarized in Tables 3.8-6 on page 3.8-20 and Table 3.8-7 on page 3.8-21, respectively, of the Draft EIR. The discussion under Impact HYD-2 further notes that an on-site underground detention basin is proposed to accomplish a reduction in flow discharges from Area B. Stormwater flows exceeding attenuation limits would be allowed to run off via surface streets, and the drainage study has indicated that the volume of this runoff would not impact drainage systems or flood traffic lanes.

As identified on page 3.8-1, a discussion of groundwater recharge was scoped out from detailed analysis in the Draft EIR, as the City's groundwater wells are located a

minimum of two miles inland from the project site and the City does not rely on groundwater that close to the ocean due to saltwater intrusion.

For a discussion of proposed filtration devices included in the project, see Response to Comment OCPD-2 on page 3-199.

OCPD-7 Please refer to Response to Comment OCPD-2 on page 3-199 for a discussion of the WQMP for the proposed project. The WQMP for the proposed project would include implementation of all post construction BMPs in accordance with Section 7 of the 2003 DAMP. As noted above, the project has been identified as a priority project under the Model WQMP of the DAMP.

OCPD-8 The project would comply with the State General Construction Permit. CR HYD-A, on page 3.8-26 in the Draft EIR, would require the project to incorporate all necessary BMPs to eliminate polluted runoff during construction. The specific notes identified in the comment would be incorporated on the plans per the applicable 2003 DAMP requirements.

OCPD-9 It is recognized that Huntington Beach State Park is listed on the 2002-303(d) list as impaired for *Enterococci*, with an impacted area of approximately 5.8 miles. Please refer to the Topical Response on Water Quality on page 3-173 for a discussion of treatment of dry-weather flows. The project WQMP would be required to incorporate site design, source control, and treatment control per the City's Water Quality Ordinance and applicable 2003 DAMP requirements.

OCPD-10 Page 3.8-9 to 3.8-12 of the Draft EIR identifies the requirement for submittal of an NOI package and preparation of an SWPPP. Text has been amended, as shown in Chapter 2, Volume III of the Final EIR, to reflect that the proposed project is greater than 1 acre in size and is subject to the requirements of the Construction General Permit 99-08-DWQ.

OCPD-11 Please refer to Response to Comment OCPD-2 on page 3-199. In addition, text has been modified, as shown in Chapter 2, Volume III of the Final EIR, to incorporate specific language from the DAMP with respect to implementation of pre and post structural BMPs.

OCPD-12 MM CR-1 and MM CR-2 on pages 3.4-18 to 3.4-20 of the Draft EIR already reflect the intent and relevant practices described in the Orange County Archaeological/Paleontological Curation Project Final Report ("Curation Project"), and exceed the recommendations of the Curation Project with respect to Native American consultation and involvement in monitoring and resource recovery. Further, as described on pages 3.4-1 to 3.4-11 of the Draft EIR, extensive pre-construction evaluation and investigation of the site have already occurred: the extent, nature, and significance of the archaeological deposits on the project site are, therefore, well understood, and treatment measures specific to the resources on the site have been developed. Consequently, the pre-construction mitigation measures described in Chapter 3 of the Curation Project have generally been satisfied for paleontological and archaeological resources, and the reports are on file at the City of Huntington Beach Planning Department.

However, MM CR-1 and MM CR-2 on pages 3.4-18 to 3.4-20 of the Draft EIR have been revised to provide some clarification and greater consistency with the language of the Curation Project. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

OCPD-13 MM CR-1 on pages 3.4-18 through 3.4-19 of the Draft EIR has been modified to identify that resources shall be retained within the County, at a facility acceptable to the City. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes. Additionally, because analysis of any recovered paleontological materials must occur, the fossils must be prepared to the point of identification prior to curation, consistent with accepted professional practice.

OCPD-14 The project applicant would be required to recover resources associated with CA-ORA-149 and monitor construction for discovery of archaeological and paleontological resources. The applicant would be required to ensure that resources are curated at an appropriate facility, and would be responsible for applicable curation fees. Once curated, the applicant would not retain ownership or responsibility for the materials. Therefore, the costs due to long-term curation and maintenance of donated collections would not be the responsibility of the project applicant.

OCPD-15 Comment noted.

Response to Comment Letter OCTA (Orange County Transportation Authority, December 3, 2003)

OCTA-1 Comment noted. Please refer to responses to specific concerns identified below.

OCTA-2 As described on page 3.14-37 of the Draft EIR, Pacific View Avenue would be dedicated to a width of 90 feet and the ultimate configuration for this roadway would include a four lane divided cross section within the 90-foot right-of-way. In addition, although the near-term on-street parking spaces on this roadway would be temporary, it is anticipated that some on-street parallel parking would be retained with reconfiguration. These parking spaces were not included in the calculations used to determine if the project provides adequate (i.e., replacement of existing parking spaces that would be removed) on-street parking.

OCTA-3 OCTA currently has a bus stop at northbound PCH/farside Huntington St. and eastbound Atlanta Ave/farside 1st. As discussed on page 3.14-76 of the Draft EIR, the project proposes an OCTA bus turnout on the north side of PCH, west of Huntington Street; this bus stop would be a farside turnout stop. In addition, the farside stop at Atlanta can be retained; however, a requirement for a turnout at this stop has not been included as part of the proposed development and is not anticipated to result in any environmental constraints.

OCTA-4 As discussed on page 3.14-76 of the Draft EIR, the project proposes an OCTA bus turnout on the north side of PCH, west of Huntington Street. In addition, as discussed on page 3.14-77 of the Draft EIR, the Goldenwest College/Huntington Center Area is developed with a transportation center along Gothard Street and provides bus layovers and transfers for the OCTA as well as other transportation center facilities. The PCH and First Street area also has a 560-foot bus turnout along the south side of PCH between First Street and Huntington Street that provides bus layovers and boarding for OCTA. Project implementation is anticipated to be consistent with local policies related to transportation, including the SCAG Regional Comprehensive Plan and Guide and the City's General Plan Land Use and Transportation Elements.

OCTA-5 Comment noted.

Response to Comment Letter SCAG
(Southern California Association of Governments, November 25, 2003)

SCAG-1 Comment noted.

SCAG-2 Comment noted.

SCAG-3 Comment noted.

SCAG-4 This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Response to Comment Letter HBEB
(City of Huntington Beach Environmental Board, November 24, 2003)

HBEB-1 Comment noted. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

HBEB-2 The commenter correctly restates the significant, unavoidable impacts to Air Quality and Transportation identified in the Draft EIR. No further response is required.

HBEB-3 Comment noted. Please refer to responses to specific concerns identified below.

HBEB-4 Comment noted. As identified in this comment, the Draft EIR states that groundwater beneath the site has no beneficial use.

HBEB-5 As required by the Downtown Specific Plan (DTSP) and as discussed on page 2-23 of the Draft EIR, development in Districts 7 and 8A requires the dedication of a 20-foot-wide public access corridor to facilitate pedestrian movement to the Downtown area; thus, the corridor shall remain an integral part of the proposed project. As stated on pages 2-25 and 2-26 of the Draft EIR, this public access corridor commences on Atlanta Avenue and aligns with Alabama Street (oriented perpendicular to Atlanta Avenue) to facilitate pedestrian movement to the Downtown area, where public access is provided via the loop road through District No. 8A to Pacific View Avenue, extending through Pacific City District No. 7 to PCH. In addition, as discussed on page 2-14 of the Draft EIR, a sign program, which would meet the objectives of the DTSP and Design Guidelines, would be planned and implemented at a later date through adoption of a Pacific City Sign Program, which would be subject to review and approval by the City Design Review Board. Therefore, review and approval of the sign program would ensure that the public access corridor is adequately marked as such.

HBEB-6 Project conditions of approval would include requirements for the homeowners association to periodically clean filter systems in order to ensure their proper maintenance. Logs would be submitted to the City in order to demonstrate ongoing maintenance. These conditions would ensure that filers would properly function throughout the life of the project. In addition, the Water Quality Management Plan (WQMP) required for the project would include a detailed long-term operation and

maintenance plan for all structural BMPs. The City would require, at a minimum, an inspection and cleaning (if required) of all structural BMPs to be conducted annually in the late summer/early fall (prior to the rainy season).

HBEB-7 Please refer to Response to Comment DOT-9 on page 3-187 for an analysis of the pedestrian crossings. The project would have two pedestrian connections to the beach area at 1st Street and Huntington Street via the existing traffic signal, which would adequately accommodate pedestrian traffic from the project site. Therefore, the pedestrian bridge is not required to address project impacts; rather, it is a potential amenity that could be constructed in the future.

HBEB-8 At the time that the pedestrian bridge is proposed for entitlement and construction, the access in conformance with ADA accessibility requirements would be included as part of the design.

HBEB-9 The City's Municipal Code Section 17.64.130(c) states, "Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts." Therefore, the 66-kV electrical line along Atlanta Avenue is exempt from Code requirements for undergrounding.

HBEB-10 As stated in Impact AES-6 on pages 3.1-39 through 3.1-45 of the Draft EIR, headlight impacts on surrounding uses from vehicles exiting and turning from the proposed garage egresses would be less than significant. Existing fencing and vegetation would shield headlights from shining into adjacent property. Roadway imperfections and gutters would cause headlight spread to vary by several inches only and would not change the conclusions of the analysis. In addition, landscaping as well as a fence currently exists along the eastern edge of Huntington Street, between the existing mobile homes and the proposed egress points for Garages B and C. Also, a landscaped median is proposed for First Street, between the existing residential uses and the proposed egress point for Garage A. Residences adjacent to the project site would, therefore, be adequately screened from headlights, and no further mitigation is required.

HBEB-11 The timing of intersection improvements at the intersection of PCH and Warner Avenue has not been determined. Please refer to Response to Comment HBT-6 on page 3-210 for additional information on the timing of traffic improvements.

The proposed project is not responsible for the widening of Atlanta Avenue east of Huntington Street as a result of traffic impacts. As shown in Table 3.14-14 on page 3.14-50 and Table 3.14-16 on page 3.14-56 of the Draft EIR, the roadway link of Atlanta Avenue from Huntington Street to Delaware Street would continue to operate at LOS A in both Year 2008 and Year 2020 scenarios. Therefore, no improvements to this roadway segment would be required as a result of the proposed project.

HBEB-12 As discussed on page 3.14-76 of the Draft EIR, a bus turnout is proposed on the north side of PCH and a bike lane would also be provided on PCH as part of the proposed project. Additionally, the existing bus turnout along the south side of PCH could also be upgraded to accommodate additional transportation facilities. The City has been awarded a grant from OCTA to enhance this transit site. Further, the project would be required to comply with the Transportation Demand Management (TDM) Ordinance, including the provision of car pool parking spaces.

HBEB-13 The Draft EIR does not state that the project would provide beneficial air quality impacts. Pages 3.2-15 through 3.2-17 of the Draft EIR simply identify the characteristics of the proposed project and surrounding environment that would help to encourage non-motor vehicle transportation by future residents, customers, and employees of the proposed project. These characteristics would help to reduce the operational emissions that would otherwise be generated by the individual proposed land uses. For example, residents of the proposed project could walk to the commercial area instead of driving. Likewise, employees of the project would have substantial opportunity to shop and eat at the site before, during, and/or after their work shifts, thereby reducing potential motor vehicle trips and associated emissions.

HBEB-14 As discussed on page 3.13-13 of the Draft EIR, MM REC-1 requires the Applicant to demonstrate compliance with the City parkland requirements identified in Chapter 254.08 of the City's Municipal Code. Thus, either the dedication of parkland and/or the payment of in-lieu fees would address the impacts to open space.

HBEB-15 Please refer to the Topical Response on Water Quality on page 3-173, which discusses the issue of bacterial removal from dry-weather flows. Drainage Area "A" would continue to go to the ASWPS for all dry-weather and stormwater flows. In addition, dry weather flow for Drainage Area "B" can be routed into Area "A" and to the ASWPS,

in order that, at the City's discretion, these flows may be routed for treatment by OCSD.

HBEB-16 As discussed on pages 3.8-17 and 3.8-18 of the Draft EIR, the project site is subject to the provisions of the General Construction Activity Stormwater Permit adopted by the SWRCB. As outlined in the permit, the project would also be required to implement a SWPPP, which provides guidelines to identify impacts on and mitigation of stormwater discharges and water quality during construction. Furthermore, all construction discharges would comply with Orange County guidelines for excavation and grading, the City's Grading Manual, and the Huntington Beach Municipal Code. Compliance by the project with these requirements would reduce impacts related to construction discharge to a less-than-significant level.

HBEB-17 Impact HAZ-1 on pages 3.7-15 through 3.17-18 of the Draft EIR discusses effects from site contamination during construction. All contamination would be remediated prior to construction, with the exception of areas of archaeological sensitivity and the area around the existing water line. These two areas would be remediated during construction in accordance with OSHA requirements. MM HAZ-5 on page 3.7-21 of the Draft EIR includes provisional measures if hazardous materials are encountered during construction. This measure requires that a risk management plan is implemented which could include, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. A site health and safety plan that meets OSHA requirements would be prepared and in place prior to the commencement of work in any contaminated area.

HBEB-18 CR AQ-B on page 3.2-20 of the Draft EIR is a standard City condition of approval. The City has determined that notice within 300 feet to property owners provides appropriate notification of project construction. However, in response to the concerns raised, the City will increase the notification requirement to 500 feet for this project. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

HBEB-19 These measures are part of Rule 403 established by SCAQMD. Compliance with more stringent measures has not been deemed necessary to ensure effective dust suppression.

HBEB-20 As part of the mitigation monitoring effort for the proposed project, project developers would be required to provide manufacturer's information indicating that developer-installed appliances are considered to be energy efficient. An example of energy efficient appliances are those identified with the "energy star" label. These types of appliances meet the intent of the recommended mitigation measure.

HBEB-21 The MMRP provides specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing, and responsible monitoring party. Verification of compliance with each measure is required, thus ensuring implementation of mitigation measures. In order to ensure that mitigation would effectively occur, project conditions of approval would require the Applicant to retain a full-time monitor during the grading and site preparation phase of construction. In addition, it is the responsibility of City inspectors to ensure that project conditions are being implemented and followed. City inspectors would exercise due diligence and care in order to ensure that specifications on grading and building plans are implemented. Suggestions identified in this comment will be forwarded to decision makers for consideration during their deliberation of whether or not to approve the proposed project.

Response to Comment Letter HBT (Huntington Beach Tomorrow, December 3, 2003)

HBT-1 CR AQ-B on page 3.2-20 of the Draft EIR is a standard City condition of approval. The City has determined that notice within 300 feet to property owners provides appropriate notification of project construction. However, in response to the concerns raised, the City will increase the notification requirement to 500 feet for this project. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

HBT-2 These measures are part of Rule 403 established by SCAQMD. Compliance with more stringent measures has not been deemed necessary to ensure effective dust suppression.

HBT-3 As part of the mitigation monitoring effort for the proposed project, project developers would be required to provide manufacturer's information indicating that developer-installed appliances are considered to be energy efficient. An example of energy efficient appliances are those identified with the "energy star" label. These types of appliances meet the intent of the recommended mitigation measure.

HBT-4 Trash collection services for the proposed project would occur during the same hours as occurs elsewhere throughout the City of Huntington Beach. In general, these services occur between 7:00 A.M. and 4:00 P.M. when solid waste can be collected and disposed of during the same day. Noise associated with trash collection would not violate City noise ordinances or exceed noise thresholds.

HBT-5 Page 3.12-3 of the Draft EIR has been revised to update the existing conditions information on helicopter patrols in the City; however, this information does not change the conclusions of the analysis. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

HBT-6 As discussed under MM TR-2 on page 3.14-78 of the Draft EIR, the Applicant's fair share contribution to improvements to PCH and Seapoint are required to be paid prior to issuance of a certificate of occupancy. The mitigation measure requires the City to ensure completion of this improvement, and the MMRP of this Draft EIR requires the improvement to be completed prior to a certificate of occupancy.

As discussed under MM TR-1on page 3.14-58 of the Draft EIR, the Applicant is required only to contribute its fair-share toward the improvements at PCH and Warner

Avenue and is not required to construct this improvement. The County of Orange and Caltrans would be responsible for completion of this improvement. As discussed on page 3.14-79 of the Draft EIR, feasibility of implementing this improvement has not been determined. In addition, ultimate implementation of this measure is not under the discretion of the City of Huntington Beach. As such, the impact during Year 2008 to this intersection was determined to be significant and unavoidable.

HBT-7 The pedestrian bridge is a potential future project and community amenity. It is not a mitigation measure required to address significant impacts and, as such, it is not required as part of the proposed project. When the pedestrian bridge is submitted for approval by the City, it would be required to obtain the approvals required pursuant to City regulations at the time of submittal.

HBT-8 As shown in Table 3.14-14 on page 3.14-50 and Table 3.14-16 on page 3.14-56 of the Draft EIR, the roadway link of Atlanta Avenue from Huntington Street to Delaware Street would continue to operate at LOS A in both Year 2008 and Year 2020 scenarios. Therefore, no improvements to this roadway segment would be required as a result of the proposed project.

HBT-9 A bus turnout would be constructed along the PCH project frontage west of Huntington Street in conjunction with the proposed project. Please refer to Response to Comment HBEB-5 on page 3-205 for a discussion of identification of pedestrian pathways.

HBT-10 The comment provides information and opinion about the Hamilton Avenue extension and the Banning/19th Street Santa Ana River crossing. Please refer to Response to Comment CNB-14 on page 3-196 for a discussion of analyses with and without these improvements.

HBT-11 After consultation with the OCSD (Personal communication, Tom Walker, December 30, 2003), the text on page 3.15-3 of the Draft EIR has been revised to clarify that the Orange County Sanitation District discharges waste approximately five miles southwest of the mouth of the Santa Ana River. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

Response to Comment Letter OCC (Orange County Coastkeeper, December 1, 2003)

OCC-1 As discussed on page 3.8-19 of the Draft EIR, a Preliminary Water Quality Management Plan (WQMP) has been developed for the project that outlines the comprehensive approach that would be used in the attainment of water quality standards and goals promulgated by the SARWQCB and the City of Huntington Beach (refer to Appendix G of the Draft EIR.) Runoff water quality would meet the standards of regulations governing the site, including NPDES and the 2003 DAMP. Current regulations governing site discharge do not require "no net increase" in pollutants; thus, this performance standard is not applicable to the project.

OCC-2 Please refer to Response to Comment RMC-54 on page 3-289 for a discussion of the feasibility of upgrades to the ASWPS. The adopted water quality standards governing the site are those employed by the RWCQB and 2003 DAMP, even if the project site is located adjacent to the beach. Further, there is no nexus that requires the applicant to adhere to a different standard of treatment other than established laws or regulations. Please refer to the Topical Response on Water Quality on page 3-173 for an additional discussion of water discharges.

OCC-3 Please refer to responses to specific concerns below.

OCC-4 The project provides appropriate water quality control devices on-site, which would be implemented through a WQMP for the project. The Talbert Marsh is not identified as a management tool to address runoff from the project site. Runoff from the ASWPS, other than dry-weather flows, is currently discharged to the Talbert Marsh. The ASWPS has an existing pump capacity of 551 cfs. The project would discharge 16.7 cfs and 21.8 cfs to the ASWPS during 25- and 100-year storm events, respectively, which represents a net decrease from the total area of the site discharging to the ASWPS, compared to the existing condition. The project represents a small portion of the total pump capacity of the ASWPS. An analysis of the ability of the Talbert Marsh to serve as a management tool for water quality discharging from the ASWPS is beyond the scope of this EIR, because the marsh is not part of the WQMP for the proposed project.

OCC-5 As discussed on page 3.8-21 of the Draft EIR, an on-site underground detention basin with a volume of about 0.82 acre-feet would be required to reduce the stormwater

discharge from Drainage Area "B"—that portion of the site that would drain to First Street—to 20 cfs. City Public Works and the City's consultants have reviewed the design feature to ensure that it has been appropriately sized. The City would review and approve final civil engineering drawings and calculations for the detention basin.

OCC-6 The subject of the Draft EIR is the proposed Pacific City development, and the Hydrology analysis presented in the Draft EIR considers project impacts on hydrology and water quality that could result from the proposed development. Consideration of the project's ability to treat runoff from adjacent areas is not part of the scope of the Draft EIR. This comment does not address the adequacy of the Draft EIR, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

OCC-7 The project is not required to address storm drain and runoff issues in areas beyond the project site, particularly when off-site areas are not affected by development of the project site. Storm drain facilities servicing the project site would be sized to adequately handle runoff following project implementation. This comment does not address the adequacy of the Draft EIR, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

OCC-8 Resolution OCSD 01-07 provides the agreement between the City and OCSD that enables treatment of some of the City's dry-weather flows by OCSD, and the City holds a long-term permit from the OCSD for the ASWPS that authorizes and regulates discharges. The analysis of water quality impacts does not rely on OCSD treatment of dry-weather flows to ensure that impacts would be less than significant. Therefore, no long-term agreement between the City and OCSD is required to address project impacts.

OCC-9 Please refer to the Topical Response on Water Quality on page 3-173 which addresses the issue of bacterial contaminants and treatment. The WQMP would address other pollutants, including metals, nitrates, and oils and grease, as identified in Appendix G (Drainage Study Including Preliminary Hydrology Analysis and Water Quality Analysis for Pacific City) of the Draft EIR. As stated on pages 1 and 3 of Appendix G of the Draft EIR, Section 6 (Recommended Water Quality Mitigation Post Construction Best

Management Practices for Pacific City Project), the WQMP would outline the type of BMP that would be used and what mitigation is expected. For example, the type of structural BMP that is planned for installation (i.e., StormFilter) can contain a variety of filter material, and each material has specific pollutant restricting capabilities. These site-specific media options give the StormFilter the ability to remove high levels of stormwater pollutants, such as sediments, oil and grease, soluble heavy metals, organics, and soluble nutrients. Upon completion of the project and after a short period of time, the filter material is removed and tested for actual pollutant discharge for further filter recommendations, thus minimizing pollutants loads contained in site discharges.

OCC-10 Comment noted. The proposed project includes a detention basin that would limit discharges to the project's First Street drainage system at a rate of 20 cfs.

OCC-11 The California Toxics Rule is a rule that indicates specific chemicals for which sewage plant operators must test for, and in some cases, either must substantially reduce or completely remove from wastewater before discharging it into rivers, tributaries, and other surface waters. Thus, this rule is not applicable to the proposed project. Please refer to the Topical Response on Water Quality on page 3-173 for a discussion of the treatment of runoff for bacterial contamination.

OCC-12 As discussed under Impact HYD-1 on page 3.8-17 of the Draft EIR, the proposed project would prepare a SWPPP. SWPPP preparation would be required and enforced through CR HYD-A, as indicated on pages 3.8-26 of the Draft EIR.

Please refer to Response to Comment HBEB-6 on page 3-205 for information on long-term monitoring of water quality management issues. As discussed above, the California Toxics Rule does not apply to the project site.

OCC-13 Please refer to the Topical Response on Water Quality on page 3-173 which addresses the issue of treatment of runoff for bacterial contamination.

OCC-14 The City of Huntington Beach and the County of Orange have standards that identify the amount of runoff allowable on surface streets. The 100-year flows must be contained within the street right-of-way, and one 12-foot lane must be clear of water on arterial highways, as specified in the City of Huntington Beach Standard Plan 300 and Orange County Local Drainage Manual. Appendix G (Drainage Study Including

Preliminary Hydrology Analysis and Water Quality Analysis for Pacific City) of the Draft EIR, prepared by Hunsaker & Associates Irvine, Inc. provides preliminary calculations that indicate that stormwater flows from a 25-year event or 100-year event would allow more than one lane in each direction to remain clear of water on PCH and First Street. Please refer to Section 1, pages 3 through 6 of Appendix G in the Draft EIR for a complete discussion of runoff water.

OCC-15 Comment noted. Please refer to the Topical Response on Water Quality on page 3-173 for a discussion of reducing pollutants to the Maximum Extent Practicable. These comments do not address the adequacy of the Draft EIR, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

OCC-16 Comment noted. As discussed under the specific responses provided above, the WQMP and project design features would ensure that site discharges would meet applicable water quality standards. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Response to Comment Letter LBBS
(Lewis Brisbois Bisgaard & Smith LLP, December 3, 2003)

LBBS-1 Comment noted.

LBBS-2 Neither Chapter 15.50 (Consolidation Projects) of the City's Municipal Code nor City zoning laws, through Downtown Specific Plan (DTSP) Section 4.14.03, create any right of direct access to Oil Overlay "C" at the project site. Oil Overlay "C" in the DTSP "facilitates" or allows for existing and/or expanded oil production on the project site, if the owner of the site's real property surface rights proposes to continue or expand such production. This Oil Overlay does not create rights of surface entry where none exist; the Oil Overlay was intended to provide an enabling mechanism for property owners to expand or consolidate dispersed, existing operations.

The Oil Overlay consolidation project was implemented in order to address the environmental effects of dispersed oil recovery operations. The Oil Overlay has eight objectives, as listed in 15.50.010 of the Huntington Beach Municipal Code and summarized here: (1) to consolidate oil operations onto specified locations; (2) to obtain the abandonment and replacement of outdated and hazardous wells and tanks; (3) to eliminate or substantially lessen environmental effects with mitigation; (4) to offset unavoidable impacts with overriding improvements in other areas; (5) to minimize visual impacts; (6) to protect the public from damage and nuisance associated with operation of oil recovery facilities; (7) to maintain consistency with the General Plan; and 8) to provide a higher level of safety for the public.

The intent of Section 4.14.03 (Oil Overlay "C") of the DTSP is to permit, but not require, oil-drilling operations on areas within the City that are designated as Oil Overlay "C." Because the DTSP, of which Oil Overlay "C" is a part, overlies still-productive oil reserves, oil production will continue to be permitted in parts of this area. The City has designated oil "suffix" zoning districts which permit the oil facilities allowed by suffix (see Municipal Code §220.02) and the underlying base zone use, such as commercial or residential development for relevant parcels in the DTSP area. The base zoning for this overlay area is high density residential; a 30 unit per acre residential project is proposed without any oil production. Existing and/or expanded oil production may continue in these areas provided that the additional conditions outlined in the DTSP §4.14.03 are met. In particular, preparation of a conceptual site plan that

includes at least one oil island of not less than two acres in size would need to be provided for new oil well drilling and oil production is applicable only when a project proposes oil drilling or other oil production activities. The oil island requirement for proposed drilling or production is intended to mitigate the environmental effects of such activities.

The former oil production activities on the project site have been terminated for a period of time and the site is currently vacant. As discussed on page 3.5-4 of the Draft EIR, oil well abandonment at the project site occurred over a number of years, beginning in 1976 and occurring through 1999. The majority of on-site wells were initially abandoned in 1988 and subsequently re-abandoned in 1998; additionally, all of the abandoned oil well sites have also been remediated, thus, those wells are no longer operational. This project proposes residential and commercial uses for the site, in keeping with the DTSP-zoned base use for the project site, and with General Plan Coastal Element Policy C 8.4.3 to encourage comprehensive planning for new uses on large oil parcels.

Further, according to the deed for the parcel[s] that constitute the project site, the owner of the mineral rights has no rights to access those resources through surface means: the "Grantor, its successors and assigns, shall not use the surface of said land [Parcel B] in the exercise of any said rights [all petroleum and other hydrocarbon substances and products] and shall not disturb the surface of said land or any improvements thereon or remove or impair the lateral and subjacent support of said land or any improvements thereon, and shall conduct no operations within 500 feet of the surface of said land" (deed recorded September 13, 1960, Book 5413, Page 449). The deed notes the Grantor holds the "sole and exclusive right to drill slanted wells from location on other lands into and through, and to construct or develop mines, tunnels, shafts, or other works in and through the subsurface of said land for the purposes of recovering said reserved substances from said land or recovering like substances from other lands; provided, however, that the surface of said land shall not be used for the exploration, development, extraction, or removal of said minerals or substances from said land or other lands, as reserved in the deed from City of Huntington Beach, recorded January 13, 1960 in Book 5051, Page 383 of official records."

In light of the deed restrictions on the project site parcel, the mineral estate owner is not accorded dominant tenement; that right is reserved explicitly in the deed for the surface estate owner. As the deed was recorded well in advance of the development of the Oil Overlay zones, Overlay "C" does not supersede the deed nor afford direct surface access to the mineral estate holder. Thus, the option of slant drilling is discussed in the Draft EIR to record that the proposed project would not result in the loss of direct access to mineral resources via the means available to the mineral estate holder for the project site parcel[s].

Note additionally, the project does not propose slant drilling, and as such, no analysis of this activity is provided. As indicated on page 3.5-11 of the Draft EIR, slant drilling is present as a feasible future action that would allow for future access to mineral resources, demonstrating that the project does not result in loss of available mineral resources. If slant drilling were proposed in the future, environmental analysis would be completed at that time to evaluate the effects of this activity.

LBBS-3 Upon consultation with the HBFD and the City's petroleum-consultant, slant drilling was identified as a feasible means of accessing mineral resources beneath the site. As stated on page 3.5-11 of the Draft EIR, the City's petroleum consultant, Mel Wright, communicated to the City in March 2003 that "Resources beneath the project site are located at a depth that it is possible for slant drilling to occur at available off-site locations in order to extract mineral resources from the site." The deed for the property clearly states that the mineral estate holder would not have surface access to those rights, and the deed specifically calls out slant drilling as a method to realize those resources. Please refer to Response to Comment LBBS-2 on page 3-216 for additional detail on the deed agreement regarding the legal relationship between the surface estate owner and the mineral estate owner for the project site parcel[s].

LBBS-4 Mel Wright was contacted by EIP Associates on March 24, 2003 via telephone regarding the feasibility of slant drilling for the project site. The consultation was part of the data gathering process for the Draft EIR. The information provided by Mel Wright is part of EIP Associates' internal data records for the project. Please refer to Response to Comment LBBS-2 on page 3-216 for additional detail. Mel Wright was subsequently contacted on December 22, 2003 to clarify his prior conversation with EIP Associates and confirm feasibility of slant drilling.

LBBS-5 This comment accurately reflects the information presented at the public information meeting. No further response is required.

LBBS-6 The EIR considers all phases of the proposed project, including the construction and operation of the project as sources of impacts, in an effort to include mitigation as part of planning where relevant,. The project evaluated in the EIR is the construction and operation of the Pacific City project. Any activities conducted prior to commencement of construction on-site are not considered a part of the proposed project. The project does not propose oil drilling, so preparation of a conceptual site plan that includes an oil island is not required or appropriate for the project. Please refer to Response to Comment LBBS-2 on page 3-216 for further discussion.

As stated on page 2-7 of the Draft EIR, a portion of the DTSP District No 8A has a "Resource Production Overlay" which provides development standards in order to govern oil production activities on site, if proposed. However, no such production is proposed at any phase of the proposed project.

LBBS-7 It is the intention of Section 4.14.03 of the DTSP to permit, but not require, oil-drilling operations on areas designated as Oil Overlay "C." Further, the recorded deed does not accord surface access to the mineral estate owner, and therefore, no wrongful taking would be committed. Thus, there is no impact, and mitigation or analyses of alternatives are not required. Please refer to Response to Comment LBBS-2 on page 3-216 for further discussion of mineral rights on the project site.

LBBS-8 As discussed in Response to Comment LBBS-2 on page 3-216, the deed agreement for this parcel clearly demonstrates that the holder of the mineral estate cedes surface access to those resources. Further, as project development would be in compliance with Section 4.14.03 of the DTSP, no violation of the rights of resident mineral owners would be committed.

LBBS-9 The original intent of the City regarding the relationship between Chapter 15.50 and Oil Overlay designations is not within the scope of the proposed project. Nevertheless, any actions associated with the consolidation of the on-site oil operations as defined under Chapter 15.50 were considered prior to the termination of these oil production activities on the project site. The project would not result in termination of any oil production on site, and, as such, Chapter 15.50 is largely inapplicable to the project

and implementation of the proposed project would not violate Chapter 15.50 of the City's Municipal Code. Please refer to Response to Comment LBBS-2 on page 3-216 for additional discussion regarding the intent of Chapter 15.50.

LBBS-10 Implementation of the proposed project would not violate Section 4.14.03 of the DTSP, as Section 4.14.03 is intended to permit, but not require, oil-drilling operations on the area designated as Oil Overlay "C" and permits commercial and residential uses on the project site. As the project site is no longer occupied by oil operations, Chapter 15.50 of the City's Municipal Code, regarding the consolidation of oil operations, is not applicable. Therefore, the proposed project would be in conformance with these two sections of City code. Please refer to Response to Comment LBBS-2 on page 3-216 for additional discussion regarding the intent of Chapter 15.50 and mineral rights on the project site.

LBBS-11 The quoted paragraph from the regulations sections is correct, however the first clause of the regulations section states that "well drilling and redrilling shall be permitted in accordance with Title 15 of the Huntington Beach Municipal Code…" which premises the regulatory prescription for the provision of a two-acre oil drilling island. Such a set-aside is not required for the project, since it does not propose oil-drilling activities.

LBBS-12 The proposed project is not required, or statutorily mandated, by Section 4.14.03 to provide for a two-acre oil island on the site. Please refer to Responses to Comments LBBS-2 on page 3-216 and LBBS-11 above for further discussion of the requirement to provide an oil island on the project site.

LBBS-13 This issue is not a comment on the adequacy of the Draft EIR. As such, no further response is necessary.

LBBS-14 Appendix A of the Draft EIR includes the Initial Study—a guiding document for preparation of the Draft EIR analysis. The Initial Study is intended to inform the Draft EIR as to impacts to consider for analysis of environmental effects, but it is not an ultimate conclusion. Conclusion of significance as to an impact is made in the body of the Draft EIR for each impact statement considered.

LBBS-15 This issue is not a comment on the adequacy of the Draft EIR. As such, no further response is necessary.

LBBS-16 Please refer to Responses to Comments LBBS-2 on page 3-216 and LBBS-11 on page 3-220 for a discussion regarding why implementation of the proposed project would neither violate Section 4.14.03 of the DTSP or Chapter 15.50 of the City's Municipal Code.

LBBS-17 Neither the Pacific City project nor the Draft EIR proposes slant drilling. Rather, as indicated on page 3.5-11 of the Draft EIR, slant drilling—the method of access specified in the deed for the parcel—is identified as a feasible method of mineral resource recovery, should recovery be desired in the future.

LBBS-18 Please refer to Response to Comments LBBS-2 on page 3-216 and LBBS-11 on page 3-220 for a discussion regarding why the proposed project would not violate Section 4.14.03 of the DTSP or Chapter 15.50 of the City's Municipal Code.

LBBS-19 The consultation with Mel Wright was strictly to assess the feasibility of slant drilling onto the project site. EIP Associates contacted Mel Wright on March 24, 2003 via telephone to inquire about the feasibility of slant drilling for the project site, not to identify if other nearby areas were zoned for slant drilling. Please refer to Response to Comment LBBS-4 on page 3-218 for further discussion regarding the status of resource extraction on the project site and the possibility of future resource extraction from the project site. In addition, please refer to Response to Comments LBBS-2 on page 3-216 and LBBS-11 on page 3-220 for discussion regarding why the proposed project would not violate Section 4.14.03 of the DTSP or Chapter 15.50 of the City's Municipal Code.

LBBS-20 EIP reaffirmed their previous consultation with Mel Wright on December 22, 2003. Please refer to Responses to Comments LBBS-3 and LBBS-4 on page 3-218 , and LBBS-19 above for additional detail regarding discussions with Mel Wright on slant drilling.

LBBS-21 The deed for the property clearly states that the mineral estate holder would not have surface access to those rights, and the deed specifically calls out slant drilling as a method to realize those resources. Therefore, the Draft EIR discussed slant drilling in keeping with deed restrictions as an option to preserve access to these mineral resources. Please refer also to Responses to Comments LBBS-2 on page 3-216 and LBBS-3 on page 3-218 for discussion regarding why slant drilling was discussed in the Draft EIR.

LBBS-22 Please refer to Responses to Comment LBBS-21 on page 3-221 for discussion regarding why slant drilling was discussed in the Draft EIR.

LBBS-23 Please refer to Responses to Comment LBBS-21 on page 3-221 for discussion regarding why slant drilling was discussed in the Draft EIR.

LBBS-24 Please refer to Responses to Comment LBBS-21 on page 3-221 for discussion regarding why slant drilling was discussed in the Draft EIR.

LBBS-25 As stated on page 3.7-12 of the Draft EIR, the site is located entirely within a methane gas overlay district designated by the City, and as such, methane gas may underlay the site. Impacts HAZ-1 and HAZ-2, on pages 3.7-16 to 3.7-18 of the Draft EIR, discuss potential hazards that could result from the presence of methane on the project site. The project would comply with City specifications necessary to maintain standards of construction required within the Methane Overlay District. As discussed on page 3.7-16 of the Draft EIR, City Specification 429 specifies requirements for permits for construction within methane districts (i.e., in the vicinity of abandoned oil wells), including the provision of methane barriers for structures. Furthermore, City Requirement (CR) HAZ-B would be applied to the project, which requires the project to comply with all provisions of the HBMC Section 17.04.085 and Fire Dept. City Specification 429 prior to the issuance of grading permits. Finally, any risks associated with former oil wells (including methane gas) have been taken into consideration in the geotechnical report and site characterization studies performed for the project, the former oil wells on the site have been abandoned to DOGGR standards, and the regulatory framework that covers this issue has been followed for the proposed project.

LBBS-26 Please refer to Response to Comment LBBS-25 above for a discussion in the Draft EIR regarding analysis of impacts related to the presence of methane gas.

LBBS-27 Please refer to Response to Comment LBBS-25 above for a discussion in the Draft EIR regarding analysis of impacts related to the presence of methane gas.

LBBS-28 Please refer to Response to Comment LBBS-25 above for a discussion in the Draft EIR regarding analysis of impacts related to the presence of methane gas.

LBBS-29 Please refer to Response to Comment LBBS-2 on page 3-216 for discussion regarding the intended use of Oil Overlay C and the rights of mineral estate owner to access resources beneath the site.

LBBS-30 Comment noted.

Response to Comment Letter OEG (A)
(Orosz Engineering Group, Inc., December 3, 2003)

OEG(A)-1 Comment noted. Please refer to responses to specific concerns identified below.

OEG(A)-2 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of the appropriateness of the internal capture rates and trip reductions. The internal capture rates are consistent with and actually less than ITE methodology and the mode shift percentages conform to ITE recommendations and reflect the experience of City staff and the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses. As indicated in the NOA, all documentation was available at the City's Planning Department, the Main Street Library, and the Central Library, and the requested data were provided to the commenter.

OEG(A)-3 The text of the Draft EIR page 3.14-15 has been revised to clarify that the summer weekday condition is typically higher than during the winter months and, consequently was used in this analysis to present a conservative scenario. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes. As also identified on page 3.14-15 of the Draft EIR, summer weekend traffic represents a "peak" period due to the beach resort character of the Downtown area. Common traffic engineering practice is to mitigate traffic and parking impacts to a typical weekday period, rather than a peak day (such as a holiday weekend, or summer weekend). The base parking demand ratios are consistent with City code, and use design ratio demands without any reductions for seasonal variations.

OEG(A)-4 The City does not require an additional safety factor in parking facilities, which would result in a larger number of excess spaces. Instead, a safety factor is included into the base parking rates that the City uses. Consequently, provision of the number of required parking spaces allows for a buffer in the number of available parking spaces. A parking management plan would be utilized to oversee commercial parking operations and would direct vehicles to available spaces.

OEG(A)-5 The Responses to Comments will become part of the Final EIR and will be provided to the decision-makers for review and consideration during their deliberations of whether

or not to approve the proposed project. The responses will be distributed in accordance with CEQA Section 21092.5, and will be provided to all commenting agencies on the proposed project. As identified in the subsequent comment letter provided by the same commenter, OEG(B), the requested data was provided.

Recirculation of a Draft EIR is required when "significant new information" is made available, as discussed in CEQA Guidelines Section 15088.5. Examples of significant new information identified in the CEQA Guidelines include: (1) a new significant impact; (2) a substantial increase in the severity of an environmental impact; (3) a new alternative or mitigation measure that is considerably different than others previously analyzed, which the project proponents decline to adopt; or (4) fundamental and basic inadequacies and conclusory information in the Draft EIR such that meaningful public review was precluded. The lack of furnishing background data immediately upon request, which does not alter the conclusions presented in the Draft EIR, does not satisfy the criteria set forth in the Public Resources Code or CEQA Guidelines for recirculation.

Response to Comment Letter OEG (B)
(Orosz Engineering Group, Inc., December 4, 2003)

OEG(B)-1 Please refer to responses below for detail. Regarding the comment that information was not readily available, the City regrets that the commenter had difficulty obtaining the information; however, as identified in the Notice of Availability, information was available at the City's Planning Department, Main Street Library, and Central Library.

OEG(B)-2 The City confirms that the most recent data were used in the Draft EIR analysis. Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of the appropriateness of the internal capture rates and mode shift used in the analysis.

OEG(B)-3 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of the appropriateness of the mode shift used in the analysis. The mode shift percentages conform to ITE recommendations and reflect traffic engineer and City experience with the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses. This comment oversimplifies the interaction of uses on the project site and quantifies the mode shift in terms of percentages and uses that are not reflective of the proposed project.

The reduction for hotel traffic is intended to reflect the average reduction for each guest. For example, a guest at a typical hotel may drive to a recreation area for an afternoon, while a guest at the proposed project hotel will more likely walk to the beach, pier area, or nearby cultural facilities.

With respect to retail/restaurant and office uses, the mode shift does not equate to a proportion of the use with a specified number of restaurants or square footage of the site. Rather, one out of every five vehicular trips is assumed to already be in the area when ADT are considered for these uses.

The mode shift for the residential uses is not absolute, but rather an aggregate assumption based on the varying affect of each unit.

OEG(B)-4 Please refer to Response to Comment OEG(A)-3 on page 3-224, which provides an identical comment, for discussion of shared parking and peak demand.

OEG(B)-5 Please refer to the Topical Response on Shared Parking on page 3-180 for a discussion of why the reductions are appropriate. The office reduction percentage of 5 percent of parking demand is characteristic of the area, based on the City's experience.

OEG(B)-6 Comment noted.

OEG(B)-7 Please refer to Response to Comment OEG(A)-3 on page 3-224 which addresses the adequacy of the total number of parking spaces.

OEG(B)-8 Please refer to Response to Comment OEG(A)-5 on page 3-224 which provides the same comment.

Response to Comment Letter PCAC
(Pacific City Action Coalition, December 3, 2003)

PCAC-1 Comment noted.

PCAC-2 This comment provides an overview of the project and generally restates the information given in Chapter 2 (Project Description) of the Draft EIR. This comment does not raise any environmental issues, and no further response is required.

PCAC-3 This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project. Please refer to responses below that provide responses to specific issues raised in this comment letter.

PCAC-4 As stated on page 18 of the Initial Study prepared for the proposed project, which is included as Appendix A to the Draft EIR, the potential creation of objectionable odors affecting a substantial number of people would be less than significant. Because the Initial Study concludes that odors associated with the proposed project would be less than significant, no further analysis is required, and, as such, no additional information is provided in the EIR.

PCAC-5 Once the proposed project is completed and operational, paints and solvents would be used on an occasional basis to refresh the architectural surfaces of the residential and commercial buildings. The content of all such paints and solvents are regulated by the SCAQMD, and these products are readily available at thousands of stores throughout the South Coast Air Basin. Because these products are used infrequently and are readily available, the City would not restrict their use for this project when all other projects in the City are not subject to any such regulation.

PCAC-6 This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project. The potential air quality impacts of the proposed project are discussed on pages 3.2-13 through 3.2-27 of the Draft EIR. The effectiveness of the internal trip reduction and mode-shift reduction characteristics of the mixed-use interaction of the proposed project and the surrounding land uses is discussed on pages 3.2-21 and 3.2-22 of the Draft EIR. As shown, the reduction of each

pollutant type ranges from 27.1 to 38.2 percent. In addition, page 3.2-27 of the Draft EIR states that the recommended mitigation measures would ensure that construction emissions are not greater than predicted in this analysis. They would also reduce the operational emissions of the proposed project by approximately 0.01 pound per day of VOC and 0.17 pound per day of NO_x.

Impact AQ-3, discussed on pages 3.2-15 and 3.2-16 of the Draft EIR addresses exposure of sensitive receptors to substantial pollutant concentrations of carbon monoxide (CO). The analysis evaluates CO concentrations at study area intersections based on national and State standards, the generally accepted approach for evaluation of this impact. CO concentrations drop off substantially with increased distance from an intersection, and, as a result, impacts at the mobile home park would be even less than at affected intersections. As shown in Table 3.2-7, CO concentrations would remain well below thresholds, and no further analysis of this issue is warranted.

PCAC-7 This comment references the enclosed PCAC(A). Please refer to Responses to Comments PCAC(A)-1 through PCAC(A)-27 on pages 3-247 through 3-252 for a detailed discussion of each comment.

PCAC-8 MM CR-1 and MM CR-2 on pages 3.4-18 through 3.4-20 of the Draft EIR have been revised as reflected in Response to Comment OCPD-12 on page 3-202. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes. The mitigation measures would ensure that appropriate measures are taken with regard to paleontological resources and unanticipated archaeological resources. These measures require monitoring of grading and excavation activities for archaeological and paleontological resources and include standard practices widely used in the industry.

PCAC-9 Oil and water wells on the site are former uses. As stated on page 2-8 of the Draft EIR, the majority of the oil production uses previously located on site was initially abandoned in 1988. Therefore, mineral resource extraction has not occurred on site for over a decade.

Impact HAZ-2 on page 3.7-18 of the Draft EIR identifies the potential for damage to existing wells, and MM HAZ-7 and MM HAZ-8 on pages 3.7-21 and 3.7-22 of the Draft EIR identify measures necessary where construction is proposed over abandoned wells and if wells are damaged during construction. MM HAZ-5 on page 3.7-21 of the

Draft EIR addresses issues associated with unanticipated discovery of contamination on site during construction. The procedures identified in this Mitigation Measure would also apply in the unlikely event that former wells are discovered, as former wells would have associated contamination, thus triggering implementation of MM HAZ-5 if unidentified wells are discovered.

PCAC-10 A soils and geotechnical analysis would be required as identified by CR GEO-A on page 3.6-20 of the Draft EIR, and project design would be required to comply with the recommendations in the final soils and geotechnical analysis, as identified by MM GEO-1 on page 3.6-21 of the Draft EIR. Measures would include but would not be limited to dewatering, surface drainage, and other measures that would address groundwater at the site. Further, the project would comply with City specifications necessary to maintain standards of construction required within the Methane Overlay District. As discussed on page 3.7-16 of the Draft EIR, City Specification 429 specifies requirements for permits for construction within methane districts (i.e., in the vicinity of abandoned oil wells), including the provision of methane barriers for structures. Furthermore, CR HAZ-B would be applied to the project, which requires the project to comply with all provisions of the HBMC Section 17.04.085 and Fire Dept. City Specification 429 prior to the issuance of grading permits. Finally, any risks associated with former oil wells (including methane gas) have been taken into consideration in the geotechnical report and site characterization studies performed for the project, the former oil wells on the site have been abandoned to DOGGR standards, and the regulatory framework that covers this issue has been followed for the proposed project.

PCAC-11 This comment correctly notes the potential for ocean-related corrosion and other site-specific soil constraints. Site specific soils constraints would pose an issue related to building location if they could not be addressed through standard design and construction techniques. As a standard City requirement, a qualified, Licensed Engineer must prepare a detailed soils and geotechnical analysis for the project site to identify project design features that must be incorporated in order to address the issues related to expansive, unstable, and corrosive soils. MM GEO-1 on page 3.6-21 of the Draft EIR ensures that the grading plan prepared for the project site would incorporate these recommendations. As such, the grading plan for the project site would include measures to address seismic hazards and foundation design for the project.

The Geotechnical Investigation (included as Appendix J of the Draft EIR) identifies measures to address issues related to unstable, expansive, settlement-prone, and corrosive soils. These measures would be refined upon completion of final building design. Thus, measures to address these issues have not been deferred to a document in the future.

PCAC-12 This comment references the enclosed PCAC(A). Please refer to Responses to Comments PCAC(A)-1 through PCAC(A)-27 on pages 3-247 through 3-252 for a detailed discussion of each comment.

PCAC-13 An EIR is prepared for a proposed project to serve as an informational document that discloses to the public the current conditions of a project site and identifies any potentially significant environmental impacts associated with the planning, construction, or operation of the project, as well as feasible mitigation measures to minimize or eliminate these impacts. Currently, the possibility for PCB contamination at the site exists, which is disclosed under Impact HAZ-1 on page 3.7-11 of the Draft EIR, and this impact is considered potentially significant. Thus, the intent of MM HAZ-1 on page 3.7-15 of the Draft EIR is to ensure that any potential contamination from PCBs at the project site would be addressed prior to project development. As discussed in CEQA Guidelines Section 15126.4(B), measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. In the instance of MM HAZ-1, the performance standard is completion of remediation in accordance with MM HAZ-3 and HAZ-4. MM HAZ-3 and HAZ-4, as discussed on pages 3.7-20 and 3.7-21 of the Draft EIR, outline the process for remediation and require submittal of closure reports or other reports acceptable to the City Fire Department that document the successful completion of required remediation. Thus, the standard that must be met is the acceptance of closure reports or other acceptable documentation by the City Fire Department. The mitigation program outlined in the EIR would ensure clean up of PCBs, if identified on-site.

PCAC-14 Please refer to Response to Comment PCAC-13 above for a discussion of use of performance standards in Mitigation Measures. The performance standards for MM HAZ-2 are the same as those identified for MM HAZ-1, as discussed on page 3.7-20 of the Draft EIR.

PCAC-15 As discussed on page 2-4 of the Draft EIR, the current remediation effort is occurring as an action independent of the proposed project entitlement effort, and would occur irrespective of whether or not the project proceeds towards construction of approved land uses. MM HAZ-3, as discussed on page 3.7-20 of the Draft EIR, would address remediation of remaining contamination in the areas of the existing water main, archaeological sensitivity, and any other locations identified as part of the efforts required under MM HAZ-1 and MM HAZ-2, which are also discussed on page 3.7-20 of the Draft EIR. Remediation of the water main and areas of archaeological sensitivity are occurring in conjunction with project construction only as a result of the efficiencies of completing this remediation concurrently with project construction; however, it is an action separate from the proposed project, as such, implementation and monitoring of remediation activities are also separate from the proposed project, except in the instance where grading associated with the proposed project reveals the necessity for additional remediation. As stated in MM HAZ-3, remediation activities shall be approved by the City and performed under the supervision of the City of Huntington Beach. Therefore, monitoring by the City is incorporated in the measure and no additional monitoring is required.

PCAC-16 This comment references the enclosed PCAC(A). Please refer to Responses to Comments PCAC(A)-1 through PCAC(A)-27 on pages 3-247 through 3-252 for a detailed discussion of each comment.

PCAC-17 Any groundwater contamination that may have occurred as a result of previous activities on-site is not an effect of the proposed project. As discussed on page 3.7-10 of the Draft EIR, petroleum hydrocarbon impacted soil appears to have minimal impact on groundwater. Further, since groundwater beneath the project site is brackish due to saltwater intrusion, it is not used as potable water by the City. Therefore, there is no nexus between existing groundwater quality and impacts of the proposed project. As such, no mitigation for the remediation of groundwater is required. CR GEO-A requires that recommendations for addressing groundwater are included in the final geotechnical and soils analysis.

PCAC-18 As discussed on page 2-4 of the Draft EIR, the current remediation effort is occurring as an action independent of the proposed project, and would occur irrespective of whether or not the proposed project proceeds. The recommendations and Conditions of Approval associated with CUP 00-36 and CDP 00-09 address impacts from

remediation activities; it would not be appropriate to add them as mitigation measures to this EIR because the CDP and the CUP have already been issued and operate independently of any discretionary action by the City on the EIR. The EIR addresses impacts due to construction and operation of residential and visitor-serving commercial uses. Therefore, the recommendations for remediation activities do not address project impacts.

Notwithstanding the current remediation effort, as discussed on page 3.7-20 of the Draft EIR, MM HAZ-3 requires remediation of any additional contamination identified pursuant to MM HAZ-1 and MM HAZ-2. MM HAZ-3 requires this remediation plan—if necessary—to include methods to minimize remediation-related impacts on the surrounding properties. The remediation plan would require review and approval by the HBFD.

PCAC-19 This comment references the enclosed Attachments PCAC(A) and PCAC(C). Please refer to Responses to Comments PCAC(A)-1 through PCAC(A)-27 on pages 3-247 through 3-252, and PCAC(C)-1 through PCAC(C)-15 on pages 3-259 through 3-262 for a detailed discussion of each comment.

PCAC-20 The commenter correctly identifies and reiterates information presented in the land use analysis of the Draft EIR. No comments on the adequacy of the analysis are provided, and no further response is necessary.

PCAC-21 The proposed layout of the residential area in comparison to the hotel and commercial area is based upon the specified zoning and land use designations within each Specific Plan District. Setbacks from the street and separation of these uses by the extension of Pacific View Avenue conform to the Specific Plan requirements identified for this site and deemed appropriate by the City during the Specific Plan process. Thus, further setbacks are not required. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

PCAC-22 Impact LU-2 on page 3.9-20 of the Draft EIR fully addresses and analyzes land use compatibility issues with surrounding areas. The proposed project would be developed in conformance with the Downtown Specific Plan (DTSP). As stated on page 3.9-20 of the Draft EIR, these land use designations and their relationship to existing uses have

been evaluated in prior environmental documentation, including the Huntington Beach DTSP EIR, the Huntington Beach General Plan Update, and the Huntington Beach Redevelopment Project EIR. Each of these documents includes analysis that accounts for development, including the issue of density, at the project site. Impact LU-2 compares proposed development to existing development in terms of types and intensity of uses, in order to address land use compatibility. The analysis concludes that while project development would be more intense than uses surrounding the site, it would result is uses that would be compatible with similar, surrounding land uses, and impacts would be less than significant.

PCAC-23 In order to obtain the Special Permits for building encroachments into the setbacks as well as to allow for 15 percent parking garage ramps in three areas, the Applicant would be required to demonstrate that deviation under these Special Permits would provide a greater benefit than the project would have if requirements of the Specific Plan were met.

Portions of the building structures in the commercial component of the project, are proposed to project into the front setback along the PCH frontage. The purpose of proposing the building pads within the 50 foot setback is due to the configuration of the property boundary lines compared to the sidewalk on PCH. The encroachment into the setback would enhance building articulation on PCH rather than resulting in a single mass of development. In addition, there are areas along Pacific View Avenue where portions of the neighborhood serving retail buildings encroach into the 20 foot front yard setback. The purpose of proposing minor encroachments into the front yard setback is to allow for the commercial buildings to provide a more storefront pedestrian experience. The Special Permits allow for the placement and design of structures that facilitate and encourage pedestrian activity and convey a visual link to these two streets. The reduced setbacks also allow for clustering of buildings to create plaza areas throughout the project.

In addition, as discussed on page 3.14-76 of the Draft EIR, a special permit would be required to allow for parking garage ramps of 15 percent in three locations within District 8A. The Special Permit for increased ramp slope of 15 percent for the residential portion of the project allows for more efficient use of land because these ramps require less ground surface area, and therefore, they allow more useable common open space area.

These Special Permits are consistent with the objectives of the DTSP and the Coastal Element and are compatible with the surrounding environment. The arrangement of structures, parking, circulation areas, and open space areas relate to the surrounding built environment in pattern, function, scale, and character. The commercial portion of the project includes a mix of setbacks consistent with existing building setbacks north of the site along PCH and the existing hotels south of the site along PCH.

PCAC-24 As discussed in Impact TR-10 on page 3.14-76 of the Draft EIR, the proposed parking garage ramps would consist of both 10 percent and 15 percent grades. Where applicable, a 15 percent grade would allow for more open space in the common areas of the residential village.

PCAC-25 Please refer to Response to Comment PCAC-22 on page 3-233 for a discussion of the land use compatibility analysis in the Draft EIR. The residential development conforms to the allowed density of 30 units per acre for the site.

PCAC-26 This comment references the enclosed PCAC(B). Please refer to Responses to Comments PCAC(B)-1 through PCAC(B)-29 on pages 3-253 through 3-258 for a detailed discussion of each comment.

PCAC-27 MM N-2 on page 3.10-23 of the Draft EIR is considered feasible to ensure that noise levels at the proposed residential uses do not exceed City standards.

PCAC-28 This comment references the enclosed PCAC(C). Please refer to Responses to Comments PCAC(C)-1 through PCAC(C)-15 on pages 3-259 through 3-262 for a detailed discussion of each comment.

PCAC-29 Impact P-2 on page 3.11-16 of the Draft EIR acknowledges that because the details related to the provision of affordable housing units have not been finalized, this impact would be potentially significant. Mitigation Measure P-1 on page 3.11-18 of the Draft EIR ensures that affordable housing requirements of the Community Redevelopment Law would be met, and the residual impacts would be reduced to a less than significant level.

PCAC-30 Crime prevention design measures are anticipated to include features such as security enhancement lighting, and other features of project design that would not significantly modify the overall building plans. In addition, consultation prior to issuance of building

permits would ensure that any modifications could be incorporated into building plans before they are finalized.

PCAC-31 The comment correctly identifies the issues raised with Impact REC-1 on page 3.13-9 of the Draft EIR. To address these issues, Mitigation Measure REC-1 on page 3.13-13 of the Draft EIR requires compliance with City parkland requirements, Chapter 254.08 of the City's Municipal Code. In order to comply with the requirements, the adequate provision of parkland (i.e., dedication of 2.4 acres of recreational area as parkland) or the payment of in-lieu fees to substitute for parkland dedication would be required. Fulfillment of this requirement could occur through any combination of on- or off-site parkland dedication and in-lieu fee payment. The City has contemplated and may, at its discretion, require the dedication of parkland on-site as a condition of approval of the project.

PCAC-32 Please refer to the Topical Responses on Traffic Generation on page 3-176 and Shared Parking on page 3-180 for a discussion of why the internal capture and mode shift are appropriate to use. The internal capture reduction is used for trip generation only. The internal capture reduction and the mode shift percentages conform to ITE recommendations and reflect traffic engineer and City experience with the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses.

PCAC-33 As described on page 40 of Appendix H (Traffic Impact Analysis Report) of the Draft EIR, a one percent growth rate is appropriate based on buildout traffic volumes and is consistent with recent studies conducted in the Downtown area. The use of one percent as a growth rate is also an accepted industry standard and has repeatedly been used in forecasting traffic volumes throughout the region. There are several related projects identified where specific traffic counts have been incorporated into the analysis, and these projects are shown in Table 3.14-11 on page 3.14-39 of the Draft EIR. The use of the one percent growth rate does not replace those individual projects, as detailed on pages 40–41 of Appendix H of the Draft EIR.

PCAC-34 Tables 3.14-12 and 3.14-14 on pages 3.14-40 through 3.14-41 and 3.14-49 of the Draft EIR, respectively, provide Year 2008 Conditions with and without the proposed project. Additional trips have been assigned to the roadways, as is reflected in the changes in ICU and v/c ratios. However, the LOS does not always change with the

addition of project traffic because the LOS reflects a range of delay that could occur, and the project-added traffic is not substantial enough to increase the delay from one LOS level to another.

PCAC-35 Please refer to the Topical Response on Shared Parking on page 3-180. Supporting data for the shared parking analysis were available for review at the City during the Draft EIR comment period. The parking reductions reflect the mode shift percentages appropriate for the site based on ULI data and City experience with the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses. Any existing parking issues in the project vicinity are not the responsibility of the proposed project.

The comment refers to the "liberal use of off-site parking." Off site parking spaces are not assumed in the analysis of the shared parking. Rather, the analysis considers a mode shift, which involves the concept that some of the vehicles resulting from the proposed project would be attributable to vehicles that would access the area even if the project were not to occur. This mode shift reduces the total number of vehicles generated by the project that would require parking on-site.

PCAC-36 Please refer to the Topical Responses on Traffic Generation on page 3-176 and Shared Parking on page 3-180, which discuss the basis for development of the mode shift data. The parking reductions reflect the mode shift percentages appropriate for the site based on ULI data and City experience with the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

PCAC-37 This comment references the enclosed PCAC(B) and PCAC(C). Please refer to Responses to Comments PCAC(B)-1 through PCAC(B)-29 on pages 3-253 through 3-258 and PCAC(C)-1 through PCAC(C)-15 on pages 3-259 through 3-262 for a detailed discussion of each comment.

PCAC-38 Comment noted.

PCAC-39 Comment noted. As discussed on page 4-27 of the Draft EIR, the Reduced Project Alternative is considered the environmentally superior alternative to the proposed project. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

PCAC-40 Please refer to responses to PCAC-1 though PCAC-39 for a discussion on the adequacy and appropriateness of mitigation measures used in the Draft EIR. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

PCAC-41 Please refer to individual responses below for a discussion of how each of the items identified in the scoping letter was considered during preparation of the Draft EIR.

PCAC-42 Section 3.7 (Hazardous Materials) of the Draft EIR addresses the current status of soils on-site and summarizes remediation that has occurred to date, in addition to identifying a mitigation program to ensure that soils on-site are appropriately remediated.

PCAC-43 Comment noted.

PCAC-44 This information was generated in a prior traffic analysis for the site, which has been updated based on a refined project description and City comments and, therefore, is no longer applicable.

PCAC-45 This information is not entirely consistent with the current development application and is not applicable to the analysis. The proposed project is described in Chapter 2.0 of the Draft EIR, including street widening and pedestrian improvements.

PCAC-46 The commenter correctly notes that the City can provide an adequate water supply for the proposed project, in accordance with the adopted Water Master Plan, as discussed in Impact U-1 on pages 3.15-13 and 3.15-14 of the Draft EIR. No mitigation is required. Improvements identified in the Water Supply Assessment for the proposed project are included as part of the project design.

PCAC-47 Comment noted. The Draft EIR analyzed issues pertaining to 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, and Recreation as a result of implementation of the proposed project.

PCAC-48 Comment noted. The City considered this input, along with all scoping comments provided, during the preparation of the Draft EIR. A summary of how each of these issues was addressed is provided in the responses below.

PCAC-49 The potential for a gas plant is discussed on page 3.7-5 of the Draft EIR. Please refer to Response to Comment Churchin-4 on page 3-328 for a discussion of the former facility. Page 3.7-5 of the Draft EIR has been updated to clarify that no gas plant was located adjacent to the site. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

PCAC-50 Section 3.7 of the Draft EIR addresses the current status of soils on-site and summarizes remediation that has occurred to date, in addition to identifying a mitigation program to ensure that soils on-site are appropriately remediated.

PCAC-51 MM HAZ-7 on page 3.7-21 of the Draft EIR requires the developer to consult with DOGGR during construction over abandoned oil wells to determine if plug or replug of wells is necessary. In addition, MM HAZ-8 on page 3.7-22 of the Draft EIR would require the immediate ceasing of construction activities in the event abandoned oil wells are damaged during construction and for remedial plugging operations to be required.

PCAC-52 MM HAZ-5 on page 3.7-21 of the Draft EIR requires that a risk management plan be prepared and implemented in the event that previously unknown soil contamination is encountered during construction. In addition, a site health and safety plan that meets OSHA requirements would also be prepared and implemented prior to the commencement of work in any contaminated area.

PCAC-53 As indicated on page 3.1-31 of the Draft EIR, undergrounding of utility lines would occur as part of the proposed project along Huntington Street. No significant impacts would occur off-site with respect to the infrastructure referenced in the comment based on existing and future traffic volumes or conditions caused by project traffic. The Year 2008 total daily traffic volume on Huntington Street is anticipated to be 4,055 vehicles per day (VPD), which is well within the acceptable daily traffic volume for a

two-lane roadway. Thus, other improvements (i.e., widening of Huntington Street, implementation of access improvements to the Mobile Home Park, installation of sidewalks, or installation of retaining/sound walls) cannot be justified with the proposed project.

PCAC-54 With respect to improvements, extension of Delaware Street and/or the mobile home park entrance/exit, no improvements to or removal of the Delaware Street or the mobile home park entrance/exit are necessitated by the proposed project, and none are planned in conjunction with the project. The proposed project would not result in a significant impact to the mobile home park ingress/egress, as the Huntington Street roadway segment between Atlanta Avenue and Pacific View Avenue would operate at LOS A during Year 2008 and 2020 conditions, as shown in Tables 3.14-14 and 3.14-16 on pages 3.14-49 and 3.14-56, respectively, in the Draft EIR. Therefore, no nexus exists between project impacts and this requested improvement.

An extension of Delaware Street south of Atlanta Avenue to PCH is identified in the City's MPAH, Circulation Element (Figure CE-13), and Precise Plan of Street Alignment 70-3, which was approved by Huntington Beach City Council through Ordinance No. 1581. Implementation of this improvement is currently not programmed. However, as the Delaware Street extension is identified as a long-range improvement in the City, it is appropriate to include this improvement in the General Plan buildout scenario for traffic. Approval of the proposed project would not affect positively or negatively the potential for the Delaware extension to be implemented. Further, consideration of abandoning the Delaware Street extension is not part of the scope of this EIR.

PCAC-55 The planned traffic improvements for the project, which are discussed on page 3.14-30 of the Draft EIR, do not include the extension of Delaware Street. Although this extension may eventually occur, it would occur independent of this project and would require additional studies/review at that time. Please refer to Response to Comment PCAC-54 above for further information on the Delaware Street extension.

PCAC-56 There is no nexus between this request and the project's traffic impact. In addition, the Pacific Mobile Home Park is not included as part of the proposed project. Therefore, issues pertaining to the possible relocation of the mobile home park entrance/exit were not addressed in the Draft EIR.

PCAC-57 No significant impacts would occur off-site with respect to noise due to conditions caused by the proposed project. Thus, the construction of sound walls would not be necessary as part of the proposed project. Off-site noise impacts are discussed in Section 3.10.4 of the Draft EIR.

PCAC-58 The extension of Walnut Street between 1st and 6th Streets as well as Pacific View Avenue between Beach Boulevard and the 55 freeway is not included as part of, nor required for the proposed project. Therefore, issues pertaining to these possible extensions were not addressed in the Draft EIR. However, these issues are addressed in the City's General Plan Circulation Element and are included in the assumptions in the 2020 analysis.

PCAC-59 Please refer to Response to Comments PCAC-54 and PCAC-55 on page 3-240 for a discussion of the Delaware Street extension.

PCAC-60 Comment noted. The traffic analysis included within the Draft EIR was not based solely on valet parking.

PCAC-61 The proposed hotel and commercial components are designed with a loading area sufficient in size to accommodate buses, vans, and trucks per City code requirements. As stated on page 3.14-74 of the Draft EIR, proposed Driveways #1, #4, and #10 would provide service access for the commercial component of the proposed project, while proposed Driveways #2 and #3 would provide customer access to the commercial component. Thus, vehicles accessing the commercial component of the project site would not experience traffic congestion due to loading activities at the loading docks for the commercial uses at the project site. Since larger vehicles such as tour buses and moving vans would arrive on rare occasions, and generally not during the peak time of day, this was not considered part of the typical weekday analysis.

PCAC-62 The Draft EIR analyzes impacts of the proposed project compared to baseline existing conditions from time of issuance of the Initial Study/Notice of Preparation. Thus, the Draft EIR does not rely on conclusions of previous environmental documentation. As stated on page 1-2 of the Draft EIR, this EIR serves as a project EIR, since it analyzes impacts of a specific development project; however, this EIR also serves as a Subsequent EIR, since development on the project site has been addressed on a programmatic level as part of the analysis included in several Program EIRs prepared by

the City of Huntington Beach. Section 21166 of the CEQA Guidelines requires preparation of a subsequent EIR due to changes in the existing conditions discussed in the DTSP Area and the proposed project description. Implementation of the proposed project would be consistent with the Zoning and General Plan land use designations for the project site; however, changes with respect to the circumstances under which the project is being undertaken (i.e., changes to existing conditions) and new information, in the form of project details, has become available since the completion of DTSP EIR 82-2. Therefore, impacts particular to the project site required analysis that was not provided in previous documentation.

The project proposed by the Applicant is consistent with the intensities identified in the General Plan and DTSP for the site.

PCAC-63 The traffic impact analysis for the proposed project addressed local and regional traffic impacts consistent with City, County, and State guidelines. The text on page 3.14-15 of the Draft EIR has been revised to clarify that the summer weekday condition is typically higher than during the winter months and, consequently was used in this analysis to present a conservative scenario.

PCAC-64 Employee traffic and employee parking, as well as waste management services, are accounted for in the traffic (i.e., trip generation) and parking analyses for the proposed project.

PCAC-65 As stated on page 3.13-11 of the Draft EIR, "Pedestrian pathways throughout the site would be publicly accessible at all times." However, page 2-23 of the Draft EIR has been revised to clarify the availability of pedestrian access.

PCAC-66 As stated on page 3.14-26 of the Draft EIR (Consistency Analysis with General Plan Circulation Element Policy 6.1.2), pedestrian circulation on-site would connect to the existing Class II bike path on First Street. In addition, as stated on page 3.13-4 of the Draft EIR, a Class I trail (Bike Path) runs the entire length of the beach, parallel to PCH, and is linked to the regional Santa Ana Bikeway. These trails are also part of the Orange County Master Plan of Regional Riding and Hiking. Several east/west Class II bikeways (Bike Lanes) run throughout the City as well, connecting to both of the Class I bike paths. In addition, as stated on page 2-20 (Table 2-8: Summary of Proposed Roadway Improvements) of the Draft EIR, PCH would be widened on the north side

for provision of a third westbound through lane and future bike lane. Thus, bicycle facilities would be provided within and adjacent to the project site consistent with City of Huntington Beach requirements.

With respect to skaters (i.e., roller skaters and rollerbladers), the City does not differentiate between pedestrians and skaters, with the exception of prohibiting this use in business districts. Skaters could access pedestrian pathways through the residential portion of the site, and utilize the on-street bike path on First Street to access the beach.

PCAC-67 As discussed on page 2-6 of the Draft EIR, the DTSP includes specific development regulations and zoning standards that are intended to supplement and/or supercede the Zoning Ordinance to promote the unique character of the particular subarea. Structures within District No. 7 permit building heights of eight stories. Structures within District No. 8A, "High Density Residential," are permitted up to a maximum height of 50 feet. These height limits were considered in the Specific Plan EIR (EIR 82-2) and determined to be appropriate for the site. Building heights are in compliance with the DTSP. In addition, buildings would be stepped down along Huntington Street, consistent with Section 230.70 C of the Huntington Beach Zoning and Subdivision Ordinance, and would provide a transition to adjacent single-story structures. As discussed throughout Chapter 3 of the Draft EIR, issues such as view, glare, and noise are addressed with respect to the project's consistency with existing City Ordinances.

PCAC-68 The text of the Draft EIR page 3.14-15 has been revised to clarify that the summer weekday condition is typically higher than during the winter months and, consequently was used in this analysis to present a conservative scenario.

Table 3.14-11 includes trip generation from related projects that is included in the analysis. The Waterfront Ocean Grand Resort is the Hyatt project, and is therefore included in the analysis.

PCAC-69 The roadway segment and intersection LOS provide an analysis of access and service to existing neighborhoods, including the Pacific Mobile Home Park, homes along Atlanta and Huntington streets, and others. Therefore, this issue has been considered.

PCAC-70 The Pacific City shared parking analysis addresses (1) project usage consistent with City of Huntington Beach requirements and (3) regional parking during the summer months

by assuming peak parking demand for each of the land uses within the project. The proposed project is not responsible for analyzing (2) the Hyatt's new convention facility parking demand, as this is not an impact of the proposed project. The project parking does not rely on off-site parking. Existing on-street parking that is removed by the project would be replaced with on-site parking within the parking structure and as on-street parking.

PCAC-71 Section 3.14 of the Draft EIR discusses the number of parking spaces to be provided for residents, guests, and commercial vehicles. This section also discusses changes to on-street parking as a result of the proposed project. The comment provides no factual evidence that the project would impact "already overcrowded parking conditions downtown." The project would remove 53 existing on-street parking spaces, and would replace those spaces with spaces in the proposed parking structure. As shown in Table 2-8 on page 2-20 of the Draft EIR, roadway widening would result in an additional eastbound travel lane on Atlanta Avenue, and an additional southbound travel lane between PCH and Pacific View Avenue.

PCAC-72 Project improvements would not change the way in which buses are accommodated along adjacent streets with increased traffic; facility improvements are included in the Draft EIR. As discussed on page 3.14-76 of the Draft EIR, a bus turnout would be constructed on the north side of PCH, west of Huntington Street, in conjunction with the proposed project. In addition, the bus turnout on the south side of PCH, between Huntington and First Streets, and the bus stop on the south side of Atlanta Avenue, east of First Street, would be maintained.

PCAC-73 As stated on page 3.14-37 of the Draft EIR, the west side of Huntington Street would be widened and dedicated 10 feet along the project frontage south only between Pacific View Avenue and PCH to accommodate a 80-foot ROW. All street widening would occur onto the proposed project site, and no encroachment into surrounding properties would occur. No widening is proposed on Huntington Street north of Pacific View Avenue adjacent to the residential portion of the project.

PCAC-74 Project impacts on existing public services, including Fire, Police, and Lifeguard services, are discussed in Section 3.12.4 of the Draft EIR.

PCAC-75 The extension of Pacific View Avenue would be a public roadway, and the internal loop road on the residential portion of the project would be a private roadway. Impacts associated with emergency access at the project site are addressed under Impact TR-9 and PS-1 on pages 3.14-72 and 3.12-9 of the Draft EIR, respectively.

PCAC-76 Impact TR-8 on page 3.14-68 of the Draft EIR addresses parking impacts of the proposed project. Because adequate parking would be provided on-site, beach parking would not be adversely impacted.

PCAC-77 Impact AES-2 discusses impacts on scenic vistas. As discussed on page 3.1-30 of the Draft EIR, views from adjacent residences are from private residential locations; affects to these views would not be considered significant. Pedestrians accessing the project site would have views of the ocean, which would be far more expansive than those currently available from public vantage points surrounding the site.

PCAC-78 Impact AES-4 on page 3.1-34 of the Draft EIR analyzes impacts from shade and shadows, and Impact AES-5 on page 3.1-37 of the Draft EIR analyzes impacts on light and glare. Impacts have been determined to be reduced to less-than-significant levels.

PCAC-79 Impact REC-1 on page 3.13-9 of the Draft EIR discusses project impacts on parkland. Mitigation Measure REC-1 on page 3.13-13 of the Draft EIR requires the project to meet City parkland requirements through the dedication of parkland or the payment of in-lieu fees.

PCAC-80 As discussed under Impact N-1 on page 3.10-14 of the Draft EIR, construction noise levels would not exceed the standards established in the Huntington Beach Municipal Code. Nevertheless, due to the nature of noise associated with pile driving activities, Mitigation Measure N-1 on page 3.10-23 of the Draft EIR is recommended to limit pile driving activities to the hours of 8:00 A.M. to 6:00 A.M., Monday through Friday. The Mitigation Monitoring and Reporting Program (MMRP) provides methods to ensure implementation of mitigation measures. In addition, as described in CR N-E on page 3.10-22 of the Draft EIR, the project would include a "disturbance coordinator" who shall be responsible for responding to complaints regarding construction noise.

PCAC-81 Specific commercial uses have not been identified for the project site, although amplified music could occur associated with the restaurants, nightclubs, and promenade and plaza areas. The potential for specific commercial operations to generate nuisance

noise would be evaluated as part of the Conditional Use Permit (CUP) process for each commercial use that locates within the project site. Mandatory compliance with the City's Noise Ordinance would ensure that potential noise impacts would be reduced to less-than-significant levels. Based on the proposed site plan, however, the commercial uses would front Pacific Coast Highway. Noise from music and other activities are expected to be directed toward the coast and away from the new and existing homes in the area. In addition, commercial buildings would act as noise barriers between the front of the restaurants, bars, etc. and the nearby homes.

PCAC-82 The proposed construction schedule and associated noise levels are consistent with the City Municipal Code. Please refer to Response to Comment PCAC-80 on page 3-245 for a discussion of hours of construction and noise monitoring. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

PCAC-83 The proposed construction schedule is provided in Figures 2-8a and 2-8b on pages 2-27 and 2-28, respectively, of the Draft EIR. The text on page 2-26 of the Draft EIR indicates that construction of the recreational area in the center of the residential component would be constructed as part of the first phase of residential construction. The remainder of this comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Response to Comment Letter PCAC (A)
(Pacific City Action Coalition, Attachment A, December 3, 2003)

PCAC(A)-1 Comment noted. Please refer to specific responses below.

PCAC(A)-2 As indicated on page 3.7-10 of the Draft EIR, BBL intends to perform sampling in Area D to ensure that all potential contamination has been identified. Sampling performed as part of the 1996 Phase II Investigation targeted areas where former ASTs, pipelines and pipeline headers, and abandoned wells were located. However, an extensive survey of the project site was not performed. The initial sampling performed indicates that contamination did not migrate onto the western portion of the site. However, detailed sampling of soils in Area D would provide conclusive evidence; consequently, sampling of this area is required as part of MM HAZ-2 on page 3.7-20 of the Draft EIR.

PCAC(A)-3 The testing conducted by Harding ESE in late 2001 or early 2002 is discussed on page 3.7-10 of the Draft EIR. As discussed, the detailed report on the soil investigation has not been completed. However, three samples were extended four to five feet past groundwater in three of the areas previously identified as containing elevated concentrations of petroleum hydrocarbons. In cases where petroleum hydrocarbons in the soil have extended to groundwater, the extent of soil impacted with petroleum hydrocarbons is generally limited to within one to two feet of first encountered groundwater and the petroleum hydrocarbon impacted soil appears to have minimal impact on groundwater.

PCAC(A)-4 This comment provides information about previous activities that may have occurred on-site. This comment does not address the adequacy of the Draft EIR. Nevertheless, as described on page 3.7-20 of the Draft EIR, MM HAZ-2 requires sampling in the western portion (Area D) of the project site, as discussed on page 3.7-10 of the Draft EIR, to ensure that all potential contamination has been identified In addition, the Huntington Beach Fire Department, which is the local oversight agency for cleanup of the project site, will not approve the Site Closure Report without concurrence from the Santa Ana Regional Water Quality Control Board. .

PCAC(A)-5 This comment provides information about previous activities that may have occurred on-site. This comment does not address the adequacy of the Draft EIR. As a point of clarification, the City has not requested the records identified in this comment. Testing

records are normally submitted at the City's request for closure, which has not yet occurred on site.

PCAC(A)-6 This comment provides information about previous activities that may have occurred on-site. This comment does not address the adequacy of the Draft EIR, and no further response is required. This comment does, however, correctly identify that a groundwater testing plan was submitted to the City for the southeastern portion of the site. This document was superceded by Remediation Plan, Revision 3, prepared by Harding ESE. .

PCAC(A)-7 In order to provide detailed characterization of soils and any potential contamination in Area D, MM HAZ-2 on page 3.7-20 of the Draft EIR would be implemented and would require sampling in this area. If contamination is identified, it would be remediated in accordance with MM HAZ-3 and HAZ-4, as discussed on pages 3.7-20 and 3.7-21 of the Draft EIR. Further, MM HAZ-5, as discussed on page 3.7-21 of the Draft EIR, would require construction activities to cease in the event that previously unknown soil contamination is encountered that could present a threat to human health or the environment. As such, the mitigation program presented in the Draft EIR would ensure characterization of any contamination in Area D and remediation, if necessary.

PCAC(A)-8 Please refer to Response to Comment PCAC(A)-7 above, which discusses characterization of Area D. Please refer to Response to Comment PCAC-13 on page 3-231, which discusses the use of performance standards in mitigation in order to ensure effective implementation and avoid mitigation deferral. Impact HAZ-1 on page 3.7-15 of the Draft EIR discusses impacts of potential contamination on-site, and the effects on workers and residents in the area.

PCAC(A)-9 This comment discusses the prior presence of a warning sign on the project site and does not provide comments on the adequacy of the Draft EIR analysis; thus, no further response is necessary. However, worth noting, as discussed on pages 3.7-20 through 3.7-21 of the Draft EIR, MM HAZ-1 through HAZ-6 require remediation in accordance with existing City specifications.

PCAC(A)-10 Any groundwater contamination that may have occurred as a result of previous activities on-site is not an effect of the proposed project. As discussed on page 3.7-10 of the Draft EIR, petroleum hydrocarbon impacted soil appears to have minimal impact

on groundwater. Further, since groundwater beneath the project site is brackish due to saltwater intrusion, the City does not use it as potable water. Therefore, there is no nexus between existing groundwater quality and impacts of the proposed project.

Petroleum hydrocarbon impacted soil appears to have a minimal impact on groundwater. As discussed on page 3.7-10 of the Draft EIR, in cases where petroleum hydrocarbons in the soil have extended to groundwater, the extent of soil impacted with petroleum hydrocarbons is generally limited to within one to two feet of first encountered groundwater. In addition, as discussed in the Revised Remediation Plan of June 2001, Harding ESE determined that contaminated soil at the property is limited to TRPH and is not related to any other volatile or semi-volatile compounds, including BTEX, or other petroleum hydrocarbons (i.e., diesel or gasoline). Thus, levels of BTEX discovered at the project site were below action levels, as mandated by the HBFD.

PCAC(A)-11 Please refer to Response to Comment PCAC(A)-10 on page 3-248 for a discussion of potential groundwater contamination related to BTEX at the project site.

PCAC(A)-12 This comment provides information about current research, and incidences of cancer within the City of Huntington Beach. This comment does not address the adequacy of the Draft EIR, and no further response is required.

PCAC(A)-13 Please refer to Response to Comment PCAC(A)-10 on page 3-248 for a discussion of issues related to groundwater contamination. In addition, the SARWQCB will require sampling of groundwater to confirm that contamination is below acceptable levels prior to their approval of the site.

PCAC(A)-14 This comment correctly states information provided in the Draft EIR. According to the 2002 Remediation Plan (Revision 3), soil involved in the 1999 export to the Hyatt was excavated and remediated to meet the City Specification 431-92 criteria, as detailed in the closure report for the soil that was exported to the Hyatt site. Soil samples taken from the bottom and sidewalls of each excavation at the project site were taken to ensure that TRPH concentrations in the remaining soil were below City Specification 431-92 criteria. However, a closure report for these soils remaining on-site has not been submitted to the local oversight agency yet because, as detailed in Section 3.7 of the Draft EIR, other portions of the project site contain contamination that requires

remediation. Since a closure report is typically prepared once remediation has been completed on the entire site, it would not, therefore, be appropriate to submit a closure report until all contamination has been remediated. As such, the excavated soil was remediated at the project site, and once it was determined to be clean, it was exported to the Hyatt site. It was then tested a second time at the Hyatt site to confirm it was fully remediated. It is anticipated that contamination of remaining soil in the area where soil was exported to the Hyatt at the project site (referred to as "Area A" in the Draft EIR) has been remediated. However, until a closure report is submitted and approved, this cannot be confirmed.

PCAC(A)-15 The closure report for the soil exported to the Hyatt site details that the exported soil was remediated. As such, no evidence of contaminated soil was found in any of the samples tested. However, this report for the Hyatt does not address soil remaining in the export area (Area A) on the project site. Documentation of the successful remediation of this area will be presented as part of the closure report to the City. Please refer to Response to Comment PCAC(A)-14 on page 3-249 for additional detail.

PCAC(A)-16 As discussed on pages 3.7-7 through 3.7-8 of the Draft EIR, during the soil exporting activities for the Hyatt, Area A was sampled to identify whether oily soil was present. All affected soil exhibiting concentration above City Specification 431-92 criteria were either excavated from the site or mechanically treated to meet the criteria.

PCAC(A)-17 Mixing of the soils is an accepted method of soil remediation by the City of Huntington Beach, the local oversight agency for this project. Soil mixing has been implemented as a successful method of remediation since the 1950s in the United States and has been technically proven to adequately remediate soils. The process of mixing includes blending contaminated soils on site with clean soils, in order to reduce the concentrations of the contamination in the soil. Soils are tested until it is demonstrated that contaminant concentrations fall below accepted levels. In order to ensure that all soils have been remediated, samples generally include soils taken from all depths and from several locations where remediation is occurring.

PCAC(A)-18 These comments address potential non-compliance issues associated with the Robert Mayer Corporation and the Hilton and Hyatt developments, both located adjacent to the project site. The Robert Mayer Corporation is not affiliated with the proposed project. In addition, there is no relationship between proposed development that

would occur in the future at the project site and suspected non-compliance issues at the adjacent Hilton and Hyatt sites. Please refer to Response to Comment HBEB-21 on page 3-209 for a discussion of monitoring during the construction phase of the proposed project.

PCAC(A)-19 Please refer to Response to Comment Churchin-2 on page 3-327, which clarifies issues related to remediation of soils exported to the Hyatt site. Please refer to Response to Comment PCAC(A)-14 on page 3-249 for a discussion of documentation for remediated soils as part of the export of soils to the Hyatt site. The Fire Department was aware that contamination was identified in soils to be exported to the Hyatt site, and, as a result, remediation of these soils was required prior to their export to the Hyatt site.

PCAC(A)-20 The source for Figure 3.7-1 on page 3.7-8 of the Draft EIR is the Remediation Plan Revision 3, not the 1996 Phase II Study. Conclusions identified in the 1996 Phase II Study have been superceded by information in Remediation Plan Revision 3, prepared by Harding ESE.

PCAC(A)-21 Please refer to Responses to Comments Churchin-4 on page 3-328 and Churchin-5 on page 3-329 for a discussion of contamination resulting from the former gas plant. Page 3.7-5 of the Draft EIR has been updated to clarify that no gas plant was located adjacent to the site. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

PCAC(A)-22 The statement on page 3.7-5 of the Draft EIR discusses potential contaminants from the former gas plant. However, as discussed in Responses to Comments for Churchin-4 on page 3-328 and Churchin-5 on page 3-329, no gas plant was formerly located adjacent to the site, and page 3.7-5 of the Draft EIR has been revised to reflect this updated information. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes. The contaminants referred to on page 3.7-18 of the Draft EIR are related to petroleum hydrocarbons. Therefore, these statements refer to two separate issues and do not contradict each other. The analysis presented in the Draft EIR relies on the most current studies completed for the site. Mitigation Measure HAZ-4 on page 3.7-21 of the Draft EIR requires that, before construction can commence in these areas, a closure report or other document as deemed acceptable by the City Fire Department be submitted to demonstrate that soils on site in all areas have been effectively remediated.

PCAC(A)-23 Please refer to Response to Comment Churchin-3 on page 3-327 for a discussion of the results of the 1996 investigation compared to the 1999 investigation. The site did not become more contaminated over time.

PCAC(A)-24 A detailed report on the 1999 sampling effort has not been submitted to the City. The results of this sampling effort are identified on the Plates 2 and 3 of Remediation Plan, Revision 3 prepared by Harding ESE, identified as Harding ESE 2002b in the references section of the Draft EIR. Plates 2 and 3 also identify the locations where soil samples were taken.

PCAC(A)-25 Mitigation Measure HAZ-4 on page 3.7-21 of the Draft EIR requires that the area surrounding the water main be remediated in accordance with City specifications and that a closure report or other reports as deemed acceptable by the City Fire Department document successful completion of required remediation are approved prior to the issuance of grading permits.

PCAC(A)-26 Data used to prepare Section 3.7 (Hazardous Materials) of the Draft EIR were taken from several previously completed and City-approved studies for the site. Perception of misleading, incomplete, or contradictory data in these reports are clarified by the responses to comments presented throughout this document. None of the reports relied upon for making conclusive determinations as to the level of on-site contamination were authored by individuals convicted of submitting fraudulent test results.

PCAC(A)-27 MM HAZ-1 through HAZ-6 on pages 3.7-20 through 3.7-21 of the Draft EIR require that, prior to the issuance of a grading permit, all impacts associated with soil contamination at the project site be mitigated to an level acceptable to the City Fire Department, the local oversight agency for the project. MM HAZ-7 and HAZ-8 on pages 3.7-21 through 3.7-22 of the Draft EIR ensures that DOGGR would be involved in addressing potentially significant impacts associated with damage to existing abandoned oil wells at the project site. These mitigation measures ensure that the proposed project would not be adversely impacted by any existing soil contamination at the project site. No subsequent study or documentation is necessary.

Response to Comment Letter PCAC (B)
(Pacific City Action Coalition, Attachment B, December 3, 2003)

PCAC(B)-1 The traffic study, included as Appendix H to the Draft EIR, was prepared to analyze future traffic conditions resulting from implementation of the proposed project on the nearby street network. As such, the geographical scope of the traffic study included Delaware Street, which is located in proximity to the project site to the east. However, the planned traffic improvements for the project, as discussed on pages 3.14-30 and 3.14-37 of the Draft EIR, do not include the extension of Delaware Street. Although this extension may eventually occur, it would occur independently of this project and would require additional studies/review at that time. Please refer to Response to Comment PCAC-54 on page 3-240 for further information on the Delaware Street extension.

PCAC(B)-2 Comment noted.

PCAC(B)-3 The Draft EIR is a public information document intended to disclose potentially significant environmental impacts associated with the planning, construction, and operation of the proposed project.

No mobile homes would be displaced and/or taken as a result of the proposed project.

PCAC(B)-4 Comment noted. Please refer to responses to specific concerns identified below.

PCAC(B)-5 Improvements to Huntington Street, Atlanta Avenue and Pacific View Avenue are described on Table 2-8, pages 2-20 through 2-22, page 3.14-30 and 3.14-37 of the Draft EIR and on page 62 of Appendix H (the traffic study). With respect to improvements or extension(s) of Delaware Street and the mobile home park entrance/exit, no improvements to Delaware Street or the mobile home park entrance/exit are necessitated by the proposed project, and none are planned in conjunction with the project.

An extension of Delaware Street south of Atlanta Avenue to PCH is identified in the City's MPAH, Circulation Element (Figure CE-13), and Precise Plan of Street Alignment 70-3, which was approved by Huntington Beach City Council through Ordinance No. 1581. Implementation of this improvement is currently not programmed. However, as the Delaware Street extension is identified as a long-range

improvement in the City and is considered part of the buildout street system, it is appropriate to include this improvement in the General Plan buildout scenario for traffic. Approval of the proposed project would not affect the potential for the Delaware extension to be implemented.

PCAC(B)-6 No mobile homes would be displaced and/or taken as a result of the proposed project.

PCAC(B)-7 Project access is addressed on pages 2-20 through 2-26, Impact TR-9 on pages 3.14-72 through 3.14-75 of the Draft EIR text, and pages 7 and 8 of Appendix H (Traffic Study). As discussed under Impact TR-9, adequate driveway and queuing access for the proposed project would be provided, and impacts associated with vehicular access to the project site would be less than significant.

PCAC(B)-8 Please refer to Response to Comment PCAC(B)-7 above for a discussion of project access.

PCAC(B)-9 Figures 2-3a through 2-3d on pages 2-9 through 2-12 of the Draft EIR illustrate how buildings would be setback from the street. Appendix F, Specific Plan Conformity, addresses project conformity with the Specific Plan, including building setbacks. The proposed project would not result in development within the roadway that would restrict the flow of traffic.

PCAC(B)-10 The mobile home park land use designation is intended to remain as such and would not change as a result of the proposed project.

PCAC(B)-11 The project timeframe is addressed on pages 2-26 through 2-27 of the Draft EIR.

PCAC(B)-12 The Draft EIR is a public information document intended to disclose potentially significant environmental impacts associated with the planning, construction, and operation of the proposed project. This comment does not contain input on the adequacy of the Draft EIR, and, as such, no further response is required.

PCAC(B)-13 The extension of Delaware Street is not part of the proposed project. This change in the City network is currently identified in City planning documents and was addressed at a program level in City's General Plan EIR but would not be implemented by the proposed project. Please refer to Response to Comment PCAC-54 on page 3-240 for further information on the Delaware Street extension.

PCAC(B)-14 No mobile homes would be displaced and/or taken as a result of the proposed project.

PCAC(B)-15 Please refer to Response to Comment PCAC-73 on page 3-244 for a discussion of street widening. No easements are proposed or required within the adjacent mobile home park as a result of the proposed project.

PCAC(B)-16 A traffic signal is not warranted at Huntington Street and Pacific View Avenue as discussed under Impact TR-6 on pages 3.14-67 through 3.14-68 of the Draft EIR. With respect to the configuration of Pacific View and Huntington Street, the roadway improvements related to the proposed project are identified on pages 2-20 through 2-22, 3.14-30, and 3.14-37 of the Draft EIR.

PCAC(B)-17 Street improvements that would occur as part of the proposed project are discussed on pages 2-20 through 2-22, 3.14-30, and 3.14-37 of the Draft EIR. Construction-level plans are not available at this stage of the project.

PCAC(B)-18 The proposed project is not responsible for analyzing any potential parking issues identified for adjacent projects, including the Waterfront Hilton. Issues related to the Waterfront Hilton identified in this comment are a City enforcement issue and not related to the proposed project. As discussed in Section 2.2.1 on page 2-4 of the Draft EIR, the southwest corner of the site was recently used as a temporary staging/storage facility for beach cleaning equipment and employee vehicles for the City of Huntington Beach.

The proposed hotel is designed with loading areas consistent with City code requirements, which would accommodate moving vans for convention equipment. Adequate loading areas would be provided on-site for tour buses in the hotel drop-off area. Since tour buses would arrive on rare occasions and generally not during the peak time of day, this was not considered within the typical weekday analysis.

PCAC(B)-19 No homes would be displaced and/or taken as a result of the proposed project.

PCAC(B)-20 Increased traffic on PCH is addressed in the Draft EIR as part of the circulation/traffic analysis, as described under Impacts TR-1 through TR-5 on pages 3.14-58 through 3.14-67 of the Draft EIR.

Please refer to Response to Comment CNB-13 on page 3-196 for a discussion of impacts to intersections in the City of Newport Beach. Please refer to Response to Comment CNB-14 on page 3-196 for a discussion of issues related to the Banning/19th Street Bridge.

PCAC(B)-21 Consistent with Section 15126 of the CEQA Guidelines, the Draft EIR examines the project-specific impacts of implementing the proposed project. With respect to biological resources, the analysis was based, per CEQA Guidelines Section 15126.2, on the physical conditions in the affected area, as they exist at the time of the publication of the notice of preparation. The site was in mid-remediation phase at that time. Impacts were based on biological surveys that documented the biota that occurs within the site during both December 2001 and September 2003. As a result of the remediation process, which includes earth moving activities, conditions at the site are somewhat dynamic. However, the conditions present during these surveys represent the range of conditions at the time the notice of preparation was published.

The analysis of wetlands was adequately addressed in the EIR in compliance with CEQA Guidelines. As stated in CEQA Guidelines Section 15204(a), the adequacy of an EIR is determined in terms of what is reasonably feasible in light of factors such as the geographic scope of the project, the magnitude of the project, and the severity of the likely environmental impacts. As further expressed in Section 15151 of the CEQA Guidelines, "the courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." In this case, to assess the potential biological impacts of the proposed project, an initial biological survey was performed during the initial phases of project development. An additional survey was then performed in 2003 when wetland vegetation was found in the area of the remediation pits. Two surveys of the site were performed, in a manner sufficient to allow for the quantification of impacts to biota. Therefore, this effort represents a good faith effort at full disclosure of potential biological impacts of the proposed project. Furthermore, the California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Service (USFWS), and California Native Plant Society (CNPS) do not require that the surveys are conducted during blooming season, just that they are "Conducted in the field at the proper times of year when special status and locally significant plants are both evident and identifiable."

The commenter also provides information stating that the Applicant was stopped from grading the property in September 2003. This comment does not address the adequacy of the Draft EIR and no further response is required.

PCAC(B)-22 Please refer to Response to Comment Cross-2 on page 3-313 for a explanation as to why widening Huntington Street beyond project specifications is not warranted. The proposed project would not encroach onto the adjacent Mobile Home Park.

PCAC(B)-23 Please refer to Response to Comment HBT-8 on page 3-211 for an explanation as to why widening Atlanta Avenue beyond project specifications is not warranted. The proposed project would not encroach onto the adjacent Mobile Home Park.

PCAC(B)-24 Please refer to Response to Comment PCAC-54 on page 3-240 for a discussion of the relationship of the Delaware Street extension to the proposed project and the traffic analysis. The commenter provides additional opinion about this future improvement. This comment, however, does not address the adequacy of the Draft EIR and no further response is required.

PCAC(B)-25 The Draft EIR is a public information document intended to disclose all potential environmental impacts associated with the planning, construction, and operation of the proposed project. As such, information on impacts to the adjacent mobile home park is given throughout the Draft EIR.

PCAC(B)-26 The project is in compliance with the permitted residential densities of Downtown Specific Plan (DTSP) District 84. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration when deciding whether to approve or deny the proposed project.

PCAC(B)-27 As stated in Impact AES-2 on page 3.1-30 of the Draft EIR, views from surrounding residences are from private locations; affects to these views would not be considered significant. Therefore, no further mitigation is required. The project site is zoned as DTSP Districts 7 and 8A, which indicates that the City has intended the property for downtown, coastal development. Also, as stated on page 3.1-26 of the Draft EIR in project consistency for Policy ERC-4.1.5 (Table 3.1-2), there are no public view corridors from or through the project site. View corridors near the project site include First Street and Huntington Street; however, neither of these streets would be narrowed as a result of the proposed project. In addition, pedestrians accessing the

project site would have views of the ocean, which would be far more expansive than those currently available. Please refer to Responses to Comments Cross-1 on page 3-313 and Cross-5 on page 3-315 for additional detail.

PCAC(B)-28 The commenter does not provide any basis or evidence for the need for a new traffic study. The study prepared is consistent with CEQA requirements and City guidelines with respect to traffic impact analysis. The study has been independently reviewed and affirmed through peer review. Therefore, a new traffic study is not warranted.

PCAC(B)-29 The project does not propose to use the mobile home park and/or other adjacent properties for a solution for parking or related issues. The mobile home park is not identified in the Draft EIR as a source of parking for the proposed project.

Response to Comment Letter PCAC (C)
(Pacific City Action Coalition, Attachment C, December 3, 2003)

PCAC(C)-1 Please refer to Response to Comment PCAC-81 on page 3-245 for a discussion of amplified noise. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration when deciding whether to approve or deny the proposed project.

PCAC(C)-2 The project would dedicate a 20-foot-wide public access corridor through the entire project site. Please refer to Response to Comment HBEB-5 on page 3-205 for further discussion regarding public access. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration when deciding whether to approve or deny the proposed project.

PCAC(C)-3 Additional discussion has been added to the Draft EIR to identify the potential for lighting directed upwards onto building facades in a manner that would result in nighttime illumination effects. An additional mitigation measure has been recommended in the Final EIR to including lower lighting levels during periods of fog, in order to reduce nighttime illumination from the project site. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

PCAC(C)-4 These comments address potential non-compliance issues associated with the Robert Mayer Corporation and the Hilton and Hyatt developments, located adjacent to the project site. The Robert Mayer Corporation is not affiliated with the proposed project. In addition, there is no relationship between proposed development that would occur in the future at the project site and alleged non-compliance issues at the adjacent Hilton and Hyatt sites. Please refer to Response to Comment HBEB-21 on page 3-209 for a discussion of monitoring during the construction phase of the proposed project.

PCAC(C)-5 Please refer to Response to Comment Cross-14 on page 3-319 for a discussion of the project schedule. Impacts to noise and water quality would be reduced to less-than-significant levels during construction activities. Mitigation measures have been identified in the Draft EIR to reduce air quality impacts to the extent feasible.

PCAC(C)-6 As stated on page 4-26 of the Draft EIR, a reduction in the density of residential units would reduce the severity of impacts, but would not lessen any significant impacts to

less-than-significant levels. Please refer to Response to Comment RMC-33 on page 3-276 for further detail.

PCAC(C)-7 Pedestrian access improvements are described on pages 2-23 and 2-26 of the Draft EIR. In addition, Figure 2-7 on page 2-25 of the Draft EIR illustrates that sidewalks are proposed along all street frontages. As discussed on page 3.14-37 of the Draft EIR, during project implementation, a 20-foot-wide pedestrian access easement would be dedicated through the project site that extends from the south side of Atlanta Avenue, at Alabama, to Pacific View Avenue at the easterly residential access driveway. Linkages are also proposed from the residential village through the visitor-serving commercial component of the project site. In addition, please refer to Response to Comments Verbal-23 on page 3-323, and PCAC-65 and PCAC-66 on page 3-242 for additional discussion of sidewalks on Atlanta Avenue, pedestrian access availability, and bicycle lanes, respectively.

PCAC(C)-8 The proposed residential portion of the project site complies with the balance of uses permitted in the Downtown Specific Plan (DTSP), and is intended to establish a population base to help support the commercial uses of the project. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration when deciding whether to approve or deny the proposed project.

PCAC(C)-9 Please refer to the Topical Response on Shared Parking on page 3-180 for an explanation of why the methodology used for the parking analysis is appropriate. Inconveniences and/or inadequacies identified in this comment related to existing commercial and residential uses, including parking issues related to the Hyatt, are not an impact of the proposed project, and thus an analysis and mitigation of this issue is not required. This comment expresses several opinions about the adequacy of the parking and the relationship of street and single level parking to a feeling of open space and quality of life. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

PCAC(C)-10 The project as proposed includes signalization at the intersection of Atlanta Avenue and Huntington Street, as identified in Table 2-8 and page 2-21 of the Draft EIR. The Traffic Impact Analysis Report, included as Appendix H of the Draft EIR, indicates that

the proposed project's fair share contribution to this signal would be 59 percent based on traffic volume. In addition, MM TR-3 on page 3.14-80 of the Draft EIR, requires the installation of a traffic signal at the intersection at First Street and Atlanta Avenue prior to the issuance of occupancy permits. The City would ensure completion of this improvement, and the Applicant would be required to contribute a fair share contribution of 57 percent to the improvement.

PCAC(C)-11 Impact AQ-3 on pages 3.2-13 through 3.2-15 of the Draft EIR discusses the issue of carbon monoxide (CO) hotspots resulting from decreased levels of service at intersections in the future. Emissions from the PCH and Warner Avenue intersection were included in this analysis. CO hotspots would not exceed National or State standards at 25, 50, or 100 feet. CO concentrations would be further dispersed at locations beyond 100 feet, including the Bolsa Chica area.

PCAC(C)-12 The Year 2020 traffic analysis does include the extension of Delaware Street and installation of the Banning/19th Street Bridge because they are both currently contained in the City of Huntington Beach General Plan and Orange County MPAH. The traffic study also included a scenario without the Banning/19th Street Bridge. Please refer to Response to Comment HBT-10 on page 3-211 for additional discussion of this issue. Please see Response to Comment PCAC-54 on page 3-240 for further information on the Delaware Street extension.

PCAC(C)-13 Impact PS-3 on pages 3.12-11 through 3.12-12 of the Draft EIR describes that development of additional residential units would result in an increase in the number of students within the school districts serving the site and increase demands on school facilities. Cumulative impacts to schools, as discussed on page 3.12-14 of the Draft EIR, describe the projected impacts of the project in combination with planned future development in the area. Therefore, this issue has been adequately addressed in the EIR.

PCAC(C)-14 As illustrated in the Draft EIR, the project consists of two levels of subterranean garages (in order to alleviate impacts to surface parking) and consists of structures that range from two to four stories in height, excepting the height of the eight-story hotel. Refer to Response to Comment Cross-5 on page 3-315 for detail.

PCAC(C)-15 The nearest freeway access to the SR-55 is significantly outside the study area, located approximately 6 miles from the project site, and is not required to be analyzed based on the size and location of the proposed development. This is consistent with the City of Huntington Beach guidelines and standard traffic impact analysis methodology.

Response to Comment Letter RMC (Robert Mayer Corporation, December 3, 2003)

RMC-1 Comment noted.

RMC-2 As discussed on page 2 of the Notice of Availability (NOA), the Draft EIR determined that implementation of the proposed project would result in "Significant, unavoidable impacts" in the following issue areas:

- Air Quality
- Transportation/Traffic

The NOA does also state that other potentially significant impacts in the issue area of Transportation/Traffic could be mitigated to a less-than-significant level. It should be noted that in the issue area of Transportation/Traffic, there are several individual impacts associated with this resource area. Each impact is classified with respect to its level of significance, and it is possible, and common with most projects, for different impacts under the same resource to be identified with different levels of significance.

RMC-3 The traffic impact analysis for the Waterfront Ocean Grand Resort (i.e., the Hyatt Hotel), dated July 2, 1998, indicates that a traffic signal is anticipated as a future condition at the intersection of Atlanta Avenue and Huntington Street. The project as proposed includes signalization at the intersection of Atlanta Avenue and Huntington Street, as identified in Table 2-8 and page 2-21 of the Draft EIR. The Traffic Impact Analysis Report, included as Appendix H of the Draft EIR, indicates that the proposed project's fair share contribution to this signal would be 59 percent based on traffic volume. In addition, MM TR-3 on page 3.14-80 of the Draft EIR, requires the installation of a traffic signal at the intersection at First Street and Atlanta Avenue prior to the issuance of occupancy permits. The City would ensure completion of this improvement, and the Applicant would be required to contribute a fair share contribution of 57 percent to the improvement.

RMC-4 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of the trip generation. The internal capture rates are generally based on Tables 7.1 and 7.2 in the ITE *Trip Generation Handbook (October 1998)* and have been adjusted based on the specific project characteristics. These internal capture reduction

values based on the ITE methodology are considered guidelines for determining appropriate reductions and can be adjusted to reflect unique project characteristics.

RMC-5 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of why the mode shift is appropriate to use. The mode shift percentages conform to ITE recommendations and reflect traffic engineer and City experience with the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses. Mode shift can refer to walking, as noted in the comment, which is the primary visitation mode besides the automobile. City experience indicates that it is typical for some individuals to drive to the general area, park once, then access a number of uses in the Downtown area, rather than driving between each of these locations situated within close proximity (i.e., less than 1 mile) of each other. It is reasonable to assume that customers would walk ½ mile, which takes approximately 9 to 10 minutes. Several parking facilities within the Downtown area are well within walking range of the proposed project (¼ to ½ mile).

This comment correctly defines walk-in traffic on a daily and hourly basis. However, over a ten hour (i.e., daily) period and one hour PM peak period, the walk-in traffic equates to approximately five people per minute and six people per minute, respectively, dispersed throughout the total 240,000 square feet of development.

RMC-6 The commenter correctly notes, as stated on page 35 of the Downtown Specific Plan (DTSP), that "Development in this District is not intended to compete with the Downtown commercial core…," and rather, "The commercial uses in this District would be of a more seasonal variety with the District serving as a connecting link between the Downtown area and District Nine," which is the area east of Huntington Street where the Hilton Waterfront Beach Resort is located. Thus, as stated in the Draft EIR, the proposed project is not intended or anticipated to compete with the Downtown commercial uses, and instead, is designed to complement the existing uses in the Downtown area. Many downtown patrons walk from the Pier/Pier Plaza to the 4th or 5th block of Main Street and can be reasonably expected to walk from Main Street or the Pier Area 4 or 5 blocks to Pacific City. Consequently, since the project serves as the "connecting link" to the Downtown area, some shared patronage could reasonably be assumed and is factored into the traffic analysis for the proposed project.

RMC-7 The Downtown area experiences a significant amount of restaurant patronage from beach goers, and the proposed project is envisioned to include restaurants and other commercial uses that accommodate beach goers. The restaurants included as part of the visitor-serving commercial uses at Pacific City would be different from the restaurants contained in the proposed hotel and the existing Hyatt hotel. For restaurants located outside of hotels and adjacent to the beach, typically more beach users would be anticipated to access these restaurants than those located inside of hotels. In addition, beach goers represent a portion of the total restaurant patrons.

RMC-8 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of the trip generation. Elimination of the internal capture and mode shift would be inconsistent with prudent traffic engineering practice, would significantly overstate the project traffic generation forecast, and, therefore, would result in unrealistic impacts.

RMC-9 Although the Development Agreement allows for a third hotel, the hotel is subject to the approval of a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) as well as required environmental documentation. No proposal, application, or other project submittal related to project entitlement on the Waterfront's third hotel site has been provided to the City, and until such time, that hotel could be modified in scope or character by the developer consistent with the procedures set forth in the amended Development Agreement. Because no information indicating that this project would be developed in the reasonably foreseeable near future was available, this project was not included in the Year 2008 analysis. However, the hotel development is included in the General Plan Buildout analysis included in the Draft EIR, and no new impacts, beyond those identified in the Draft EIR, are indicated as a result of its inclusion.

RMC-10 Please refer to the Topical Response on Shared Parking on page 3-180 for a discussion of demand and shared-use calculations. The shared parking analysis does separately include the ballroom area and spa services, as identified in columns 3 and 4 of Tables 5A and 5B in the Shared Parking Analysis. The weekday and weekend parking demand profile (i.e., the percentage of spaced occupied at a given time) for the hotel guest room was increased from ULI's recommended use of 30 percent of the peak parking demand to 75 percent of the peak parking demand for the 1:00 pm hour to account for guest use of the meeting space area.

The DPMP requirements do not apply to the project site because the site is outside of the DPMP boundaries (see Section 4.2.14 of the DTSP). The information contained within the specified table of the traffic study was included for comparative purposes. However, based on the mix of uses proposed (e.g., hotel), the project is not identical to retail or restaurant uses within the DPMP area, and thus, parking for the project can not be based on the DPMP parking rates.-

RMC-11 Please refer to the Topical Response on Shared Parking on page 3-180. The empirical data used in the shared parking analysis are from the Ritz Carlton, Laguna Niguel, and Marriott Laguna Cliff, which, like the proposed Pacific City hotel, are located in proximity to the beach. The parking analysis does not include any internal capture reduction, and the mode shift percentages reflect the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses. There is no double discount in the parking analysis. The parking demand requirements were adjusted for guest and non-guest usage for the hotel restaurant, conference rooms, and spa based on experience with prior resort hotel shared parking studies. The weekday and weekend parking demand profile for hotel guest rooms was increased from ULI's recommended use of 30 percent of the peak parking demand to 75 percent of the peak parking demand for the 1:00 PM hour to account for guest use of the meeting space area. This adjustment provides approximately 200 additional spaces in the peak parking demand hour, beyond ULI's recommended 1:00 pm peak demand, for guest use of other amenities. The mode shift considers persons in the area that have parked elsewhere (the beach or Downtown core) and accessed the site. Conversely, the shared parking analysis considers the fact that different uses on-site have variations in the peak hour of parking, and can share parking spaces. As such, no double discount has occurred, since these are separate accepted methods for determining adequate project parking demand.

RMC-12 Please refer to the Topical Responses on Traffic Generation on page 3-176 and Shared Parking on page 3-180 for a discussion on parking demand from hotel amenities due to non-guest use and the mode shift application to the proposed project.

RMC-13 Several parking facilities within the Downtown area are well within walking range of the proposed project (¼ to ½ mile), which can reliably be considered as a factor in the parking study calculations. It is reasonable to assume that customers would walk ½

mile, which takes approximately 9 to 10 minutes. The parking analysis does not assume that the project is located within the Downtown Master Parking Plan boundaries, but in proximity to the Downtown core, which would result in interaction with this area. Thus, a mode shift is applied to account for use of the site by persons already in the Downtown area. Please see the Topical Response on Traffic Generation on page 3-176 for a discussion of mode shift.

RMC-14 Please refer to the Topical Response on Shared Parking on page 3-180. The parking analysis recognizes the fact that interaction with the beach is obvious during certain periods of the day, because some visitors to the beach would also access the proposed project, and this is captured in the mode shift assumptions. Beach parking is not relied on to satisfy parking demands of the proposed project. Rather, the analysis acknowledges the expectation that patrons with a primary purpose of visiting the beach would also patronize the proposed project.

RMC-15 The empirical data used in the shared parking analysis are from the Ritz Carlton, Laguna Niguel, and Marriott Laguna Cliff, which, like the proposed Pacific City hotel, are located in proximity to the beach. Based on the characteristics of the proposed hotel and these two other hotels in Orange County, use of this data is appropriate and reliable. The proposed meeting space area is not significant in size and would not accommodate large conferences or weddings equivalent to those typically provided at the Hyatt or Hilton hotels. The traffic study lists the ballroom area as 16,000 sf, the net usable meeting/banquet/ballroom area is only approximately 9,300 sf. The actual square footage is a small portion of the 370,000 sf of the hotel, and substantially less than the 52,000 square feet of ballroom area provided at the Hyatt and 19,000 square feet of ballroom area provided at the Hilton. Furthermore, weddings and other large social/charitable events most frequently occur on the weekend, which is not the peak parking demand period, and therefore, even if the proposed hotel had a large enough meeting space area, such uses would not exceed the peak parking demand period that has been analyzed. Nevertheless if the weekend parking analysis resulted in ballroom use of 15 sf per person, then the total parking demand would be 1,440 spaces and would remain less than the weekday maximum requirement. Finally, the Draft EIR traffic and parking analyses did not use average situations for the parking analysis. As indicated on page 3.14-17 of the Draft EIR, the shared parking calculations recognize that different uses often experience individual peak parking demands at different times

of day, or days of the week. When uses share a common parking footprint, the total number of spaces needed to support the collective whole is determined by adding parking profiles (by the time of day or day of week), rather than individual peak ratios as represented in the City of Huntington Beach Zoning and Subdivision Ordinance (ZSO, Chapter 231—Off-Street Parking and Loading Provisions). The shared parking methodology is applicable to the proposed project because the individual land uses (i.e., retail, restaurant, hotel, and office uses) experience peak demands at different times of the day. The base parking demand ratios are consistent with City code and are all design ratio demands without any reductions for seasonal variations.

RMC-16 The parking profile percentages in Tables 5A and 5B are not occupancy rates but rather parking demand profiles as a percentage of peak demand by time of day, based on ULI Shared Parking data. In fact, ULI recommends a 30 percent parking demand for 1:00 PM on both a weekday and weekend, but the parking study has adjusted the percentages to 75 percent and 60 percent use of peak demand of spaces at 1:00 PM (also at 11:00 AM, 12:00 PM, and 2:00 PM) on the weekday and weekend, respectively, to remain conservative and to account for hotel guests attending meetings/events in the hotel. The weekend period is not the peak period for parking, primarily because office uses would not generate substantial parking demand on the weekends.

RMC-17 While the traffic study and Project Description in the EIR list the ballroom area as 16,000 sf, the net usable meeting/banquet/ballroom area is approximately 9,300 sf. The remaining area is pre-function, banquet office, and kitchen area. Therefore, the Project Description is correct and no text change is warranted.

RMC-18 The proposed banquet area, at 16,000 sf, represents a small portion of the total 370,000 sf of the hotel. The trip generation of 30 sf per person reflects a typical weekday event, which is the peak parking demand period for the project (1:00 PM). The 2.5 persons per car ratio is based on the empirical data collected at the Marriott Laguna Cliff hotel. The parking code does not require the banquet and spa uses to be included as separate components for parking because the code requirement for a typical hotel rate already includes ancillary uses. However, the shared parking analysis does calculate these uses separately as a prudent and conservative measure. As discussed under Response to Comment RMC-15 on page 3-267, if ballroom use of 15 sf per person is applied, then total parking demand would be 1,440 spaces and would remain

less than the weekday maximum requirement. This information does not affect the conclusions of the EIR.

RMC-19 The hotel component would not consist entirely of valet parking. Only a portion of the patrons would be anticipated to use valet services, so not all spaces needed for the hotel valet would need to be reserved. In addition, the parking management plan would ensure that garage capacity is monitored, so that if additional spaces reserved for valet are needed for self-park, these could be made available. Therefore, valet parking would not affect the shared parking supply.

RMC-20 Page 2-20 (Table 2-8) of the Draft EIR states that the "ultimate condition" of the proposed project would not have angled parking. However, page 3.14-26 of the Draft EIR provides a summary table (Table 3.14-8) of the applicable transportation/traffic policies in the General Plan Circulation Element. Table 3.14-8 indicates that the project would be consistent with Policy CE 6.1.6 by obtaining an exception to allow for diagonal parking on Pacific View Avenue. The text has been revised to eliminate the discussion of angled parking to clarify this issue. In addition, page 3.14-70 of the Draft EIR provides a figure (Figure 3.14-15) of proposed street parking. Figure 3.14-15 depicts 39 angled spaces along the south side of Pacific View Avenue. The text on page 3.14-71 of the Draft EIR has been revised to indicate parking would occur in the short term only. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes. This parking would be removed in the long term, and the impacts of the design presented in the Draft EIR are appropriately analyzed.

RMC-21 The roadways adjacent to the proposed project, which include Pacific View Avenue, have been designed with standard lane widths (minimum of 12-foot through lanes and 18-foot curb lanes) that can accommodate emergency vehicles. The Final EIR has been revised to clarify that the potential constraints to emergency access are related to pedestrian, not vehicular, access. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

RMC-22 As standard practice, the City Fire Department reviews all building plans to ensure conformance with City standards, including site accessibility. CR PS-C identified on page 3.12-15 of the Draft EIR requires compliance with Fire Department Specifications for fire access roads. The intent of the discussion under Impact TR-9 on pages 3.14-72 through 3.14-75 of the Draft EIR is that the design features of the 10 project access

driveways (shown in Table 3.14-18) would ensure adequate driveway and queuing access during project operation. The discussion under Impact TR-9 has been modified to include a discussion of project impacts to emergency access roads. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes. The conclusions of the analysis, however, would not significantly change as a result of this addition. Impact PS-1 discusses emergency access issues related to pedestrian Fire Department access to the site. Mitigation Measures PS-1 through PS-3 would be required to address these issues, and include provision of fire-rated stairs, ventilation systems, and monitoring systems on-site.

RMC-23 The reconfiguration of Pacific View Avenue to a 4-lane secondary arterial would be subject to a project condition requiring posting of a performance bond or other security by the Applicant to ensure future funding. Reconfiguration schedules would be based on the identified need for such modifications to occur. Reconfiguration would be triggered by other area development traffic analyses and observed incremental growth that reflect this need.

RMC-24 Impact TR-9 on pages 3.14-72 through 3.14-75 of the Draft EIR analyzes the functionality of vehicular access driveways. The project intersections, roadways, and emergency routes have been properly designed by taking the project traffic and queuing calculations into consideration. Those vehicles accessing the retail/restaurant parking would enter the parking area on the west side of the main entrance, whereas hotel patrons would access the east side of the main entrance. The circular drive would be large enough to accommodate the minimal drop-off/pick-up traffic, as well as hotel traffic, without adversely affecting access. Also, please refer to Response to Comment RMC-21 on page 3-269 for a discussion of project impacts to emergency access.

RMC-25 The design and operation of Pacific View Avenue includes a 17-foot eastbound and 18-foot westbound, through lane that would allow vehicles to back out of their parking space without significantly impacting through traffic. In addition, the diagonal parking is an interim condition, and the roadway would ultimately include two lanes of travel in each direction.

RMC-26 The left turn pockets were designed to accommodate the peak hour left-turn volume consistent with the standard traffic engineering assumption of one foot of left turn pocket length for each peak hour left turn volume. Impact TR-9 on pages 3.14-72

through 3.14-75 of the Draft EIR also addresses the functionality of vehicular access driveways. Please refer to Response to Comment RMC(A)-50 on page 3-298 for a discussion of angled parking on Pacific View Avenue.

RMC-27 The General Plan buildout traffic volume forecast for Pacific View Avenue is based on the City's traffic model, which indicates that a minimal volume of Pacific Coast Highway (PCH) traffic would divert to Pacific View Avenue through the Pacific City site. In addition to the traffic diversion included in the traffic model, the analysis assumed that an additional 5 percent of traffic would divert onto Pacific View Avenue, in order to provide a conservative analysis. The roadway width, lane configurations, roadway connectivity, and traffic control on Pacific View Avenue would not encourage substantial diversion of trips from PCH to this roadway.

RMC-28 LSA was retained by the City to conduct an independent review of the traffic study prepared by Linscott, Law and Greenspan. This review is part of an internal review and comment process for the preparation of the Draft EIR. LSA commented on a working draft of the traffic study, and their input was used to refine and revise the analysis. Similar to preliminary draft documents, this information is not typically part of the reference material for an EIR.

RMC-29 Please refer to the Topical Response on Traffic Generation on page 3-176. As detailed in the Topical Response, the mode shift percentages conform to ITE recommendations and reflect the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses. The City determined that the appropriate level of assurance and reasonability are reflected in the modeling; as described in the Topical Response, therefore, no further changes were made in response to the LSA report.

RMC-30 Please refer to Response to Comment RMC-28 above for discussion regarding the inclusion of LSA's peer review of a working draft of the traffic report prepared for the project. As stated in the comments provided by LSA: "The traffic impact analysis represents a fair evaluation of the potential circulation impacts attributed to the proposed project as described…. The comments and the requested revisions do not materially alter the results of the impact analysis or the identification of appropriate project-related mitigation measures."

Recirculation of a Draft EIR is required when "significant new information" is made available, as discussed in CEQA Guidelines Section 15088.5. Examples of significant new information identified in the CEQA Guidelines include (1) a new significant impact; (2) a substantial increase in the severity of an environmental impact; (3) a new alternative or mitigation measure that is considerably different than others previously analyzed, which the project proponents decline to adopt; or (4) fundamental and basic inadequacies and conclusory information in the Draft EIR such that meaningful public review was precluded. The lack of inclusion of the LSA report, which does not alter the conclusions presented in the Draft EIR, does not satisfy the criteria set forth in the Public Resources Code or CEQA Guidelines for recirculation; therefore, recirculation of the Draft EIR is not required.

RMC-31 As noted in this comment, CEQA Guidelines Section 15126.6(a) states that an EIR must consider "a range of reasonable alternatives…which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…"

In identification of project alternatives, consideration is given to whether development of the project in a different location would reduce significant impacts. Since nearly all significant impacts can be reduced to less-than-significant levels through mitigation measures, the focus of the alternatives analysis is on significant and unavoidable impacts. Significant and unavoidable impacts from the proposed project are related to air quality and transportation. Impacts on these resources would occur even if the project were to be developed at a different location, as these impacts are related to specific project characteristics, not project location. Location of the project at another site could reduce impacts to the Warner Avenue/PCH and Seapoint Avenue/PCH intersection. However the total trip generation would be the same, and relocating the project to lessen impacts to these intersections would not necessarily eliminate traffic impacts of the project, as it is likely that any other location in the City would have impacts to intersection operations. Further, the construction activities would result in the same emissions, irrespective of project location, and mobile air emissions would be the same, since trip generation would be the same. Therefore, significant and unavoidable impacts would occur, even at an alternative location. The Draft EIR has been revised to include this additional discussion. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

Despite the inability of significant and unavoidable impacts to be reduced by an alternative location, the City considered whether an alternative location would be feasible in its efforts to adequately consider the range of alternatives. Key criteria used to identify alternative sites include its location and size. City project objectives reflect the goal of providing a mixed-use project in the City's Downtown area. Three of the six objectives identified by the City in Section 2.5 on pages 2-26 through 2.27 of the Draft EIR, relate to development in the Downtown area. In addition to project location, the size of the site and the proposed development limit the number of alternative sites that would be available. While a project of a reduced scale could be constructed on a smaller parcel, in order to achieve the residential and commercial goals of the project, it would need to be large enough to accommodate both of these project components.

In addition to location and size, both residential and commercial uses must be permitted at an alternative site in order to meet basic project objectives related to commercial and residential development. This comment notes that it is possible for a general plan amendment/zone change to occur at an alternative location. The City General Plan and Zoning Code are the "blueprint" for development within the City and guide land use decisions made within the City. A general plan amendment and zone change would modify this blueprint, and while this is permitted, it would result in land use implications beyond the site itself and potentially intensify impacts. Changes to the General Plan and Zoning Code could affect specific development locations, intensity, and balance of land uses within the area.

Three parcels are located near the Downtown area that are large enough to accommodate uses proposed by the project. These include (1) the Nesi Ascon site, which is discussed in Section 4.3.1 on pages 4-24 through 4-25 of the Draft EIR; (2) the Cenco property located immediately northwest of the Nesi Ascon site; and (3) the AERA property at PCH and Goldenwest.

The Nesi Ascon site is discussed on pages 4-24 through 4-25 of the Draft EIR. This site would not meet basic project objectives because it is located outside of the Downtown area. With respect to remediation of the Nesi Ascon site, there are major differences between the hazardous materials on the project site and the Nesi Ascon site. Remediation at the Nesi Ascon site would be more extensive, due to the type of contamination at this site from its former use as a landfill that accepted hazardous

waste. In addition, remediation is well underway at the project site, and it has not yet been initiated at the Nesi Ascon site, which would extend the timeframe under which development could occur. Economic effects are not considered a determining factor in consideration of this alternative. Rather, the lack of allowed commercial uses would preclude these types of uses from occurring on the project site, and eliminate achieving project objectives related to expanding hotel, retail, and entertainment opportunities and providing economic growth and employment opportunities in the City. Given that the project site has been designated for the same type and intensity of use in the City General Plan and DTSP, and remediation is underway, it is appropriate for development to be considered on the project site without further consideration of the Nesi Ascon site as an alternative location for the project.

A discussion of the Cenco property located immediately northwest of the Nesi Ascon site and the parcel at PCH and Goldenwest, both of which would be large enough to accommodate the proposed project but were otherwise deemed infeasible, has been added to the Final EIR. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes. The Cenco property is adjacent to wetlands, zoned for Limited Industrial uses, and would permit limited residential and commercial uses primarily oriented to employees of the surrounding industrial development. The property at PCH and Goldenwest currently contains active oil production facilities, and there is no indication that this present use would change. Moreover, the Specific Plan for this site does not allow for residential development. Therefore, neither of these locations would meet the objectives identified for project alternatives.

Alternatives to the general land uses proposed at the project site were also evaluated on a programmatic level in prior environmental documentation, and the following discussion provides a review of these previous alternatives considered for the site within a larger planning context. As discussed on page 1-1 of the Draft EIR, development on the project site is addressed on a programmatic level as part of the analysis included in several previous Program EIRs prepared by the City of Huntington Beach. These documents, which are incorporated by reference in the Draft EIR on page 1-1 in accordance with CEQA Guidelines section 15150, include (1) The Huntington Beach DTSP EIR 82-2 and Addendum to SEIR 82-2; (2) The Huntington Beach General Plan Update EIR 94-9; and (3) The Huntington Beach Redevelopment Project EIR 96-2. A range of alternatives for the area analyzed in each EIR, which included the project site,

were considered in each of these documents, including a No Project Alternative in all three EIRs. Each of the relevant plans that included the project site was adopted, and the No Project Alternative assessed in each EIR was determined not to be the appropriate alternative.

The Huntington Beach General Plan Update EIR, which addressed development Citywide, also contained the following relevant alternative:

- Reduced Buildout Alternative—Reduce development in the City by 25 percent.

The Huntington Beach Redevelopment Project EIR, which was prepared for the redevelopment project area that includes the project site, contained the following relevant alternatives:

- Alternate Project Location Alternative—No suitable location could be identified.

- Increased Development Alternative—Maximize development up to capacities greater than development intensity allowed under the City General Plan.

- Reduced Development Alternative—Reduce programs to fund capital improvement projects within the Redevelopment Area.

The Final DTSP EIR, which was prepared for the DTSP area and includes the project site, reviewed the following relevant alternatives:

- Lower Intensity Alternative—Reduce the allowable densities and decrease the building envelope in the DTSP area.

- Higher Intensity Alternative—Intensify development in the DTSP area.

As discussed on page 3.9-20 of the Draft EIR, the City determined that the uses identified in each of the three planning documents, which included the project site, were appropriate and fulfilled the City's objectives for the larger planning area. The alternatives identified above did not substantially reduce significant impacts and/or did not meet objectives for the area. Thus, the allowable uses and alternatives to these uses were considered on a macro-level within the Program EIRs identified above. The

analysis provided in the EIR considered the specifics of development on the site, and analyzed a range of alternatives for the site, as discussed in detail in Chapter 4 of the Draft EIR.

RMC-32 The Limited Development Alternative was considered in the initial screening process. This alternative is discussed under the "Other Alternatives Considered." As discussed on page 4-24 of the Draft EIR, these alternatives were not carried forward for detailed analysis because they either did not meet project objectives, and/or did not reduce significant project impacts. Please refer to Response to Comment RMC-31 on page 3-272 for a discussion of significant and unavoidable impacts on air quality and traffic. Thus, the focus of the alternatives analysis was on the reduction of impacts to these resources. As stated on page 4-25 of the Draft EIR, the key contributor of roadway trips that result in the significant air quality and traffic impacts is a result of the retail and office components of the proposed project. Section 4.3.2, the Limited Development Alternative, on page 4-25 of the Draft EIR considered the level of development needed to reduce air quality and traffic impacts to less-than-significant levels. This alternative would fail to satisfy the basic objectives of the project, and thus it would not meet the intent of the alternatives analysis under CEQA. In addition to the project inability to meet objectives, it was also identified as infeasible. As identified under CEQA, economic viability is one of the factors that may be used to determine feasibility of the alternative; nonetheless, even if this alternative were economically viable, it was not considered in detail due to its inability to meet basic project objectives.

RMC-33 Section 4.3.3, the Reduced Residential Density Alternative, on page 4-26 of the Draft EIR is not eliminated from detailed consideration because it is not economically viable. Rather, as stated on page 4-26 of the Draft EIR, a reduction in the density of residential units would reduce the severity of impacts, but would not lessen any significant and unavoidable impacts to less-than-significant levels. Please refer to Response to Comment RMC-31 on page 3-272 for a discussion of the intent of the alternatives analysis. Additional information has been added to the Final EIR discussion of the Reduced Residential Density Alternative to provide evidence as to why this alternative was not considered in detail. The Draft EIR has been revised to include this additional discussion. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

As shown in Table 3.14-10 on page 3.14-29 of the Draft EIR, a total of 12,002 trips would be generated by the proposed project. Of this total, residential uses would generate 2,048 trips, or slightly less than 20 percent of total project trips. As shown in Table 3.2-6 on page 3.2-15 of the Draft EIR, VOC emissions from the project would total 70.94 pounds per day (lbs/day), exceeding the threshold of 55 lbs/day, thus, exceeding thresholds by approximately 30 percent. Even if the number of residences were to be reduced by half, a reduction of 1,024 trips would not be substantial in comparison to the trips generated as a whole, and would neither substantially reduce impacts to traffic or air quality, nor reduce impacts to less-than-significant levels.

Further, the site is zoned for a density of 30 units per acre, and it is appropriate to develop the site in this range, as development of this density has been envisioned on the site in the City General Plan and DTSP. Thus, the City has already made fundamental policy decisions about the appropriate residential density for the site. In keeping with the legislative goal of long-term comprehensive planning, the City does not need to reconsider their past policy decisions about the density on the site (Citizens of Goleta Valley v. Board of Supervisors, (1990) 52 Cal.3d 553). CEQA policy and Guidelines limit the environmental analysis required on a project that is consistent with the general plan and zoning and/or a redevelopment plan (refer to CEQA Sections 21083.3 and 21093 and CEQA Guidelines Sections 15180 and 15183).

RMC-34 Please refer to Response to Comment RMC-32 on page 3-276. As discussed, several alternatives were considered but not carried forward for detailed analysis. These alternatives were part of the initial screening process and were not "summarily rejected." As identified in *Practice Under the California Environmental Quality Act* (Stephen L. Kostka and Michael H. Zische), Section 15.5, "There are two stages of analysis in selecting alternatives to be included in an EIR. At the first stage, the lead agency identifies potential alternatives that meet the threshold tests defining suitable alternatives, and excludes those that do not. At the second stage of analysis, the lead agency must consider the suitable alternatives that remain and identify a reasonable range for review in the EIR." The "threshold tests" refer to several criteria to determine whether an alternative should be considered in detail. These include whether or not the project could (1) reduce significant impacts; (2) meet project objectives; (3) are feasible; or (4) are plainly unreasonable. Section 4.3 of the EIR identifies for the record those alternatives that were part of the first stage of the alternatives analysis, and, thus,

includes those alternatives considered, but that did not meet the threshold tests for alternatives that should be analyzed in detail in the EIR.

The first two alternatives would result in different outcomes at the project site. The No Project/No Development alternative was prepared to disclose the effects of no development on the site. The No Project/Reasonably Foreseeable Development was prepared to present the effects if the proposed project were not approved, and another development proposal were submitted. Thus, one alternative addresses no development on site, and the other addresses future development on site. As such, these are two different future scenarios, and the statement that three alternatives were selected for detailed analysis is an accurate statement and is not "misleading."

RMC-35 Contrary to the information presented in this comment, three alternatives are analyzed in detail in Sections 4.2.1 through 4.2.3 on pages 4-4 through 4-24 of the Draft EIR: (1) No Project/No Development; (2) No Project/Reasonably Foreseeable Development; and (3) Reduced Project. The CEQA Guidelines Section 15126.6(a) state that "there is no iron clad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." The rule of reason requires that only those alternatives needed to permit a reasoned choice need to be analyzed in detail, and the alternatives should be limited to those that would avoid or reduce significant impacts, and only those that would feasibly meet most of the project objectives require detailed study (CEQA Guidelines Section 15126.6(f). Thus, as discussed in Response to Comment RMC-31 on page 3-272, the focus of the alternatives was on those reducing significant air quality and traffic impacts. The conclusions of the EIR and the land use designations of the site—permitting residential uses in certain areas and commercial uses in others—thereby limited the feasible range of alternatives that warranted detailed analysis.

A Reduced Hotel Alternative would not satisfy the intent of the alternatives analysis. A reduction in hotel uses would not be sufficient enough to reduce trip generation to a level that would substantially lessen operational air emissions and trip generation. Additional information has been added to the Final EIR discussion of the Reduced Residential Density Alternative to provide evidence as to why this alternative was not considered in detail. The Draft EIR has been revised to include this additional discussion. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

As shown in Table 3.14-10 on page 3.14-29 of the Draft EIR, a total of 12,002 trips would be generated by the proposed project. Of this total, the hotel would generate 2,249 trips, or slightly less than 20 percent of total project trips. As shown in Table 3.2-6 on page 3.2-15 of the Draft EIR, VOC emissions from the project would total 70.94 pounds per day (lbs/day), exceeding the threshold of 55 lbs/day, thus exceeding thresholds by approximately 30 percent. A 50 percent reduction in the number of hotel rooms would result in fewer trips. However, the number of trips would be reduced by less than half (1,125 trips). The reduction in hotel trips would not be substantial in comparison to the trips generated as a whole, and would neither substantially reduce impacts to traffic or air quality, nor reduce impacts to less-than-significant levels.

As discussed under Section 3.1, Impacts AES-2 and AES-3 on pages 3.1-30 through 3.1-34 of the Draft EIR, visual changes were determined not to adversely impact the visual quality of the area or the public availability of scenic views. A three- or four-story hotel would have less severe impacts in terms of mass, bulk, and density, as indicated in this comment. However, since no significant aesthetic impacts are identified, it would not be appropriate to analyze a reduced hotel on the basis of reduced aesthetic impacts.

The original DTSP, adopted in 1983, contained sections that presented 1) an overview of the DTSP purpose and concept and 2) development standards. In 1995, the development standards of the DTSP were amended as part of the revisions commonly referred to as the "Village Concept." However, the overview section of the DTSP was not included in the amended DTSP and is therefore out of date with the 1995 amendment (and its subsequent amendments through February 2002). From an implementation perspective, the development standards, not the overview, govern development of the DTSP area and are the binding document for development. As noted in the table of contents for the DTSP, dated February 2002, the Specific Plan concept is pending review and will be updated.

Notwithstanding the above, the 1983 overview provides useful information and guiding principles as to the City's intent for the DTSP area. At the time, the vision was a total of 1,600 hotel rooms distributed among three districts, up to 3,700 residential units, and over 600,000 square feet of commercial space. As the commentor indicates they have thus far received entitlements to construct over 800 rooms in District 9; however,

the 1983 concept only envisioned a maximum of 400 rooms in this District. It can reasonably be concluded by the commentor's own observation that the concept plan was only intended to provide a broad brush outline of the City's goals for the area at that time; otherwise no additional hotels could reasonably be expected to be approved in District 9 using the 1983 concept as a frame of reference. Further analysis of the 1983 concept shows that the total number of hotel rooms that the City expects to be constructed in the entire DTSP area at this time is very close to the maximum expected in 1983. When one combines constructed (817), approved (148), proposed (400) and possible future (300) hotel rooms, a total of 1,665 is achieved. This total is not notably different than the total of 1,600 rooms expected in 1983. The primary difference is the location of the rooms. In the 1983 concept it was expected that District 3 would have 400-800 hotel rooms and District 9 would have 300-400 rooms. Based on the constructed and approved projects, District 3 will only have 148 rooms and District 9 has 817 rooms. District 7, the location of the Pacific City site, was originally envisioned for 200-400 rooms, and the project proposal of 400 rooms is consistent with the 1983 concept as well as the current DTSP. Finally, the 1983 concept states that the "proposed land use designations and district configurations are intended to anticipate development demands and achieve the optimum potential…" In other words, the City's objective in developing the 1983 concept was to maximize development to meet expected demand. Again, the Pacific City proposal for 400 hotel rooms is consistent with this stated objective.

As discussed under Section 4.3.2 on page 4-25 of the Draft EIR, the Limited Development Alternative was developed in order to identify the amount of development needed to reduce air and traffic impacts to less-than-significant levels. The Reduced Project Alternative includes a reduction of 48,900 square feet of commercial uses, which would be approximately 20 percent less commercial development than the proposed project. This would substantially reduce air emissions and vehicular trips. NO_X emissions would be reduced to less-than-significant levels, although VOC emissions would remain significant. Traffic impacts to the PCH/Seapoint intersection would remain significant, but would be mitigable, similar to the proposed project, and impacts to the PCH/Warner intersection would not be substantially reduced and would remain significant and unavoidable in the 2008 scenario.

RMC-36 A 400-room hotel would not be the minimum size necessary to achieve project objectives, and this information is neither stated nor implied in the Draft EIR. Please refer to Response to Comment RMC-35 on page 3-278 for a discussion of why a reduced hotel alternative was not considered; this alternative would not avoid or substantially reduce significant effects that could otherwise be addressed through project mitigation. The relative need for a hotel is driven by an array of socio-economic factors: the DTSP was initially adopted in 1983 and updated with the "Village Concept" in 1996, and the number of hotel rooms identified as needed in the area evolved as market indicators have changed. Further, the DTSP permits for hotel uses in District 7.

RMC-37 The cumulative project list includes a list of past, present, and reasonably foreseeable projects for the cumulative impact analysis. The timing for the 300-room hotel (which is anticipated to be open after Year 2008) was directed by the City based on expected time periods for final designation of an operator, preparation of construction drawings based on operator programs and overall commercial hospitality phasing, and therefore, it was excluded from the near-term analysis. However, the hotel development is included in the General Plan Buildout analysis included in the EIR text and the Traffic Study, which is included as Appendix H to the Draft EIR, and no new impacts, beyond those identified in the Draft EIR, are indicated as a result of its inclusion. Also, please refer to Response to Comment RMC-9 on page 3-265 for a discussion of the inclusion of the proposed 300-room Waterfront hotel in the cumulative analysis for the proposed project.

RMC-38 A combination of a reduced commercial and residential project would, similar to the limited development alternative, need to be reduced to such a limited amount of development in order to substantially reduce significant impacts that could not otherwise be mitigated, that the project would not be feasible. As the commercial component is the largest generator of vehicular trips, this component of the project would need to be reduced to similar levels presented in the Limited Development Alternative, which, as indicated under Section 4.3.2 on page 4-25 of the Draft EIR, would not be feasible.

CEQA Guidelines Section 15126.6(a) also indicates that "an EIR need not consider every conceivable alternative…" The project considers a reduced retail project, limited residential development, and limited commercial and hotel development. This

combination of alternatives initially considered represents a reasonable range of alternatives that allow for meaningful comparison by the City.

RMC-39 A reconfigured project would not reduce significant impacts that could not be feasibly mitigated to less-than-significant levels. Please refer to Response to Comment RMC-31 on page 3-272 for a discussion of significant impacts resulting from the type of development rather than location. Therefore, a reconfigured alternative would not address these impacts. Geologic impacts including liquefaction, settlement, and soil corrosion would be reduced to less-than-significant levels through the implementation of Mitigation Measure GEO-1, as discussed on page 3.6-21 of the Draft EIR.

RMC-40 Comment noted. Please refer to Responses to Comments RMC-41 and RMC-42 below, for a discussion of remediation pits and wetlands.

RMC-41 The commenter asserts that the remediation pits would not "automatically be permitted to be filled" under the Coastal Act. As stated in Impact BIO-5 on pages 3.3-21 through 3.3-22 of the Draft EIR, the City has approved the remediation plan under Coastal Development Permit (CDP) 00-09 and Conditional Use Permit 00-36. Part of the approved remediation plan includes filling of the pits. The pits would not, therefore, be filled only for the purpose of developing the proposed project.

RMC-42 In the Bolsa Chica case, a developer sought to develop a deteriorating Environmentally Sensitive Habitat Area (ESHA) and mitigate the loss by re-creating a similar area at another site. The court held that the Coastal Act "*does not permit destruction of an [ESHA] simply because the destruction is mitigated offsite. There must be a showing that the destruction is needed to serve some other recognized environmental or economic interest*." Although the commenter correctly described and cited this case, the commenter erroneously applied it to the proposed project, as the case only addressed currently designated ESHA's, which the property is not. Further, as described in Response to Comment RMC-41 above, the filling of the pits would serve another recognized environmental interest (i.e., remediation of contaminated soils). Consequently, the analysis may reasonably assume that off-site mitigation could occur in the event that wetlands are identified.

With respect to development allowed under PRC 30233(a), Impact BIO-5 on pages 3.3-21 through 3.3-22 of the Draft EIR states that if, after filling the remediation pits, wetland vegetation still exists, "*the Applicant would be required to obtain all necessary permits*

required by the City (as trustee for the CCC) and the CDFG in order to be in compliance with the Fish and Game Code of California and the California Coastal Act." The CDFG has the discretion to determine the "normal circumstances" that exist on the site, and to decide whether the area meets the definition of a wetland after the remediation is complete. The applicability of PRC 30233(a) to the project would be assessed when and if the CDFG found the area to be a wetland.

RMC-43 As stated in Impact BIO-5 on pages 3.3-21 through 3.3-22 of the Draft EIR, the permitted remediation is not yet complete, and until it is complete a determination of the presence or absence of wetlands under normal conditions (as defined by the CDFG) would not be possible, as the site is currently in an altered state due to the remediation process. The majority of the wetland vegetation present is within the remediation footprint and supported by groundwater seepage that is approximately 15 feet below normal grade, and the approved remediation plan includes filling of these pits. To date, the Coastal Commission has not offered a conflicting statement indicating that filling of the pits would not be allowed, and thus the applicant shall assess wetland vegetation after the remediation is complete, when the pits are re-filled and the project site is returned to its normal state.

Also, please refer to Responses to Comments RMC-41 and RMC-42 on page 3-282 for further discussion of permitted re-filling of the pits, and the potential for off-site mitigation of any potential impacts to wetlands.

RMC-44 Please refer to Responses to Comments RMC-41 and RMC-42 on page 3-282 for discussion regarding deferral of analysis and mitigation.

As required by Section 15126.4(a)(1) of the CEQA Guidelines, the Draft EIR describes feasible measures that could minimize significant adverse impacts. As required by Section 15126.4(a)(2) of the CEQA Guidelines, these measures are fully enforceable through permit conditions, agreements, or other legally binding instruments. Pursuant to Section 15097 of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed project. The MMRP provides specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing, and responsible monitoring party. Verification of compliance with each measure is required, thus ensuring implementation of mitigation measures.

Regarding Mitigation Measure AES-1 on page 3.1-47 of the Draft EIR, this measure has been included in its current form in several environmental documents prepared for and certified by the City and has been determined by the City to be an effective and enforceable means of mitigating daytime glare impacts from structures. The use of the term "to the extent feasible" is intended to indicate that some reflective surfaces cannot be avoided, but shall be minimized to the satisfaction of the City. However, to provide an additional measure of protection, MM AES-1 on page 3.1-47 of the Draft EIR has been revised to include additional standards that have historically been incorporated into standard conditions of approval for some projects. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes. The project would also be reviewed by the City's Design Review Board to ensure its visual elements conform to City requirements. Further, it should be noted that Public Works would ensure that mitigation measures are addressed during the plan check phase. The Public Works inspectors would ensure that the conditions and mitigation measures identified are implemented and followed.

The limitation imposed by Mitigation Measure AQ-4 on pages 3.2-20 through 3.2-21 of the Draft EIR regarding the use of electrical generators powered by internal combustion engines during construction would be enforced through specifications on grading and building plans, which must be approved by the City, contrary to the assertion in the comment that language need only be reviewed. Further, the MMRP for the project indicates, on page 1 and subsequent pages, that, where applicable, grading and building plans would be reviewed and approved in order to ensure inclusion.

In addition, even with implementation of this measure (identified as MM AQ-4 in the Draft EIR), the analysis recognizes that the measures proposed in the Draft EIR for the reduction of construction-related emissions cannot be assumed to reduce such emissions to less-than-significant levels, and impacts to air quality would remain significant. Further, these measures are not, as the comment incorrectly asserts, untested: they represent standard measures recommended by the SCAQMD and incorporated into environmental documentation on a regular basis.

Project conditions of approval would require the Applicant to retain a full-time monitor for the project site during site preparation and construction, and designate a representative to coordinate and ensure implementation and compliance of all mitigation measures in the MMRP. In addition, it is the responsibility of City inspectors

to ensure that project conditions are being implemented and followed. City inspectors would exercise due diligence and care in order to ensure that specifications on grading and building plans are implemented. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

RMC-45 The impact statement for Impact REC-2 on pages 3.13-11 through 3.13-12 of the Draft EIR has been revised to clarify that construction of recreational facilities associated with the proposed project would *not* significantly affect the environment over the short term. As described within the impact text, mitigation measures associated with the referenced sections associated with construction impacts would reduce impacts to a less-than-significant level, with the exception of construction impacts of air quality. Construction would occur as part of the development of the overall site, and that effect on air quality would be significant and unavoidable, as discussed under Impact AQ-1 on pages 3.2-10 through 3.2-11 of the Draft EIR. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

RMC-46 As discussed on page 3.12-10 of the Draft EIR, implementation of the proposed project would only result in a slight decrease in the service ratio from 1.1 officers per 1,000 residents to 1.09 officers per 1,000 residents. In addition, the proposed project would contribute funding to the City's general fund in the form of tax revenue, fees, and other ancillary payments, which can be used by the City to fund additional police officers. Furthermore, the measures included in MM PS-4 on page 3.12-16 of the Draft EIR are recommended to further reduce impacts on police services.

RMC-47 The SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Emissions were prepared to analyze potential cancer risks associated with diesel particulate matter generated from facilities that have substantial numbers of diesel sources such as truck stops, warehouse distribution centers, transit centers, water ports, and rail yards. General commercial centers—such as the proposed project—are not considered to be sources of significant localized health risks.

The California Air Resources Board's (CARB's) Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles identifies ranges of potential cancer risks associated with seven common sources. One of these is a warehouse distribution center with a refueling station and shipping/receiving areas.

Using year 2000 emission inventories and assuming that 200 heavy-heavy-duty diesel trucks would pick up and receive goods each day, and that 100 of these vehicles would refuel at the facility each day, the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles identifies a risk potential of approximately 10 chances per million based on 24 hours per day, 365 days per year for 70 years of constant exposure to the diesel fumes at a distance of 20 meters from the fence line of the facility. Ten in one million is the level at which the SCAQMD considers the impacts from an individual project to be significant. Using this information, the potential risks associated with the proposed project site can be estimated to identify a potential worst-case scenario, even though there would be no refueling of diesel trucks at the project site.

As shown in Appendix C of the Draft EIR, the proposed project would generate approximately 219 truck trips per day. Of these, only about 6.5 percent or 14 trucks would be heavy-heavy-duty. The potential worst-case risks to nearby residents can be calculated as follows:

- Potential Cancer Risk = 10 cases per million (200 HHD Trucks) x 0.065 (Project HHD Trucks) = 0.65 cases per million

The actual risks would be lower than the potential risks since there would be no fueling of diesel trucks at the project site.

Based on this information, the potential cancer risks to nearby residents surrounding the project site would be substantially less than the SCAQMD's ten in one million standard using year 2000 data. No buffers or setback distances would be needed to protect the residents near the project site from diesel exhaust emissions. The Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles identifies programs that would reduce the potential risks associated with diesel vehicle exhaust in California by up to 75 percent by 2020. Therefore, the potential risks to everyone in the state would be substantially reduced from 2000 levels. No further evaluation is required.

RMC-48 The SCAQMD CEQA Air Quality Handbook does not require the use of the most current EMFAC emission factors when preparing air quality impact analyses. In the first place, the CEQA Air Quality Handbook is a guidance document that explains methodologies and thresholds of significance that the SCAQMD uses when preparing

air quality impact analyses and that provide recommendations for other lead agencies in the South Coast Air basin. Nothing in the CEQA Air Quality Handbook is required for any lead agency with the exception of the SCAQMD. It certainly makes sense, however, to use the most current emission factors available in most instances.

The current emission factors available for motor vehicles in California are listed in the EMFAC 2002 mobile source emissions inventory. The operational emissions associated with the proposed project were calculated using the URBEMIS 2002 transportation and land use program model, which was developed with EMFAC 2002 emission factors.

The simplified CALINE4 screening procedure that was used to calculate localized CO concentrations is currently programmed with an older version of the State's mobile source emissions inventory (EMFAC7G). These emission factors for CO, however, are greater than those identified in EMFAC 2002. For example, the composite emission factor for vehicles traveling 15 miles per hour in 2003 is 11.37 grams per mile under EMFAC7G and 9.92 under EMFAC 2002. Therefore, the localized CO concentrations identified in the Draft EIR are higher than what would otherwise be identified when using the most current emission factors and were used to provide a potential worst-case analysis. The procedure also used the projected ambient CO concentrations for SRA 18 published by the SCAQMD as the baseline to which the localized vehicle emission were added.

RMC-49 With regard to emergency access on the project site and specifically, the subterranean garage, Section 3.12 (Public Services) of the Draft EIR focuses on pedestrian movement in and out of this area while Section 3.14 (Traffic) of the Draft EIR focuses on vehicle movement in the area. EIP consulted with the HBFD concerning the potential impact related to pedestrian emergency access for the proposed project. MM PS-1 on page 3.12-15 of the Draft EIR was provided by the HBFD in order to reduce this impact to a less-than-significant level. Impact PS-1 on pages 3.12-9 to 3.12-10 of the Draft EIR has been revised to clarify the discussion of emergency access. In addition, Impact TR-9 on page 3.14-75 of the Draft EIR has been similarly revised. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

RMC-50 Refer to Response to Comment RMC-49 above for a discussion of clarifications to the emergency access impact analysis in the Draft EIR.

RMC-51 Figure 3.6-3 on page 3.6-9 of the Draft EIR illustrates the appropriate liquefaction potential for the project site. Pages 3.6-8 and 3.6-17 of the Draft EIR have been revised to reflect the accurate liquefaction potential for the southeastern corner of the project site. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

Although the Draft EIR language has been updated to reflect the accurate liquefaction potential as very high on the southeastern portion of the project site, the overall conclusion of this impact would not change. The impact would remain potentially significant, as the incorporation of MM GEO-1 on page 3.6-21 of the Draft EIR would still reduce the impact to a less-than-significant level, based on the findings of the geotechnical investigation prepared for the proposed project (Appendix J to the Draft EIR).

RMC-52 As discussed in Impact P-1 on pages 3.11-13 through 3.11-16, the project-related increase would be well within and consistent with SCAG projections for employment in the City and County. The proposed project would be consistent with the City General Plan and Specific Plan land use designations for the project site. The project would implement the previously planned residential and commercial uses for the site, and the associated jobs housing implications were considered during these area-wide planning processes. Thus, the project would not shift the jobs-housing scenario that was already considered to occur in the project area and incorporated into long term County projections. Moreover, a one-to-one correlation with respect to housing units and jobs generated cannot reasonably be assumed for the proposed project. As stated on pages 3.11-2 and 3.11-14 of the Draft EIR, the average number of persons per household in the City is conservatively assumed to be 2.75, indicating that one or two persons per household could hold jobs. In addition, unemployment rates generally fluctuate between 2 and 8 percent, depending on economic conditions. Thus, jobs generated by the project not only provide jobs for new population in the City or area, from the proposed project or other population growth, but would also meet demands resulting from unemployment. Further, not all jobs provided by the project would employ full-time, adult workers; many available positions, particularly those of the proposed commercial uses, would also employ part-time adult and teenage workers, who would likely be drawn from the local area. Although the housing component of the project would not necessarily provide housing for the employees of the project, the provision of housing would help to ensure that employment opportunities provided by

the project would not result in an unanticipated demand for housing that could not be accommodated in the City or County.

RMC-53 Please refer to the Topical Response on Water Quality on page 3-173, which addresses the issue of bacterial levels in runoff. Drainage Area "A" would continue to flow to the ASWPS for all dry-weather and stormwater flows. In addition, the dry weather flow for Drainage Area "B" can be routed into Area "A" and to the ASWPS, in order that, at the City's discretion, these flows may be routed for treatment by OCSD. The project conforms to all water quality standards adopted in order to protect water resources. No water quality standards for pathogens have been adopted by the SARWQCB. Please refer to Responses to Comments identified as RMC(B) on pages 3-300 through 3-305 that demonstrate the adequacy of Draft EIR conclusions with respect to water quality.

RMC-54 The ASWPS has a tributary area of approximately 1,125 cfs in the 100-year event. If the entire project site drained toward the ASWPS, it would contribute approximately 107 cfs, which is approximately 10 percent of the tributary area. The City has no plans to increase the capacity of the ASWPS in the near future, and any projection that this could occur in the future would be speculative; therefore, any fairshare contribution from the proposed project towards upgrades to the pump station is infeasible.

Upgrades to the ASWPS are not feasible and would result in secondary environmental impacts. In order to upgrade the ASWPS to allow stormwater flows from the project site to be handled by this facility, the pump station would need to be reconstructed, and drainage facilities connecting to the pump station would need to be resized. Existing drainage facilities are located beneath the mobile home park adjacent to the site, as well as beneath other existing residential and commercial uses. These uses would be temporarily and/or permanently disrupted and damaged by the construction necessary for the pump station upgrade. Therefore, the benefit of treating additional stormwater flows by upgrading the ASWPS would not override the secondary environmental impacts, which could include, but would not be limited to displacement of housing, construction-related air quality, noise, and traffic impacts.

RMC-55 Existing discharges to the beach from the existing First Street stormwater outfall, as well as ponding of this runoff and any existing hazards associated with this current condition, are an existing condition and would not be an impact of the proposed project. The EIR does not need to consider this further because it has not been

determined if runoff from the ponded area at the outfall site on the beach would reach the ocean. The proposed project would contribute 26.9 acres to the total drainage area of 53 acres that would be served by the planned future Alabama Street storm drain system. Based on a 25-year storm event, the Alabama Street storm drain will be designed to handle a combined 67.5 cfs (from areas other than the project site) and 20 cfs (from the Pacific City project site), with an approximate total flow of 90 cfs. The project would increase the discharge at the beach in this area, but, based on the project size in comparison to the larger drainage area, the proposed project would only contribute to a portion of this effect, and, furthermore, project-related discharges would comply with all prevailing laws and regulations that apply to water quality management. The Alabama Street storm drain project is expected to be brought before the Zoning Administrator in April 2004.

RMC-56 Existing flows and flows that would occur due to the improvements to the future Alabama Street storm drain system have the potential to discharge runoff to the Pacific Ocean via the existing outfall. The proposed project would increase flows by 20 cfs and, as such, would increase the discharge of water into the ocean. The outfall exists for the sole purpose of transporting flows to the ocean, and ponded flows on the beach are eventually transported to the ocean by existing flows under existing conditions. Consequently, the transport of pathogens or bacteria that may be present in existing flows (and for which no standards have been adopted by the SARWQCB) occurs under existing conditions. Worth noting, an increase in the volume of water could also potentially dilute existing or future bacterial levels.

RMC-57 This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration when deciding whether to approve or deny the proposed project.

Response to Comment Letter RMC (A) (Kimley-Horn and Associates, Inc. (Attachment A to Robert Mayer Corporation Letter), December 2, 2003)

RMC(A)-1 Comment noted. Please refer to responses to specific concerns identified below.

RMC(A)-2 This comment correctly notes that the intersection of Atlanta Avenue and Huntington Street would be signalized. The project as proposed includes signalization at the intersection of Atlanta Avenue and Huntington Street, as identified in Table 2-8 and page 2-21 of the Draft EIR. Please refer to Response to Comment RMC-3 on page 3-263 for details of the specific mitigation identified.

RMC(A)-3 Please refer to Response to Comment RMC-3 on page 3-263 for a discussion of the signal warrant at Huntington Street and Atlanta Avenue. The project as proposed includes signalization at the intersection of Atlanta Avenue and Huntington Street, as identified in Table 2-8 and page 2-21 of the Draft EIR. The Traffic Impact Analysis Report, included as Appendix H of the Draft EIR, indicates that the proposed project's fair share contribution to this signal would be 59 percent based on traffic volume. The traffic impact analysis for the Waterfront Ocean Grand Resort, dated July 2, 1998, also indicates that a traffic signal is anticipated as a future condition at the intersection of Atlanta Avenue and Huntington Street.

RMC(A)-4 Please refer to Response to Comment RMC-3 on page 3-263 for a discussion of signalization of Huntington Street and Atlanta Avenue intersection following implementation of the project.

RMC(A)-5 Page 64 of the Traffic Impact Analysis Report (Appendix H to the Draft EIR) identifies the project's fair share contribution to a signal at Huntington Street and Atlanta Avenue would be 59 percent based on traffic volume. This comment is acknowledged, and the opinion of the commenter will be provided to decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

RMC(A)-6 Comment noted.

RMC(A)-7 Comment noted.

RMC(A)-8 The mixed-use project characteristics, the proximity of the existing and proposed residential uses, and the location of the office above the retail/commercial and restaurant uses support an AM internal capture reduction. The rationale used for the proposed project AM internal capture reduction is the same as that developed by ITE (i.e., it is based on percentages for interactions between pairs of land uses).

RMC(A)-9 Please refer to the Topical Response on Traffic Generation on page 3-176. These internal capture reduction values based on the ITE methodology are considered guidelines for determining appropriate reductions and can be adjusted to reflect unique project characteristics.

RMC(A)-10 Please refer to the Topical Response on Traffic Generation on page 3-176. The internal capture rates are generally based on Tables 7.1 and 7.2 in the ITE *Trip Generation Handbook (October 1998)* and have been adjusted based on the specific project characteristics. These internal capture reduction values, based on the ITE methodology, are considered guidelines for determining appropriate reductions and can be adjusted to reflect unique project characteristics.

RMC(A)-11 Comment noted.

RMC(A)-12 Internal capture reduction values based on the ITE methodology are considered guidelines for determining appropriate reductions and can be adjusted to reflect unique project characteristics. Please refer to Response to Comment DOT-4 on page 3-185 for a source for the assumptions used.

RMC(A)-13 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of why the mode shift is appropriate to use. The mode shift percentages conform to ITE recommendations and reflect traffic engineer and City experience with the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses.

RMC(A)-14 Please refer to the Topical Response on Traffic Generation on page 3-176 and Response to Comment RMC-5 on page 3-264 for a discussion of why the mode shift is appropriate to use.

RMC(A)-15 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of why the mode shift is appropriate to use. The methodology used in the Pacific City traffic study is consistent with sound traffic engineering practice. Reductions to the base trip volume can be applied through use of either a mode shift or pass-by traffic. A mode shift reduction was considered the more appropriate type of reduction to take based on the project's characteristics and setting. The outcome of either methodology would result in a similar total number of trips generated from the site, and the conclusions of the analysis would be the same.

RMC(A)-16 This comment correctly defines walk-in traffic on an hourly basis. However, over a ten hour (i.e., daily) period and one hour PM peak period, the walk-in traffic equates to approximately five people per minute and six people per minute, respectively, dispersed throughout the total 240,000 square feet of development. Please refer to the Topical Response on Traffic Generation on page 3-176 for additional discussion on trip generation.

RMC(A)-17 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of why the mode shift is appropriate to use. The mode shift percentages conform to ITE recommendations and reflect traffic engineer and City experience with the unique combination of the proposed project's mixed-use land characteristics and proximity to the beach, as experienced in Main Street/Downtown and adjacent hotel land uses.

RMC(A)-18 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of why the percentages used in the mode shift are appropriate. The traffic impact analysis for the proposed project addressed local and regional traffic impacts consistent with City, County, and State guidelines. The text of the Draft EIR page 3.14-15 has been revised to clarify that the summer weekday condition is typically higher than during the winter months and, consequently was used in this analysis to present a conservative scenario. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

RMC(A)-19 Please refer to the Topical Response on Traffic Generation on page 3-176 and Response to Comment RMC(A)-16 above for a discussion of why the mode shift is appropriate to use.

RMC(A)-20 Please refer to the Topical Response on Traffic Generation on page 3-176 for a discussion of why the mode shift is appropriate to use.

RMC(A)-21 Although the Development Agreement allows for a third hotel, the hotel is subject to the approval of a CUP and CDP as well as required environmental documentation. No proposal, application, or other project submittal related to project entitlement on the Waterfront's third hotel site has been provided to the City, and until such time, that hotel could be modified in scope or character by the developer consistent with the procedures set forth in the amended Development Agreement. Because no information indicating that this project would be developed in the reasonably foreseeable near future was available, this project was not included in the Year 2008 analysis. However, the hotel development is included in the General Plan Buildout analysis included in the Draft EIR; no new impacts, beyond those identified in the Draft EIR, are indicated as a result of its inclusion.

RMC(A)-22 Please refer to Response to Comment RMC(A)-21 above for a discussion on why the Waterfront's third hotel site was not included in the Year 2008 analysis.

RMC(A)-23 The correct information on the proposed project is presented in Chapter 2 of the Draft EIR. Proposed square footage of commercial development is included in Table 2-5 on page 2-13. The information in Table 1A of the parking study identifies that within the 180,000 sf shopping center use, there would be 38,900 sf of restaurants, and 141,100 sf of retail uses. This distinction affects the parking demand, but not the traffic analysis. This table also includes the outdoor dining area, which is not part of the traffic generation forecast. Thus, the parking study uses a more detailed breakdown of uses because those uses would affect the shared parking need, whereas, standard practice for determining traffic generation is based on general square footage of development. The methodology of all aspects of the traffic study is consistent with the approach applied to the Hyatt Hotel and "The Strand" project in the Downtown area.

RMC(A)-24 Comment noted. Please refer to Topical Response on Shared Parking on page 3-180 for an explanation of why the parking demand information presented is appropriate.

RMC(A)-25 This comment accurately restates the City parking code requirement as repeated on page 3 of the Parking Study. Comment noted.

RMC(A)-26 Please refer to the Topical Response on Shared Parking on page 3-180. The hotel parking demand per City Code factors in demand for the ballroom and spa, and, as such, parking demand for these uses are typically not counted separately. However, as a conservative measure, separate parking demand from these uses was included in the shared parking analysis.

RMC(A)-27 Please refer to the Topical Response on Shared Parking on page 3-180 for a discussion on the shared parking analysis and City code parking requirements. The ballroom and spa, which include 9,300 sf of usable space, are not counted separately in the City code requirements for parking.

RMC(A)-28 Please refer to Response to Comment RMC(A)-26 above for discussion on parking assumptions associated with the ballroom.

RMC(A)-29 While the traffic study and EIR Project Description list the ballroom area as 16,000 sf, the net usable meeting/banquet/ballroom area is approximately 9,300 sf. The remaining area is pre-function, banquet office, and kitchen area. Therefore, the Project Description is correct and no text change is warranted.

RMC(A)-30 Please refer to Responses to Comments RMC-15 on page 3-267 and RMC-18 on page 3-268 for discussion of parking demand associated with the ballroom. In addition, the weekday and weekend parking demand profile (i.e., the percentage of spaces occupied at a given time) was increased from ULI's recommended use of 30 percent of the peak parking demand to 75 percent of the peak parking demand for the 1:00 pm hour to account for guest use of the meeting space area. As such, the parking analysis considers parking demand of the ballroom area from both persons driving to the site, and hotel guests.

RMC(A)-31 The parking study does include the ballroom area and spa services, as identified in columns 3 and 4 of Tables 5A and 5B in the Shared Parking Analysis. Please refer to the Topical Response on Shared Parking on page 3-180 for a discussion of the appropriate reductions based on the characteristics of the proposed project. Please refer to responses to comments below that address specific comments on shared parking [RMC(A)-32 and RMC(A)-33], guest use of the hotel [RMC(A)-34 and RMC(A)-35], and walk-in traffic [RMC(A)-36 through RMC(A)-39] on pages 3-295 through 3-297.

RMC(A)-32 Comment noted.

RMC(A)-33 The hotel component would not consist entirely of valet parking. Only a portion of the patrons would be anticipated to use valet services, so not all spaces needed for the hotel valet would need to be reserved. In addition, the parking management plan would ensure that garage capacity is monitored, so that if additional spaces reserved for valet are needed for self-park, these could be made available. Therefore, valet parking would not affect the shared parking supply.

RMC(A)-34 Please refer to the Topical Response on Shared Parking on page 3-180 for a discussion on the shared parking analysis. The parking analysis considers parking demand of the ballroom area from both persons driving to the site, and hotel guests. As shown in Tables 5A and 5B of the shared parking analysis, no adjustments were made in column 1, Hotel, to the code-required parking rate of 1.1 spaces per room. The City Code does not require counting of on-site hotel amenities separately from the project, although the shared parking analysis does this as a conservative measure. In columns 3 and 4, the ballroom and spa facilities are counted. The reductions account for a portion of the hotel guests using these facilities. The weekday and weekend parking demand profile was increased from ULI's recommended use of 30 percent of the peak parking demand to 75 percent of the peak parking demand for the 1:00 P.M. hour to account for guest use of the meeting space area. Therefore, no double-discounting occurred.

RMC(A)-35 Please refer to the Topical Response on Shared Parking on page 3-180 and Response to Comment RMC(A)-34 above for a discussion on the shared parking analysis. There is no double discount in the parking analysis. The weekday and weekend parking demand profile was increased from ULI's recommended use of 30 percent of the peak parking demand to 75 percent of the peak parking demand for the 1:00 P.M. hour to account for guest use of the meeting space area. This adjustment provides approximately 200 additional spaces in the peak demand hour, beyond ULI's recommended 1:00 P.M. peak demand, for guest use of other amenities. In addition, peak parking demand would occur at 1:00 P.M., not 7:00 P.M., the scenario presented in this comment.

RMC(A)-36 Please refer to the Topical Responses on Traffic Generation on page 3-176 and Shared Parking on page 3-180 for a discussion on the mode shift application to the proposed project.

RMC(A)-37 Downtown parking facilities offer parking validation. Consequently, there would be no incentive for persons to park at the project site instead of the Downtown area.

RMC(A)-38 The mode-shift customer is accounted for within the beach visitors' category for those customers who park at the beach and is not based on new visitors attracted to the proposed project but, rather, those attracted to beach parking. It is acknowledged that at certain times, under existing conditions, it can be difficult to park in the project vicinity. The text of the Draft EIR page 3.14-15 has been revised to clarify that the summer weekday condition is typically higher than during the winter months and, consequently was used in this analysis to present a conservative scenario. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

RMC(A)-39 Please refer to the Topical Responses on Trip Generation on page 3-176 and Shared Parking on page 3-180 for a discussion of mode shift application to the proposed project. Because adequate parking would be provided on-site, proposed project parking demand would not impact the Downtown core and beach parking lots.

RMC(A)-40 Comment noted.

RMC(A)-41 Comment noted.

RMC(A)-42 Please refer to the Topical Response on Shared Parking on page 3-180 for a discussion of the appropriateness of the use of the shared parking analysis compared to the Downtown Parking Master Plan parking requirements. The proposed project is located within the Downtown Specific Plan (DTSP) area, but is not within the Downtown Parking Master Plan area. The project would interact with the Downtown area, as identified by this comment. However, based on the mix of uses proposed (e.g., hotel), the project is not identical to the Downtown core, and thus, parking demand was not based on the Downtown Master Plan parking rates.

RMC(A)-43 The data shown in Table 4A of the shared parking analysis are consistent with the Downtown Parking Master Plan requirements shown in Figure 4.2 of the DTSP. Table 4A uses information for Area 1, which includes the southerly portion of the Downtown area, immediately across from PCH. As the proposed project would be located immediately across from PCH, outside of the Downtown core, parking requirements from Area 1 were used for comparative purposes. Figure 4.2 does not require 1 space per 333 sf of retail as identified in this comment, and parking requirements of 1 space per 500 sf of office are for the North area. Nevertheless, as noted in Response to

Comment RMC(A)-42 on page 3-297, the information in Table 4A is for informational purposes only, and is not used for the ultimate analysis of parking adequacy.

RMC(A)-44 Please refer to Response to Comments RMC(A)-34 on page 3-296 and RMC(A)-42 on page 3-297 for a discussion of City-approved parking methodology.

RMC(A)-45 Please refer to the Topical Response on Shared Parking on page 3-180 for a discussion of the appropriateness of the use of the shared parking analysis. Application of separate City Code requirements is not appropriate for the project site, as the site includes unique features that promote the use of shared parking on-site.

RMC(A)-46 The comment correctly repeats text from an appendix to the traffic study (Appendix H of the Draft EIR). Comment noted.

RMC(A)-47 The City does not require an additional safety factor in parking facilities, which would result in a larger number of excess spaces. Instead, a safety factor is included into the base parking rates that the City uses. Consequently, provision of the number of required parking spaces allows for a buffer in the number of available parking spaces. A parking management plan would be utilized to oversee commercial parking operations and would direct vehicles to available spaces.

RMC(A)-48 Please refer to the Topical Response on Shared Parking on page 3-180 for a discussion of the appropriateness of the use of the shared parking analysis and reasons why the Downtown Parking Master Plan rates are not the requirements for the project site.

RMC(A)-49 The General Plan buildout traffic volume forecast for Pacific View Avenue is based on the City's traffic model, which indicates that a minimal volume of Pacific Coast Highway (PCH) traffic would divert to Pacific View Avenue through the Pacific City site. In addition to the traffic diversion included in the traffic model, the analysis assumed that an additional 5 percent of traffic would divert onto Pacific View Avenue, in order to provide a conservative analysis. The roadway width, lane configurations, roadway connectivity, and traffic control on Pacific View Avenue would not encourage substantial diversion of trips from PCH to this roadway.

RMC(A)-50 The design and operation of Pacific View Avenue includes a 17-foot through lane that would allow vehicles to back out of their parking space, reducing affects on through

traffic. In addition, the diagonal parking is proposed as an interim condition, and the roadway would ultimately include two lanes of travel in each direction.

RMC(A)-51 Appendix K of the Traffic Study, included as Appendix H to the Draft EIR, shows the correct number of angled parking spaces as 39 spaces. This information is also correctly presented in Figure 3.14-15 on page 3.14-53 of the Draft EIR. The depiction of 30 angled parking spaces in Exhibit 18 represents a previous design of the project, and does not change any of the conclusions in the Draft EIR.

Response to Comment Letter RMC (B) (Richard Watson & Associates, Inc. (Attachment B to Robert Mayer Corporation Letter), December 2, 2003)

RMC(B)-1 Comment noted.

RMC(B)-2 Please refer to specific responses below and to the Topical Response on Water Quality on page 3-173 for further discussion of water quality issues, including an analysis regarding bacterial contamination of runoff. As demonstrated by the responses provided below, the water quality analysis in the Draft EIR fully complies with the requirements of CEQA.

RMC(B)-3 Impact HYD-2 presented on pages 3.8-20 though 3.8-23 of the Draft EIR discusses the changes to drainage patterns that would occur as a result of the proposed project.

RMC(B)-4 Please refer to the Topical Response on Water Quality on page 3-173, which discusses why dry-weather runoff is not required to be treated by OCSD. Nevertheless, the dry weather flow for Drainage Area "B" can be routed into to the ASWPS, in order that, at the City's discretion, these flows may be routed for treatment by OCSD. The Draft EIR has been revised to discuss dry-weather flows and treatment by OCSD. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes. However, no new significant water quality impacts would result. Water quality impacts from operational discharges are discussed under Impact HYD-1 (pages 3.8-18 and 3.8-19 of the Draft EIR). Operational discharges would be addressed through a Water Quality Management Plan (WQMP), and the Preliminary WQMP is in compliance with NPDES requirements and the DAMP. Further, as discussed in Section 3.8 (Hydrology and Water Quality) of the Draft EIR, the first-flush (85-percentile 24-hour storm event or the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch per hour) and dry-weather flows would be treated by proposed filtration systems proposed as part of the project. BMPs would also be implemented that would address water quality from potential point- and non-point-source contamination. BMPs such as street sweeping and educational programs would address first flush discharges and stormwater flows from 25- and 100-year storm events.

RMC(B)-5 Comment noted. The information regarding the improvements to water quality as a result of treatment by the OCSD is acknowledged and supported by information

published in OCSD's website (http://www.ocsd.com/info/runoff/default.asp, January 22, 2004). However, while the program has been successful, there are no funded or proposed plans to expand treatment of all stormwater flows generated throughout the City of Huntington Beach. Therefore, the analysis contained in the Draft EIR does not assume the treatment of project-related flows that are not diverted to the ASWPS, while recognizing that treatment is not currently required by federal, State, or local laws or regulations.

RMC(B)-6 This comment notes that dry-weather flows from the majority of the site (26.9 acres) would not be treated by OCSD. The EIR has been revised to discuss that Drainage Area "B" can be routed to the ASWPS, in order that, at the City's discretion, these flows may be routed for treatment by OCSD. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes. Nevertheless, please refer to the Topical Response on Water Quality on page 3-173, which discusses why dry-weather runoff would not be required to be treated by OCSD. Filtering and screening are not intended to disinfect stormwater or non-stormwater discharges. Disinfection in order to address bacterial contamination is not required by the SARWQCB, and treatment on-site of flows for bacteria is neither required nor feasible for the proposed project, as further discussed in the Topical Response on Water Quality.

RMC(B)-7 Comment noted. This comment correctly summarizes the standards used in the analysis under Impact HYD-1 on pages 3.8-17 through 3.8-19 of the Draft EIR.

RMC(B)-8 As stated in the Topical Response on Water Quality on page 3-173, no water quality standards for pathogens have been adopted by agencies with jurisdiction over the project.

RMC(B)-9 Please refer to Responses to Comments RMC(B)-10 below and RMC(B)-11 on page 3-302 that address how the proposed project meets the objectives of ensuring adequate utility infrastructure and public services for the new development and mitigating environmental impacts to the greatest extent possible.

RMC(B)-10 As discussed under Impact HYD-2 on page 3.8-21 of the Draft EIR, the project proposes to construct a storm drain line in First Street that would exclusively serve the project site. This line would run parallel to the existing City 36-inch line in First Street. The project-specific storm drain line would then connect to the City's 36-inch South

Beach Storm Drain south of PCH. These improvements would ensure that adequate stormwater infrastructure is installed to handle project runoff. Please refer to Response to Comment RMC-54 on page 3-289 for a discussion of why upgrades to the ASWPS are not feasible. As discussed under that response, upgrades to the ASWPS would result in more construction-related impacts than the addition of a storm drain line in First Street that would exclusively serve the project. Please refer to the Topical Response on Water Quality on page 3-173, which discusses why bacterial contamination is not considered a significant impact.

RMC(B)-11 Comment noted. This comment correctly states that dry-weather flows to the ASWPS are treated by OCSD.

RMC(B)-12 Please refer to the Topical Response on Water Quality on page 3-173, which discusses treatment options for bacteria and pathogens. As discussed in that response, these treatment options would neither be required nor feasible to implement for the proposed project. Contrary to the comment, and as discussed in the Topical Response on Water Quality, there is no adverse impact (of diverting drainage) to be mitigated.

RMC(B)-13 The information presented in Table ES-4, the Summary Impact Table on pages xxiv through xxxvii of the Draft EIR, accurately reflects the analysis presented in Section 3.8 (Hydrology and Water Quality) of the Draft EIR. The analysis under Impacts HYD-1 and HYD-2 on pages 3.8-17 through 3.8-23 demonstrates that the project would meet all applicable water quality standards and would not otherwise substantially degrade water quality. Therefore, no mitigation is required. Please refer to the Topical Response on Water Quality on page 3-173, which discusses issues related to bacterial contamination.

RMC(B)-14 Please refer to Response to Comment RMC(B)-13 above for a discussion of information presented in the Table ES-4, the Summary Impact Table.

RMC(B)-15 Please refer to the Topical Response on Water Quality on page 3-173, for a discussion of why bacterial contamination is not considered a significant impact. Drainage Area "B" can be routed to the ASWPS, in order that, at the City's discretion, these flows may be routed for treatment by OCSD. Additional information on bacterial contamination has been added to Impact HYD-1. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

RMC(B)-16 Please refer to the Topical Response on Water Quality on page 3-173, which addresses why treatment of runoff for bacteria is not required and why it would not be required nor feasible for the proposed project to treat dry-weather flows for contamination. The basis for determination of Impacts HYD-1 and HYD-2 on pages 3.8-17 through 3.8-23 of the Draft EIR as less than significant includes reliance on adopted water quality standards, which the City has identified as a standard to determine whether impacts to water quality would be significant. Furthermore, neither the City, the OCSD, nor the SARWQCB has funded or planned for the treatment of all runoff by the OCSD. Nevertheless, Drainage Area "B" can be routed to the ASWPS, in order that, at the City's discretion, these flows may be routed for treatment by OCSD.

RMC(B)-17 Please refer to Response to Comment RMC(B)-13 on page 302 for a discussion of the determination of less than significant impacts on water quality. The project is consistent with City General Plan objectives and policies, as discussed in Responses to Comments RMC(B)-18 through RMC(B)-22 below.

RMC(B)-18 As discussed in the Topical Response on Water Quality on page 3-173, the proposed project would not substantially degrade surface water quality, which is the standard of significance identified on page 3.8-16 of the Draft EIR. Please refer to Response to Comment RMC(B)-4 on page 3-300 for a discussion of why operational discharges would be less than significant.

RMC(B)-19 The proposed project would tie into the existing drainage pipe that empties onto South Beach. The project would attenuate stormwater flows to 20 cfs and would contribute only a portion of the discharges in this area. Please refer to Response to Comment RMC(B)-4 on page 3-300 for a discussion of why operational discharges would be less than significant.

RMC(B)-20 Please refer to Response to Comment RMC(B)-4 on page 3-300 for a discussion of why operational discharges would be less than significant.

RMC(B)-21 Please refer to the Topical Response on Water Quality on page 3-173. Contrary to the comment, ultra-violet and ozone are not the most efficient technology. In fact, those two technologies would be infeasible for the site as addressed in the Topical Response on Water Quality.

RMC(B)-22 Policy C 6.1.1, as shown on page 3.8-15 of the Draft EIR states:

> Require that new development include mitigation measures to enhance water quality, if feasible; and, at a minimum, prevent the degradation of water quality of groundwater basins, wetlands, and surface water.

This policy is not aimed at prevention of bacterial degradation of receiving waters. In fact, as discussed under the Topical Response on Water Quality on page 3-173, no standards addressing bacterial contamination have been adopted. Consistency with this policy is demonstrated in Table 3.8-4 on page 3.8-15 of the Draft EIR by indicating that:

> The proposed project includes as part of its Water Quality Management Plan installation of filtration and screening devices to promote maximum water quality in stormwater runoff. With implementation of this plan and BMPs, the proposed project would be consistent with this policy.

With respect to dry weather flows, Drainage Area "B" can be routed to the ASWPS, in order that, at the City's discretion, these flows may be routed for treatment by OCSD. Please refer to the Topical Response on Water Quality for a discussion of this issue.

RMC(B)-23 Comment noted. This comment correctly quotes a portion of the cumulative impact analysis on water quality.

RMC(B)-24 Please refer to the Topical Response on Water Quality on page 3-173, which addresses why bacterial contamination is not considered a significant impact.

RMC(B)-25 This comment correctly notes that the proposed project has the potential to adversely impact water quality due to its size, proposed uses, and proximity to the beach. This comment also correctly notes that the SARWQCB stated that there is widespread experience that urban development activity impacts water quality. Due to water quality concerns associated with the proposed project, project design features would be incorporated into the proposed project to address runoff concerns. These project design features include site design BMPs, source control BMPs, treatment control BMPs, on-site detention, filtration devices, and WQMP preparation to ensure that operational discharges conform to applicable water quality requirements and that impacts would be less than significant.

RMC(B)-26 Please refer to the Topical Response on Water Quality on page 3-173 and Response to Comment RMC(B)-4 on page 3-300, for a discussion of the validity of the methodology used in the hydrology analysis.

RMC(B)-27 As indicated under the Topical Response on Water Quality on page 3-173, a discussion of issues and/or impacts related to bacterial contamination has been added to the Final EIR. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes. This discussion clarifies the current regulatory agency policy on the issue of bacterial contamination. The conclusion that impacts would be less than significant under Impact HYD-1 on pages 3.8-17 through 3.8-19 of the Draft EIR remains valid. The Draft EIR fully complies with the requirements of CEQA Guidelines Section 15121, which identifies the purpose of an EIR as an informational document.

Response to Comment Letter Bixby (Mr. Mark D. Bixby, December 2, 2003)

Bixby-1 Comment noted. The City of Huntington Beach respectfully disagrees with the commenter regarding the wetland indicator vegetation, as will be detailed below in Responses to Comments Bixby-20 through Bixby-28 on pages 3-308 through 3-311, and believes that the Draft EIR is in full compliance with CEQA and the CEQA Guidelines. Regarding vegetation removal, all vegetation removal on-site has been conducted in accordance with the City of Huntington Beach requirements. Vegetation removal on site is part of ongoing site maintenance required so that vegetation on site does not become overgrown.

Bixby-2 Comment noted. This comment is an introduction to the commenter's chronological involvement with the proposed project. It does not raise any environmental issues, therefore, no further response is required.

Bixby-3 The commenter presents the results of a series of site visits that the commenter made. These visits noted the current state of the site, which included a description of the remediation pits and five species of wetland vegetation that the commenter observed within the project area. The comment does not raise any specific environmental issue; therefore, no further response is required.

Bixby-4 Please refer to the Response to Comment Bixby-3 above for a discussion of the commenter's site visit. The comment does not provide any comment on the environmental analysis, so no further response can be provided.

Bixby-5 This comment indicates that the information discussed in Bixby-3 above was presented to the Planning Commission on September 9, 2003. The comment does not provide any comment on the environmental analysis, so no further response can be provided.

Bixby-6 This comment correctly summarizes grading and vegetation removal, complaints by City residents, and issuance of a cease and desist order by the City on September 11, 2003. While complaints were received, cessation of work was requested through verbal communication from City inspectors, not through issuance of a cease and desist order. As discussed on page 3.3-1 of the Draft EIR, the project site has been disced regularly to maintain the site and prevent the growth of unwanted vegetation. The

comment does not provide any comment on the environmental analysis, so no further response is necessary.

Bixby-7 The commenter presents the results of an additional site visit that the commenter made on September 14, 2003. This visit noted four species of wetland vegetation that the commenter observed within the project area. The comment does not raise any specific environmental issue; therefore, no further response is required.

Bixby-8 The commenter presents the results of an additional site visit that the commenter made on September 17, 2003 and indicated that remediation process has in-filled certain areas of the site that had ponded water. The comment does not raise any specific environmental issue; therefore, no further response is required.

Bixby-9 The commenter presents the results of an additional site visit that the commenter made on September 18, 2003. The commenter photographed dead vegetation and stated that the commenter filed a written complaint with the CCC. The comment does not provide any comment on the environmental analysis, so no further response can be provided.

Bixby-10 The commenter presents the results of an additional site visit that the commenter made on September 21, 2003. The comment does not provide any comment on the environmental analysis, so no further response can be provided.

Bixby-11 This comment indicates that the information discussed in Response to Comments Bixby-3 through Bixby-10 above was presented to the Planning Commission on September 23, 2003. The comment does not provide any comment on the environmental analysis, so no further response can be provided.

Bixby-12 This comment indicates that the information discussed in Bixby-3 through Bixby-10 above was presented in PowerPoint format during City Council Public Comments on October 6, 2003. The comment does not provide any comment on the environmental analysis, so no further response can be provided.

Bixby-13 Comment states that more vegetation removal was reported by the residents surrounding the project site. The comment does not provide any comment on the environmental analysis, so no further response can be provided.

Bixby-14 The commenter presents the results of an additional site visit that the commenter made on November 16, 2003. This visit noted five species of wetland vegetation that the commenter observed within the project area. The comment does not raise any specific environmental issue; therefore, no further response is required.

Bixby-15 Comment states that more vegetation removal was reported by the residents surrounding the project site. The comment does not provide any comment on the environmental analysis, so no further response can be provided.

Bixby-16 The commenter presents the results of an additional site visit that the commenter made on November 28, 2003. This visit noted species of wetland vegetation that the commenter observed within the project area. The comment does not raise any specific environmental issue; therefore, no further response is required.

Bixby-17 The commenter provides an introductory statement that points out inconsistencies within the Draft EIR. Specific responses to these assertions are detailed in Responses to Comments Bixby-18 through Bixby-24 below.

Bixby-18 In response to the comment provided, Table 3.3-1 on page 3.3-4 of the Draft EIR has been revised to reflect the accurate species name for "Crystalline ice plant" and "Sicklegrass." With respect to arrowgrass, the California Native Plant Society notes common arrowgrass as *Triglochin concinna*, as cited in the Draft EIR. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

Bixby-19 The commenter is correct in noting that the common name and species name for saltgrass is inconsistent. The species name have been be revised in Table 3.3-1 of the Final EIR. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

Bixby-20 Neither *Heliotropium curassavicum* nor *Malvella leprosa*, which are non-special status wetland indicator species, were observed on the site by either of the consultants who evaluated the site biology (EIP September 24, 2003, and BonTerra December 19, 2001). Nevertheless, failure to detect any species that are not protected under local, State, or federal laws or regulations would not be sufficient grounds to find the Draft EIR inadequate or represent "significant" new information that would trigger a recirculation of the Draft EIR.

Bixby-21 Although the Draft EIR does focus on the remediation areas as the primary portions of the site that contain wetland vegetation, page 3.3-7 of the Draft EIR states that: "Approximately 27.2 acres of disturbed vegetation type is found throughout the proposed project site. This vegetation type is comprised of primarily disced bare ground with ruderal species. These species included black mustard *(Brassica nigra)*, Bermuda grass *(Cynodon dactylon)*…" Bermuda grass is a wetland indicator species and it is clearly stated that it occurs throughout the site.

Bixby-22 The commenter has included a revised table that lists the wetland indicator status of each plant species found onsite. The indicator status is taken from USDA's *PLANTS* database, which in turn are abstracted from the USFWS 1988 national list of vascular plant species that occur in wetlands. The commenter would like this information added to the Draft EIR. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

This same list is noted on page 3.3-12 of the Draft EIR where it discusses wetland species. Specifically, the Draft EIR states that, "More than 50 percent of the dominant plant species at the site must be typical of wetlands (i.e., rated as facultative or wetter in the National List of Vascular Plant Species that Occur in Wetlands (NLPSOW)." As the NLPSOW hydric designation does not individually afford any species special status a full discussion of hydric plant characteristics, inclusion of such designations are not required under CEQA. However, Table 3.3-1 of the Draft EIR has been revised to include the wetland indicator status of each plant species noted in the Draft EIR, and include a notation of what each indicator means. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes.

Bixby-23 The plant mentioned is the Woolly sea-blight (*Suaeda taxifolia*). This species is listed on the California Native Plant Society (CNPS) list as a 4 (limited distribution species). It is not afforded any special status or listed as rare by any State, federal, or local agencies. Nor would this species meet the definition of rare contained in Section 15380 of the CEQA Guidelines (generally a CNPS ranking of 2 or lower). As such, the analysis in the Draft EIR is adequate and correctly states that there are no special status species onsite.

Bixby-24 Consistent with Section 15126 of the CEQA Guidelines, this EIR examines the project-specific impacts of implementing the proposed project. With respect to biological

resources, the analysis was based, per CEQA Guidelines (15126.2), on the physical conditions in the affected area, as they exist at the time of the publication of the Notice of Preparation (NOP). At this time, the site was in mid-remediation phase, and impacts were based on multiple surveys that documented the biota that occurs within the site.

In reference to the adequacy of the Draft EIR, as stated in Section 15204(a) of the CEQA Guidelines, the adequacy of an EIR is determined in terms of what is reasonably feasible in light of factors such as the geographic scope of the project, the magnitude of the project, and the severity of the likely environmental impacts. As further expressed in Section 15151 of the CEQA Guidelines, "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible." In this case, multiple surveys of the site were performed, and although they did not cover the blooming periods of every plant in the survey, per CEQA Section 15151, potential habitat to support annual upland plant species can be identified year-round and wetland indicator species can be identified any time of the year. Thus, the surveys would be sufficient to allow for the quantification of impacts to biota. Furthermore, the CDFG, USFWS, and CNPS do not require that the surveys are conducted during blooming season, just that they are "Conducted in the field at the proper times of year when special status and locally significant plants are both evident and identifiable." As such, the surveys and assessment within the Draft EIR are adequate under current CEQA guidelines.

The commenter also questions the applicability of MM BIO-1 on page 3.3-24 of the Draft EIR, given the current level of disturbance at the site. As stated within Impact Bio-5 on page 3.3-21 of the Draft EIR, the implementation of a permitted remediation plan currently inhibits the assessment of the normal conditions of the site. To ensure that the potential impacts to CDFG wetlands are less than significant after the remediation is complete, MM BIO-1 was identified. This mitigation is designed to assess normal conditions of the site (i.e., those at grade) and require that all applicable State and federal permits be obtained. This mitigation is consistent with Sections 15126.4(a)(1)(A), 15126.4(a)(1)(B), 15126.4(a)(2), and 15126.4(a)(4)(B) of CEQA. The mitigation provided for impacts to biological resources is designed to meet or exceed agency standards via the agency oversight of the final permit approval process. In those cases where the mitigation meets agency standards or requirements, those standards and requirements have been developed, in part, for the purpose of

providing guidance as to proportionality between an impact and proposed mitigation, either on a general basis (i.e., "no net loss" of wetlands) or on a project-specific basis (i.e., pre-construction surveys for wetland species).

Bixby-25 Because the commenter does not raise any specific environmental issue, no further response can be provided. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Bixby-26 The use of natural treatment systems such as wetlands is not part of the project description or alternatives, and, thus, is not analyzed under CEQA. The use of the StormFilter filtration devices are proven technology that would achieve the water quality standards applicable to the site. The homeowners association on-site would be required to maintain filtration devices to ensure their effectiveness over the long term. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Bixby-27 Because the commenter does not raise any specific environmental issue, no further response can be provided. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Bixby-28 The commenter is correct in stating that BonTerra found six wetland indicator species in December 2001 and EIP Associates found seven more in September of 2003. Project biologists have not observed the two species that the commenter has reported as being present. Please refer to Responses to Comments Bixby-20 and Bixby-24 on pages 3-308 through 3-309 for a discussion of the biological surveys completed to date.

Bixby-29 Please refer to Response to Comment Bixby-24 on page 3-309 for a discussion of the biological surveys completed to date and the requirement for additional surveys pursuant to Mitigation Measure BIO-1 on page 3.3-24 of the Draft EIR.

Bixby-30 As stated in CEQA Guidelines (15126.2), the lead agency should normally limit its examinations to changes in the existing physical conditions in the affected area as they exist at the time of the publication of the Notice of Preparation (NOP). Continued surveys would not be required. Please refer to Response to Comment Bixby-24 on

page 3-309 for a discussion of the biological surveys completed to date and the requirement for additional surveys pursuant to Mitigation Measure BIO-1 on page 3.3-24 of the Draft EIR.

Bixby-31 Please refer to Response to Comment Bixby-24 on page 3-309 for a discussion of the biological surveys completed to date and the adequacy of the surveys under CEQA.

Bixby-32 As stated in Impact BIO-5 on page 3.3-21 of the Draft EIR, the City has approved Coastal Development Permit (CDP) 00-09 and Conditional Use Permit (CUP) 00-36. Part of the approved remediation plan would cover the filling of the pits.

Bixby-33 Because the commenter does not raise any specific environmental issue, no further response can be provided. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Bixby-34 The commenter would like that the vegetation be allowed to grow on site. As stated in Impact BIO-5 on page 3.3-21 of the Draft EIR, the City has approved Coastal Development Permit (CDP) 00-09 and Conditional Use Permit (CUP) 00-36, which allows for remediation of the site. The Applicant is also responsible for preventing overgrown vegetation on the site, as site maintenance has been occurring on-site since 1998 and is not part of the activities associate with soil remediation. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Bixby-35 The commenter would like the proposed project to be altered to include mini-wetlands to increase the aesthetic and habitat values of the site. The use of natural treatment systems such as wetlands is not part of the project description or alternatives, and thus is not analyzed under CEQA. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Response to Comment Letter Cross (Mr. Paul Cross, November 14, 2003)

Cross-1 From certain locations north of the project site, limited views of the ocean are visible. However, due to local topography in the area as well as existing development, no extensive public views of the ocean are available from north of Atlanta Avenue. Thus, these intermittent views do not constitute scenic vistas. A representative public view of the coast from north of the project site is provided in Figure 3.1-13 on page 3.1-16 of the Draft EIR (view south from Manning Park), and, as illustrated in this figure, impacts on the viewshed would be minimal. As stated in Impact AES-2 on page 3.1-30 of the Draft EIR, views from north of Alabama Avenue are from private locations, and effects to these views are not, therefore, considered by the City to be significant.

Further, the project site is zoned as Downtown Specific Plan (DTSP) Districts 7 and 8A, which indicates that the City has intended the property for Downtown, coastal development. As stated on page 3.1-26 of the Draft EIR in project consistency for Policy ERC-4.1.5 (Table 3.1-2), there are no public view corridors from or through the project site. View corridors along First Street would be maintained, consistent with other north-south streets in the City that provide sight-lines to the coast. Intermittent views of the ocean are available along Huntington Street between Pacific View and Atlanta Avenue. As discussed under Impact AES-2 on page 3.1-30 of the Draft EIR, due to intervening topography, these views are not considered scenic vistas. Some existing views of the ocean from portions of Huntington Street would be blocked by proposed development. However, pedestrians accessing the project site would have views from the project site of the ocean, which would be far more expansive than those currently available from either Huntington Street south of Atlanta Avenue or areas north of Atlanta Avenue.

Cross-2 As discussed on page 3.14-37 of the Draft EIR, street improvements as part of the proposed project include the widening of the west side of Huntington Street by approximately 10 feet. As shown in Table 3.14-14 on page 3.14-50 and Table 3.14-16 on page 3.14-56 of the Draft EIR, the roadway link of Huntington Street from Atlanta Avenue to Pacific View Avenue would continue to operate at LOS A in both Year 2008 and Year 2020 scenarios. Therefore, no significant impact to Huntington Street would occur, and no additional improvements to the street would be required.

Cross-3 Based on the shadow renderings provided in Appendix K to the Draft EIR, shadows on the mobile home park would be present at one of the four times during the year for which diagrams were made, the Winter Solstice. As described on page 3.1-34 of the Draft EIR, the threshold of significance for shadow impacts is three hours of shadow on adjacent residential or other light-sensitive uses, a threshold that is consistent with previous environmental studies prepared by the City and is an accepted industry standard. Impact AES-4 on pages 3.1-34 through 3.1-37 of the Draft EIR concluded that shadows cast by proposed project would not result in a significant impact from shading of the mobile home residences. These shadows would have a duration of less than three hours between the hours of 9:00 A.M. and 3:00 P.M., and would not, therefore, exceed the threshold of significance for the impact. Consequently, no further mitigation would be required.

With regard to the request for a landscaped median strip along Huntington Street, the Draft EIR concluded, as described on pages 3.1-32 to 3.1-34, that the proposed project would not substantially degrade the existing visual quality of the project site or its surroundings. A discussion specific to the views of the project from the Pacific Mobile Home Park (Viewpoint 1) is provided on page 3.1-32 of the Draft EIR and concludes that the proposed landscaping (which would include a mix of trees and shrubs) would, in combination with the proposed setbacks and variations in building height and rooflines, sufficiently soften the appearance of the proposed development, and no significant impact would occur. Further, the land use impact analysis concluded, on page 3.9-21 of the Draft EIR, that, "While the intensity of development would increase, in terms of the number of units per acre and the total mass of development, the increased intensity in land use would not result in inherent conflicts with similar adjacent [i.e., residential] uses," and also that "existing residential uses would be separated from nonresidential uses on the west, east, and north by roadways a minimum of 80 feet in pavement width, landscaping, and screening vegetation," and no significant land use compatibility impact was determined to occur. Consequently, no additional mitigation, such as a landscaped median strip, would be required to reduce this impact with respect to the Pacific Mobile Home Park.

Cross-4 As described on pages 2-23 to 2-26 of the Draft EIR, pedestrian access improvements provided with the proposed project include a series of pedestrian pathways that would connect the residential component of the project to the commercial component and to

the beach parking lot. As required by the DTSP, these pathways include "the dedication, or a waiver thereof, of a 20-foot-wide corridor between Atlanta Avenue and PCH for public access between the southern end of the Pacific Electric ROW and PCH" (emphasis added). The purpose of the ROW is the provision of public access to the coast through the project site. As discussed on page 3.14-37 of the Draft EIR, a 20-foot-wide pedestrian access easement would be dedicated through the project site that extends from the south side of Atlanta Avenue, at Alabama, to Pacific View Avenue at the easterly residential access driveway. This would allow pedestrians to cross at the all-way stop sign to access the project site.

As discussed in Table 3.1-2 on page 3.1-26 of the Draft EIR, no public view corridors currently exist from the project site, and as discussed on page 3.1-31 of the Draft EIR, "access to the Pacific Ocean as a scenic resource from the project site is currently unavailable, and the project would provide access to these viewing opportunities." No loss of coastal access from or through the project site would occur as a result of the proposed project, and the City has determined that the proposed project would be consistent with the intent and requirements of the CCC and the City regarding the provision of a public access corridor. Consequently, no significant impact would occur with respect to access, and no mitigation would be required.

Cross-5 The proposed project would raise the existing ground surface level for portions of the site to accommodate development, including building pads and subterranean garages. However, the datum for the height of the proposed structures is set at the highest adjacent street level along the front property line (i.e., at the curb of First Street for the residential portion of the project), as required by Section 4.0.04, "Height" and "Street Level" definitions of the DTSP. The height limits imposed by the DTSP for Districts 7 and 8A are, therefore, measured from this point and were understood by the CCC to be measured from these points when the CCC approved the DTSP, thereby authorizing the height limits set forth. When measured from these points, the heights of the buildings of the proposed residential village would not, as discussed on page 2-16 of the Draft EIR, exceed the height limit of 50 feet and would, therefore, be consistent with the DTSP and with the intent of the CCC. The Applicant neither proposes nor seeks approval for six-story building heights in the residential village portion of the project (DTSP District 8A).

As discussed in Impact AES-3 on pages 3.1-31 through 3.1-32 of the Draft EIR, the proposed eight-story hotel towers would also be within the height limits specified in the DTSP and would be constructed proximate to the adjacent hotel, providing a transition to the lower-scale, three-story commercial development on the western portion of District No. 7, which is similar in size and massing to the commercial development near the Downtown core.

As discussed on page 2-30 of the Draft EIR, the project requires a Coastal Development Permit, Conditional Use Permit, and Design Review Board approval, each of which addresses the building heights of development on the project site.

The comment asserts that the proposed Pacific View Avenue is "an entirely different street" from the Walnut Avenue extension described in the DTSP. The proposed Pacific View Avenue in fact serves as the Walnut Avenue extension, as depicted by the contours of Districts 7 and 8A on pages 50 and 53, respectively, of the DTSP, and for which setback and ROW dedication requirements are described in Sections 4.09.08 and 4.10.06 of the DTSP for Districts 7 and 8A, respectively. Further, as described on page 2-22 of the Draft EIR, the proposed alignment of Pacific View Avenue would comply with Precise Plan of Street Alignment (PPSA) 88-1 that was previously adopted by the City for the roadway. Although the proposed street does not precisely follow the natural contour of the site, the contour along the proposed street alignment has been extensively modified by erosion and previous excavation. However, notwithstanding this, the proposed Pacific View Avenue would generally follow the existing downhill slope of the site from First Street to Huntington Street, though with a slightly steeper initial grade at Huntington Street.

Please also refer to the Responses to Comments Cross-1 on page 3-313 and Cross-4 on page 3-314 for discussion of public views and view corridors from and through the project site, and the effects of the proposed project on scenic views.

Cross-6 The proposed project would satisfy all requirements provided by OCTA regarding bus facility improvements. A bus turnout would be provided along PCH, north of Huntington Street, which would adequately serve the proposed project.

Cross-7 As discussed under Impact TR-10 on pages 3.14-75 and 3.14-76 of the Draft EIR, the proposed project would not substantially increase roadway hazards, including

vehicular/pedestrian traffic conflicts. Consequently, no mitigation would be required. Further, the proposed widening of some road segments surrounding the project site is proposed to accommodate the anticipated traffic generated as a result of the proposed project. First Street and Atlanta Avenue would not, therefore, be considered "too wide" or "unacceptable," and no modification of the proposed ROW would be required.

Cross-8 As discussed in Impact REC-1 on pages 3.13-11 and 3.13-12 of the Draft EIR, the proposed project does not include the provision of the 6.9 acres of parkland required under Section 254.08 of the City ZSO. However, implementation of MM REC-1 on page 3.13-13 of the Draft EIR requires that the project demonstrate compliance with the provisions of the ZSO prior to occupation of the first residential unit. Fulfillment of this measure could occur through any combination of on- or off-site parkland dedication and in-lieu fee payment. As noted in the comment, the City has contemplated and may, at its discretion, require the dedication of parkland on-site as a condition of approval of the project. With implementation of MM REC-1, the proposed project would not violate the parkland requirements of the City.

Please refer to Response to Comment Cross-5 on page 3-315 for a discussion of the heights of the proposed grade and structures on the project site, and compliance of these heights with the DTSP and ZSO.

Please refer to Response to Comment Cross-7 on page 3-316 for further discussion regarding the necessity of narrowing the proposed First Street ROW.

Cross-9 The residential portion of the project site is zoned as DTSP District 8A and is governed by the density requirements contained in the relevant sections of the DTSP. As described on page 3.9-20 of the Draft EIR, the land use designations for the project site have been evaluated on a programmatic basis in previous environmental documents and, as described in Response to Comment Cross-5 on page 3-315, have been approved by both the City and the Coastal Commission. Further, the development standards associated with these designations have also been previously evaluated from a planning perspective by the City, as the City continuously reviews the DTSP Village Concept, which contains the development standards. The current Village Concept is dated February 6, 2002. Also, as discussed on page 2-30 of the Draft EIR, the project requires a Coastal Development Permit, Conditional Use Permit, and Design Review

Board approval, each of which addresses the building heights of development on the project site.

Also, please refer to Response to Comment Verbal-25 on page 3-324 for further discussion of the design of the proposed project with respect to the intent of the site designations and the General Plan subareas.

Cross-10 Pages 3.11-9 and 3.11-10 of the Draft EIR discuss current and future needs for affordable housing in the City. Impact P-2 on page 3.11-16 of the Draft EIR discusses preliminary proposals for new affordable housing units both on- and off-site. While the Draft EIR acknowledges that impacts would be potentially significant in the absence of a final, City-approved plan for project-related affordable housing, implementation of MM P-1, as discussed on page 3.11-18 of the Draft EIR, would ensure that affordable housing requirements of the Community Redevelopment Law would be met, and the associated impacts would be reduced to a less-than-significant level. Further, the project would not result in the loss of any mobile home units, and does not propose to widen Atlanta Avenue onto the Mobile Home Park.

Cross-11 Please refer to Response to Comment Cross-5 on page 3-315 for a discussion of project grade and building height levels, as well as the measurement of these levels under the City ZSO and consistency of these levels with the applicable provisions of the DTSP, which was adopted by the City and approved by the CCC.

Also, please refer to the Responses to Comments Cross-1 on page 3-313 and Cross-4 on page 3-314 for a discussion of public views from and through the project site, and the effects of the project on scenic views.

Cross-12 The 66-kV electrical line along Atlanta Avenue would not be placed underground because, due to cost and logistical considerations, the City's Underground Utility Ordinance does not require undergrounding electrical lines that carry 66-kV or more. Further, the presence of the existing 66-kV lines is an existing condition and not an effect of the proposed project.

Cross-13 Pedestrian linkages would be provided to allow access from the residential village through the visitor-serving commercial component of the project site to PCH and the beach. Installation of a sidewalk on the north side of Atlanta Avenue constrains existing residences and results in alignment issues through Huntington Street. The installation

of a pedestrian signal at Alabama and Atlanta is not warranted with the development of the proposed project. As shown on the project plans, the project is proposing all street improvements to accommodate the project traffic and pedestrian volumes. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Cross-14 Construction timing is based upon market conditions and is necessary to establish a population base to help support the commercial uses of the project. Further, a contraction of the construction schedule in order to complete work within 2 years could increase construction traffic, air, and noise impacts as construction traffic and activity at the project site could substantially increase daily activity. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Cross-15 The City Fire Department is the local oversight agency for the project. As discussed in MM HAZ-4 and MM HAZ-6 on page 3.7-21 of the Draft EIR, closure reports or other reports documenting the successful completion of required remediation activities for contaminated soils, in accordance with City Specification 431-92, must be submitted to and approved by the City Fire Department prior to issuance of grading permits for site development. All soil testing and conclusions reached based upon this testing, regardless of the entities performing the work, must be approved by the City Fire Department.

Response to Verbal Comments (Pacific City Draft EIR Public Meeting, November 13, 2003)

Verbal-1 The traffic study was prepared to analyze future traffic conditions resulting from implementation of the proposed project on the nearby street network. As such, the future roadway configurations anticipated in Year 2020 were used to determine trip distribution. Planned traffic improvements proposed as part of the project are discussed on page 3.14-30 of the Draft EIR, and do not include the extension of Delaware Street. Although this extension may eventually occur, it would occur independently of the proposed project. Please refer to Response to Comment PCAC-54 on page 3-240 for further information on the Delaware Street extension.

Verbal-2 Impacts from the extension of Delaware Street would not occur as a part of the proposed project. At the time that this improvement is undertaken, analysis would be performed identifying the City-wide changes to circulation patterns. Please refer to Response to Comment PCAC-54 on page 3-240 for further information on the Delaware Street extension.

Verbal-3 All comments received during the scoping period were reviewed and considered during the preparation of the Draft EIR. However, as required under CEQA, individual comments are not directly responded to until after the public review period of the Draft EIR, which are then compiled in the Final EIR.

Verbal-4 The planning for this project completed by the City and Applicant is separate from that of CEQA compliance and completing CEQA required environmental documentation. Thus, no further comment is required on the timeframe of the City's planning process. However, it should be noted that completion of the Draft EIR has followed a typical schedule for CEQA review of projects of the scope and complexity presented under the proposed project.

Verbal-5 Construction timing is based upon market conditions and is necessary to establish a population base to help support the commercial uses of the project. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Verbal-6 Please refer to Response to Comment Cross-15 on page 3-319, which addresses why no independent study to characterize soil remediation conditions is necessary.

Verbal-7 Please refer to Response to Comment Cross-1 on page 3-313 for a discussion of existing intermittent views available from Huntington Street and the effects of the proposed project on these views.

Verbal-8 Please refer to Response to Comment Cross-7 on page 3-316 for a discussion of impacts regarding pedestrian hazards and the necessity of reducing the proposed width of First Street.

Verbal-9 Please refer to Responses to Comments Bixby-19 and Bixby-20 on page 3-308 and Bixby-22 on page 3-309, which address issues related to biological resources.

Verbal-10 Please refer to Responses to Comments Cross-1 on page 3-313, Cross-4 on page 3-314, and Cross-5 on page 3-315 for discussions of the heights of the proposed structures and effects on existing views through and from the project site.

Verbal-11 The planned traffic improvements included as part of the proposed project are included on pages 3.14-30 and 3.14-37 of the Draft EIR. Impacts to all intersections and roadway segments would be less than significant, with the exception of the intersection of PCH and Warner Avenue under the Year 2008 scenario and the intersection of PCH and Seapoint Avenue in Years 2008 and 2020. Implementation of MM TR-1 on page 3.14-78 of the Draft EIR would improve the Year 2008 LOS at the PCH and Warner Avenue intersection, under the City criteria, from LOS E and LOS F during the AM and PM peak hours, respectively, to LOS C and LOS D. However, since this improvement is not under the jurisdiction of the City, it is possible that it may not be implemented. MM TR-2 on page 3.14-78 of the Draft EIR would reduce the impact on the intersection of PCH and Seapoint Avenue in Years 2008 and 2020 to a less-than-significant level.

Verbal-12 Please refer to Responses to Comments Churchin-1 through Churchin-6 on pages 3-327 through 3-329, following the Responses to Verbal Comments.

Verbal-13 Please refer to Response to Comment Cross-2 on page 3-313, which addresses why widening of Huntington Street beyond that proposed by the proposed project is not warranted.

Verbal-14 Please refer to Response to Comment Cross-3 on page 3-314, which discusses the issues of shadows resulting from the proposed project.

Verbal-15 Potential views of development onto neighboring properties is not a physical environmental effect, and does not require analysis under CEQA. However, a basic assessment of visual privacy for the proposed project yielded the following conclusions.

Some intermittent views into the mobile home park would be available from Pacific City residences. These views would be limited to mobile homes along the Huntington Street frontage, a maximum of 22 homes. However, as shown in Figures 3.1-16 and 3.1-17 in the Draft EIR, intervening structures would obscure these views, including sunshades and carports, the existing 6 foot-tall wooden fence along the Huntington Street frontage, vegetation on the fence, and sporadic vegetation between the fence and residences, including mature trees. These views would also be obscured by the vegetation proposed with the project, including trees that would be planted both along the street and within the property line. Further, as described on page 3.1-41 of the Draft EIR and shown in Figure 3.1-16, no residential windows are visible along the lower levels of some portions of Huntington Street. Finally, views would also be attenuated by distance. As shown in project site plans (c.f. Figure 2-3a in the Draft EIR), the proposed residential structures would be separated from the nearest mobile homes by over 70 feet, further degrading visibility. Therefore, no substantial degradation of residential privacy would occur as a result of the proposed project.

Verbal-16 This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Verbal-17 Please refer to Response to Comment Cross-5 on page 3-315, which discusses project mounding issues.

Verbal-18 Please refer to Response to Comment Cross-4 on page 3-314, which discusses public views from the project site.

Verbal-19 The comment in favor of the commercial portion of the project is acknowledged. Regarding the comment on the density of the residential sections, as stated on page 3.9-20 of the Draft EIR, these land use designations were evaluated programmatically in prior environmental documentation and have, thus, been

approved. The project site is zoned as Downtown Specific Plan (DTSP) Districts 7 and 8A, which indicates that the City has intended the property for Downtown, coastal development; thus, the project site is zoned for density levels accordingly. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Verbal-20 Please refer to Response to Comment Verbal-19 on page 3-322. Pier Colony is an attached-unit condominium project that differs from the proposed development and includes a number of separate structures and separate entries to individual units.

Verbal-21 As discussed on pages 3.14-30 and 3.14-37 of the Draft EIR, street improvements to both Atlanta Avenue and Huntington Street would occur as part of the proposed project. The widening of Huntington Street by 10 feet would occur along the project frontage between PCH and Pacific View Avenue. As shown in Table 3.14-12 on page 3.14-41 of the Draft EIR, the intersections of Huntington Street at Atlanta Avenue, as well as Delaware Street at Atlanta Avenue would operate at acceptable levels of service during both Year 2008 and 2020 conditions with the proposed project. Therefore, no improvements to these streets beyond those identified in the Draft EIR would be required.

Verbal-22 No mobile homes would be lost as a result of the proposed project. Since this comment does not address an environmental issue associated with the proposed project, no further response is required.

Verbal-23 There is no nexus between this request and project impacts, as the proposed project would not significantly impact pedestrian circulation. The project would provide a sidewalk on the south side of the Atlanta Avenue project frontage. Installation of a sidewalk on the north side of Atlanta Avenue would result in effects on the adjacent existing residences and create an alignment constraint between the east and west sides of Huntington Street.

Verbal-24 Please refer to Response to Comment PCAC(C)-7 on page 2-260, which addresses pedestrian access through the project site. In addition, please refer to Response to Comment Verbal-23 above, which addresses sidewalks on Atlanta Avenue.

Verbal-25 As discussed in Section 3.9 (Land Use and Planning) of the Draft EIR, the project complies with the commercial visitor and residential high-density designations and fulfills the intent of the General Plan Subareas 4C and 4I. In addition, the project complies with the requirements of District No. 7, "Visitor-Serving Commercial" and District No. 8A, "High Density Residential," which allows a maximum of 30 units per net acre. The City General Plan provides the "blueprint" for development throughout the City and assigns density to individual parcels based on a complex of factors including site-specific constraints, surrounding uses, total housing needs projected in the City, among others. Density of the development behind the Hyatt site was based on the site-specific needs determined for that site and is not related to the density requirements identified for the proposed project.

Verbal-26 As discussed on pages 2-23 through 2-26 of the Draft EIR, the project would provide pedestrian corridors throughout the project site in order to link the surrounding residential communities and the proposed residential component. These accessways, as detailed in Table 2-8 on page 2-20 of the Draft EIR are consistent with Specific Plan objectives and generally would provide access from inland areas to the proposed visitor-serving commercial uses as well as to the beach. Improvements would connect the commercial component and PCH, the residential component and Atlanta Avenue, the residential component and Huntington Street, the residential component and First Street, and the commercial component and Pacific View Avenue. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Verbal-27 Specific commercial uses have not been identified for the project site, although amplified music could occur associated with the restaurants, nightclubs, and promenade and plaza areas. The potential for specific commercial operations to generate nuisance noise would be evaluated as part of the approval process for each commercial use that locates within the project site. Mandatory compliance with the City's Noise Ordinance would reduce potential impacts to less-than-significant levels. Based on the proposed site plan, however, the commercial uses would front Pacific Coast Highway. Noise from music and other activities are expected to be directed toward the coast and away from the new and existing homes in the area. In addition, commercial buildings would

act as noise barriers between the front of the restaurants, bars, etc. and the nearby homes.

Verbal-28 The project would provide economic growth opportunities for the community through the development of the project's dining/retail/entertainment center, consistent with the General Plan goals as well as employment opportunities for local and area residents. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Verbal-29 Implementation of MM REC-1 on page 3.13-13 of the Draft EIR would bring the project into compliance with the City parkland requirements. Therefore, either parkland dedication (i.e., the dedication of the Village Green as parkland) or payment of in-lieu fees as parkland substitution would be required. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Verbal-30 The project would be developed in accordance with the General Plan and DTSP to reinforce the identity of the Downtown area and provide coordinated design elements throughout the area. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

Verbal-31 Please refer to Response to Comment Verbal-29 above for a discussion on parkland requirements.

Verbal-32 Please refer to Responses to Comments LBBS-1 through LBBS-30 on pages 3-216 through 3-223, which address the comments raised by this commenter.

Verbal-33 Please refer to Response to Comment Verbal-26 on page 3-324 for a discussion of public access to the site.

Verbal-34 Additional discussion has been added to the Final EIR to identify the potential for lighting directed upwards onto building facades in a manner that would result in nighttime illumination effects. An additional mitigation measure has been

recommended in the Final EIR to including lower lighting levels during periods of fog, in order to reduce nighttime illumination from the project site.

Verbal-35 Please refer to Response to Comment HBEB-21 on page 3-209, which discusses monitoring that would occur during project construction.

Verbal-36 Please refer to Response to Comment Cross-6 on page 3-316 for a discussion of how transit would be accommodated within the proposed project.

Verbal-37 The 66-kV electrical line along Atlanta Avenue would not be placed underground, as undergrounding of electrical lines 66-kV and over is not required by the City's Underground Utility Ordinance due to cost and logistical considerations.

Verbal-38 As discussed under Impact TR-8 on page 3.14-68 of the Draft EIR, the proposed project would provide adequate parking. The existing amount of off-site parking spaces on the surrounding streets to the project site would be replaced under the proposed project. In addition, with a proposed on-site parking supply of 1,543 parking spaces, a theoretical parking surplus of eight spaces is forecasted at peak demand times.

Verbal-39 Please refer to Response to Comment PCAC-54 on page 3-240, which addresses the Delaware Street extension.

Verbal-40 As discussed under Impact TR-6 on page 3.14-67 of the Draft EIR, a traffic signal is proposed at Huntington Street and Atlanta Avenue.

Response to Comment Churchin (Attachment to Verbal Comments) (Mr. Mike Churchin)

Churchin-1 As discussed on page 3.7-10 of the Draft EIR, the 2002 Remediation Plan indicated that further soil investigations were conducted on the project site to evaluate the depth of petroleum hydrocarbon-impacted soils near groundwater. The results of these soil investigations have not yet been completed at this time. However, the groundwater beneath the project site is brackish due to saltwater intrusion and is not used as potable water by the City.

As a State agency with jurisdiction over water quality, the SARWQCB has the authority to issue a Cleanup and Abatement Order for violation of surface water and groundwater quality standards. There are no records to indicate that such an order has been issued for the project site.

Churchin-2 As discussed on pages 3.7-7 through 3.7-8 of the Draft EIR, approximately 200,000 cubic yards of soil material was exported in 1999 from the northern portion of the project site for the development of the Hyatt Regency Resort. The initial testing of these soils, prior to export, revealed evidence of contamination. Subsequently, prior to export of the soil, it was remediated to meet City Specification 431-92 criteria. The "Final Environmental Closure Report" for the Hyatt site provided documentation to indicate that this exported soil, which was initially contaminated, has been remediated. There has been no change in the information that the City has put forth on the status of soils exported to the Hyatt site; these soils were originally identified as contaminated, then, following remediation of the soils, they were identified as "clean" in accordance with City Specification 431-92 criteria. Thus, there is no conflict between the information provided in the Draft EIR and the "Final Environmental Closure Report" for the Hyatt.

Churchin-3 According to the 1996 Phase II Investigation, testing for potentially contaminated soil, groundwater, or other materials were performed at the locations where former Above Ground Storage Tanks (AST), pipelines, and oil wells existed. As such, an extensive survey of the project site was not performed, and all contamination was not identified. As discussed on page 3.7-9 of the Draft EIR, additional soil investigation was performed on behalf of Chevron from July to September 1999 at the project site to evaluate if further soil remediation efforts were required. During these soil

investigations, trenches were cut in an extensive fashion and soil samples were collected at both shallow and deep locations within the trenches. Thus, the higher concentration of hydrocarbons is a result of more extensive soil sampling at the project site. A detailed report documenting this contamination has not been submitted to the City. The test results and maps identifying the location of the 1999 testing are contained on Plates 2 and 3 in the Remediation Plan, Revision 3, identified as Harding ESE 2002b in the EIR.

Churchin-4 The statement that "no documentation exists to support the existence of a gas plant" is correct. However, the Draft EIR takes a conservative approach and addresses the reasonable worst-case scenario. As such, the potential contamination if a gas plant did exist, is disclosed.

Documentation or other evidence of a former gas plant could include information from aerial photos, Sanborn maps, City records, and anecdotal information. On December 18, 2003, the former Chevron employee (Mr. Rick Sailor) was contacted by EIP Associates to clarify the information he provided in the Phase I concerning the identification of a former gas plant north of the project site, at the corner of First Street and Atlanta Avenue. Mr. Sailor indicated that he was misquoted by the Phase I study, and that the facility was a former gas booster plant. In addition, Mr. Sailor indicated that the gas booster plant was located in the northern portion of the project site, and not on the adjacent property. This information is confirmed by a 2003 work plan submitted to the Huntington Beach Fire Department for the supplemental soil investigation at the project site. The gas booster plant did not process gas or petroleum product. Rather, it served as a compressor system that transferred gas from the oil field beneath the project site and delivered it to a gas plant located at the intersection of Palm Avenue and Goldenwest Street. Gas was drawn from the former oil field through a pipeline connected to the booster plant, and then transferred to the gas plant at Palm Avenue and Goldenwest Street. Natural gas was, therefore, fully enclosed within the intake pipe at the booster plant and the plant itself. According to the Supplemental Soil Investigation Work Plan submitted by Blasland, Bouck & Lee, Inc. (BBL) to the Huntington Beach Fire Department, this facility was demolished and all identified stained and odorous soil were excavated and removed from the property in the late 1960s to early 1970s (BBL 2003). Soil samples confirming complete clean-up from previous uses on-site, including this facility, will be provided in the site closure report.

Page 3.7-5 of the Draft EIR has been revised to reflect this updated information. Please refer to Chapter 2, Volume III of the Final EIR for specific text changes.

Churchin-5 The potential for toxic contaminants to remain in the soil was identified in the Phase I report, which identified the possibility of a former gas plant on the site. Misinformation regarding the former gas plant has been clarified, as discussed in Response to Comment Churchin-4 on page 3-328. Page 3.7-5 of the Draft EIR has been revised to reflect this change, as no contamination from the gas booster plant is anticipated. Please refer to Chapter 2, Volume III, of the Final EIR for specific text changes. Any contamination resulting from natural gas and the associated booster plant on the project site would be identified through the sampling effort on-site. As discussed in Section 3.7 (Hazardous Materials) of the Draft EIR and shown in Figure 3.7-1 on page 3.7-8 of the Draft EIR, contamination on the majority of the site has been characterized. Areas on the site are classified as one of the following: *(a)* remediation complete; *(b)* remediation underway; *(c)* remediation to be completed during project construction; or *(d)* further investigation necessary. BBL intends to perform sampling in "Area D" to ensure that all potential contamination has been identified. In addition, the Supplemental Site Investigation Work Plan submitted by BBL to the City Fire Department in November 2003 indicated that sampling is also proposed in the northern portion of the site (referred to as "Area A" in the Draft EIR and where the former gas booster plant was located), where remediation has been completed, as due diligence to ensure that all contamination has been addressed in this area. These sampling efforts would ensure that contamination associated with petroleum extraction, including associated natural gas, on-site has been fully characterized.

Churchin-6 Please refer to Response to Comment Churchin-5 above for information on site characterization. All available information on site characterization has been made accessible to the public.

Response to Comment Card Bixby (A)
Mr. Mark D. Bixby (November 13, 2003)

Bixby(A)-1 Please refer to Responses to Comments Bixby-1 through Bixby-35 on pages 3-306 through 3-312 for a discussion of biological resources.

Response to Comment Card Brucculeri
Mr. Frank C. Brucculeri (November 14, 2003)

Brucculeri-1 Please refer to Response to Comment LBBS-2 on page 3-216 for a discussion of the Oil Overlay "C" as described in Section 4.14.03 and Response to Comment LBBS-17 on page 3-221 for a discussion of on-site slant drilling.

Response to Comment Card Calonico
Mr. Al Calonico (November 13, 2003)

Calonico-1 Please refer to Response to Comment Verbal-11 on page 3-321 for a discussion of traffic patterns surrounding the project site.

Response to Comment Card Churchin (A)
Mr. Mike Churchin (November 13, 2003)

Churchin(A)-1 This commenter calls out several general areas of environmental concern, including density issues, pedestrian and public access, excessive noise, parking adequacy, contamination, and lighting issues. For a discussion of each issue, please refer to Responses to Comments Verbal-25 on page 3-324, Verbal-26 on page 3-324, Verbal-27 on page3-324, Verbal-38 on page 3-326, DTSC-1 through DTSC-12 on pages 3-190 through 3-193, and Verbal-34 on page 3-325, respectively.

Response to Comment Card Cross (A)
Mr. Paul Cross (November 13, 2003)

Cross(A)-1 As no specific comment is stated on the card, no response is required. However, this commenter verbally addressed issues in several areas. Please refer to Response to Comments Verbal-3 through Verbal-8 on pages 3-320 through 3-321, Verbal-13 through Verbal-20 on pages 3-321 through 3-323, Verbal-24 on page 3-323, Verbal-29 through Verbal-31 on page 3-325, and Verbal-36 and Verbal-37 on page 3-326 for a discussion of issues raised verbally by this commenter.

Response to Comment Card Knox
Ms. Laura Knox (November 13, 2003)

Knox-1 As no specific comment is stated on the comment card, no response is required. However, the commenter verbally addressed several general issues within the area of energy and mineral resources. These comments correspond to those issues addressed in comment letter LBBS. Please refer to Response to Comments LBBS-1 through LBBS-30 on pages 3-216 through 3-223.

Response to Comment Card Mathis
Ms. Faye S. Mathis (November 13, 2003)

Mathis-1 Please refer to Responses to Comments DTSC-9 and PCAC(A)-2 for discussions of the reports required following remediation activities. Please also refer to Response to Comment Verbal-25 on page 3-324 for a discussion of density issues and Response to Comment Verbal-11 on page 3-321, which addresses concerns related to traffic congestion.

Response to Comment Card Sisker
Mr. John Sisker (November 13, 2003)

Sisker-1 Please refer to Response to Comment Verbal-11 on page 3-321 for a discussion of traffic impacts. Impacts related specifically to Delaware and Huntington Avenues are addressed in responses to comments Verbal-1, Verbal-2, and Verbal-21, on pages 320 and 323, respectively.

Sisker-2 Section 3.11 of the Draft EIR discusses current and future needs for affordable housing. The section also outlines the developer's preliminary proposals for new affordable housing units both on and off site. Please refer to Response to Comment PCAC-29 on page 3-235 for further discussion of this issue.

Sisker-3 The comment regarding the role and knowledge that the owners of Pacific Mobile Home Park play in the life of the park itself does not address an environmental issue or adequacy of the Draft EIR, and thus, no response is required.

Sisker-4 Please refer to Response to Comment Verbal-22 on page3-323 for a discussion of impacts on the mobile home park. Additionally, the public review period of the Pacific City Draft EIR is intended to disclose all potential environmental impacts regarding the project to interested parties, including residents of the mobile home park. The comment regarding the creation of an official Mobile Home Park non-profit is noted, but is not a comment on the adequacy of the Draft EIR. Therefore, no further response is required.

Sisker-5 Please refer to Response to Comment Sisker-1 above for a discussion of traffic impacts.