

Jason Machado
January 22, 2009
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requires a feasibility study. Similarly, the enclosed and underscored Draft EIR page 8-4 acknowledges that no feasibility study has been attempted for the proposed cultural facilities.

The current worldwide economic crisis is inflicting substantial negative impacts on California, Orange County, and Huntington Beach tax revenues, while reducing or even eliminating State, County, and City borrowing capacities. In this extremely challenging environment, **the City's work on proposing a major new cultural center, without first exploring its uncertain feasibility, arguably is an unwise use of the City's increasingly scarce taxpayer dollars.** We are not alone in our concerns, as you can see from the attached October 7, 2008 editorial by Bill Borden from the *Orange County Register*, "downtown H.B. study a waste of money, time".

Cultural institutions throughout Southern California have been struggling financially of late, most notably including Costa Mesa's performing arts center and Los Angeles' Museum of Contemporary Art. In addition, we believe that Orange County does not have the critical mass of arts patrons to support another Laguna Beach, which of course would be major competition to any effort we might make in our downtown. It has taken Laguna Beach decades to build their downtown as a center for art galleries.

Large Project on the Main Street Park Will Cost Abutters Millions in Lost Values

Replacing the Main Street Park as it now sits with a large cultural anchor, in the midst of the homes adjoining the Overlay, will denigrate the aesthetic quality of this residential setting and result in a decimation of the market and tax values of the abutting residences. These single-family homes, condominiums, and town homes have an estimated total market value in the range of \$75 million, in sum more than one hundred ten (110) properties, over twenty (20) single-family homes along Sixth Street and Pecan Avenue and eighty-nine (89) condominiums and town homes at Townsquare. **The Board of Directors of the Townsquare condominiums and townhomes unanimously has voted to oppose the City's proposed redevelopment of the Main Street Park and Main Street Library.**

Situating and sizing the proposed cultural center, as it is set out in the Draft EIR, will cost the adjoining residential owners millions of dollars in the reduced values of their homes. The City's mere proposal of replacing the Main Street Park as it now sits with a large cultural center, by including this concept in the Draft EIR, already has significantly reduced the market and tax values of all adjoining homes, with the declines continuing until this idea is removed in the Final EIR.

Degradation of Main Street Park -- Downtown's Only Public Park Away from the Beach

The Overlay contains the beautiful and pastoral Main Street Park, which provides the only public park, and the only significant amount of green and open space, in

downtown away from the beach. Of the approximately fifty thousand (50,000) square feet of total land area in the combined sites of the Main Street Library and Main Street Park, as much as forty thousand (40,000) square feet are devoted to green and open space. Moreover, downtown has relatively little green and open space away from the beach compared to other areas of Orange County and Huntington Beach with comparable levels of residential development.

As downtown's only public park away from the beach, the Main Street Park abuts and serves established residential areas. For your reference, we have enclosed an aerial photograph and five other pictures of the Main Street Library and the Main Street Park, and a photo of the City's sign at the Main Street Park delineating the park's regulations from the Public Property, Parks section of the City of Huntington Beach's Municipal Code.

In spite of this "green-impoverishment" in a densely populated community, the City is proposing a structure on the Main Street Park that could triple the library building's current size of roughly ten thousand (10,000) square feet, to make a thirty thousand (30,000) square foot cultural center. This amount of space, for example, three hundred (300) feet by one hundred (100) feet, is well over half the size of a football field.

Moreover, the City wants to set this monolithic structure's permissible height at forty-five (45) feet or four (4) stories. Incredibly, the tallest buildings currently in downtown Huntington Beach, all along Pacific Coast Highway at or near Main Street, are this same height of four (4) stories. These ideas are highlighted on the enclosed pages 3-56, 3-57, 3-58, and 3-59 from the Draft EIR.

Although the Overlay calls for no net loss of green space, the Draft EIR provides only a ring of green space circling a massive new building, which has neither the strong aesthetic impact nor the psychological benefits of the present large swaths of grass and stately, old growth palms trees. The Main Street Park and Main Street Library have sat undisturbed in their current locations for over fifty (50) years.

Furthermore, a portion of the proposed green space in the Overlay, where a part of Sixth Street would be closed, does not receive very much direct sunlight. This new "park", as it is so-called in the Draft EIR, will end up as an often shady canyon and wind tunnel sitting between two tall buildings, Townsquare condominiums at three (3) stories and the proposed cultural center and possible residential at four (4) stories (with *no* upper floor setbacks).

We fear that the new "park" will be comparable to the dead space of the Third Street plaza bounded by Pacific Coast Highway and Walnut Avenue. Despite this plaza's plush landscaping and elegant fountain, bordered by Pier Colony at four (4) stories on one side and by Pierside Pavilion at three (3) stories on the other (including upper floor setbacks), the area feels

dark and unfriendly to pedestrians and is little used. For similar reasons, we predict that few people will want to use the new "park" at the closed Sixth Street in the Overlay.

Replacement of Land Uses Exclusively for Public Benefit with the Possibilities of Some Retail Uses and Seventy-Five Percent (75%) Multi-Family Residential Uses

At present, the Main Street Library and the Main Street Park are devoted exclusively to the benefit of the public. As shown on the attached page 1-7 of the Draft EIR, the City's current General Plan designates the Overlay solely as public space. This exclusive public space designation for the Overlay should be maintained in the Final EIR.

The Draft EIR at page 3-56, conversely, allows three (3) of the permissible (4) stories of new structures in the Overlay to change to multi-family residential uses, with a conditional use permit. In addition, the Overlay allows ground floor retail uses, so long as they are related to the adjacent cultural arts uses. **These proposed changes in land uses take parcels that currently provide one hundred percent (100%) public benefits and creates the possibility that the sites' public space could be reduced to *less than twenty-five percent (25%)* of the new buildings' square footage.**

Instead, we recommend that **all land uses in the Draft EIR's Overlay should maintain their present exclusive devotion to public benefits. For this reason, the possibility of upper-floor, multi-family residential uses in the Overlay should be deleted in the Final EIR.**

According to the minutes of the August 23, 2007 meeting of the City's Downtown Economic Development Committee, "Council has directed staff to maximize the development of the downtown area." Probably not coincidentally, the City also hired its consultants in August 2007, and then began work on the HBDSPU.

Although most residents favor intelligent, well-designed, and sustainable development in downtown, we believe that few people want the City to *maximize* development in this area. We fear, as well, that the City's primary objective for the Overlay is to sell off its public park and its historic public library to a private developer, for the rights to build three (3) stories of condominiums or apartments above the proposed cultural center.

As evidence of a pattern of building on parkland, using a public review process that is at least arguably inadequate, Huntington Beach is a defendant in a lawsuit attempting to stop the construction of a new senior center in the City's Central Park, which is about two (2) miles from the ocean. See the attached March 28, 2008 *Orange County Register* article. This new senior center would replace the Rodgers Senior Center, located at the corner of Seventeenth Street and Orange Avenue, three (3) blocks from the beach. As with the proposed degradation of the Main

Street Park, this relocation will contribute to a further depletion of City services in downtown. Although we understand that the Rodgers site is restricted to recreational uses, we again fear that a motivation for building the new senior center inland on a public park might be for the City to sell off public land near the ocean to a private developer.

Misplaced Anchor

As we understand it, a major impetus for the City's proposing a cultural center in the Overlay is to provide a second anchor at the opposite end of Main Street from the other anchor, the Pier. In this way, downtown would have a layout similar to many shopping malls, with anchors at each end, drawing people back and forth between the inline retail stores in the middle.

The major problem with this second-anchor approach is that the Overlay sits in the midst of established residential areas, making the Overlay an unacceptable location for a large commercial project. Moreover, we are convinced that few Huntington Beach residents want Main Street to have the layout or feel of a shopping mall.

A significant planning issue for all of downtown is the City's ongoing missteps in not providing acceptable buffers and transitions between commercial uses and residential areas. The City's idea of locating a large cultural center at the Main Street Library and the Main Street Park would create another substantial design mistake of allowing too little buffer or transition between a major commercial project and an established residential neighborhood.

If the proposed cultural center were built as set out in the Draft EIR, the current Pecan Avenue, where it is to be reopened to Sixth Street, would have a look and feel comparable to the lopsided, dwarfed, and less than attractive residential streetscape of Sixth Street between Pacific Coast Highway and Walnut Avenue. This beachfront block of Sixth Street is bordered by the four (4) story, newly completed Strand on one side (including upper floor setbacks) and the one (1), two (2), and three (3) story residences on the other.

Questionable Commitments in the Overlay to the Design Standards of the Draft EIR

The fourth and final community workshop of December 4, 2008, concerning the HBDSPU (the "Final Community Workshop"), was attended by approximately one hundred (100) concerned citizens. At this meeting, the City's consultant, RRM Design Group, made a slideshow presentation regarding the HBDSPU, including the Overlay (the "RRM Presentation").

In spite of the design standards for residential buffers, underscored in two (2) of the attached six (6) pages from the RRM Presentation, the Overlay does not appear to follow these exact same standards. For example, **the design standards call for protection of established residential neighborhoods**, while the City's idea for a massive cultural center in the Overlay would degrade its adjoining established residential areas.

Similarly, **the design standards call for reduced building heights adjacent to residential uses**, while the Overlay places a forty-five (45) foot, four (4) story structure directly next to single-family homes and condominiums. On one highlighted portion of the attached page 3-57, the Draft EIR goes even further, in that it requires no upper floor setbacks for the proposed cultural center and its possible residences above. Instead, the building could have sheer walls forty-five (45) feet tall.

Finally, **the design standards require that lighting, odors, and noise be directed away from residential uses**. We assume that a performing arts component of the proposed cultural center regularly would serve as a live music venue, placing a major new noise generator directly in the midst of an established residential neighborhood.

Alternative Location

An idea we have proposed repeatedly is that a new cultural center, so long as the project has market feasibility, be located in the six (6) screen cinema space which closed last year in **Pierside Pavilion** at Pacific Coast Highway and Main Street, **with its existing underground parking garage**. This space has **twenty-six thousand (26,000) square feet that is available for lease to the City**. **It would be much easier, and less expensive to City, County, and State taxpayers, to convert this location into a cultural center than to build a new structure at the Main Street Park and the Main Street Library.**

As well, people using a proposed cultural center logically should prefer a location near the beach, where the bulk of the downtown's dense commercial development sits. The second floor outdoor plaza at Pierside Pavilion, with its breathtaking views of the beach, the ocean, the pier, Catalina Island, and spectacular sunsets would be ideal for fundraisers, weddings, and other special events—all moneymakers for a City-sponsored arts center. Live performances inside could echo back to the grand history of the now closed Golden Bear of Huntington Beach, and the many famous acts that played there.

If the City does not lease this space for its cultural center, we understand Pierside Pavilion will carry out its current approach to convert the cinemas to offices. This conversion likely will be a difficult one, given the present configuration for movie theatres with very high ceilings, large floor plans, and too few windows. As well, downtown already has a large amount of un-leased offices because of its long travel times to the expressways, of *at least fifteen minutes one-way without traffic*. We fear that any new offices at Pierside Pavilion might sit empty during a long leasing period or attract subpar rents, and add to the current supply-demand imbalance for office space in downtown.

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

The present curve in Sixth Street near its intersection with Main Street, and the current ninety (90) degree corner in Pecan Avenue, was created by the City twenty years ago. In 1988, Sixth Street was a straight road, running from Pacific Coast Highway to Main Street, through the present landscaping at the beginning of Sixth Street's curve, and onward through the current Pecan Avenue. This pre-1988 layout was abandoned by the City at that time to provide the present, attractive green and open space, and the greater protection from through traffic for the homes along Sixth Street near Orange Avenue, and along Pecan Avenue from its ninety (90) degree corner to Main Street. The 1988 redesign of these roads and this green space is shown in the attached December 12, 1988 letter from the City to Lois Freeman, and its accompanying sketch.

The City now is proposing a return to this same antiquated street layout, shown on the attached pages 3-59, 5-4, and 5-5 of the Draft EIR, which it abandoned twenty years ago as less desirable than the current in-place design. **We believe the City has been proven correct in forsaking this pre-1988 configuration, and that the current layout has proudly withstood the test of time in its strong aesthetics and functionality over the last twenty years. We think to return to an outdated design from the 1980s would be an obvious and costly mistake by the City.**

Development Sited on the Main Street Park Requires Voter Approval

As you can see from the attached copy, **Section 612(b) of the City of Huntington Beach's Charter ("Measure C") requires a citywide referendum and voter approval of any development projects undertaken on public parkland.** Even though Section 612(c) exempts libraries, we believe that the Main Street Park should not be included in this exemption.

The Main Street Park has functioned as a public park, with all of a public park's customary attributes, and has been regulated by the City as a park, for its entire history of over fifty (50) years in its current use. Huntington Beach residents and visitors enjoy the Main Street Park regularly throughout each day for all of the purposes that a public park is typically utilized. Parents play with their children at this park. People take walks on the park's grass, or along its sidewalks, or simply sit on the grass in the sun or in the shade of the park's old growth, majestic palms. Residents or visitors walk or play with their dogs at the park.

Crucially as well, the beautiful Main Street Park serves as a quaint and scenic gateway to downtown's retail district. Main Street Park in this way provides a necessary and attractive buffer or transition between the established residential areas that border it and the busy downtown shopping and tourist destinations closer to the beach and pier.

With much of downtown's residential development so dense that nearly all its residents have little or even no grass and landscaping at their homes, and almost no space between their homes, the Main Street Park allows its neighbors the only place in downtown to have some welcome breathing room and peace. Main Street Park gives residents and visitors significant swaths of green and open space downtown, the only such spots downtown, to escape the congestion of Main Street's retail district, the beaches, and the pier, which all often are filled wall-to-wall with tourists during the summers and warm days throughout the year.

For all of these reasons, the Main Street Park provides all of the community benefits and functions that a public park customarily gives a city's residents and visitors, and it is regulated by the City as a public park. Accordingly, Main Street Park should come under the restrictions for development of Measure C from the City's Charter. Given these facts, the only reasonable and legal process, for the City to consider building a proposed cultural center and possibly condominiums or apartments on the Main Street Park, is for the City first to hold a citywide referendum on its development ideas. The City then could legally proceed with its development ideas only if they were approved by a majority of the voters in such an election.

Inadequacy of the Community Process and Public Notices

We appreciate the City's including the following requirements in the RRM Presentation, which are highlighted in the attached six pages from this document:

- a) All parking underground in the Overlay (confirmed on attached Draft EIR page 3-32);
- b) No net loss of green space in the Overlay (confirmed on attached Draft EIR page 3-58);
- c) Protect established residential neighborhoods;
- d) Reduce building heights adjacent to residential uses; and
- e) Direct lighting, odors, and noise away from residential uses.

Despite our gratitude for these requirements, we still have a number of reservations. After a more thorough review of the RRM Presentation, we soon became convinced that the permissible height and size of the proposed new performing arts or cultural center, possibly with residential uses above, makes the Overlay much worse than the existing current land uses of the valuable, historic Main Street Library and the beautiful Main Street Park.

With the unreasonably tight time constraint (twenty (20) hours) after the Final Community Workshop from 7:00 to 9:00 PM on December 4, 2008, we were not able to reach all of our conclusions or voice all of our concerns by the deadline of 5:00 PM on December 5, 2008 for comments on the City's Notice of Preparation for the EIR. Such an unreasonably tight time constraint calls into question the procedural integrity of this portion of the public review.

On November 19, 2008, the City also held an EIR Scoping Meeting (the "Scoping Meeting"), attended by roughly thirty (30) concerned citizens. As another apparent irregularity in the public review process to date, the City did not reveal the most important specifics of its ideas for the Overlay at the Scoping Meeting.

The most important specifics for the Overlay were not disclosed to City residents until the Final Community Workshop, the fourth of four (4) such meetings, the first of which was held over a year earlier in November 2007. These specifics include the permissible height for the Overlay buildings, the suggested footprint of the proposed cultural center, and the possibility of three (3) floors of private residential development on what is currently exclusively public land. Hence, the hundreds of residents attending the four community workshops and Scoping Meeting had no meaningful opportunity to provide feedback on the Overlay's most important specifics before the creation of the Draft EIR, dated December 4, 2008. *This date was the same day as the Final Community Workshop.*

Regarding the notification of concerned citizens about the availability of the Draft EIR, and the instructions for comments on it, there has been another apparent set of errors in the process. I received mailed notices for the last three (3) community workshops on the HBDSPU and for the Notice of Preparation for the EIR, after signing up for the mailing list at the first community workshop. **As you can see from the attached page ten (10) of the handout from the Scoping Meeting, the City incorrectly informed the citizens in attendance that the Draft EIR would be available for public review in the Spring of 2009, rather than the actual date of December 4, 2008, only two (2) weeks after the Scoping Meeting.**

Furthermore, this handout states that, by submitting his or her name and address, an attendee would receive written notice from the City when the Draft EIR becomes available for review. I signed in as attending the Scoping Meeting and provided written comments to the City during the scoping period, in addition to my being on the mailing list for the community workshops. Despite all of these diligent efforts, I did not receive written notice of the availability of the Draft EIR. **As well, the City's representatives and consultants at the Final Community Workshop did not mention the timing of the imminent release and availability of the Draft EIR, or clearly include this information in the RRM Presentation, even though the Draft EIR is dated December 4, 2008, the same day as the Final Community Workshop.**

As well, you can see from the copy of the attached transmittal memo with the Draft EIR at the Main Street Library that there were no accompanying instructions for public comments. Similarly, the Draft EIR itself does not refer to any public comment instructions. The only place I was able to find the Draft EIR's public comment instructions was on the City's website.

Given this state of the facts, it is virtually certain that other attendees of the community workshops and Scoping Meeting, and other citizens commenting on the Notice

of Preparation, also did not receive any written notice about the availability of the Draft EIR or about the instructions for its public comments. For the foregoing reasons, we think the City's efforts were misleading and inadequate in announcing the availability of the Draft EIR and its instructions for public comments. The most likely impact of these failures has been to limit, rather than to encourage, meaningful public comments on the most important specifics of the Overlay and on the entire Draft EIR. The inadequate notifications and the City's confusing communications, in our opinion, have fatally compromised the efficacy of the Draft EIR and the solicitation of public comments on it.

Going forward, make sure that I am on all mailing lists and email lists for all public notices, including alerting me as to the public comment periods and deadlines, for all of the following:

- a) All information regarding the HBDSPU;**
- b) All information regarding the Draft EIR or the Final EIR, including any official actions or determinations on the Draft EIR or the Final EIR;**
- c) Any Draft EIR or Final EIR public hearings;**
- d) The City Planning Commission's public hearings on the HBDSPU;**
- e) The City Council's public hearings on the HBDSPU; and**
- f) Any California Coastal Commission reviews and public hearings regarding the Draft EIR or the Final EIR.**

As I intend to make sure other concerned residents have some lead-time to prepare for these public hearings, I need to receive my notices of public hearings at least several days before the scheduled dates.

Conclusion

We would welcome the chance to meet you, or any members of the Coastal Commission, City Council, or Planning Commission, at the Main Street Library and the Main Street Park to show you our concerns about any large project at these sites. With such a visit, we are confident that you will come to agree with us that, at a minimum, the City's ideas for development on the library's surrounding public park are misguided.

Jason Machado
January 22, 2009
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In your creating of the Final Environmental Impact Report for the HBDSPU, we urge you to accept and endorse the recommendations of your many constituents as stated in the attached petition. Thank you for your support.

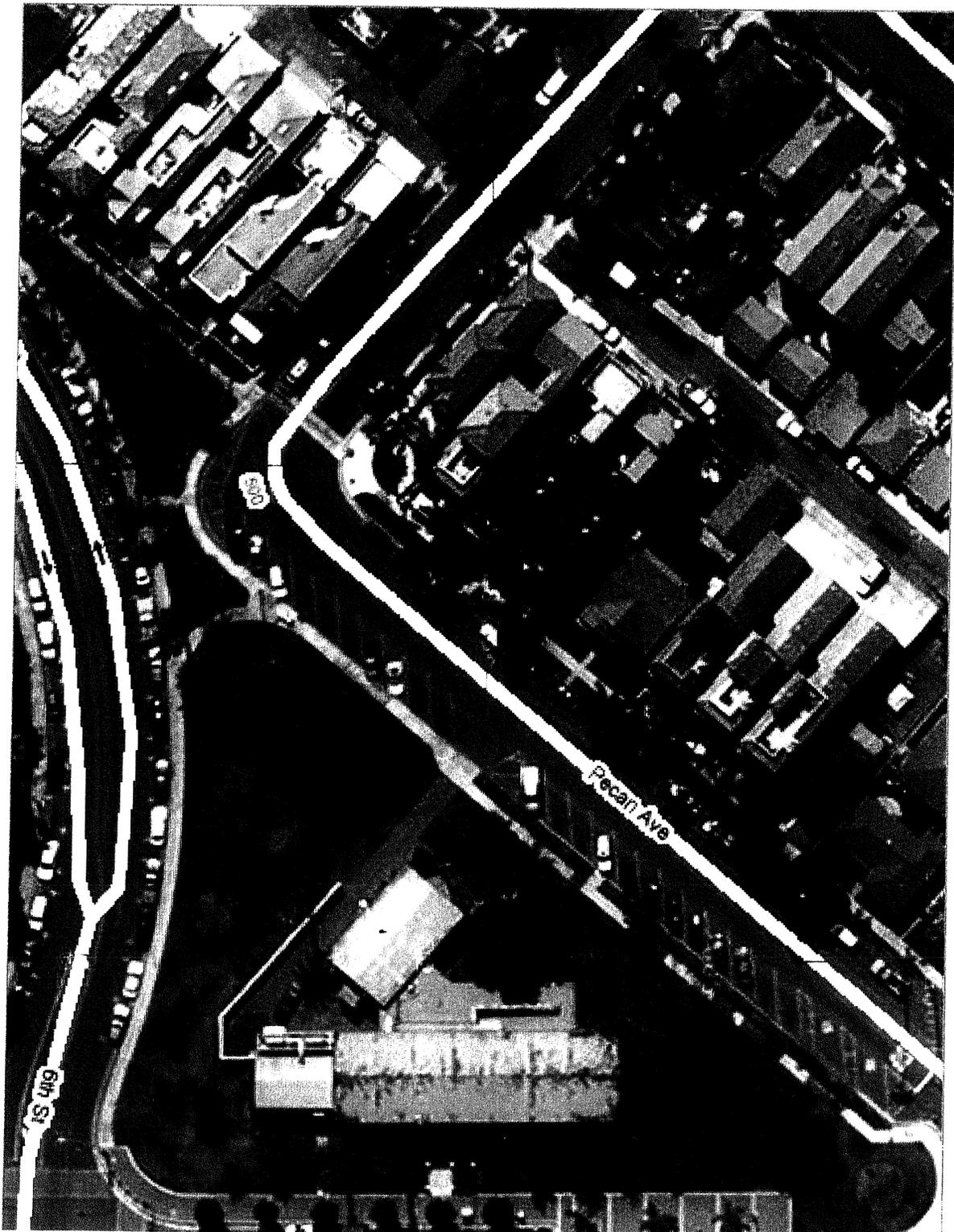
Sincerely yours,

Richardson Gray

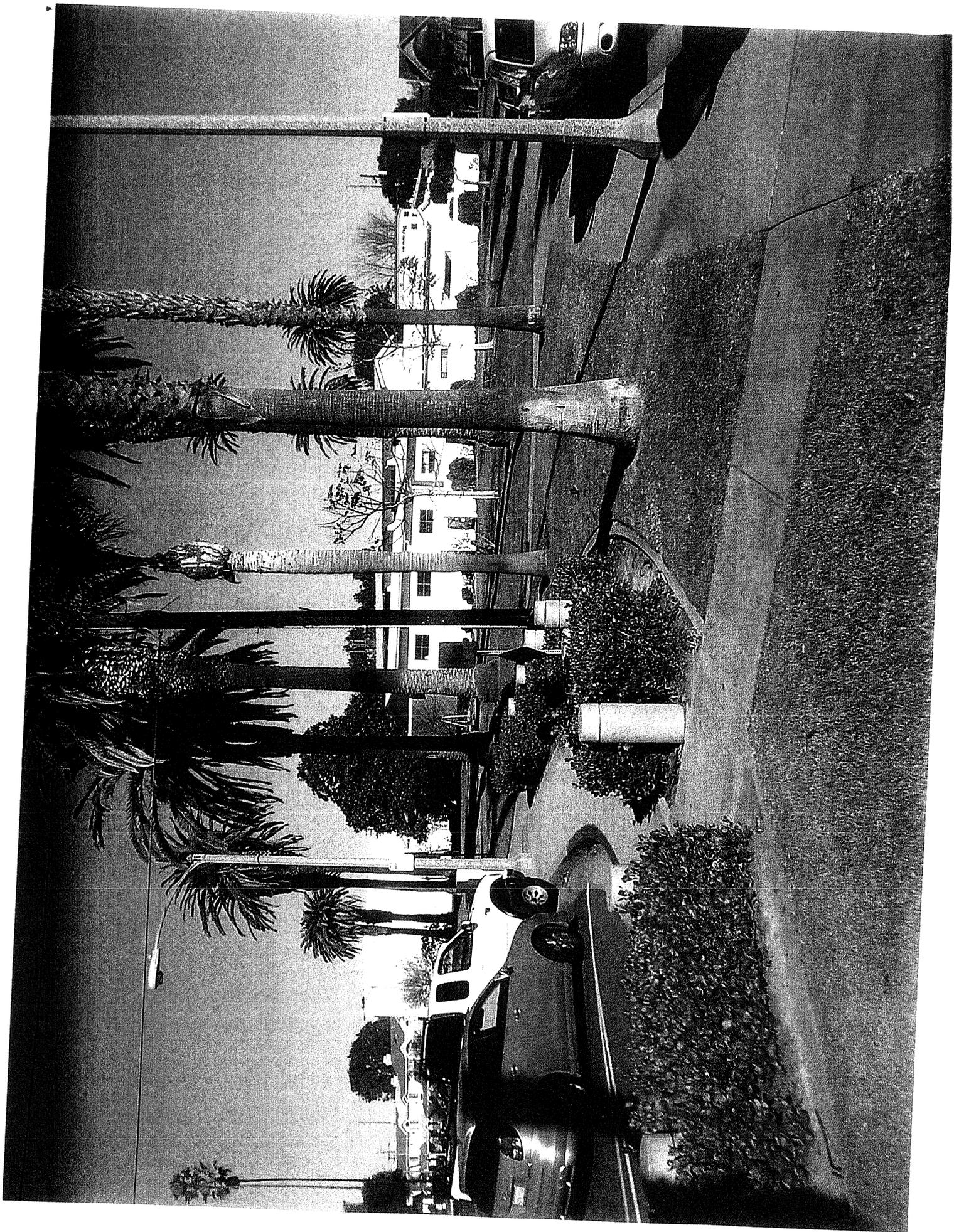
cc: California Coastal Commission
Huntington Beach City Council Members
Huntington Beach Planning Commission Members
Friends of the Library, Huntington Beach Public Library
Friends of the Children's Library, Huntington Beach Public Library
Bolsa Chica Conservancy
Bolsa Chica Land Trust
Huntington Beach Tomorrow Board of Directors
The Parks Legal Defense Fund (Opposing Proposed Central Park Senior Center)
Residential Abutters of Main Street Park and Main Street Library
Members of Huntington Beach Downtown Residents Association

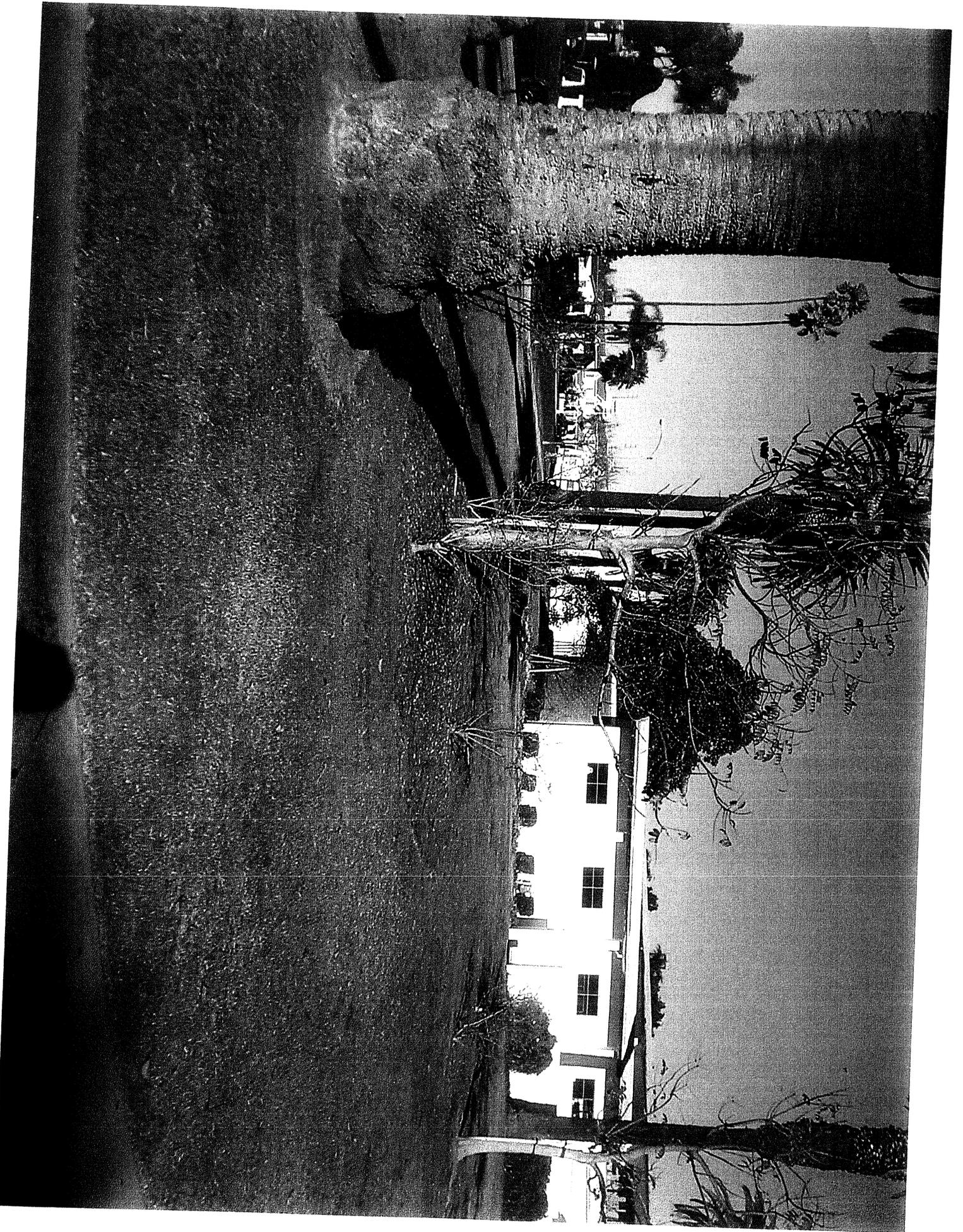
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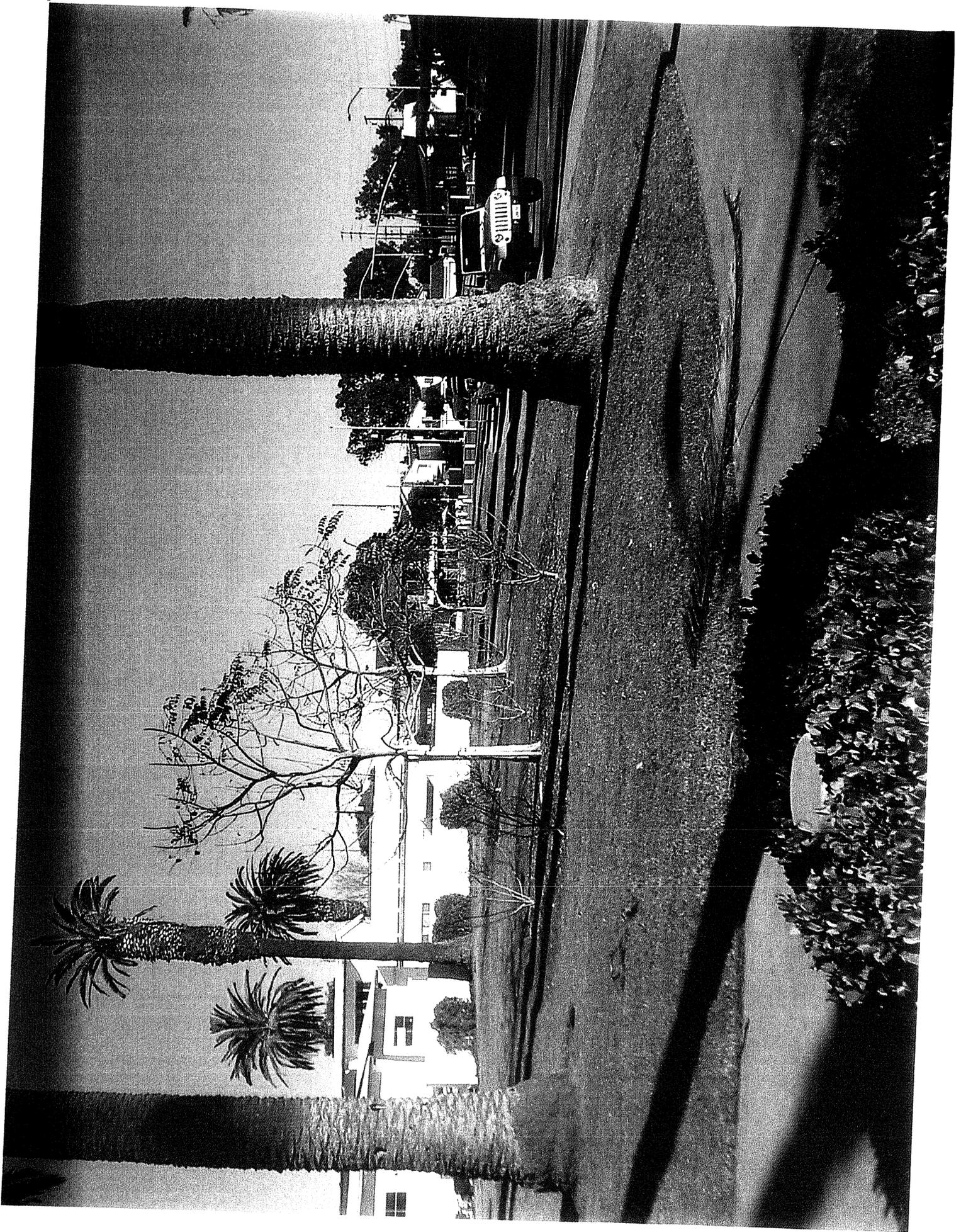
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CITY OF HUNTINGTON BEACH PARK REGULATIONS

THE FOLLOWING ACTS ARE PROHIBITED

13.48.060 UNAUTHORIZED VEHICLES

13.48.070 UNLEASHED DOGS

13.48.110 ALCOHOLIC BEVERAGES

13.48.120 GOLF AND OTHER HAZARDOUS
GAMES AND ACTIVITIES

13.48.130 CURFEW 10 P.M. - 5 A.M.

13.48.120 B WADING, SWIMMING & BOATING