



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Jill Arabe, Associate Planner 
DATE: July 9, 2013

SUBJECT: APPEAL OF ENVIRONMENTAL ASSESSMENT COMMITTEE'S DETERMINATION TO EXEMPT ENVIRONMENT ASSESSMENT NO. 12-003 (PEDIGO APARTMENTS)

APPLICANT: Pedigo Products, Inc. and Pedigo South, Inc., c/o Ken Keefe & Rick Lamprecht, ArchRock Development Group, LLC

APPELLANT: Edmond Connor, Connor, Fletcher & Williams LLP, 2211 Michelson Drive, Suite 100, Irvine, CA 92612

LOCATION: 7262, 7266, 7280 Edinger Avenue and 16001, 17091 Gothard Street, 92647 (five parcels located at the southwest corner of Edinger Avenue and Gothard Street)

STATEMENT OF ISSUE:

- ◆ This item represents an appeal by Attorney Edmond Connor on behalf of Ocean View School District (OVSD) of the Environmental Assessment Committee's (EAC) determination to exempt Environmental Assessment (EA) No. 12-003 for the Pedigo Apartments project.
- ◆ The appeal letter cites the following reasons for the appeal:
 - Failure to provide requested notice
 - Improper reliance on the Beach and Edinger Corridors Specific Plan (BECSP) Environmental Impact Report (EIR)
 - Failure to consider new information of substantial importance
 - Failure to comply with City's General Plan policies and implementation programs
 - Failure to prepare a subsequent EIR or a supplement to the BECSP EIR
- ◆ This appeal is only to determine the appropriate level of environmental review in accordance with the California Environmental Quality Act for the proposed project. Final action on the approval or denial of Environmental Assessment No. 12-003 would occur in conjunction with action on the project by the Planning Commission.

◆ Staff's Recommendation:

Continue processing EA No. 12-003 because:

- Based on the initial study and attached technical reports, an exemption pursuant to the BECSP EIR No. 08-003 is the appropriate level of environmental review for the proposed project.
- The processing of an exemption is consistent with the provisions of the California Environmental Quality Act (CEQA).
- The potential impacts of the proposed project can be mitigated to less than significant with incorporation of the mitigation measures listed in the BECSP EIR.
- The proposed project will not have a significant effect on the environment and an Environmental Impact Report is not the appropriate level of review.

RECOMMENDATION:

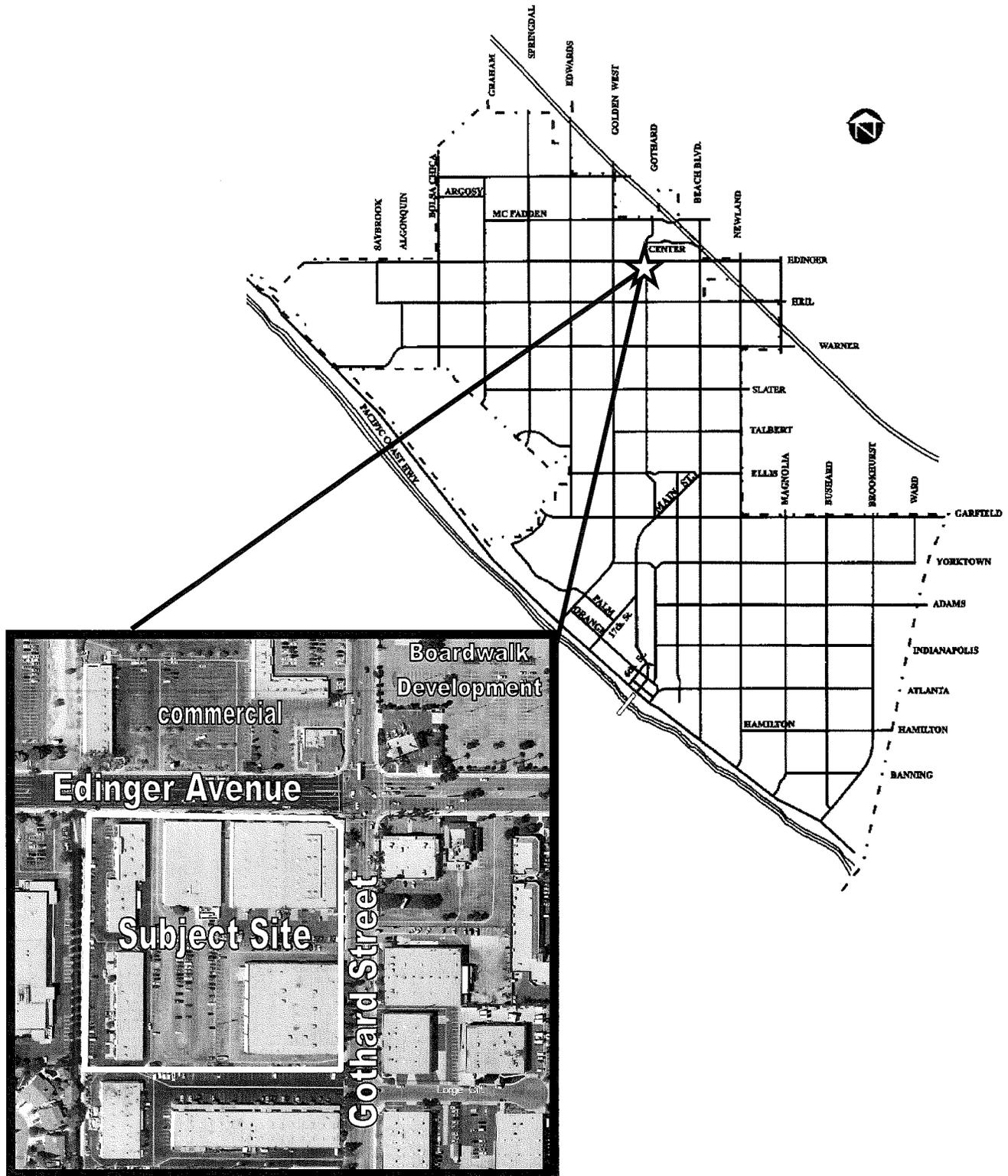
Motion to:

“Continue processing exemption pursuant to Beach and Edinger Corridors Specific Plan EIR for Environmental Assessment No. 12-003.”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Continue the Appeal of the Environmental Assessment Committee's determination to exempt Environmental Assessment No. 12-003 and direct staff accordingly.”
- B. “Direct staff to initiate the process for hiring a consultant to prepare a Subsequent Environmental Impact Report based on substantial and factual evidence that the proposed project may have a significant environmental impact in accordance with CEQA.”



VICINITY MAP
APPEAL OF EAC'S DETERMINATION OF
ENVIRONMENTAL ASSESSMENT NO. 12-003
(PEDIGO APARTMENTS – SOUTHWEST CORNER OF
EDINGER AVE. & GOTHARD ST.)

PROJECT PROPOSAL:

Environmental Assessment No. 12-003 analyzes the potential environmental impacts associated with a request to develop a multi-family residential project on an approximately 8.5 acre site. EA No. 12-003 was determined to be the appropriate level of environmental review by the Environmental Assessment Committee on June 12, 2013.

Project Overview

The proposed project involves the following entitlement requests:

- Site Plan Review No. 12-002: to develop a four-story with lofts apartment building consisting of 510 dwelling units pursuant to Beach and Edinger Corridors Specific Plan (BECSP) Section 2.1.6 Town Center Boulevard Segment.
- Tentative Parcel Map No. 12-113: to consolidate five parcels into one 8.5 acre parcel for a 510-unit multi-family residential development pursuant to Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Section 250.06.
- Development Agreement No. 12-113: to provide 51 of the 510 dwelling units for affordable housing to moderate and low income households pursuant to BECSP Section 2.2.3.

Background:

The Environmental Assessment Committee (EAC), which is composed of a designee of each of the following: Director of Planning and Building, Director of Public Works and City Attorney, held a public meeting at which the draft environmental assessment for the proposed project was considered. The meeting was attended by City staff and members of the public. At the June 12, 2013 meeting, the EAC determined, after a review of all the evidence before the committee, that potentially significant effects of the project can be mitigated pursuant to applicable mitigation measures adopted for the BECSP Program EIR consistent with Section 15182 of the CEQA Guidelines and Government Code 65457.

Study Session:

The project was presented to Planning Commission on June 25, 2013. The Planning Commission expressed environmental concerns related to soil import and traffic generated by the project. Staff has responded to these concerns below.

Soil Import

Site preparation activities include the net import of 44,261 cubic yards of soil to be used to elevate the site above the floodplain, excavation to accommodate the subterranean level of parking, and removal of approximately four-inch asphalt cover on the property. The amount of earthwork is also necessary as part of the Stormwater Pollution Prevention Plan (SWPPP) and to implement Best Management Practices (BMPs) during construction activities. The Air Quality model completed for the project takes into consideration the imported soil as well as other project related activities including demolition, construction, and operation. Based on information provided by the applicant, on-site contaminated soil is approximately 376 cubic yards involving about 19 truck trips, which is negligible and would not cause the project to exceed any thresholds of significance. Soil will be transported in compliance with standard BMPs and State and Federal protocols, so it would not represent an increased air quality risk during transport compared to clean soil transport. As discussed at the study session, technical reports suggest the

source of the contaminated soil is on-site. Upon inspection and demolition of the site, the contaminated soil will be removed pursuant to BECSP mitigation measures and regulatory requirements.

Traffic

EIR counts vs. Recent counts

The traffic analysis for the project was based on information collected for the Beach and Edinger Corridors Specific Plan EIR. Accordingly, the model evaluates long-range traffic projections including all of the development assumed within the BECSP as well as consideration of ambient growth. In the project analysis, the 2005/2006 counts were used because higher volumes were recorded at that time than were visible in 2008/2009 years (both data sets were evaluated with the BECSP EIR, certified in 2009). Upon evaluation of recent traffic counts in the vicinity of the proposed project, it is also apparent that recent counts show volumes to be near or *lower* than earlier volumes with many of the volumes significantly lower. For example, recent counts were obtained at the intersection of Beach Boulevard and Edinger Avenue and during the PM peak hour. These 2013 traffic counts are between 5 to 30% lower than prior year's counts, even after the completion of the Costco project. The traffic analysis therefore provides the most conservative approach to demonstrating traffic impacts of the proposed project to the surrounding area.

Street intersections

The Commission questioned why three intersections were excluded in the traffic analysis. Those intersections are Beach Boulevard and Center Avenue, Edinger Avenue and Parkside Lane, and Edinger Avenue and Sher Lane. According to the BECSP Traffic Analysis, these intersections are shown to operate at acceptable levels of service (LOS) under the short-range scenario which assumes full specific plan build-out by 2016. For example at Beach Boulevard and Center Avenue, the AM peak hour is LOS B and PM peak hour is LOS C. Because these intersections were not identified as having any impacts in the BECSP EIR, these locations were not considered to be locations of significant impacts. Intersections that have been determined by the BECSP EIR to result in no potential impacts have also been omitted in the project's traffic analysis.

I-405 Improvements

Construction of the I-405 improvements is anticipated to begin in late 2015 at the earliest, which would occur after the project is open. Long range overall traffic operations would be significantly improved with completion of the I-405 improvements. The BECSP EIR assumed completion of the improvements within the I-405 corridor and identified potential long-term project impacts based on those improvements being in place. Although the project is expected to be complete prior to construction of the improvements, in general construction is considered a short-term event and the project would not be expected to mitigate project traffic impacts that would occur during the construction period of another project. Additionally, construction of the I-405 project is going to be phased over a very long period of construction (4-5 years), with various bridges and interchanges being reconstructed at different times. Thus, it is not expected that there will be construction impacts in the Beach Boulevard and Edinger Avenue project vicinity for the duration of the I-405 project.

Timing of Intersection Improvements

The traffic infrastructure mitigation measures identified in the BECSP EIR address the long-term combined impacts of all of the projects contemplated in the Specific Plan. Together, these projects

generate sufficient traffic to significantly impact several intersections within the City. A traffic impact fee has been developed for application citywide to address traffic impacts associated with new development. A portion of the impacts are also due to general traffic growth in the City and not attributable to new development. New development can only be charged for the “fair share” of traffic that contributes to these impacts. For example, traffic at a particular intersection may grow by 40% over the next 20 years, but ¼ of that impact may be due to other traffic growth. In that case, only ¾ of the cost of improvement at that particular intersection can be “charged” to new development.

The transportation improvement requirements identified in the Specific Plan will be monitored as development progresses in the Specific Plan area with projects being initiated as intersections reach or are near an unacceptable operation. Some projects have already been initiated. Traffic improvement projects that are currently being pursued and were identified in the Specific Plan are: Beach Boulevard and Warner Avenue westbound right turn lane, Beach Boulevard and Edinger Avenue northbound through lane, and Brookhurst Street and Adams Avenue widening project. The traffic analysis for the proposed project identified that the existing transportation facilities would be able to meet level of service standards, on a cumulative basis, when the project opens in 2015. No impacts were a result of the project; therefore, no improvements are required to be completed solely by this project.

“Standards of Excellence” building use

In the traffic analysis, the trip generation rate “Home Improvement Store” was used to represent the appliance store because no specific trip rate exists for an appliance warehouse so a comparable trip rate was used. The next similar land use trip rate is the “Hardware/Paint Store” which has a higher trip rate (51.29/1000 sq. ft.) than the “Home Improvement Store” (29.80/1000 sq. ft.) so the lesser generating rate was used to provide a more conservative analysis. Additionally, when the project first applied for entitlements, the appliance store was closed so existing driveway traffic counts could not be obtained.

Use of the “Home Improvement Store” trip rate for determining the net trip difference between the proposed project and existing land uses was applied to the Existing and Existing Plus Project scenarios. The generated trips using this rate are 62 trips during the AM peak hour and 117 trips during the PM peak hour. The former appliance store when active may have generated fewer trips. However, even if the appliance store driveway counts were half as many trips during the AM and PM peak hours, the LOS of the analyzed intersections would remain unchanged in the Existing and Existing Plus Project scenarios. When the trips are distributed throughout the street network the difference between an additional 30 to 60 trips to the study area intersections would result in insignificant increases in the Intersection Capacity Utilization (ICU) values and no changes in the LOS. Therefore the trip estimates for the existing uses were within a reasonable tolerance given the information available at the time the analysis was prepared.

The Opening Year 2015 Baseline (without project) traffic volumes were based on the specific plan counts plus traffic growth and cumulative projects’ traffic, and included traffic that could have been generated by the existing uses. The Opening Year 2015 Plus Project traffic volumes were based on the Opening Year 2015 Baseline traffic plus the net trip difference (increase) between the proposed project and existing land use, using the “Home Improvement Store” rate to represent the appliance store. As with the Existing Plus Project Scenario if the appliance store’s driveway counts were considerably lower than the “Home Improvement Store”, trip generation numbers would result in insignificant increases in the Intersection Capacity Utilization (ICU) values and no changes in the LOS. The traffic analysis adequately

demonstrates that the proposed use will not generate trip rates that would significantly impact study area intersections.

As documented within the environmental checklist supplemented by technical reports, significant potential impacts related to soil import and traffic analysis are not anticipated and applicable mitigation measures of the BECSP EIR will adequately reduce any potential impacts to less than significant levels.

APPEAL:

The appeal letter filed by Attorney Edmond Connor on behalf of the Ocean View School District on June 24, 2013 (Attachment No. 2), states the following reasons as the basis for the appeal:

1. Failure to provide requested notice
2. Improper reliance on the BECSP EIR
3. Failure to Consider New Information of Substantial Importance
4. Failure to Comply with City's General Plan Policies and Implementation Programs
5. Failure to Prepare a Subsequent EIR or a Supplement to the BECSP EIR

These appeal issues are addressed in the analysis section of this report.

ISSUES:

Environmental Status:

A determination as to the level of environmental review for the proposed project is pending Planning Commission action on the appeal of the Environmental Assessment Committee's determination to exempt EA No. 12-003 under the provisions of CEQA pursuant to Section 15182 of the CEQA Guidelines and Government Code 65457. If a determination to proceed is rendered, the exemption will, along with the project entitlements, be the next public hearing item.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The conclusions of EA No. 12-003 were developed in coordination with other City departments including Fire and Public Works.

Public Notification:

Legal notice was published in the Huntington Beach Independent on July 27, 2013, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification, applicant, and interested parties. Staff received one letter from William Devine on behalf of the applicants on July 1, 2013, responding to the appeal (Attachment No. 6). No other communications have been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:
June 10, 2013

MANDATORY PROCESSING DATE(S):
August 10, 2013 (within 60 days)

ANALYSIS:

Appeal Issues

The appeal letter identifies five grievances cited by the appellant regarding the EAC's determination. Below is an analysis of the issues raised in the letter.

Issue 1: Failure to provide requested notice

The Environmental Assessment Committee held a public meeting that was posted to review EA No. 12-003 on June 12, 2013. The EAC's decision regarding the CEQA process is a recommendation to the decisionmaking body and does not assume final action. Accordingly, notice is not required for EAC meetings. Since this project is being referred by the Director to the Planning Commission, the CEQA findings will ultimately be made by the Planning Commission. The EAC's recommendation was sent to the requested parties prior to the appeal expiration date and the appellant has filed an appeal to be considered by the Planning Commission. The scheduled public hearing has been appropriately noticed to owners and tenants within 500 ft. of the property including the appellant and Ocean View School District.

Issue 2: Improper reliance on the BECSP EIR

Pursuant to Section 2.0.5 of the BECSP, applications are required to complete an environmental assessment form and mitigation monitoring matrix showing the project's consistency with the Specific Plan Program EIR. The information provided is then used to determine if any further environmental analysis will be required for the project. Based on the submittal of the application requirements, staff determined that the preparation of an environmental checklist should be initiated to further analyze potential impacts including traffic, air quality, and geology/soils. Since their initial submittal, the environmental checklist has been updated to reflect information provided in various reports and studies on the project. The BECSP Program EIR was adopted with mitigation measures and a Statement of Overriding Considerations for significant and unavoidable impacts. These adopted mitigation measures within the Program EIR will adequately mitigate the project's potential impacts to less than significant levels. Furthermore, Government Code 65754 and Section 15182 of the CEQA Guidelines state that residential projects that conform to a specific plan and respective specific plan EIR do not require further environmental review provided that Section 15162 is not triggered. This Section speaks to the necessity of preparing a Subsequent EIR based on new substantial information or changes.

The preparation of site-specific EIRs was performed and identified within the Program EIR for Murdy Commons (Boardwalk), Beach/Warner, and Beach/Ellis due to the scope of each project. All of these projects involved mixed-use developments (residential and commercial) for which no CEQA exemption applies. It was therefore acknowledged that the combination of the mixed land uses would generate impacts above existing conditions at each site. Existing conditions at each site contained commercial uses, which typically generate more traffic than residential uses. The proposed project is residential only

and conforms to the specific plan. Based on information submitted for the environmental checklist and all available information, the adopted mitigation measures under the BECSP Program EIR will be able to mitigate potentially significant impacts to less than significant levels and the use of the exemption is appropriate.

Issue 3: Failure to consider new information of substantial importance

In a letter dated July 6, 2013 (Attachment No. 4), the appellant identified that the proposed project would generate 250 students, or 0.49 students per unit. However it is not clear how this student rate was projected or assumed based on factual data. OVSD's most recent fee documentation was prepared in 2006 and documents a student generation rate of 0.34 students per unit. The environmental checklist for this project did consider and analyze student capacity and enrollment within the school district. In addition, the applicant has provided information in a letter dated August 20, 2012 (Attachment No. 5) that includes the capacity and enrollment data, and student projections of the development. In summary, district-wide enrollment is expected to continue declining through 2020, which when compared to capacity in the schools, there are available seats to accommodate the students generated by the project as well as other residential projects within the district.

Pursuant to Senate Bill (SB) 50, school districts may collect fees to offset the costs associated with increasing school capacity as a result of development. These fees will be paid at the time of building permit issuance based on square footage of accessible interior space for any new residential unit. Due to the lack of sufficient factual data to substantiate an increase of students and inherently school impacts, the proposed new information provided by the appellant did not demonstrate any significant impacts to schools within the district. Furthermore, the applicant provided additional analysis of the school district's data and compared similar high density projects for which student generation rates were calculated. New students generated as a result of the development would not result in overcrowding. The school impact fees required by SB 50 would serve as adequate CEQA mitigation to satisfy the impact of development on school facilities.

Issue 4: Failure to comply with City's General Plan Policies and Implementation

The appellant cites General Plan policies, I-PF 14 and I-PF 15, which were in effect prior to the passage of SB 50. The requirement for the collection of fees under the authority of SB 50 is considered full mitigation under CEQA and would offset any increase in educational demand at the elementary and middle schools serving the project site. Code requirement *CR 4.11-2* and *CR 4.11-3* would be implemented for this project, which is the payment of fees for development located in OVSD and HBUHSD. The District has the opportunity to increase its fees, if justified, at any time. As such, impacts to schools have been analyzed adequately and would result in a less than significant impact. The City complies with General Plan policies by ensuring that developments pay school impact fees prior to building permit issuance.

Issue 5: Failure to prepare a subsequent EIR or a supplement to the BECSP EIR

As stated in the discussion below, an agency prepares an Environmental Impact Report based on substantial evidence that the project may have a significant environmental impact. However, the appellant has not provided "new information" based on facts, reasonable assumptions predicated upon facts, and

expert opinion supported by facts and technical studies to argue that an EIR should be prepared, specifically related to school impacts. The requirement for the collection of fees under the authority of SB 50 is considered full mitigation under CEQA and would offset any increase in educational demand at the elementary and middle schools serving the project site.

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) provides a list of purposes for an Initial Study which includes: whether a previously prepared EIR could be used with the project and to eliminate unnecessary EIRs. As part of the determination of an Initial Study, the lead agency may determine that potential significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the project.

An agency must prepare an Environmental Impact Report (EIR), if it can be argued, based on substantial evidence, that the project may have a significant environmental impact. Pursuant to the provisions of CEQA, substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts and technical studies. Argument, speculation and unsubstantiated opinion are not substantial evidence. CEQA further provides that the existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence that the project may have a significant effect on the environment.

CEQA requires that public agencies adopt criteria and procedures for the evaluation of projects and the preparation of environmental impact reports. In the case of the City of Huntington Beach, the adopted criteria are contained in the Huntington Beach General Plan, the Huntington Beach Zoning & Subdivision Ordinance (HBZSO), the Huntington Beach Noise Municipal Code, and other documents including the Huntington Beach Water Master Plan, the South Coast Air Quality Management District (SCAQMD) thresholds, the Institute of Traffic Engineers Trip Generation Handbook as well as various other reference sources.

CEQA Process

The Planning Commission may not, at this juncture (the appeal of the EAC's determination), alter the analyses or findings contained in the environmental checklist, nor require further studies in conjunction with continued processing of an exemption. HBZSO Section 240.04, which outlines the roles and responsibilities of both the EAC and the discretionary body in the Environmental Review process, is provided as Attachment No. 3.

Upon a determination by the Planning Commission to sustain the Environmental Assessment Committee's determination to continue processing EA No. 12-003, the Planning Commission may continue reviewing the project entitlements for final action. Alternatively, if the Planning Commission determines that an Environmental Impact Report shall be prepared, staff will issue a Request for Proposal (RFP), select a consultant, prepare a contract for services, and initiate the preparation of a draft EIR by the selected consultant. Upon completion of the draft EIR and review of the document by staff, a 45-day public comment period would commence, followed by a formal hearing on the project at which the EIR would

be presented for final certification. The estimated time necessary to retain a consultant and prepare an EIR for the proposed project is 10 months.

Although there are no formal findings that must be made by the Planning Commission as part of their action on the appeal of the EAC's determination, CEQA requires that the basis of the Planning Commission's determination be made a part of the public record and therefore should be vocalized at the hearing. In the event that the Planning Commission concurs with the EAC's determination to continue processing EA No. 12-003, the Planning Commission may reference the attached environmental checklist as a basis for the determination. Alternatively, if the Planning Commission determines that the project has the potential for significant environmental impacts, which cannot be mitigated, and therefore that an EIR is necessary, it would be appropriate to identify those adverse impact(s) that the Planning Commission deems potentially significant, as well as the basis (i.e., substantial evidence) for making such a determination.

Conclusion

The appeal letter identifies issues that have been considered in the environmental checklist, which concludes that impacts from these issues would be less than significant with mitigation incorporated pursuant to applicable mitigation measures of the BECSP Program EIR. Staff recommends that the Planning Commission uphold the Environmental Assessment Committee's determination and direct staff to continue processing the exemption pursuant to Government Code 65754 and Section 15182 of the CEQA Guidelines, based on the evidence contained in the attached documents (Attachment No. 1) that the project, with mitigation of the BECSP EIR, will not have significant environmental impacts.

ATTACHMENTS:

1. Environmental Assessment No. 12-003
2. Appeal letter received and dated June 24, 2013
3. HBZSO Section 240.04 – *Environmental Review*
4. OVSD letter received and dated July 6, 2013
5. Applicant response letter received and dated August 30, 2012
6. Response to appeal letter by William Devine received and dated July 1, 2013

**ENVIRONMENTAL CHECKLIST FORM
CITY OF HUNTINGTON BEACH
PLANNING & BUILDING DEPARTMENT
ENVIRONMENTAL ASSESSMENT NO. 12-003**

1. PROJECT TITLE: EDINGER AND GOTHARD APARTMENTS

Concurrent Entitlements: Site Plan Review No. 12-002
Tentative Parcel Map No. 12-113
Development Agreement No. 13-002

2. LEAD AGENCY: City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Contact: Jill Arabe, Associate Planner
Phone: (714) 374-5357

3. PROJECT LOCATION: 7262, 7266, 7280 Edinger Ave.; 16001, 17091 Gothard St.
The proposed project site consists of five parcels located at the southwest corner of Edinger Avenue and Gothard Street encompassing 370,260 square feet (sf) of lot area (approximately 8.5 acres). The subject site is currently occupied by five (5) single-story industrial and commercial buildings totaling approximately 150,254 square feet of occupiable space. Current and former building occupants include a vacated appliance and decorative plumbing supply store (49,507 sf); a Lamps Plus lighting store (15,394 sf); a vacated telephone office building (24,159 sf); miscellaneous general industrial uses (14,969 sf); and the Huntington Beach Training Center indoor volleyball facility (46,225 sf). See Attachment 1 for an aerial of the project site.

4. PROJECT PROPONENT: Pedigo South, Inc.

Contact Person: Kenneth Keefe
Phone: (703) 864-0471

5. GENERAL PLAN DESIGNATION:

The project site has a General Plan Land Use designation of Mixed Use-Specific Plan-Design Overlay (M-sp-d). The M-sp-d designation permits a range of commercial and multi-family residential uses.

The exact density, location and mix of uses permitted in this designation is governed by a Specific Plan ("sp"), allowing for greater design flexibility and to address the uniqueness of a particular area.

6. ZONING:

The project site is zoned as Specific Plan 14 or SP-14. SP-14 is the Beach and Edinger Corridors Specific Plan (BECSP), which was adopted in March 2010. The project site is designated as Town Center Boulevard Segment of the BECSP. Development would be subject to the BECSP's Development Code for the Town Center Boulevard Segment, as applicable.

7. PROJECT DESCRIPTION (Describe the whole action involved, including, but not limited to, later phases of the project, and secondary support, or off-site features necessary for implementation):

The proposed project includes development of a multiple-family residential project that is four-stories with lofts, consisting of 510 units surrounding a six level, 862-space parking structure (Attachment 2) and associated infrastructure. In addition, there are 27 surface level parking spaces provided for a total of 889 spaces. More specifically, the project consists of 22 studio units, 250 one-bedroom units, 218 two-bedroom units, and 20 three-bedroom units. In addition, the project will include 51 affordable units (10% of the entire project). Of those affordable units, 43 (8.4%) will be moderate income and 8 (1.6%) will be low income. Access to the parking garage would be provided directly from Edinger Avenue and the proposed east-west connector street via Gothard Street.

The proposed project would provide 25,815 square feet of public open space. The two courtyards facing Edinger Avenue and the middle courtyard facing Gothard Street will be available for the use of the general public. Public access to these public open space areas will be provided via paseos from Edinger Avenue and Gothard Street. These public areas will be distinguished from the private use areas by the use of fencing and resident-only access gates. Additionally, the project will include a resort-style swimming pool and spa, fitness center, click café Wi-Fi area, outdoor seating areas, BBQs and clubroom. A total of 55,396 square feet of private open space would also be provided. Attachment 3 (Project Elevations), illustrates the proposed elevations of the building façade. The architectural style and color palettes will vary around the perimeter of the project at forecourts and paseos. This will articulate the appearance of several different buildings with varying architectural styles and assist in breaking down building mass.

The proposed project will include site design measures to improve downstream water quality such as flow-thru planters, filterra systems and permeable pavers to collect and treat on-site stormwater prior to leaving the site. The amount of impervious area will also be reduced from 99% to 79% by increasing the amount of open space and by using permeable paver. Treatment control BMP's associated with maintenance and operation will be implemented once the project is constructed.

The proposed project will also implement the street standards contained in the BECSP including a Classic Boulevard along Edinger Avenue and East-West Street at the project's southern boundary. The standard for the Classic Boulevard includes both street and public frontage sections. The street half-section includes the centerline of a landscaped median/turn lane and three travel lanes. The public frontage section contains a curbed landscaped separator that divides the street from the public frontage, a one-way access lane, angled parking and the sidewalk. The project's East-West connector street is located at the southern boundary of the site and intersects with Gothard Street. Primary access to the proposed project would be provided off of Edinger Avenue via separate inbound and outbound driveways that would connect to a "Classic Boulevard" along the northern frontage of the project site. Access would also be provided from Gothard Street via a driveway located on the southeast corner of the project site, which would lead to a new east-west connection road along the southern boundary of

the site. The street frontage along Edinger Avenue would be landscaped with jacaranda trees and date palms. A 12-foot scored concrete sidewalk with benches would be provided along the "Classic Boulevard," which would wrap around the corner of Edinger Avenue and Gothard Street and transition into a six-foot scored concrete walkway with a six-foot parkway.

The East-West connector street includes from north to south, a 4-foot wide scored concrete sidewalk, 5-foot wide planter, 8-foot wide parallel parking adjacent to curb, two 12-foot wide travel lanes (one in each direction, and a 5-foot wide planter to complete the section. The planters will be landscaped with brisbane box trees and groundcover.

8. CONSTRUCTION PHASING:

On-site construction activities will consist of demolition, grading, placement of piles for the foundation and construction of the parking structure and apartment buildings. Demolition of on-site buildings and horizontal improvements will take approximately 2 months. Grading of the site will follow and is projected to take approximately 3 months. The foundation design will use a pile/pier system and 2,122 cubic yards of soil will be excavated to accommodate one level of below-grade parking. The project will also require a net import of 44,261 cubic yards to compensate for the removal of four inches of asphalt pavement and to raise the project site above the Base Flood Elevation (BFE). Vertical construction will follow with the parking structure taking approximately 7.5 months and the apartment buildings about 14.5 months. The entire construction process is projected to take about 27 months.

9. SURROUNDING LAND USES AND SETTING:

The proposed project site is located in the north-central area of the City of Huntington Beach, approximately one mile south of the Interstate 405 freeway, on the southwest corner of Edinger Avenue and Gothard Street. The project site is bounded by Gothard Street to the east; Edinger Avenue to the north; a City-owned flood control channel to the west; and a privately-owned property to the south occupied by industrial-commercial buildings. Adjacent surrounding uses including the following:

- **North (across Edinger Avenue)** – Former Coco's Restaurant and a retail shopping center containing several furniture stores and other restaurants. Goldenwest Community College is located within two blocks north of the site.
- **West** – flood control drainage canal followed by a large retail Toys R Us store and Goodyear Tire Center, with a large retail shopping center throughout the immediate area farther west of the site.
- **South** – a multi-tenant commercial center containing four buildings (currently Rusty's Chips, VIP Pet Food Delivery, Manley Towing, Cookilicious, and various individual office tenants).
- **East (across Gothard Street)** – a retail commercial building (currently Orange County Mattress and LA Boxing) and two large warehouse buildings, with additional commercial/warehouse buildings throughout the area farther east of the site.

10. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:

The City of Huntington Beach adopted Program EIR No. 08-008 (SCH No. 2008071143) in 2009 in conjunction with its subsequent approval of the BECSP in 2010. The Program EIR identified mitigation measures that would be applicable to individual projects within the BECSP area as

applicants submitted their projects to the City for Site Plan Review. The application requirements for Site Plan Review include preparation of a project environmental assessment form and a mitigation monitoring matrix in order to demonstrate the project's consistency with the Program EIR. This information is used by City staff to evaluate and determine whether additional environmental analysis is required for the project. Additional mitigation measures may be imposed should the findings of any additional environmental analysis require such mitigation.

11. PROJECT ENTITLEMENTS:

Site Plan Review 12-002 – To construct a residential 4-story with lofts development consisting of 510 apartment units and approximately 5,200 square foot leasing office wrapped around a 6-level parking structure.

Tentative Parcel Map No. 12-113 – The proposed project site currently consists of 5 parcels. In order to comply with the Subdivision Map Act and Chapter 253 of the City of Huntington Beach Zoning Code, a parcel map is required to consolidate the 5 existing parcels into a single 8.5-acre parcel.

Development Agreement No. 13-002 – The project will include 51 affordable units (10% of the entire project). Of those affordable units, 43 (8.4%) will be moderate income and 8 (1.6%) will be low income.

12. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED) (i.e. permits, financing approval, or participating agreement):

Responsible and Reviewing Agencies

A Responsible Agency is a public agency, other than the lead agency, that has discretionary approval authority over a project. The Responsible Agencies, and their corresponding approvals, for this project include, but are not necessarily limited to, the following:

- California Regional Water Quality Control Board (Permit for dewatering during construction; and National Pollutant Discharge Elimination System [NPDES] permit)
- State Water Resources Control Board (General Construction Activity Stormwater Permit)

Reviewing Agencies

Reviewing Agencies include those agencies that do not have discretionary powers, but may issue permits for the project. Potential Reviewing Agencies include the following:

Regional Agencies

- Orange County Sanitation District
- South Coast Air Quality Management District
- Orange County Health Care Agency

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

- | | | |
|---------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> Land Use / Planning | <input checked="" type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Utilities / Service Systems |
| <input checked="" type="checkbox"/> Geology / Soils | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a "potentially significant impact" or a "potentially significant unless mitigated impact" on the environment, but at least one impact (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, **nothing further is required**.

Signature Jill Arabe

Date 6/12/13

Printed Name Jill Arabe

Title Associate Planner

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. "Potentially Significant Impact Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XIX at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XIX. Other sources used or individuals contacted have been cited in the respective discussions.
7. The following checklist has been formatted after Appendix G of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Huntington Beach's requirements.

(Note: Standard Conditions of Approval - The City imposes standard conditions of approval on projects which are considered to be components of or modifications to the project, some of these standard conditions also result in reducing or minimizing environmental impacts to a level of insignificance. However, because they are considered part of the project, they have not been identified as mitigation measures.)

SAMPLE QUESTION:

<i>ISSUES (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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Would the proposal result in or expose people to potential impacts involving:

Landslides? (Sources: 1, 6)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The attached source list explains that 1 is the Huntington Beach General Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. Would the project:

- a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 4, 15)

Discussion: The General Plan designates the project site for Mixed Use-Specific Plan Overlay-Design Overlay (M-sp-d). The Mixed Use designation permits a range of commercial and multi-family residential uses. The project site is zoned as BECSP in the Edinger Avenue Corridor of the Town Center Boulevard Segment. The proposed project is consistent with the City's land use policies that encourage land uses that are harmonious with surrounding development, pedestrian friendly, and amenities that enhance the image and quality of life and the environment. The proposed project is consistent with General Plan and BECSP policies of enhancing the physical beauty of the area and functionality of the Edinger Avenue Corridor. In addition, the project is consistent with the Specific Plan that encourages greater residential densities in the Edinger Avenue Corridor.

The project includes a four-story residential building with lofts on the fourth-story. The residential building would surround a six-level above-ground parking structure. The proposed building height is consistent with the BECSP Section 2.3.1 (Building Height), which establishes a minimum building height of one story and maximum building height of five stories on the project site. Building heights would also be consistent with BECSP Section 2.3.2 (Special Building Height Limits), which establishes special building height limits for developments along Edinger Avenue of four stories.

In addition, as noted in the Development Agreement, the project will include 51 affordable units (10% of the entire project), which complies with BECSP Section 2.2.3 (Affordable Housing Requirements). Of those affordable units, 43 (8.4%) will be moderate income and 8 (1.6%) will be low income.

The project will be designed to comply with the City's municipal code, including the BECSP. The project is also in compliance with the BECSP MAND (Maximum Allowable Net Development). To ensure compliance, the BECSP implementing procedures require the project to undergo a Site Plan Review. In order for the Site Plan Review application to be approved, the Director of Planning and Building must make the following findings:

1. The project is consistent with the City's General Plan and all applicable requirements of the Municipal Code.
2. The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood.
3. The project will not adversely affect the Circulation Plan of this Specific Plan.
4. The project complies with the applicable provisions of the BECSP and other applicable regulations.

Approval of the proposed project's Site Plan Review application will ensure that the proposed project would not conflict with any applicable plans, policies, and regulations and will have no impact.

- b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources: 19)

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: There are no applicable habitat conservation plans or natural community conservation plans within the BECSP area, including the proposed project site. No impact would occur.

- c) Physically divide an established community? (Sources: 3, 16)

Discussion: The proposed project site is currently fully developed and is bounded by Edinger Avenue to the north, Gothard Street to the east, and commercial development to the south and west. A flood control channel adjacent to the project's west property line separates it from an existing single-family neighborhood abutting the southwest corner of the project site. The proposed project would not extend past the existing project site boundaries and would not encroach upon adjacent properties. The flood control channel serves as a made-made boundary between the single-family neighborhood and the project and there is no shared access or through streets. However, the project's design includes new streets, pursuant to the BECSP development code, that would link the project site to future developments and access points. Therefore, the proposed project would not result in the division of an established community. No impact would occur.

II. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extensions of roads or other infrastructure)? (Sources: 4, 15, 19)

Discussion: Population and Housing were analyzed in Section 4.10 of EIR No. 08-008. The proposed project would result in a maximum of 510 dwelling units, resulting in a direct increase in population growth. The proposed project is located on a site that was not originally planned for residential development prior to the approval of the BECSP. As such, local and regional population growth projections had not anticipated population increases associated with residential development on the project site. However, the regional population plans and projects are updated approximately every five years and on the next cycle, the BECSP projections will be incorporated into the regional plans, including the project site.

BECSP Section 2.1.1 establishes the maximum amount of net new development (MAND) of residential and commercial development permitted in the BECSP, which included 4,500 residential dwelling units. Residential development on the project site was accounted for in the overall population growth analysis performed in the BECSP EIR, which assumed a maximum residential build out of 4,500 new dwelling units in the BECSP area.

Section 4.10 (Population/Housing) of the BECSP EIR No. 08-008 concluded that full build out of residential uses (4,500 dwelling units) in the BECSP area would not exceed the amount of growth assumed in the General Plan, but would exceed SCAG 2030 household projections. However, the number of dwelling units in the City in 2008 exceeds SCAG 2010 projections, thus the exceedance is an existing condition and is not a direct result of the BECSP.

Once fully occupied, the population increase as a result of the proposed project would result in a new residential population of approximately 1,362 persons. This estimate of 1,362 persons is based on the existing average household size of 2.67 persons for the City of Huntington Beach, as noted in EIR No. 08-008. The proposed project (510 residential units) accounts for approximately 11 percent of the 4,500 dwelling units ultimately approved for full build-out of the BECSP. When the MAND is reached, no further development may

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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be permitted without an amendment to the MAND provisions and environmental review. As proposed, the project is consistent with the established MAND for the BECSP, and BECSP EIR Section 4.10 (Population/Housing) concluded that population growth induced by implementation of the BECSP would not result in significant impacts. Therefore, population growth associated with the proposed project would result in a less than significant impact.

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| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources: N/A) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: No residential uses currently exist on the proposed project site. Therefore, no displacement of existing housing or people would occur with implementation of the proposed project. No impact would occur.

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| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources: N/A) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See II.b) above.

III. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Sources: 1, 6, 19, 23) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Geology and Soils were analyzed in Section 4.5 of EIR No. 08-008. The proposed project is not located within a designated Alquist-Priolo Earthquake Zone. No known active faults with the potential for surface fault rupture are known to pass directly beneath the site. Therefore, the potential for surface rupture due to faulting occurring beneath the site during the design life of the proposed project is considered low and less than significant impacts are anticipated.

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| ii) Strong seismic ground shaking? (Sources: see above) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: The project site is located in the seismically active Southern California region, and could be subjected to moderate to strong ground shaking in the event of an earthquake on one of the many active Southern California faults. The estimated peak horizontal ground acceleration for the project site is 0.67 g and ground motions of approximately 0.57 g MCE (Maximum Considered Earthquake) and 0.34 g DBE (Design Basis Earthquake).

Potential effects associated with strong seismic ground shaking include ground failure, liquefaction, and

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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landslide. Seismically induced landslides are not considered to be a potential seismic hazard for the project site due to the lack of significant ground slopes in the vicinity of the project site. There are no known landslides near the project site, nor is the site in the path of any known or potential landslides. Review of the State of California Seismic Hazard Zones Map, Seal Beach Quadrangle, and Figure EH-7 of the Huntington Beach General Plan, Environmental Hazards Element, indicate the project site is located in an area designated as "liquefiable" or having a high to very high potential for liquefaction. According to the liquefaction analyses for the Preliminary Geotechnical Investigation prepared for the site, the alluvial soil below the site could be prone to between approximately 8.7 and 10.4 inches of total settlement during ground motions. Impacts associated with seismic hazards, including liquefaction, would be addressed through adherence to applicable regulations including the City of Huntington Beach Building Code, which has adopted the 2010 CBC, the Grading and Excavation Code, and state requirements pertaining to geologic, soil, and seismic hazards.

In addition, mitigation measure BECSP MM4.5-1, requires a soils and geotechnical report would be prepared for the proposed project and submitted to the City with the first submittal of a grading plan for the project. The design, grading, and structural recommendations of the final soil and geotechnical report will be incorporated into the proposed project's grading plan. In light of the strict regulations in place to control development of structures in a seismically active region, and the incorporation of project-specific design recommendations into project plans, the exposure to seismically induced groundshaking, and seismic-related ground failure would be less than significant with mitigation incorporated.

iii) Seismic-related ground failure, including liquefaction? (Sources: see above)

Discussion: See ii) above.

iv) Landslides? (Sources: see above)

Discussion: According to the State of California Seismic Hazard Zones Map, Seal Beach Quadrangle (CDMG), the site is not located within an area identified as having a potential for slope instability. The project site and surrounding vicinity is relatively flat with no pronounced slopes. There are no known landslides near the site, nor is the site in the path of any known or potential landslides. No impact is anticipated.

b) Result in substantial soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 6, 14, 19)

Discussion: The southeastern majority of the project site is located in Flood Zone AO, defined by FEMA as a Special Flood Hazard Area (SFHA) with "areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet." In the site area, the Base Flood Elevation (BFE) for this AO zone has been calculated as 2 feet above existing grade. The remainder of the site is located in zone X, which is outside the 100-year flood zone. According to the City of Huntington Beach Zoning Code Chapter 222 "new residential construction and substantial improvement of any residential structure shall have the lowest floor including basement elevated one foot above the [BFE]." With a BFE of 2 feet above existing grade, this required additional foot of elevation will bring the lowest floor to 3 feet above existing grade in the Zone AO area. Approximately 44,261 cubic yards of soil will be brought to the site and placed as engineered fill to satisfy the elevation requirement for lowest floor

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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of the AO portion of the property and to bring the Zone X portion of the property to even grade with the Zone AO portion. The import of fill is required to elevate the portion of the project site that is within the AO zone per the City's Zoning Code and will not result in substantial topographical changes. The imported fill will also be used to replace the approximate four-inch asphalt cover on the property. This impact is less than significant.

Approximately 2,122 cubic yards of soil would be excavated to accommodate one level of below-grade parking. Grading would also expose soil to erosional processes and could result in the loss of topsoil during construction. The City's Grading and Excavation Code sets forth rules and regulations to control excavation, grading, earthwork and site improvement construction, including erosion control systems. As part of the project, a site-specific Stormwater Pollution Prevention Plan (SWPPP), which is part of the NPDES Municipal General Permit, would be prepared. Implementation of Best Management Practices (BMPs) during construction activities as required by the NPDES permit would reduce the potential for soil erosion or the loss of topsoil. Unstable soil conditions would be addressed through compliance with Grading and Excavation Code and incorporation of the recommendations of the project-specific Geotechnical Engineering Feasibility Report into the proposed project's final grading plan, as required by mitigation measure BECSP MM4.5-1. Therefore, the proposed project would have a less than significant impact relating to soil erosion and the loss of topsoil.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- (Sources: 6, 19)

Discussion: The Geotechnical Evaluation conducted for the project site determined that the groundwater ranges from approximately 8 and 11 feet beneath the ground surface and the proposed project should be designed with consideration of the historic high levels. It is not uncommon for groundwater levels to vary seasonally or for perched groundwater conditions to develop where none previously existed. It is anticipated that the majority of groundwater seepage that may be encountered during construction and excavation will emanate from the sand beds within the alluvial mass. Proper surface drainage of irrigation and precipitation will be critical. Due to the potential for shallow groundwater, dewatering activities could be necessary during the excavation (grading and shoring) and subgrade construction (for building foundation) stages of construction. Temporary shoring, dewatering wells, storage tanks, filters, and erosion control measures would be required to comply with the City's Grading manual (Chapter 17.05.030 of the Huntington Beach Municipal Code).

In the event that liquefaction does occur, the primary effect is expected to be ground surface settlement due to the consolidation of the liquefied material. Settlement could also be caused by loads generated by large earthmoving equipment or occur as a result of the placement of new fill or structural loads above the existing grade. A liquefaction analyses conducted for the project site indicates that the soil below the groundwater table could be prone to between 8.7 and 10.4 inches of total settlement during ground motion. Potential impacts associated with settlement would be addressed through the incorporation of specific engineering recommendations to be included in the final soils and geology report prepared for the proposed project, as required by code requirement BECSP CR4.5-1, and included in the proposed project's final grading plans consistent with mitigation measure BECSP MM4.5-1. Additionally, the proposed structures would be designed, constructed, and operated in conformance with Section 1802.2.1 (Questionable Soils) of the 2010 CBC and Title 17 Excavation and Grading Code. As such, the proposed project would not be located on an unstable geologic unit or soil that could become unstable. Therefore, there would be a less than significant impact with the incorporation of mitigation.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources: 1, 6, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: According to the Geotechnical Investigation conducted for the project site, the soils anticipated to be exposed near the ground surface are considered to have a “very high” expansive potential and the soils are considered to be “expansive” based on the 2010 California Building Code (CBC) Section 1803.5.3. The proposed project will address the risks associated with expansive soil through adherence to Section 1802.2.1 (Questionable Soils) from the 2010 CBC and Title 17 (Excavation and Grading Code), as well the incorporation of recommendations of the final soils and geology study, and BECSP CR4.5-1 into the proposed project’s grading plans. In order to comply with these requirements, the foundation design will utilize a pile/pier system in order to address the expansive soil issues. Existing soils will be excavated to accommodate one level of below-grade parking. Moreover, approximately 44,261 cubic yards of soil will be imported to compensate for removal of four inches of asphalt pavement and to raise the project site above the BFE. As such, potential risks to life and property associated with expansive soils would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater (Sources: 6, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: Pursuant to the BECSP Program EIR, the entire Specific Plan area, including the proposed project site, is currently served by sanitary sewer service maintained by the City of Huntington Beach. The City would continue to provide these services to the project. No septic tanks or alternative wastewater systems are proposed. No impact would occur.

IV. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements? (Sources: 16, 17, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: A Preliminary Water Quality Management Plan (WQMP) was prepared for the proposed project for the purpose of effectively mitigating impacts on downstream water quality through low impact development site design, source control, and treatment control BMPs in conjunction with operation and maintenance procedures. The WQMP was written to comply with the State Water Resources Control Board (SWRCB) Municipal NPDES Storm Water Permit, SARQCB’s Order No. R8-2009-0030 as amended by Order No. R8-2010-0062, County of Orange Drainage Area Management Plan, and the City of Huntington Beach’s Storm Water and Urban Runoff Management Ordinance.

The proposed project is defined as a priority project and would be required to include design BMP’s per the NPDES permit, where applicable and feasible. Review and acceptance of the WQMP prior to issuance of a Precise Grading or Building permit for the proposed project would insure that operation of project would not violate any water quality standards or waste discharge requirements, or otherwise degrade water quality.

The proposed project would be subject to all existing regulations associated with the protection of water quality. The applicable waste discharge requirements (WDRs), the NPDES General Permit for construction activities, De Minimus Threat General Permit, and Municipal NPDES Permit are considered protective of

ISSUES (and Supporting Information Sources):

	Potentially Significant	Potentially Significant	Less Than Significant	No Impact
	Impact	Unless Mitigation Incorporated	Impact	

water quality during construction and would, therefore, prevent a substantial violation of water quality standards and minimize the potential for contributing additional sources of polluted runoff during construction of the proposed project. These existing regulations, programs, and policies would ensure that the potential for discharge of polluted stormwater from construction sites to affect beneficial uses of receiving waters and water quality standards, where applicable, would not be substantial. Implementation of existing regulatory requirements would ensure that on-site erosion and siltation are minimized and that construction of the proposed project would not result in the exceedance of water quality standards. In addition, in accordance with mitigation measure BECSP MM4.7-1 a WQMP has been prepared. Compliance with the existing regulatory requirements described above, as well as implementation of BMPs outlined in the WQMP, would ensure that construction and operation of the proposed project would not result in the violation of water quality standards. This impact would be less than significant.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? (Sources: 6, 16, 17, 19)
-

Discussion: The Geotechnical Evaluation conducted for the project site determined that the groundwater ranges from approximately 8 and 11 feet beneath the ground surface. In the event that permanent dewatering activities are necessary on the project site, the proposed project would require coverage under the De Minimus Threat General Permit or an individual WDR/ NPDES Permit, and consequently would be subject to discharge quantity limitations, groundwater dewatering, and surface drainage. Compliance with existing regulatory requirements would ensure that permanent groundwater dewatering does not cause or contribute to a lowering of the local groundwater table that would affect nearby water supply wells, such that impacts would be less than significant.

The project site is neither a designated groundwater recharge area nor does the project site serve as a primary source of groundwater recharge. The City of Huntington Beach has two recharge facilities, the Talbert and Alamitos Barriers; neither of which would be impacted by the proposed project. Therefore, the potential for a reduction in groundwater recharge due to the proposed project would not affect City groundwater wells, resulting in a less than significant impact.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site? (Sources: 16, 17, 19)
-

Discussion: Implementation of the proposed project would not alter the existing drainage pattern of streams or rivers and would not result in off-site erosion hazards. The project site is relatively flat with no distinct changes in elevation, is located within an entirely urbanized area, and would discharge to the City streets, underground storm drain systems, and ultimately to Huntington Harbour and the Pacific Ocean. The project site is currently approximately 99 percent impervious, consisting primarily of asphalt parking and buildings, with the remaining one percent consisting of landscaped areas. The proposed project would significantly reduce the impervious

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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area to 79 percent by introducing open spaces and permeable pavement. The proposed drainage design for the project site would use a combination of flow-thru planters, filterra systems and permeable pavers to collect on-site stormwater. These collection systems will convey the stormwater to the City's storm drain channel located along the westerly property line. This storm drain channel flows in a southerly direction into the Murdy Channel. Murdy Channel then flows southerly and discharges to the East Garden Grove Wintersburg Channel, which then flows into the Bolsa Chica Ecological Reserve, and terminates at Huntington Harbour, then to the Pacific Ocean. No on-site detention of stormwater is proposed since the proposed condition results in peak flows and volumes that are less than the existing condition.

In accordance with mitigation measure BECSP MM4.7-3 a preliminary hydrology study has been prepared. The study determined that the existing site has a peak flow of 28.53 cubic feet per second, generating a runoff volume of 130,910 cubic feet during a 24-hour, 25-year storm event. This was compared with a 24-hour, 100-year storm event for the proposed condition, which yielded a peak flow of 28.49 cubic feet per second and a volume of 129,982 cubic feet. The introduction of several open space areas allowed for a reduction in runoff for the proposed site below the runoff generated by existing condition of the 25-year storm. Low flow methods implemented into the design of the proposed project e.g., permeable pavers, filterra systems, flow-thru planters, etc., have helped maintain a lower flow for the 100-year storm proposed condition when compared to the 25-year storm of the existing condition. Implementation of the identified BMPs and mitigation measure BECSP MM4.7-4 would ensure that the proposed project would not increase peak storm event flows over existing conditions and storm drain capacity is not exceeded as a result of the proposed project. As such, the proposed project would result in less than significant impact related to water quality, erosion and runoff.

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| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount or surface runoff in a manner which would result in flooding on or off-site? (Sources: see above) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Discussion: See IV.c) above.

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| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources: 16, 17, 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: See IV.c) above.

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| f) Otherwise substantially degrade water quality? (Sources: 16) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: According to the preliminary WQMP prepared for the proposed project site, on-site stormwater will drain into the project's several open space areas, which would reduce runoff, biotreat/biofilter the runoff, and maintain a lower flow in the event of a 100-year storm. Filterra Roofdrain units and permeable pavers are used to treat the project site's pollutants of concern. In addition, implementation of mitigation measure BECSP MM4.7-1 requires project site drainage to be designed so as not to violate any water quality standards or waste discharge requirements, or otherwise degrade water quality. This is assured by the requirement to submit for

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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approval a site-specific WQMP prior to issuance of a precise grading or building permit. Impacts to water quality are less than significant with implementation of MM4.7-1 and the proposed project design measures mentioned above.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: 16, 17, 19)

Discussion: The proposed project site has two flood zone designations, Zone AO and X. Flood Zone AO is defined by FEMA as a Special Flood Hazard Area (SFHA) with "areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet." Approximately half of the project site is located in Flood Zone AO. The remainder of the site is located in Zone X, which is outside the 100-year flood zone. According to the City of Huntington Beach Zoning Code Chapter 222 "new residential construction and substantial improvement of any residential structure shall have the lowest floor including basement elevated one foot above the [BFE]." The BFE for the area within the AO zone has been calculated as 2 feet above existing grade. With a BFE of 2 feet above existing grade, this required additional foot of elevation will bring the lowest floor to 3 feet above existing grade in the Zone AO area. Approximately 44,261 cubic yards of soil will be brought to the site and placed as engineered fill to satisfy the elevation requirement for lowest floor of the AO portion of the property and to bring the Zone X portion of the property to even grade with the Zone AO portion. This impact is less than significant.

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: see above)

Discussion: As indicated in IV.g) above, approximately half of the project site is located in the AO Zone. The proposed structures will be raised to comply with Huntington Beach Zoning Code Chapter 222. Since the existing streets are already designed to carry the 100-year flows and are not being changed by the project, the streets will continue to carry flows. The project would therefore not impede or redirect flood flows and this impact is less than significant.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: 16, 17, 19)

Discussion: The City of Huntington Beach is located in the lower basin of the Santa Ana River Basin. The lower basin is protected from flooding by Prado Dam, which is located 27 miles northeast of the City in Riverside County. The northern portion of the Corridor is located within the inundation area of the Prado Dam. Recently completed channel modifications along the Santa Ana River from Prado Dam to the Pacific Ocean would provide protection from inundation in the event of dam failure. Therefore, the possibility of significant risk of loss, injury, or death from flooding would be negligible and impacts would be less than significant.

- j) Inundation by seiche, tsunami, or mudflow? (Sources: 6, 16, 17, 19)

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: Tsunamis are large sea waves generated by submarine earthquakes, or similar large-scale, short-duration phenomena, such as volcanic eruptions, that can cause considerable damage to low-lying coastal areas. The proposed project site is not located in an identified tsunami run-up area.

Seiches are waves, also caused by large-scale, short-duration phenomena, that result from the oscillation of confined bodies of water (such as reservoirs and lakes) that also may damage low-lying adjacent areas, although not as severely as a tsunami. Due to the lack of the presence of enclosed bodies of water in the vicinity of the subject site, seiches are not considered to be a seismic hazard to the project site.

Mudflow hazards typically occur where unstable hillslopes are located above gradient, where site soils are unstable and subject to liquefaction, and when substantial rainfall saturates soils causing failure. The proposed project has no potential for slope instability. The surrounding area is relatively flat with no pronounced slopes, and there are no known landslides near the project site nor is the project site in the path of any known or potential landslides. Therefore, the proposed project would result in a less than significant impact due to seiche, tsunami, or mudflow.

- k) Potentially impact stormwater runoff from construction activities? (Sources: 16, 17, 19)

Discussion: Refer to discussion under item III. b) and IV.a) above. The proposed project would be subject to all existing regulations associated with the protection of water quality. These existing regulations, programs, and policies would ensure that the potential for discharge of polluted stormwater from construction sites to affect beneficial uses of receiving waters and water quality standards, where applicable, would not be substantial. Implementation of existing regulatory requirements would ensure that on-site erosion and siltation are minimized and that construction of the proposed project would not result in the exceedance of water quality standards during construction and a less than significant impact would occur. This impact would be less than significant with mitigation incorporated.

- l) Potentially impact stormwater runoff from post-construction activities? (Sources: 1, 16, 17, 19)

Discussion: Refer to discussion under item IV.a) above. Compliance with existing regulations for the prevention of pollutants in stormwater runoff during construction and operation of the proposed project would reduce the potential for erosion within the project site.

- m) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? (Sources: 16, 17, 19)

Discussion: As discussed above, a Preliminary WQMP was prepared for the site for the purpose of effectively mitigating impacts on downstream water quality and quantity through implementation of low impact development site design, source control, and treatment control BMPs and in accordance with mitigation measure BECSP MM4.7-1 a WQMP has been prepared, which would ensure that the proposed project would

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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not increase potential for discharge of stormwater pollutants. During construction a SWPPP would be implemented to address discharge of stormwater pollutants. The project would not result in any new significant environmental effects or substantial increases in the severity of previously identified significant effects related to stormwater runoff.

- n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? (Sources: see above)

Discussion: Refer to discussion under item IV.a) and IV.k) through IV.m) above. The proposed project would not result in any new significant environmental effects or substantial increases in the severity of previously identified significant effects related to stormwater runoff.

- o) Create or contribute significant increases in the flow velocity or volume of stormwater runoff to cause environmental harm? (Sources: see above)

Discussion: Refer to discussion under item IV.e) above.

- p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources: see above)

Discussion: Refer to discussion under item IV.c) above.

V. **AIR QUALITY.** The city has identified the significance criteria established by the applicable air quality management district as appropriate to make the following determinations. Would the project:

- a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: 19, 22)

Discussion: Vista prepared an Air Quality and Global Climate Change Impact Analysis for this project, which analyzed both construction and operations-related air quality impacts and are discussed separately below.

Construction Emissions

The project-related construction emissions have been analyzed for both regional and local air quality impacts discussed below:

Construction-Related Regional Impacts

The construction-related criteria pollutant emissions for each phase are shown below in Table AQ-1. Table AQ-1 shows that the VOC, NO_x, CO, PM₁₀, and PM_{2.5} project construction emissions would not exceed the SCAQMD regional thresholds of significance. Therefore, a less than significant regional air quality impact would occur during construction of the proposed project.

ISSUES (and Supporting Information Sources):

Potentially Significant
 Unless Mitigation Incorporated
 Less Than Significant Impact
 No Impact

Table AQ-1 Construction-Related Criteria Pollutant Emissions

Activity	Pollutant Emissions (lbs/day)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Demolition	9.25	74.23	46.86	0.08	21.10	3.58
Grading	8.97	75.84	49.81	0.10	8.12	5.30
Building Construction	9.32	51.87	65.64	0.13	11.79	3.18
Paving	4.97	30.18	21.39	0.03	2.78	2.56
Architectural Coatings	67.05	3.15	7.75	0.01	1.85	0.33
SCQAMD Thresholds	75	100	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: CalEEMod Version 2011.11.

Construction-Related Local Impacts

The local air quality emissions from construction were analyzed through utilizing the methodology described in *Localized Significance Threshold Methodology (LST Methodology)*, prepared by SCAQMD, revised July 2008. The LST Methodology found the primary emissions of concern are NO₂, CO, PM₁₀, and PM_{2.5}.

The emission thresholds were calculated based on the North Coastal Orange County source receptor area and a disturbance of five acres, which is the nearest acreage available to the daily disturbed area. The nearest residents are located adjacent (as near as 90 feet/27 meters) and southwest of the project site. Table AQ-2 shows the onsite emissions from the CalEEMod model for the different construction phases and the calculated emissions thresholds.

Table AQ-2 Local Construction Emissions at the Nearest Off-Site Homes

Phase	On-Site Pollutant Emissions (pounds/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Demolition	66.18	41.03	4.85	3.21
Grading	45.66	30.18	5.25	3.96
Paving	32.06	23.20	2.02	2.02
Building Construction	30.10	20.54	2.54	2.54
Architectural Coatings	2.57	1.90	0.22	2.54
SCAQMD Threshold for 27 meters (90 feet) ¹	196	1,726	44	11
Exceeds Threshold?	No	No	No	No

Notes:

¹ The estimated distance from the project site to the nearest homes is 27 meters (90 feet).

Source: Calculated from CalEEMod and SCAQMD's Mass Rate Look-up Tables for five acres in North Coastal Orange County.

The screening data provided in Table AQ-2 shows that none of the analyzed criteria pollutants would exceed the calculated local emissions thresholds at the nearest sensitive receptors. Therefore, a less than significant local air quality impact would occur from construction of the proposed project.

Construction-Related Toxic Air Contaminant Impacts

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of the proposed project. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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“individual cancer risk”. “Individual Cancer Risk” is the likelihood that a person exposed to concentrations of toxic air contaminants over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Given the relatively limited number of heavy-duty construction equipment and the short-term construction schedule, the proposed project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the proposed project.

Operational Emissions

The on-going operation of the proposed project would result in a long-term increase in air quality emissions. This increase would be due to emissions from the project-generated vehicle trips and through operational emissions from the on-going use of the proposed project. The following provides an analysis of potential long-term air quality impacts caused by regional air quality and local air quality impacts with the on-going operations of the proposed project.

Operations-Related Criteria Pollutant Analysis

The air quality impacts created by major on-site pollutant emitters associated with the on-going use of the proposed project has been prepared utilizing the CalEEMod computer model recommended by the SCAQMD. The results of the CalEEMod calculations for the operational regional air pollution emissions of the proposed 510-unit residential project are presented in Table AQ-2 (Operational Regional Air Pollution Emissions).

Table AQ-3 Operational Regional Air Pollution Emissions

Activity	Pollutant Emissions (lbs/day)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area Sources ¹	18.44	0.50	43.18	0.00	0.23	0.23
Energy Usage ²	0.18	1.54	0.66	0.01	0.12	0.12
Mobile Sources ³	0.77	1.43	7.05	0.01	1.70	0.12
Total Emissions	19.39	3.47	50.89	0.02	2.05	0.47
SCQAMD Thresholds	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Notes:

¹ Area sources consist of emissions from consumer products, architectural coatings, and landscaping equipment.

² Energy usage consists of emissions from electricity and natural gas usage.

³ Mobile sources consist of emissions from vehicles and road dust.

Source: CalEEMod Version 2011.11.

As shown in Table AQ-3, the on-going operational activities for the proposed project, the VOC, NO_x, CO, SO₂, PM₁₀, and PM_{2.5} emissions would not exceed the SCAQMD thresholds of significance for any criteria pollutants. Therefore, less than significant long-term regional air quality impacts would occur during the on-going operations of the proposed project.

Operations-Related Local Air Quality Impacts

Project-related air emissions may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the SCAB. The proposed project has been analyzed for the potential local CO emission impacts from the project-generated vehicular trips and from the potential local air quality impacts from on-site operations. The following analysis analyzes the vehicular CO emissions, local impacts from on-site operations, and toxic air contaminant impacts from on-site diesel trucks.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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Local CO Emissions Impacts

To determine if the proposed project could cause emission levels in excess of the SCAQMD CO standards, a sensitivity analysis is typically conducted to determine the potential for CO "hot spots" at a number of intersections in the general project vicinity. Because of reduced speeds and vehicle queuing, "hot spots" typically occur at intersections with a Level of Service E or worse.

The Traffic Impact Analysis found that with the proposed road improvements, the proposed project would not decrease the Level of Service at any analyzed intersection to E or worse. Therefore no CO "hot spot" modeling was performed and no significant long-term air quality impact is anticipated to local air quality with the on-going use of the proposed project.

Operations-Related Local Air Quality Impacts

Project-related air emissions from on-site sources such as architectural coatings, landscaping equipment, and onsite usage of natural gas appliances may have the potential to create emissions areas that exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the SCAB. The nearest sensitive receptors that may be impacted by the proposed project are single-family homes located as near as 90 feet (27 meters) southwest of the project site.

The local air quality emissions from on-site operations were analyzed using the SCAQMD's Mass Rate LST Look-up Tables and the methodology described in *Localized Significance Threshold Methodology*, prepared by SCAQMD, revised July 2008. The Look-up Tables were developed by the SCAQMD in order to readily determine if the daily emissions of CO, NO_x, PM₁₀, and PM_{2.5} from the proposed project could result in a significant impact to the local air quality. The proposed project was analyzed based on the North Coast Orange County source receptor area and a five acre project site, which is the nearest size to the proposed project available in the Look-up Tables. The nearest residents are located as near as 90 feet (27 meters) southwest of the project site. Table AQ-4 shows the on-site emissions from the CalEEMod model that includes area sources, energy usage, and vehicles operating on-site and the calculated emissions thresholds.

Table AQ-4 Local Operations Emission Levels at the Nearest Receptor

On-Site Emission Source	Pollutant Emissions (pounds/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Area Sources	0.50	43.18	0.23	0.23
Energy Usage	1.54	0.66	0.12	0.12
On-Site Vehicle Emissions ¹	0.14	0.71	0.17	0.05
Total Emissions	2.18	44.55	0.52	0.40
SCAQMD Threshold for 27 meters (90 feet) ²	196	1,726	5	2
Exceeds Threshold?	No	No	No	No

Notes:

¹ On-site vehicle emissions based on 1/10 of the gross vehicular emissions.

² The estimated distance from the project site to the nearest homes is 27 meters (90 feet).

Source: Calculated from EMFAC 2007 and SCAQMD's Mass Rate Look-up Tables for five acres in North Coast Orange County.

The data provided in Table AQ-2 shows that the on-going operations of the proposed project would not exceed the local NO_x, CO, PM₁₀ and PM_{2.5} thresholds of significance. Therefore, the on-going operations of the proposed project would create a less than significant operations-related impact to local air quality due to on-site

ISSUES (and Supporting Information Sources):

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emissions and no mitigation would be required.

Operations-Related Toxic Air Contaminant Impacts

Particulate matter from diesel exhaust is the predominate toxic air contaminants (TAC) in urban areas and based on a statewide average in 2000 was estimated to represent about two-thirds of cancer risk from TACs. Some chemicals in diesel exhaust, such as benzene and formaldehyde have been listed as carcinogens by State Proposition 65 and the Federal Hazardous Air Pollutants program. The proposed project would generate a nominal number of diesel truck trips from vendors servicing the proposed project, which is anticipated to be much lower than the number of diesel truck trips generated by the existing commercial retail operations that is currently occurring on the project site. Due to an anticipated net reduction in diesel truck trips to the project site through implementation of the proposed project, a less than significant toxic air contaminant impact would occur during the on-going operations of the proposed project and no mitigation would be required.

Although not required to mitigate air quality impacts from the proposed project, mitigation measures BECSP MM4.2-1 through BECSP MM4.2-14 are required by the BECSP EIR No. 08-008.

- b) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 19, 22)

Discussion: For the purposes of this analysis, the nearest existing sensitive receptors to the project site would be the existing single family residences approximately 90 feet from the southwest corner of the proposed project site. The local air quality emissions from construction were analyzed by utilizing Localized Significance Threshold Methodology (LST Methodology), prepared by SCAQMD. The LST Methodology found the primary emissions of concern are NO₂, CO, PM₁₀, and PM_{2.5}. The maximum modeled concentrations are measured at the nearest off-site residences.

See V.a) above. None of the analyzed criteria pollutants would exceed the calculated local emission thresholds at the nearest sensitive receptors. Although not required to mitigate air quality impacts from the proposed project, implementation of mitigation measures BECSP MM4.2-1 through BECSP MM4.2-11 would further reduce emissions and ensure that impacts to sensitive receptors would be less than significant.

- c) Create objectionable odors affecting a substantial number of people? (Sources: 19, 22)

Discussion: The proposed project would not implement or facilitate uses that are significant sources of objectionable odors. Potential sources of odor associated with the proposed project may result from construction equipment exhaust and application of asphalt and architectural coatings during construction activities, as well as the temporary storage of typical household solid waste (refuse) associated with residential (long-term operational) uses. Standard construction requirements would be imposed to minimize odors from construction. Any construction-related odor emissions would be temporary, short-term, and intermittent in nature, and impacts associated with construction-related odors are expected to be less than significant. It is expected that any project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. Therefore, odors associated with construction and operation of the proposed project would be less than significant.

- d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 19, 20, 22)

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: Based on the air quality modeling analysis contained in Air Quality Analysis, short-term construction impacts will not result in significant impacts based on the SCAQMD regional and local thresholds of significance. The Air Quality Analysis also found that long-term operational regional and local air quality impacts and toxic air contaminants would be less than significant.

Therefore, the proposed project is not projected to contribute to the exceedance of any air pollutant concentration standards and is found to be consistent with the AQMP.

Consistency with the AQMP assumptions is determined by performing an analysis of the proposed project with the assumptions in the AQMP. The emphasis of this criterion is to insure that the analyses conducted for the proposed project are based on the same forecasts as the AQMP. The Regional Comprehensive Plan and Guide consists of three sections: Core Chapters, Ancillary Chapters, and Bridge Chapters. The Growth Management, Regional Mobility, Air Quality, Water Quality, and Hazardous Waste Management chapters constitute the Core Chapters of the document. These chapters currently respond directly to federal and state requirements placed on SCAG. Local governments are required to use these as the basis of their plans for purposes of consistency with applicable regional plans under CEQA. For this project, the City of Huntington Beach Land Use Plan and BECSP defines the assumptions that are represented in the AQMP.

The project site is currently designated as Mixed Use Specific Plan Design Overlay (M-sp-d) in the General Plan Land Use Plan and is located within the BECSP. The proposed project is consistent with the current land use designation and would not require a General Plan Amendment or zone change. Therefore, the proposed project would not result in an inconsistency with the current land use designation. Therefore, the proposed project is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with the AQMP for the second criterion.

Based on the above, the proposed project will not result in an inconsistency with the SCAQMD AQMP. Therefore, a less than significant impact will occur.

- e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: 19, 22)

Discussion: If an area is designated nonattainment for a criteria pollutant, then the background concentration of that pollutant has historically exceeded the ambient air quality standard for the region. If a project exceeds the regional threshold for that nonattainment pollutant, then it would result in a cumulatively considerable net increase of that pollutant and result in a significant impact. The project is located in the South Coast Air Basin, which is designated nonattainment for PM₁₀, PM_{2.5}, NO₂, and ozone. The regional air modeling performed for the proposed project and detailed above in Tables AQ-1 and AQ-3 shows that the proposed project would not exceed the SCAQMD regional emissions thresholds for any of the nonattainment pollutants. Therefore, the proposed project's cumulative impacts would be less than significant.

The project site is located within the area covered by the Beach and Edinger Corridors Specific Plan (BECSP) and analyzed in the Beach and Edinger Corridors Specific Plan Environmental Impact Report (BECSP EIR). The BECSP EIR found that if all projects covered within the Specific Plan area were to be constructed simultaneously, this would result in a significant unavoidable impact. The BECSP EIR provided Mitigation Measures BECSP MM4.2-1 through BECSP MM4.2-14, to reduce this impact, however not to less than

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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significant levels. When the City of Huntington Beach approved the BECSP on March 1, 2010, it adopted a Statement of Overriding Considerations that addresses this significant unavoidable impact and supported it decision based on substantial information provided in the FEIR.

Although not required to mitigate air quality impacts from the proposed project, mitigation measures BECSP MM4.2-1 through BECSP MM4.2-14, identified in the BECSP EIR, shall be implemented (and complied with prior to issuance of any grading permit) as part of the proposed project to further reduce nonattainment criteria pollutant air emissions generated by construction activities associated with the proposed project and ensure that cumulative impacts to nonattainment criteria pollutants would be less than significant.

VI. TRANSPORTATION/TRAFFIC. Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Sources: 19, 29)

Discussion: Arch Beach Consulting prepared a Traffic Impact Analysis (TIA) for the proposed project. The TIA included nine study intersections, including two CMP intersections of I-405 southbound ramps/Center Avenue and Beach Boulevard (SR 39)/Edinger Avenue. Weekday daily, a.m. and p.m. peak hour trip generation estimates for the proposed project (510 DUs of apartments) and the existing uses on the site were developed using trip rates provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 8th Edition*. Summaries of the trip generation rates and resulting vehicle trips for the proposed project are presented in Table T-1.

Table T-1 Project Trip Generation Estimates

Land Use	Size ¹	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
TRIP RATES								
- Apartment (220)	per DU	6.65	0.10	0.41	0.51	0.40	0.22	0.62
- General Light Industrial (110)	per TSF	6.97	0.81	0.11	0.92	0.12	0.85	0.97
- Recreational Community Center (495)	per TSF	22.88	0.99	0.63	1.62	0.54	0.91	1.45
- Single Tenant Office Building (715)	per TSF	11.57	1.60	0.20	1.80	0.26	1.47	1.73
- Home Improvement Superstore (862)	per TSF	29.80	0.72	0.54	1.26	1.14	1.23	2.37
- Discount Home Furnishing Superstore (869)	per TSF	20.00	0.36	0.21	0.57	0.83	0.74	1.57
TRIP GENERATION								
Proposed Project								
Apartment	510 Dus	3,392	52	208	260	206	111	317

ISSUES (and Supporting Information Sources):

				Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Existing Land Uses							
General Light Industrial	14.969	TSF	104	12	2	14	2 13 15
Recreational Community Center	46.225	TSF	1,058	46	29	75	25 42 67
Single Tenant Office Building	24.159	TSF	280	39	5	43	6 36 42
Home Improvement Store	49.507	TSF	1,475	36	27	62	56 61 117
Discount Home Furnishing	15.394	TSF	308	6	3	9	13 11 24
Subtotal	150.254	TSF	3,225	138	66	204	102 163 265
Difference (Proposed minus Existing Uses)							
NET TRIP INCREASE/DECREASE			167	-86	142	56	104 -52 52

Source: Traffic Impact Analysis for Archstone Edinger Apartments, 2012

Note: Trip rates based on Institute of Transportation Engineers (ITE) *Trip Generation, 8th Edition, 2008*.

¹ DU = Dwelling Unit; and, TSF = Thousand Square Feet.

According to the table, the proposed project would generate approximately 3,392 daily trips, 260 a.m. peak hour trips (52 inbound and 208 outbound), and 317 p.m. peak hour trips (206 inbound and 111 outbound). The existing land uses on the site have the potential to generate approximately 3,225 daily trips, 204 a.m. peak hour trips (138 inbound and 66 outbound), and 265 p.m. peak hour trips (102 inbound and 163 outbound). Therefore, the net new trips added by the project would be approximately 167 net new daily trips, 56 net new a.m. peak hour trips (-86 inbound and 142 outbound), and 52 net new p.m. peak hour trips (104 inbound and -52 outbound).

Based on the analysis methodology described in the TIA, the Existing plus Project and Opening Year 2015 plus Project traffic volumes were input into the *Traffix* (ICU) and *Synchro* (HCM) LOS software to determine the intersection ICU, delay, and LOS values. The results of the Existing plus Project and Opening Year 2015 plus Project intersection LOS analysis and LOS calculation sheets are provided in Appendix B of the TIA.

Based on the analysis, the project would not contribute to a decrease in the level of service of any study intersections. The Caltrans intersection of Beach Boulevard (SR 39)/Edinger Avenue is forecast to continue to operate with unsatisfactory LOS (LOS E) in both peak hours under Caltrans' HCM methodology with addition of the proposed project for existing conditions and in the PM peak hour for the Opening Year (2015) scenario. Mitigation measures and/or improvements would be required by Caltrans when significance thresholds using the HCM methodology are met (i.e., contribution of traffic to LOS E or F conditions using HCM methodology). All other study intersections are forecast to continue to operate with satisfactory LOS with addition of the proposed project at LOS D or better in both peak hours under the ICU and HCM methodologies.

The Beach and Edinger Corridors Specific Plan (BECSP) TIA has already indicated that the Beach/Edinger intersection would be significantly and cumulatively impacted in the BECSP TIA's 2016 and 2030 traffic conditions. Because the project would contribute traffic to the deficient LOS of the Beach/Edinger intersection, mitigation measures prescribed in the BECSP TIA would be applicable. The mitigation measures require payment of a project's fair share toward the construction of improvements to intersections, including the Beach/Edinger intersection, that would be significantly impacted by traffic resulting from development projects under the BECSP. Specifically, Mitigation Measures MM 4.13-10 and 4.13-11 require payment of fair-share towards the construction of a fourth northbound through lane on Beach Boulevard and payment of fair-share towards the construction of a third westbound through lane on Edinger Avenue.

With implementation of the mitigation measures, traffic impacts would be less than significant.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Sources: 19, 29)
-

Discussion: See item VI. a) above.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: 19, 29)
-

Discussion: The project area is not located within 2 miles of a public or private airstrip. However, a private heliport with a helipad is located 1.1 miles north of the project site at the northwest corner of Hoover Street and Bolsa Avenue and an existing helipad 1.7 miles south of the proposed project site on the rooftop of the sixteen-story office tower at the southwest corner of Beach Boulevard and Warner Avenue. A helipad is a designated area, including buildings or facilities, intended to be used for the landing and takeoff of helicopters. The proposed project would not result in a change to the air traffic patterns of this heliport or helipad. The project does not propose any structures of substantial height that would interfere with existing airspace or flight patterns. Therefore, no impact would occur.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources: 29)
-

Discussion: The proposed project would not substantially increase hazards due to design features or incompatible uses nor would the project result in inadequate emergency access. The proposed project would provide primary access off Edinger Avenue via separate inbound and outbound driveways that access a "Classic Boulevard" along the northern frontage of the site. A secondary full-access driveway would be located on Gothard Street, at the southeastern corner of the site which would also provide direct access to the project's internal parking structure and on-street loading/move-in areas.

Internal circulation would occur in three distinct areas: 1) the "Classic Boulevard" (i.e., frontage road) along the south side of Edinger Avenue; 2) the road along the southern boundary of the project site with access to Gothard Street; and, 3) within the on-site parking structure. All internal street geometries will be designed to the City's roadway and access standards.

The "Classic Boulevard" will act as a frontage road to Edinger Avenue and allows for separated maneuvers, such as on-street parking, away from the through traffic on Edinger Avenue. This street would be designed as a one-way (eastbound) street with diagonal parking for 17 cars along the south side. At the western end of the Classic Boulevard, the project would utilize an existing driveway to serve as the unsignalized inbound-only access from Edinger Avenue. Towards the eastern end of the site, approximately 240 feet west of the Gothard Street/Edinger Avenue intersection, the project would provide an unsignalized outbound-only driveway with a right-turn only movement.

Along Gothard Street, the proposed project would also create a driveway just north of Lorge Circle (on the east

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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side of Gothard Street). This would connect to an "East-West Connection" road that would provide access to the southern entrance of the internal parking structure. In addition, on-street loading/move-in parking areas will be provided on the north side of the street. This street would end in a cul-de-sac with a 40 foot turning radius. Emergency vehicle-only access would be provided along an access road that traverses the entire length of the west side of the project site, and would connect Edinger Avenue and the East-West Connector road.

Accident rates were calculated for the segment on Edinger Avenue between proposed driveways, and on Gothard Street at the intersection with Lorge Circle. Accident history was examined to determine the current operational conditions at these locations and to assess the necessity to provide measures to treat potential project related traffic issues at the proposed access locations. Based on the daily traffic volume of 29,000 vehicles per day and the calculated accident rate of 3.3 on Edinger Avenue without the project, the segment along the project's frontage would qualify for left turn treatments based on the California Manual of Uniform Traffic Control Devices (MUTCD) standards. Based on the vehicular volume, accident rate, and type of accidents, a painted or raised median with left turn lanes would be an appropriate measure to implement on Edinger Avenue to access the project site. To accommodate a westbound left turn lane into the project site on Edinger Avenue, the existing Shopping Center West Driveway would need to have restricted turn movements, thus be converted to a right turn in-out only driveway. The eastbound left turn ingress and southbound left turn egress at this driveway would be relocated to the existing Shopping Center East Driveway, located approximately 235 west of the intersection at Gothard Street. This would leave room for a raised or painted median with back-to-back left turn lanes on Edinger Avenue that would provide approximately 92 feet of storage for the westbound left turns into the project site, and 92 feet of storage for the eastbound left turns into the Shopping Center (with a 75 foot transition in the raised median).

The accident rate at Gothard Street/Lorge Circle was calculated to be 0.13. The state rate for a similar facility is 0.14, indicating no apparent operational issues exist at this location with the existing facilities and geometries.

A queuing analysis has been prepared for the analysis of the project driveways for the Opening Year 2015 plus Project a.m. and p.m. peak hours. The following driveways were analyzed:

- Project Inbound Driveway/Edinger Avenue
 - Westbound left turn storage
- Shopping Center (across Edinger Avenue) West Driveway/Edinger Avenue
 - Southbound right turn storage
- Shopping Center (across Edinger Avenue) East Driveway/Edinger Avenue (restricted to right-turn in/out only access)
 - Southbound left turn storage
 - Southbound right turn storage
 - Eastbound left turn storage
- Project Outbound Driveway/Edinger Avenue
 - Northbound right turn storage
- Gothard Street/Project Driveway
 - Northbound left turn storage
 - Eastbound left and right turn storage

Edinger Avenue Driveways

As discussed above, based on the daily traffic volumes and the calculated accident rate of 3.3 without the project, a painted or raised median with turn lanes would be warranted, and would be an offsite improvement required to be incorporated with the project per the BECSP. Therefore, the following improvements are recommended:

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Per the MUTCD construct a painted or raised median with a two-way (back-to-back) left turn lane to provide access to the project site (westbound left turn lane), and to the shopping center (eastbound left-turn lane). This painted or raised median would have left turn storage lanes of approximately 92 feet with a 75 foot transition/raised median). The minimum improvement should be the installation of a painted median. This would restrict access at the westerly driveway of the shopping center across Edinger Avenue to a right turn in-out only driveway, and move eastbound left turn ingress and southbound left turn egress from the shopping center to the existing full-access driveway to the east approximately 180 feet (approximately 235 feet west of Gothard Street).

Gothard Street/Lorge Circle – Project Driveway Intersection

Since an offset would be created between the project connector road and Lorge Circle, an examination of the existing and project traffic was conducted to determine if the connector road location would result in operational issues on Gothard Street.

However, the land uses surrounding Lorge Circle are retail/commercial and/or light industrial (i.e., non-residential), and would have a “complementary” peaking access circulation pattern as the proposed residential project. For example, during the morning commute peak hour, there would be a queue on the southbound left turn lane for employees entering the non-residential uses on Lorge Circle. As shown in the queuing analysis above, there would be no queue associated with the proposed residential project for the opposing northbound left turn movement. Conversely, during the afternoon/evening peak commute hour, there would be a queue (54 feet) on the northbound left turn lane for residents returning to the project site, while there would be no queue on the southbound left turn lane as employees from Lorge Circle would be leaving the area making a predominant westbound right turn to northbound Gothard Street.

Therefore, continuing to use the existing lane configuration and striping is not anticipated to result in operational issues on Gothard Street. Although not required to address project impacts, the City could implement a marked two-way left turn lane in the vicinity of the connector road and Lorge Circle to accommodate the vehicle movements for both the project connector road and Lorge Circle. This may enhance vehicle movements, but it is not necessary to implement to minimize significant hazardous features.

- e) Result in inadequate emergency access? (Sources: see above)

Discussion: See VI.a) and VI.d) above. The project will comply with street regulations including fire lane access and Beach and Edinger Corridors Specific Plan requirements. Additionally as described in VI.d) above, the project does not result in any hazardous design features that would result in adequate emergency access. Therefore, the impacts are less than significant.

- f) Result in inadequate parking capacity? (Sources: 15, 29)

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The amount of parking provided on the proposed project site would be designed to comply with the Parking Regulations established in BECSP Section 2.1.6 for the Town Center Boulevard designation. The proposed project requires 749 parking spaces and will provide 862 spaces within an internal six level parking structure along with 27 surface spaces for a total of 889 spaces.

The proposed project would provide primary access off Edinger Avenue via separate inbound and outbound driveways that access a "Classic Boulevard" along the northern frontage of the site. A secondary street would be located on the southeastern corner of the site which would also provide direct access to the project's internal parking structure. Compliance with city requirements and the site plan review process would ensure impacts related to parking are less than significant.

- g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Sources: 15, 29)

Discussion: The proposed project would be located in close proximity to public transportation and is easily walkable to nearby shopping. The Orange County Transportation Authority (OCTA) provides bus service in the City. OCTA operates Bus Route 70 with stops along Edinger Avenue on both sides of Gothard Street. At Goldenwest Street, the 70 bus connects with Bus Route 25 which provides service along Goldenwest Street throughout the City. Bus Route 70 also connects with Bus Route 29 along Beach Boulevard which also provides continuous service throughout the City. Bus Route 70 also travels on Gothard Street between McFadden Avenue and Edinger Avenue with stops along the way. At McFadden Avenue, the 70 bus connects with Bus Route 66 which has stops along McFadden Avenue. In addition, the OCTA Goldenwest Transportation Center is located at Gothard St. and Center Ave.

Currently, there are continuous sidewalks along both sides of Edinger Avenue and Gothard Street throughout the study area, with marked pedestrian crosswalks with pedestrian phasing at all signalized intersections and a proposed north-south pedestrian path along the western property line.

The project would promote and allows for the use of alternative transportation modes. Accordingly, the proposed project is compatible with adopted policies, plans and programs regarding alternative transportation and this impact would be less than significant.

VII. BIOLOGICAL RESOURCES. Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources: 19)

Discussion: According to the Generalized Habitat Area map, Figure ERC-2 of the Huntington Beach General Plan Environmental Resources/Conservation Element, no riparian habitat, sensitive habitats, or natural communities are located within the project site. In addition, the site is already developed and 99% of the site is impervious. As a result, no suitable habitat for sensitive mammal, reptile, amphibian, or fish species exists

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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within the project site. Furthermore, the BECSP EIR concluded that no endangered, rare, threatened, or special-status plant or wildlife species, or their associated habitats designated by the U.S Fish and Wildlife Service (USFWS) Endangered and Threatened Species List, California Department of Fish and Game's (CDFG), or California Native Plant Society (CNPS) are known to occur within the BECSP area. As the proposed project site is included within the BECSP area, this condition would apply to the project site.

Vegetation on the project site is limited to trees and landscaping associated with the existing commercial uses. There are 35 existing trees on the project site that will be removed. However, 264 trees are proposed on the project site. There is the potential that birds protected under the Migratory Bird Treaty Act (MBTA) are nesting within existing trees. Prior to any construction activities occurring between February 15 and August 31 annually (breeding season), a nesting bird survey would be conducted as required by mitigation measure BECSP MM4.3-1. In the event that active nests are identified within 250 feet of the construction site, a 100-foot no work buffer would be maintained between the nest and construction activity. This survey would be submitted to the City of Huntington Beach prior to issuance of a grading permit. As such, implementation of mitigation measure BECSP MM4.3-1 would ensure protection of migratory bird species and habitat through focused surveys and the proposed project would result in a less than significant impact.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources: 19)

Discussion: According to the Generalized Habitat Area map, Figure ERC-2 of the Huntington Beach General Plan Environmental Resources/Conservation Element, no sensitive natural communities are located in the BECSP area. No riparian habitat exists within the BECSP area, including the proposed project site. Furthermore, the project site is developed and could not support riparian habitat or other sensitive natural communities. As such, the proposed project would not have a direct effect upon any riparian habitat or other sensitive natural communities. This is considered a less than significant impact.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: 19)

Discussion: There are no wetlands within the project site, as defined by the Clean Water Act or the Fish and Game Code of California. The proposed project would result in no impact to federally protected wetlands.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources: 19)

Discussion: The BECSP area does not function as an important regional wildlife corridor because it has been developed, paved, landscaped, and/or graded. This is true of the proposed project site. The project site and

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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areas immediately surrounding the project site are highly urbanized, and are considered to be fully built out with commercial and residential development. As such, with the possible exception of migratory birds, the BECSP area and the proposed project site do not fit into an identified wildlife movement category (travel route, wildlife corridor, or wildlife crossing).

Birds protected under the MBTA may potentially be nesting within existing trees. Prior to any construction activities occurring between February 15 and August 31 annually (breeding season), a nesting bird survey would be conducted as required by mitigation measure BECSP MM4.3-1. In the event that active nests are identified within 250 feet of the construction site, a 100-foot no work buffer would be maintained between the nest and construction activity. Consultation with the CDFG and USFWS is also encouraged. This survey would be submitted to the City of Huntington Beach prior to issuance of a grading permit. As such, implementation of mitigation measure BECSP MM4.3-1 would ensure protection of migratory bird species and habitat through focused surveys and the proposed project would result in a less than significant impact.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources:14, 16)

Discussion: Biological resources on the project site are limited to trees and landscaping. The City of Huntington Beach Tree Ordinance (Chapter 13.50 of the Huntington Beach Municipal Code) requires the applicant to obtain a permit from the Public Works Department for any activity that may disturb trees of any kind. The City’s Tree Ordinance requires submittal of a landscape plan demonstrating compliance with current code requirements and the replacement of existing mature healthy trees to be removed at a minimum of 2:1 ratio with 36-inch box or palm equivalent. Approval of trimming, removing, or replacing trees by the Director of Public Works in association with replacement requirements would ensure that the proposed project would not conflict with any local policies or ordinances protecting biological resources. The proposed project would result in a less than significant impact.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources: 14, 16)

Discussion: No habitat conservation plan or natural community conservation plan is applicable to the BECSP area, including the proposed project site, and no impact would occur due to conflict with a plan.

VIII. MINERAL RESOURCES. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources: 19, 23)

ISSUES (and Supporting Information Sources):

	Potentially Significant	Potentially Significant	Less Than Significant	No Impact
	Unless Mitigation Incorporated			

Discussion: The City of Huntington Beach General Plan does not indicate that there are any mineral resources in or near the project site. The California Geological Survey (CGS) did not map any mineral resources in the immediate vicinity of the proposed project site or within the immediate vicinity of the proposed project site. The proposed project would not involve the extraction of mineral resources that would result in loss of availability of any mineral resource that would be of value to the region. In addition, the project site is not designated as an important mineral resource recovery site in the City of Huntington Beach General Plan or any other land use plan. The proposed project would not involve the extraction of mineral resources that would result in the loss of availability of a locally-important mineral resources recovery site. There would be no impact.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Sources: see above)

Discussion: See VIII.a) above.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: 19, 24, 25)

Discussion: The exposure of the public or the environment to hazardous materials could occur in the following ways as a result of the project: improper handling or use of hazardous materials or hazardous wastes, particularly by untrained personnel; transportation accident; environmentally unsound disposal methods; or fire, explosion or other emergencies. The severity of potential effects varies with the activity conducted, the concentration and type of hazardous material or wastes present, and the proximity of sensitive receptors. The types and amounts of hazardous materials would vary according to the nature of the activity at the project site. Hazardous materials regulations were established at the state level to ensure compliance with federal regulations intended to reduce the risk to human health and the environment from the routine use of hazardous substances.

To ensure that workers and others at the project site are not exposed to unacceptable levels of risk associated with the use and handling of hazardous materials, employers and businesses are required to implement existing hazardous materials regulations, with compliance monitored by state (e.g., Occupational Safety and Health Administration [OSHA] in the workplace or the Department of Toxic Substances Control [DTSC] for hazardous waste) and local jurisdictions (e.g., the Huntington Beach Fire Department [HBFD]). Adherence to existing hazardous materials regulations would ensure compliance with existing safety standards related to the handling, use and storage of hazardous materials, and compliance with the safety procedures mandated by applicable federal, state, and local laws and regulations (Resource Conservation Recovery Act [RCRA], California Hazardous Waste Control Law, and principles prescribed by the California Department of Health Services [DHS], Centers for Disease Control and Prevention, and National Institutes of Health).

The proposed project does not include a component that would normally introduce hazards or hazardous materials to the project site as it only includes the development of residential dwelling units. Hazardous materials typically associated with residential uses include cleaning products as well as typical maintenance supplies.

The operation of the proposed project would not require the handling of hazardous or other materials that would result in the production of large amounts of hazardous waste. The construction phase of the proposed project may generate hazardous and/or toxic waste. Federal, state, and local regulations govern the disposal of wastes identified as hazardous, which could be produced in the course of demolition and construction. Asbestos, lead, or other hazardous materials encountered during demolition or construction activities would be disposed of in compliance with all applicable regulations for the handling of such waste. Should the use and/or storage of hazardous materials at the project site rise to a level subject to regulation, those uses would be required to comply with federal and state laws to eliminate or reduce the consequence of hazardous material accidents resulting from routine use, disposal and storage of hazardous materials on the project site during both the construction and operation phases of the project to a less than significant level.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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materials into the environment? (Sources: 19, 24, 25, 26, 27)

Discussion: Demolition, grading, excavation activities and ultimately, occupancy as a residential land use could result in the exposure of construction personnel and future residents to hazardous substances in the soil and/or groundwater. Exposure to hazardous substances could occur from soil contamination caused by historic uses on the site, migrating contaminants originating at nearby listed sites, or from construction-related soil contamination caused by spillage and/or mixing of construction trash and debris into the soil. If any unidentified sources of contamination are encountered during demolition, grading, or excavation, the removal activities could pose health and safety risks capable of resulting in various short-term or long-term adverse health effects in exposed persons.

A Phase I Environmental Site Assessment (ESA) report and a Phase II Limited Subsurface Soil and Groundwater Investigation Report were prepared, as required by mitigation measure BECSP MM4.6-1, to investigate the potential for contamination to be encountered during development. The Phase I report, completed by Blackstone Consulting in January 2012, revealed that a former chrome and nickel plating facility located at 16091 Gothard Street for approximately 19 years presents the potential for elevated contaminants to exist in the subsurface areas below the processing equipment inside the building. While the processing surface areas and equipment were decommissioned under an approved facility closure plan, there is no record of the collection of samples from the areas beneath the process equipment. Based on the type of operations performed, the duration of the operations, the absence of the sampling below the processing equipment during decommissioning activities, and the proposed redevelopment of the site into a residential use, the former plating operations are considered a recognized environmental condition.

In conjunction with preparation of the limited Phase II ESA, on January 17, 2012, Blackstone completed soil borings in the vicinity of the reported plating lines, the former hazardous materials storage area, and in locations hydraulically upgradient and downgradient relative to the former plating operations on the site. The summary findings of the investigation of the soil and groundwater testing revealed the following:

VOCs in Soil Samples - No detectable concentrations of VOCs were found in any of the soil samples.

CCR Metals in Soil Samples - For the CCR metals, one soil sample (B-11-3') contained elevated lead at a concentration exceeding the 80 mg/kg Residential CHHSL and the 1,000 mg/kg CA TTL. If excavated from the site, this soil would require management as a CA hazardous waste.

VOCs in Groundwater - Several chlorinated VOCs were found at concentrations exceeding the CA MCLs in three (B-8-W, B-11-W and B-12-W) of the four groundwater samples. No VOCs were found in the grab groundwater sample collected from boring B-4. Based on the reported southwesterly groundwater flow direction, boring B-4 is located hydraulically upgradient of the other borings where VOCs were detected in the grab groundwater samples.

CCR Metals in Groundwater - None of the CCR metals were detected in the groundwater samples at concentrations exceeding their respective CA MCLs.

Based on the findings of this Limited Subsurface Soil and Groundwater Investigation, groundwater beneath the site has been affected by chlorinated VOCs at concentrations exceeding the CA MCLs established for drinking water. Although no VOC source area was discovered in the soil samples collected as a part of the limited investigation, the absence of VOCs in the groundwater sample collected from B-4, which is hydraulically upgradient of the B-8, B-11, and B-12 well locations, suggests that the VOCs may have originated from a yet undiscovered onsite release to soil from the former plating operations.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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In order to further characterize the horizontal and vertical extent of contamination, a supplemental site investigation is required to determine the corrective actions needed based on residential occupancy of the project site. Based on the results of further site investigation, a Human Health Risk Assessment (HHRA) will be prepared based on the proposed land use. Additionally, a Corrective Action Plan (CAP) will be prepared to identify areas of soil or groundwater which require remediation to meet the land use human health goals. Such remedies may include targeted soil excavation, groundwater remediation, and the installation of an environmental vapor barrier beneath the proposed site structures. The remedies may be performed prior to or concurrent with related stages of construction and occupancy once the necessary mitigations for the protection of the health of residents have been completed. The environmental work will be performed under the oversight of the appropriate local environmental agency, such as the Santa Ana Regional Water Quality Control Board, and will be performed by appropriately licensed and qualified geologists and engineers. Based on this and compliance with BECSP MM4.6-1 and MM4.6-2, the environmental condition will be less than significant.

The demolition of existing structures could result in exposure of construction personnel and the public to hazardous substances such as asbestos or lead-based paints. Federal and state regulations govern the renovation and demolition of structures where materials containing lead and asbestos are present. These requirements include: SCAQMD Rules and Regulations pertaining to asbestos abatement (including Rule 1403); Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead) from Title 8 of the CCR; Part 61, Subpart M, of the CFR (pertaining to asbestos); and lead exposure guidelines provided by the U.S. Department of Housing and Urban Development (HUD). Asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the state Department of Health Services. In addition, California Occupational Safety and Health Administration (Cal-OSHA) has regulations concerning the use of hazardous materials including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation.

Development of the proposed project would include the use of and storage of common hazardous materials such as paints, solvents, and cleaning products. Additionally, grounds and landscape maintenance could also use a variety of products formulated with hazardous materials, including fuels, cleaners, lubricants, adhesives, sealers, and pesticides/herbicides. The properties and health effects of different chemicals are unique to each chemical and depend on the extent to which an individual is exposed. The extent and exposure of individuals to hazardous materials would be limited by the relatively small quantities of these materials that would be stored and used on the project site. As common maintenance products and chemicals would be used in conformance with warning labels and storage recommendations from the individual manufacturers, these hazardous materials would not pose any greater risk than at any other similar development. Through development of the proposed project, hazardous materials could be stored within the project site, but the materials would generally be in the form of routinely used common chemicals.

The limited Phase II prepared for the proposed project did not make a determination that testing for the presence of methane gas is necessary. However, the proposed project site is within the Huntington Beach Methane Mitigation District and, therefore, based on Fire Department review of the project and in accordance with BECSP MM4.6-3 and with 17.04.085 of the City's Building Code a sub-slab methane barrier and vent system will be required. Specifically, the proposed project is required to comply with HBFD Specification No. 429, Methane District Building Permit Requirements. As part of this process, should soil testing detect significant amounts of methane, grading and building plans shall reference a sub-slab methane barrier and vent system will be installed at the project site per City Specification No. 429, prior to plan approval. If required by the HBFD, additional methane mitigation measures to reduce the level of methane gas to acceptable levels shall be implemented.

Impacts associated with hazardous materials will be less than significant with implementation of BECSP

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant	Less Than Significant	No Impact
		Unless Mitigation Incorporated	Impact	

MM4.6-2. In order to comply with this mitigation measure, a HHRA and CAP will be prepared and submitted to the appropriate oversight agencies, including the HBFD for review and approval. Impacts from methane will be less than significant with implementation of BECSP MM4.6-3 and City Specification No. 329.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: 19)

Discussion: As identified in Figure 4.6-2 of EIR No 08-008, Golden West Community College is located on the north side of Edinger Avenue, across from the project site. Construction activities would involve the utilization of diesel-powered trucks and equipment, which would result in temporary diesel emissions that have been determined to be a health hazard. Operation of residential uses of the proposed project would include the handling and/or storage of potentially hazardous materials; however, the types of hazardous materials anticipated would be limited to regulated types and quantities such as household cleaners and landscaping chemicals. Compliance with all applicable local, state, and federal laws and regulations would regulate, control, or respond to hazardous waste, transport, disposal, or clean-up in order to ensure that hazardous materials do not pose a significant risk to Golden West Community College. There are no additional schools within 0.25 mile of the project site. If ground contamination is found at the project site before or during construction of the project, the implementation of the CAP described in IX.b) above would ensure the health and safety of all students, staff, and visitors at the Community College and impacts would be less than significant.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources: 13, 19)

Discussion: A Phase I ESA was prepared in January 2012 by Blackstone Consulting LLC. The Phase I identified 5 former underground storage tanks (USTs) on the project site, including one 1,000-gallon diesel UST and one 4,000-gallon diesel UST on the 7280 Edinger Avenue property, and two 2,000-gallon gasoline USTs and one 2,000-gallon diesel UST on the 16091 Gothard Street property. All of the USTs were removed from the project site under the permit and oversight of the Orange County Health Care Agency (OCHCA), the lead agency, and each has been granted closure with no further action. Based on status, these former USTs are not considered a significant environmental concern for the site. Should a small amount of impacted soil be encountered during excavation, it will be disposed of in an appropriate manner under state manifest.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources: 19)

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The proposed project would not interfere with airport or aircraft operations as the nearest airport to the project site is the Joint Forces Training Center Los Alamitos located approximately 10 miles northwest of the project site. There are no private airstrips in the nearby vicinity; however, there is a private heliport with a helipad located 1.1 miles north of the project site at the northwest corner of Hoover Street and Bolsa Avenue and an existing helipad at the southwest corner of Beach Boulevard and Warner Avenue, approximately 1.7 miles south of the project site, on the rooftop of the sixteen-story office tower. A helipad is a designated area, including buildings or facilities, intended to be used for the landing and takeoff of helicopters. Safety issues include hazards posed to aircraft from structures located within navigable airspace and crash hazards posed by helicopters to people and property on the ground. However, the existence of such a facility does not necessarily represent an impending impact for residents. Implementation of the proposed project would increase the number of residents potentially exposed to helipad safety hazards. Conversely, helipads also represent a safety feature on tall buildings in that they can be used during emergencies, such as a fire in the building. Operation of the existing heliport and helipad is required to comply with requirements of the Federal Aviation Administration (FAA), the Airport Land Use Commission (ALUC) for Orange County, and Caltrans/Division of Aeronautics, in addition to any other local requirements. As such, this impact would be less than significant.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: see above)

Discussion: See IX.e) above.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 19)

Discussion: As required by law, the proposed project would be required to provide adequate access for emergency vehicles. Additionally, development would be required to regulate the storage of flammable and explosive materials and their transport within the project site, and would comply with applicable Uniform Fire Code regulations for issues including fire protection systems and equipment, general safety precautions, and distances of structures to fire hydrants. Temporary short-term construction impacts on street traffic adjacent to the project site due to roadway and infrastructure improvements and the potential extension of construction activities into the right-of-way could result in a reduction of the number of lanes or temporary closure of segments of Edinger Avenue or Gothard Street. Any such impacts would be limited to the construction period of the project and would affect only adjacent streets or intersections. It is not expected that this would have a significant impact on response plans. However, mitigation measure BECSP MM4.6-4 further ensures that emergency response teams for the City of Huntington Beach, including HBFD and Huntington Beach Police Department (HBPD) would be notified of any lane closures during construction activities on the project site and that a minimum one lane would remain open at all times to provide adequate emergency access to the site and surrounding neighborhoods. The proposed development would provide adequate access for emergency vehicles, and the proposed project would result in a less than significant impact.

- h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Sources: 19)

Discussion: The project site and surrounding area are characterized by features typical of the urban landscape and include commercial uses. As discussed in the previously certified EIR No. 08-008, no wildlands exist within the immediate vicinity of the proposed project site. Consequently, development of the proposed project would not result in an impact due to the exposure of people or structures to hazards associated with wildland fires. There would be no impact.

X. NOISE. Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources: 14, 19, 30)

Discussion: The proposed project has the potential to result in events that may exceed permitted noise levels. The primary sources of noise associated with the proposed project would be construction activities and project-related traffic volumes. Secondary sources include increased human activity throughout the project site. The closest noise sensitive receptors to the project site would be the single-family residential neighborhood abutting the southwest corner of the project site. The USEPA has compiled data regarding the noise generating characteristics of typical construction activities. These data are presented in Tables 4.9-7 (Noise Ranges of Typical Construction Equipment) and 4.9-8 (Typical Outdoor Construction Noise Levels) of EIR No. 08-008. These noise levels would diminish rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. The foundation design of the project calls for the use of piles due to expansive soil conditions. The project intends to use bore-type augering which can operate at 75dB(A) at 50 feet with a silenced-type diesel compression muffler. The residential neighborhood southwest of the project site could experience noise levels up to 86 dBA L_{eq} as a result of construction activities.

Under Section 8.40.090(d) (Special Provisions) of Chapter 8.40 of the City's Municipal Code, noise sources associated with construction are exempt from the requirements of the Municipal Code, provided that the project developer has acquired the proper permit(s) from the City and construction activities do not occur between the hours of 8:00 P.M. and 7:00 A.M. on weekdays, including Saturday, or at any time on Sunday or a federal holiday. As construction would not occur except during the times permitted in the Noise Ordinance, and as Section 8.40.090(d) of the Municipal Code allows construction noise in excess of standards to occur between these hours, the proposed project would not violate established standards. Implementation of identified mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3 would reduce temporary construction noise impacts, and construction-related noise would be less than significant.

SSA Acoustics (SSA) prepared a noise study for the proposed project in order to quantify the existing and future noise environment and vibration levels at the proposed site. Noise measurements were taken at 5 locations (four short-term and one long-term) on the project site between Wednesday, December 21, 2011 and Thursday, December 22, 2011.

The predominant noise at the project site is vehicle noise from Edinger Avenue and to a lesser extent, the surrounding community. Vehicle noise is typically from automobiles traveling to and from the residential areas and to the east and west to patronize commercial business. This traffic is intermittent and individual events were from 5 – 10 dB(A) above the ambient average level. The calculated LDN value as a result of these LEQ measurements is 68 dB(A) which is above the city standard of 50 dBA (7 a.m. – 10 p.m.) and 55 dBA (10 p.m. – 7 a.m.). The noise study indicates that typical residential construction methods will achieve the 45 dB(A)

ISSUES (and Supporting Information Sources):

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interior noise standard.

In addition, recommendations from the Noise Study will be incorporated into the project. To achieve an adequate level of noise reduction, exterior walls, windows and doors to residential units need to achieve an STC 30 or higher when designed as a composite assembly. All acoustical construction practice for rated assemblies should be followed. The sound transmission loss necessary for the project can be achieved by using a wood stud framed assembly of either 4" or 6" studs with an exterior layer of sheathing achieving 2 lbs/ft² and a single layer of 5/8" gypsum wallboard on the interior. The cavity should be filled with 3-1/2" glass fiber insulation. To provide the interior living areas with sound reduction from the environment, the following sound control measures should be utilized: Windows should have a minimum Sound Transmission Class (STC) rating of 31. This can be achieved with a dual pane window of glazing with 3/8" glass, 1.2" airspace, 1/8" glass. Exterior doors should meet an STC-31 or greater utilizing a 1-3/4" solid core wood door and compression seals on jamb and threshold. In addition, doors and windows should have rough openings completed to within 1/4" of window size, which should then be sealed using acoustical sealant to provide a non-rigid seal against sound leakage.

With adherence to typical residential construction methods, the project will not generate noise levels in excess of established standards and impacts would be less than significant.

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
 (Sources: 19, 30)

Discussion: Construction-related activities for the proposed project have the potential to generate low levels of groundborne vibration. Table N-1 below (Vibration Source levels for Construction Equipment) identifies various vibration velocity levels for the types of construction equipment that would operate at the project site during construction.

Table N-1 Vibration Source levels for Construction Equipment

Equipment	Approximate VdB			
	25 Feet	50 Feet	75 Feet	100 Feet
Large Bulldozer	87	81	77	75
Loaded Trucks	86	80	77	75
Jackhammer	79	73	69	67
Small Bulldozer	58	52	48	46

Source: Federal Railroad Administration 1998

The proposed project will use piles as part of the foundation design due to the expansive soils. In order to build on the site, piles need to extend through the alluvial layer, approximately 55 feet deep and 5 feet into the hard sediment below to provide adequate support. The way vibration is transmitted differs depending on the density of the layers of sediment. The denser and stiffer the sediment, the further a ground wave will travel. With an alluvial layer extending to a depth of 55 feet, surface waves are minimized. As the auger reaches the harder sediment, vibration is dampened by the weight of the liquefied layer above. Forces generated by the APGD method recommended by the geotechnical study will minimize the amount of vibration and the soil will make it difficult for vibration to propagate.

The noise study prepared by SSA modeled the vibration-related noise associated with pile driving activities. The primary noise source associated with pile driving is the drill rig which can oscillate depending on the

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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tension placed on the auger. This can be controlled by fitting the rig with an appropriate exhaust muffler and the use of portable sound barriers. The project intends to use bore-type augering which can operate at 75dB(A) at 50 feet with a silenced-type diesel compression muffler.

Construction activities would have the potential to impact the adjacent residential neighborhood southwest of the project site; however, these construction impacts would intermittent and short-term and are exempt from the City's Noise Ordinance. Implementation of previously identified mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3 in addition to the use of portable sound barriers and proper compression mufflers will reduce this impact to less than significant.

In addition, ambient vibration levels due to typical activity on site were measured in two locations on site. The VdB levels are below the limits prescribed by the FTA for residences. The FTA suggests that the ground-borne vibration velocity should not exceed 80 dB for infrequent events and 72 dB for frequent events to minimize potential vibration impacts. In general vibration did not exceed 50 VdB which is well below the established standard.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 19, 30)

Discussion: Please refer to response X.a) above, regarding the findings of the existing noise environment at the project site. There would be operational noise impacts generated by residential uses such as mechanical equipment (HVAC). Installation of shielding around HVAC systems would be required by mitigation measure BECSP MM4.9-4, which would further reduce HVAC noise levels. The proposed project would result in an intensification of human activity at the proposed project site with the introduction of a permanent, resident population. This could increase overall ambient noise levels within the project area and the larger BECSP area, however the type of noise caused by residential uses is similar to the existing condition and the increase would not be substantial. With implementation of mitigation measures BECSP MM4.9-4 and BECSP MM4.9-5, operational noise would remain less than significant.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 19, 30)

Discussion: Please refer to response X.a) above. Construction activities would represent a substantial temporary or periodic increase in ambient noise levels. However, the construction activities would only occur during the permitted hours designated in the City of Huntington Beach Municipal Code, and thus would not occur during recognized sleep hours for residences or on days that residents are most sensitive to exterior noise (Sundays and holidays). As such, while an increase in ambient noise levels could occur from the construction activities associated with the proposed project, significant impacts to the nearby residents would not occur because construction noise is exempted by the Municipal Code as long as it occurs during permitted hours. Implementation of mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3 would further reduce this impact to less than significant.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant	Less Than Significant Impact	No Impact
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project expose people residing or working in the project area to excessive noise levels? (Sources: 3, 19)

Discussion: The project site is not located within 2 miles of a public airport, public use airport, or private airstrip. There are no private airstrips in the nearby vicinity; however there is a private heliport with a helipad located 1.1 miles north of the project site at the northwest corner of Hoover Street and Bolsa Avenue and an existing helipad 1.7 miles south of the proposed project site on the rooftop of the sixteen-story office tower at the southwest corner of Beach Boulevard and Warner Avenue. A helipad is a designated area, including buildings or facilities, intended to be used for the landing and takeoff of helicopters. However, the existence of such a facility does not necessarily represent an impending impact for residents. Further, the existing helipad has not been used in over three years and the proposed project for that site would not alter the helipad use. Therefore, the proposed project would not expose people to excessive noise from airports. No impact would occur.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources: see above)

Discussion: See X.e) above.

XI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection? (Sources: 19)

Discussion: Public Services were analyzed in section 4.11 of EIR No. 08-008. As noted above (Section II. Population and Housing), development of 510 residential units would result in a new residential population of approximately 1,362 persons at the site.

The proposed project site would receive first response from Station 2, the Murdy Station, located approximately 0.3 mile south of the project site. The next closest station is Station 8, the Heil Fire Station, located approximately 1.9 miles southwest of the project site. The Murdy Station has one truck company, one paramedic engine company, and one advanced and basic life support ambulance. The Heil Fire Station has one Paramedic Engine Company. As indicated in EIR No. 08-008, the Huntington Beach Fire Department (HBFD) emergency response time objective is for the first fire or paramedic unit to arrive within five minutes. HBFD currently maintains this response time with existing facilities, equipment, and staffing. The combined equipment at Murdy Station and Heil Station are considered adequate to serve the project site. BECSP EIR Section 4.11 (Public Services) concluded that because the HBFD meets or exceeds the emergency response time goal for the project site and the City as a whole, additional personnel and/equipment in order to maintain adequate levels of service is not necessary.

ISSUES (and Supporting Information Sources):

	Potentially Significant	Potentially Significant	Potentially Significant	
	Unless Mitigation Incorporated	Less Than Significant Impact		No Impact

All development plans prepared for the proposed project would be reviewed by the HBFD prior to construction to ensure that adequate fire flows would be maintained. Compliance with all required policies, rules, and regulations would ensure that the proposed project would not require any new or physically altered fire facilities to maintain adequate response times and staffing, the construction of which could result in significant environmental impacts. In addition, implementation of mitigation measure BECSP MM4.11-1 as required by BECSP EIR No. 08-008 would ensure that the HBFD receives adequate staffing and/or equipment to maintain acceptable levels of service. Subsequent to the adoption of the BECSP and EIR in 2012 the City adopted fire impact fees for new development. The fees will fund capital improvements to enable the Fire Department to maintain an adequate level of service. The proposed project would be subject to the new fees. Impacts to HBFD response times and resources would be considered less than significant.

b) Police Protection? (Sources: 19)

Discussion: As noted in EIR No. 08-008, the Huntington Beach Police Department (HBPD) has 237 sworn officers and currently employs a total of 233 civilian positions, currently protecting 192,524 residents in the City. The proposed project could result in up to 1,362 new residents. Using the worst-case population increase scenario, the additional 1,362 residents generated by the proposed project is not expected to significantly impact HBPD resources given that general fund monies from increased property tax revenue associated with development as well as other fee revenues (i.e., building permit fees) may be used to augment equipment levels. Further, implementation of mitigation measure BECSP MM4.11-1 as required by BECSP EIR No. 08-008 would ensure that adequate staffing levels are maintained. Subsequent to the adoption of the BECSP and EIR in 2012 the City adopted police impact fees for new development. The fees will fund capital improvements to enable the Police Department to maintain an adequate level of service. The proposed project would be subject to the new fees. Therefore, persons on site or elsewhere in the City would not be exposed to increased risks as a result of the proposed project. Impacts to HBPD response times and resources would be considered less than significant.

c) Schools? (Sources: 19)

Discussion: The proposed project would increase the population within the BECSP area with related increases in enrollment at area schools. The project site is located within the Huntington Beach Union High School District (HBUHSD) and the Ocean View School District (OVSD). Students generated from the proposed project would attend Marina High School, Spring View Middle School and College View Elementary School. In a letter submitted to the City on behalf of OVSD by its legal counsel, Connor, Fletcher, Williams LLP on July 3, 2012, OVSD indicated that the proposed project would generate 250 students or 0.49 students per unit. However, the letter did not reference or indicate how the 0.49 student generation rate was calculated. The letter further states that College View Elementary does not have the capacity to accommodate the additional students generated by the proposed project and that it would create overcrowded conditions at this school. The 0.49 student generation rate differs from the overall district-wide student generation rate of 0.34 (0.22 elementary, 0.12 middle school) contained in OVSD's 2006 fee justification study.

In response to this letter, Jeanette C. Justus Associates provided information to the City in a letter dated August 20, 2012, which cited enrollment data and projections prepared by DecisionInsite, Inc. (DI), the OVSD demographic consultant. Over the last ten years, districtwide enrollment at OVSD declined by 7% from 10,177 students in 2002-03 school year to 9,461 students in 2011-12 school year. As outlined in March 2011 projections prepared by DI, enrollment is expected to continue declining through 2020. DI projects there would be 8,886 students in 2020. When the same projection compares enrollment to capacity, there are 3,171

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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available seats projected in 2020. DI estimates there are 586 classrooms or 11,880 seats currently. When compared to the 2011-12 enrollment of 9,461, there is a surplus of 2,419 seats districtwide. School district enrollment projections typically include students from new development planned within school district boundaries. Referenced projections were prepared in March 2011, after adoption of the BECSP (2009). It is assumed that planned development within the specific plan area is incorporated in the study. Based on 2011-12 enrollment data, College View Elementary School has 277 available seats and Spring View Middle School has 64 available seats.

It should also be noted that it is unlikely that the 510 planned units would generate the 250 students assumed by OVSD. The proposed project density is 60 dwelling units to the acre. There are no special amenities that can serve families with children such as tot lots on site. The Project's target market includes young professionals rather than families with children. Jeanette C. Justus Associates has been following high density development and observed that as long as there are low density attached and detached alternatives available in the area, it is likely that families with children would choose other housing alternatives. Irvine Unified School District (IUSD) has experienced a significant number of high density development such as the Proposed Project. In October 2011, Jeanette C. Justus Associates collected data from IUSD and calculated student generation rates. The sample of high density units of 45+ units to the acre included 2,422 units located in the John Wayne Airport Area and the Irvine Spectrum. The resulting K-8 student generation rate or ratio of students per home is 0.052 or approximately 5 students for each 100 dwelling units. When these high density student generation rates are applied to the proposed Project, the estimated number of K-8 students equals 27. If this student generation rate is applied to the other pending multi-family projects within the BECSP namely Bella Terra (467 units), Boardwalk (487 units) and the Lofts (385 units), this equates to a total of 97 new elementary school students. As noted in the analysis prepared by Jeanette C. Justus Associates cited above, College View Elementary School has 277 available seats. Therefore, when accounting for the 97 students generated from the proposed project and other residential projects in the BECSP, College View Elementary School will still have 180 available seats.

The enrollment data obtained from the Jeanette C. Justus Associates letter is consistent with the conclusions contained in Program EIR No. 08-008 prepared for the BECSP. The EIR indicates population growth resulting from implementation of the specific plan would increase the number of students within the HBCSD, OVSD, and HBUHSD through 2030. However, the majority of schools serving the BECSP project area are currently operating below maximum capacity. Additionally, all three of the school districts anticipate that the enrollment will be lower in the upcoming years and will continue to decline in the future. Due to declining enrollment within each district, new students generated as a result of future development would not result in overcrowding and would likely help offset the current declining student population.

Impacts on schools are determined by analyzing the projected increase in enrollment as a result of a proposed project and comparing the projected increase with the schools' remaining capacities to determine whether new or altered facilities would be required. Impacts on schools are considered to be less than significant with payment of the state Department of Education Development Fee, which was enacted to provide for school facilities construction, improvements, and expansion.

The proposed project would be required to pay all relevant school impact fees. These fees would be distributed as appropriate to the HBCSD and OVSD and would provide funds for any additional school facilities that could be required as a result of future increases in student enrollment. Nonetheless, code requirements BESC CR4.11-1, CR4.11-2, and CR4.11-3 would ensure that proposed project pay development fees based on residential square footage and commercial square footage.

Accordingly, development of the proposed project would not require any new or physically altered school facilities to serve the proposed project, the construction of which could result in significant environmental

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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impacts. This impact would be less than significant.

d) Parks? (Sources: 1, 19)

Discussion: Policy RCS 2.1.1 of the City's General Plan requires that the City's park to population ratio is maintained at 5 acres of public parks (which includes beaches) per 1,000 persons. Based on the Department of Finance (DOF) 2012 population estimate for the City of Huntington Beach of 192,524 residents, the City currently has a ratio of approximately 5.18 acres of parkland per 1,000 persons, which exceeds the established park standard. With implementation of the proposed project, the City's estimated 2012 population would be increased by 1,362 residents, for a total of 193,886 residents. Although the proposed project would result in direct population growth, the City's existing parkland to population ratio would not be significantly reduced to 5.14 acres per 1,000 residents. Additionally, compliance with BECSP Section 2.6 and compliance with Chapter 254.08 of the City's Zoning and Subdivision Ordinance (BECSP CR4.12-1) pertaining to community recreation would reduce potential impacts to recreation and would ensure that requirements of the BECSP and the General Plan are satisfied. In addition, the proposed project includes private and public open space. Therefore, the proposed project would not result in the increased use of existing parks such that substantial physical deterioration would occur or be accelerated. This impact is considered less than significant.

e) Other public facilities or governmental services? (Sources: 19)

Discussion: The Huntington Beach Public Library System has five branches that serve the City's residents. The Oak View Branch Library is the closest library to the project site. According to California Library Statistics, there should be an average service ratio of approximately 0.00036 full-time employees per resident; however, the Huntington Beach Public Library does not meet this ratio with only 37 staff according to BECSP EIR No. 08-008. Based on the City's current population of 192,524 residents (Department of Finance January 2012 projection), an additional 33 full-time staff members would need to be hired in order to meet this standard. The proposed project would increase the population of Huntington Beach by approximately 1,362 residents, resulting in the need for less than 1 additional staff member. This needed increase in staffing, although not substantial, would further contribute to the existing staffing deficiencies within the City's library system. Implementation of code requirement BECSP CR4.11-3 would be required to ensure that these additional residents would not notably affect the current ratio of staff per resident. Library service impacts would be less than significant.

XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: 19)

Discussion: All existing and future municipal and industrial discharges to surface waters within the City are subject to discharge requirements specified by the NPDES permit system. The proposed project would not result in the discharge of wastewater to any surface water. Instead, operational discharges will be diverted to the project's sewer system, which would ultimately be treated at one or more of the OCSW wastewater treatment plants. The Orange County Sanitation District (OCSW) wastewater treatment plants are required to

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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comply with their associated Waste Discharge Requirements (WDRs). WDRs set the levels of pollutants allowable in water discharged from a facility. Compliance with any applicable WDRs, as monitored and enforced by the OCSD, would ensure that the proposed project would not exceed the applicable wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board (SARWQCB) with respect to discharges to the sewer system. This would result in a less than significant impact.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 17, 19)

Discussion: A Water Supply Assessment (WSA) was prepared for the BECSP pursuant to Water Code Sections 10910 et seq., which includes the proposed project site. The WSA identified the methodologies to calculate the water demand for the specific plan area resulting from the increases in land uses. The WSA concluded that buildout of the uses authorized by the BECSP would result in a net increase of 1,370 acre-feet per year (afy) to 1.2 million gallons per day (mgd). Water demand rates for the proposed project were based on the generation rates used in the BECSP WSA. The proposed project would result in a water demand of 102,000 gallons per day (gpd), as shown in Table U-1 (Water Demand for Proposed Project). The City receives approximately two-thirds of its water supply from groundwater wells and approximately one-third from imported water. As indicated in the BECSP WSA, water demands associated with individual projects can be accommodated by forecasted allocation of imported water and groundwater.

Table U-1 Water Demand for Proposed Project

Land Use	Generation Rates	Proposed Project	
		Units	Total Demand
Residential	200 gpd/du	510 units	114 afy (102,000 gpd)

Source: City of Huntington Beach, Beach and Edinger Corridor Specific Plan EIR, Section 4.14, 2009.

The existing pipes throughout the project site would provide some of the infrastructure necessary to provide water service to the proposed project. However, it is likely that new on-site and off-site improvements (both public and private) could be required to provide adequate service for water demand. This would be determined through the preparation of a hydraulic water study as required by BECSP CR4.14-1 which would ensure that adequate water infrastructure is developed to serve the proposed project. If new infrastructure and other improvements are determined to be necessary, development would adhere to existing laws and regulations, and the water conveyance infrastructure will be appropriately sized for the proposed project, which includes potable water, domestic irrigation and fire flow demands.

The proposed project would use treated imported water via the Diemer Filtration Plant or Jensen Filtration Plant. The Diemer Filtration Plant has an operating capacity of 550 mgd and treats approximately 213 mgd, while the Jensen Filtration Plant currently has an operating capacity of 750 mgd and treats approximately 420 mgd. The BECSP indicates that the imported water demand of the proposed project and other projects within the specific plan area would represent less than one percent of the remaining capacities of either facility.

Wastewater generation for the proposed project was estimated using the sewer generation rate of 250 gpd per dwelling unit provided in the August 2009 Sewer Analysis Report prepared by PBS&J. As show in Table U-2, the proposed project would generate approximately 127,500 gpd. Wastewater from the proposed project would be collected and treated by the Orange County Sanitation District (OCSD), which operates two facilities.

ISSUES (and Supporting Information Sources):

	Potentially Significant	Potentially Significant	Potentially Significant	Potentially Significant
	Unless Mitigation Incorporated	Unless Mitigation Incorporated	Unless Mitigation Incorporated	Unless Mitigation Incorporated
	Less Than Significant Impact			
	No Impact	No Impact	No Impact	No Impact

Current primary treatment capacity for Reclamation Plant No. 1 is 218 mgd of wastewater, with an average daily flow of 120 mgd and a remaining capacity of 98 mgd. Current capacity for Reclamation Plant No. 2 is 168 mgd of primary treated wastewater, with an average daily flow of 151 mgd and a remaining capacity of 24 mgd. The BECSP EIR indicates that the wastewater generation of the proposed project and other projects within the specific plan area would represent less than two percent of the remaining capacity of Reclamation Plant No. 1 and less than five percent of the remaining capacity of Reclamation Plant No. 2.

Table U-2 Wastewater Generated by Proposed Project

Land Use	Generation Rates	Proposed Project	
		Units	Total Demand
Residential	250 gpd/du	510 units	143 afy (127,500 gpd)

Source: City of Huntington Beach, Beach and Edinger Corridor Specific Plan EIR, Section 4.14, 2009.

According to the BECSP EIR, development of individual projects within the specific plan area could result in exceedance of the City or OCSD wastewater collection systems. Implementation of BECSP MM4.14-2, as required by BECSP EIR No. 08-008, would provide for mitigation of wastewater collection system capacity constraints by requiring the project to confirm adequate capacity or provide upgrades. In addition, code requirements BECSP CR4.14-3 and CR4.14-4 would require the proposed project to confirm the capacity of existing sewers and the preparation of a sewer study prior to allowing connections to the sewer line. Based on prior analysis, it is expected that the proposed project would make a fair share contribution to the upgrade of the sewer line in Gothard Street and Heil Avenue.

With the implementation of the mitigation measures and code requirements specified in the BECSP EIR No. 08-008, impacts to water or wastewater facilities would be considered a less than significant impact.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 17, 19)

Discussion: The project site is located within the approximate 80.35 square mile Anaheim Bay – Huntington Harbor watershed, which includes portions of the cities of Anaheim, Cypress, Fountain Valley, Garden Grove, Huntington Beach, Los Alamitos, Santa Ana, Seal Beach, Stanton and Westminster. The preliminary hydrology study prepared for the proposed project addresses runoff from the project site and its impact to the existing storm drainage system. The study includes analysis of 10, 25 and 100-year storm events for both existing conditions and the proposed project. The hydrology study fulfills the requirements of the Orange County Drainage Area Management Plan (DAMP 2011) and the Orange County Hydrology Manual (October 1986).

The capacity of the existing storm drain system was established by analyzing the existing flow of the 25-year storm event. Since a 24-hour, 100-year storm event for the proposed condition generates runoff that does not exceed a 24-hour, 25-year storm event for the existing condition, a detention system is not required as project runoff will be limited to the existing 25-year flows.

This is accomplished by reducing the amount of impervious area by incorporating landscaped open space areas and permeable pavement into the design of the residential development. Therefore, a less than significant

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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impact will occur.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources: 19)

Discussion: Based on the water use demand factor of 200 gpd per dwelling unit used in the WSA for the BECSP, development of the proposed project would result in a water demand of 102,000 gpd and an increased demand for municipal water services compared to existing conditions. The WSA completed in conjunction with the BECSP Program EIR indicates that this additional water demand can be accommodated based on forecasted water allocations obtained from water management plan data from MWD, MWDOC and OCWD. The EIR indicates that the City would be able to accommodate this additional demand through a combination of groundwater and imported water. Implementation of mitigation measure BECSP MM4.14-1 required by EIR No. 08-008, which specifies various conservation and efficient water use practices, and adherence to code requirement BECSP CR4.14-2, which requires new developments to utilize water efficient landscaping, would serve to reduce the municipal water demand from the proposed project. Therefore this impact would be less than significant. The project Applicant shall submit building plans for approval to the City of Huntington Beach to incorporate the project conditions to ensure that conservation and efficient water use practices are implemented. The proposed project would not result in any new significant environmental effects or substantial increases in the severity of previously identified significant effects related to adequate wastewater treatment capacity.

- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Sources: 17, 19)

Discussion: Refer to section XII. b). The proposed project would include the development of 510 residential units. As shown in Table U-2 (Wastewater Generated from Proposed Project), the proposed project would generate approximately 127,500 gpd (0.07 mgd) of wastewater that would be transported by the City's sewer system.

The project developer would be responsible for constructing local mains and extensions to serve the proposed project. As required by code requirements BECSP CR4.14-3 and BECSP CR4.14-4, prior to allowing additional connections to the sewer lines, the capacity of the existing sewers would need to be confirmed and a sewer study would be needed at the time of development to determine if the existing sewer lines need to be upgraded to accommodate the proposed project's sewer flow. In addition, any development connecting directly or indirectly to the OCSD sewer system is required to pay a connection fee in accordance with the OCSD Connection Fee Master Ordinance. The Connection Fee Program ensures that all users pay their fair share of any necessary expansion of the system, including expansion to wastewater treatment facilities. These fees are considered full mitigation under CEQA for potential impacts resulting from project development.

Construction of the wastewater collection systems for the proposed project would adhere to existing laws and regulations, and the infrastructure would be sized appropriately for the project. Individual wastewater connections would occur as part of the proposed project. In addition, code requirements BECSP CR4.14-3 and BECSP CR4.14-4 would ensure that proper sewer connections are provided for at the project site by confirming adequate capacity and providing a sewer study. Therefore, this impact is considered less than

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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significant.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Sources: 19)

Discussion: The proposed project would increase the overall amount of solid waste generated at the project site. The proposed project is estimated to produce approximately 2,040 pounds per day and approximately 744,600 pounds per year of solid waste. This translates to a generation rate of approximately 1.02 tons of solid waste per day and 372.33 tons of solid waste per year as shown in Table U-3 (Waste Generated from Proposed Project). Rainbow Disposal is the exclusive hauler of all solid waste for the City of Huntington Beach. Rainbow Disposal's Transfer Station has a design capacity of 2,800 tons per day, and current utilization ranges between 53 and 71 percent. For purposes of this analysis, and assuming a worst-case scenario of 71 percent current utilization, the daily solid waste contribution to this transfer station would be less than 0.1 percent at approximately 0.0004 percent of its entire design capacity. Utilization of the transfer station would remain at 71 percent.

Table U-3 Waste Generated from Proposed Project

Land Use	Solid Waste Generation Rates (lbs/unit/day)	Proposed Project	
		Units	Waste Generated (lbs/day)
Residential (medium-high density)	4 lbs/dwelling unit/day	510 du	2,040 lbs/day (1.02 tons/day)

Source: California Integrated Waste Management Board, Estimated Solid Waste Generation Rates.

There are three landfills (Frank R. Bowerman Landfill in Irvine; Olinda Alpha Landfill in Brea; and Prima Deshecha Landfill in San Juan Capistrano) that could serve the project site, which have a design capacity of 8,500, 4,000, and 8,000 tons per day, respectively. Based on landfill capacity, the solid waste contribution of 1.02 tons per day to any of the three landfills that serve the project site is less than 1 percent of their allowed daily capacity. This would result in a less than significant impact.

- g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources: 32)

Discussion: The proposed project would be in compliance with federal, state, and local statutes and regulations related to solid waste and would result in no impact.

Prior to 2008, Assembly Bill (AB) 939 established a requirement of 50 percent diversion of solid waste by the year 2000. Based on data from 2006, the City of Huntington Beach maintained a 71 percent diversion rate from Orange County landfills, thereby meeting and exceeding the requirement. In 2008, California enacted Senate Bill (SB) 1016, which modified the system of measuring a jurisdiction's compliance with solid waste disposal requirements previously under AB 939. SB 1016 established a per-capita disposal rate as the instrument of measurement. The City of Huntington Beach is subject to a per resident disposal rate target of 10.4 pounds per person per day (PPD). According to data from annual reports submitted by the City and published by CalRecycle, the City's PPD rate dropped from 5.5 in 2007 to 4.6 in 2009, demonstrating compliance with SB 1016.

- h) Include a new or retrofitted storm water treatment control

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources: see above)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: Refer to IV.a) above. Implementation of treatment control water quality BMPs will pre-treat/treat urbanized runoff from the project site and minimize the proposed project's pollution impact to levels acceptable to the state and local jurisdictions. A less than significant impact would occur.

XIII. AESTHETICS. Would the project:

- a) Have a substantial adverse effect on a scenic vista?
(Sources: 2, 3, 19)

Discussion: The proposed project site is not located within the viewshed of a scenic vista and no scenic resources are located on the project site. The project site is currently developed with five commercial buildings in a highly urbanized portion of the City. As such, development of the proposed project would not result in the removal, alteration, or demolition of a scenic resource that contributes to the quality of a scenic vista. Due to the flat topography of the project site and surrounding area, and the distance of the project site from the coast (approximately 4 miles), there are no scenic vistas visible from the project site or from public vantage points in the vicinity of the project site. As such, development of the proposed project would not obstruct views of a scenic resource and would therefore not result in changes to a scenic vista. Therefore, implementation of the proposed project would not have a significant impact on a scenic vista. This impact is considered less than significant.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources: 1, 3, 19)

Discussion: The California Department of Transportation designates scenic highway corridors. The project site is not located within a state scenic highway; nor is the project site visible from any (officially designated or eligible) scenic highway. The nearest eligible scenic highway is Pacific Coast Highway, located approximately 4 miles west of the project site. In addition, the project site is currently developed and does not contain rock outcroppings or historic buildings. Therefore, no impact would occur.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources: 4, 15, 19)

Discussion: The project site is located in the Edinger Avenue Corridor within the BECSP area. One of the BECSP objectives is to ensure that new buildings and landscaping contribute to the emergence of an increasingly visible and memorable visual identity appropriate to the unique history and character of the City. The Town Center Boulevard Segment development standards included in BECSP Section 2.1.6 (Town Center Boulevard Segment) addresses building scale, frontage and building placement, streets, open space, architecture and signage to achieve the BECSP's design objectives. To ensure that all new development within the BECSP complies with the Development Code, the proposed project is subject to an approval of Site Plan

ISSUES (and Supporting Information Sources):

	Potentially Significant	Potentially Significant	Potentially Significant	Potentially Significant
	Unless Mitigation Incorporated	Unless Mitigation Incorporated	Unless Mitigation Incorporated	Unless Mitigation Incorporated
		Less Than Significant Impact	Less Than Significant Impact	No Impact

Review. The proposed project must adhere to development standards for the Town Center Boulevard Segment.

The project site is currently developed with five single-story commercial buildings. There are no unique architectural elements of the existing project site that create visual interest. The proposed project design consists of a four-story (with lofts) apartment building “wrapped around” a central six-level parking structure. Building heights would be consistent with BECSP Section 2.3.1 (Building Height), which establishes a minimum building height of one-story and a maximum building height of five stories on the site. In addition, the building height is limited to four stories adjacent to Edinger Avenue pursuant to BECSP Section 2.3.2 (Special Building Height Limits).

The proposed project includes six landscaped courtyards dispersed throughout the project site, three of which will be open to the public and two courtyards in the northeast corner of the property will provide a pedestrian connection to Edinger Avenue and Gothard Street.

The building would be oriented to the street with primary entrances facing and opening-up directly to the Edinger Avenue and Gothard Street, as required by BECSP Section 2.4 (Frontage and Building Placement Regulations). The proposed residential building would be setback 0’ to 15’ from Edinger Avenue and 5’ to 15’ from Gothard Street, which establishes a maximum setback of 15 feet on Edinger Avenue and a minimum setback of five feet and maximum setback of 15 feet on all other streets (Gothard Street). The proposed project would also construct an East-West Street connector along the southern boundary of the project site. A minimum setback of five feet from the sidewalk is required and would be provided. In addition, a four-foot sidewalk would be provided along the north side of the East-West Street connector, and five-foot planters would be provided on both sides of the new street. The building frontages would be designed in compliance with BECSP Section 2.42. Compliance with BECSP Section 2.5 (Street Regulations) would ensure that adjacent streets are improved to enhance the connectivity of the community and create a safe and attractive streetscape environment. Compliance with these development standards would ensure that the proposed project would be visually consistent with the BECSP’s vision for the Edinger Corridor and would be visually compatible with adjacent residential and commercial uses.

The project has been designed to be consistent with the BECSP Development Code. The site plan review process will confirm consistency with the BECSP guidelines. As such, approval of the proposed project’s site plan review would ensure that implementation of the proposed project would not degrade the existing visual character and quality of the project site and the surrounding area. Rather, implementation of the proposed project would help to achieve the transformation of the underutilized character of the site to a vibrant, aesthetically pleasing project, consistent with the BECSP vision for the Edinger Corridor and Town Center Boulevard. Therefore, the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings and this impact would be less than significant.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 4, 15, 19)

Discussion: As discussed in the BECSP EIR No. 08-008, due to the urbanized nature of the surrounding area, a significant amount of ambient nighttime light currently exists, reducing the views of stars and affecting views of the nighttime sky. Streetlights and headlights along adjacent roadways, including Edinger Avenue and Gothard Street, provide a significant amount of existing ambient light surrounding the project site. Nearby commercial uses on Edinger Avenue and Gothard Street also provide substantial amounts of exterior lighting for security and way finding. The proposed project would introduce additional nighttime lighting sources directly onto the project site and the immediately surrounding area, including exterior building lighting for

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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security and way finding, vehicle headlights entering and exiting the project site, and interior building illumination. Consequently, surrounding uses could be exposed to exterior lighting associated with the proposed buildings, streets, and open space. However, BECSP Section 2.6.8(5)(a) requires that lighting fixtures be directed downward from the horizontal plane of the light source to preserve a dark sky and prevent unnecessary light pollution, and requires that lighting and planting plans for public and private frontage areas be visually and aesthetically coordinated. Furthermore, BECSP Section 2.6.8(5)(d) requires specific luminaire types that would prevent light spill-over, and provide for an efficient distribution of lighting. Conformance with the BECSP would ensure that nighttime light produced by required exterior lighting would be consistent with nighttime lighting conditions of the project area and would not result in impacts to adjacent light-sensitive receptors.

The proposed building would be a maximum of four stories with lofts. Generally, buildings three or more stories in height have the potential to include large building faces with reflective surfaces (e.g., brightly colored building façades, reflective glass) that could create daytime glare. However, mitigation measure BECSP MM4.1-2 requires that new structures are designed to maximize the use of non-reflective facade treatments, and BECSP Section 2.8.2(2)(c) requires that buildings utilize light colored roofs to reduce glare. As such, compliance with mitigation measure BECSP MM4.1-2 would ensure that impacts related to daytime glare would be reduced by managing the reflective properties of the building materials employed, such as glass, metal, or finished concrete. Impacts from light and glare would be less than significant.

XIV. CULTURAL RESOURCES. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Sources: 18, 19, 26)

Discussion: According to the historic resources study prepared for the BECSP and the Historic and Cultural Resources Element of the City’s General Plan, there is one local landmark within the boundaries of the BECSP which is not located on the project site or in the immediate vicinity. According to the Phase I ESA prepared by Blackstone Consulting, LLC for the proposed project in 2012, one of the five structures occupying the project site was built in 1961, making it more than 45 years in age. Although the structure is not listed as historical in the City’s General Plan and does not appear to meet the criteria contained in PRC Section 21084.1 or CEQA Guidelines Section 15064.5 (a)(3) for determining whether the structure is historic, a study was completed pursuant to mitigation measure BECSP MM4.4-1 contained in BECSP EIR No. 08-008, which requires that buildings or structures 45 years or older are investigated by a cultural resource professional who meets the Secretary of the Interior’s Professional Qualifications Standards for Architectural History to determine whether the proposed project would cause a substantial adverse change in the significant of a historic resource as defined in Section 15064.5 of the CEQA Guidelines. The study, dated January 30, 2013, determined the property does not appear to meet the criteria for listing and therefore less than significant impacts would occur.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Sources: 19)

ISSUES (and Supporting Information Sources):

	Potentially Significant	Potentially Significant	Potentially Significant	Potentially Significant
	Unless Mitigation Incorporated	Unless Mitigation Incorporated	Unless Mitigation Incorporated	Unless Mitigation Incorporated
	Less Than Significant Impact			
	No Impact	No Impact	No Impact	No Impact

Discussion: As part of the cultural and paleontological analysis prepared for the BECSP EIR No. 08-008, a records search was conducted by the South Central Coastal Information Center (SCCIC) of the BECSP area. This search indicated that archaeological resources are present within the BECSP area, though not on the project site. These sites have likely been destroyed or capped since they were first discovered. In addition, the NAHC identified the presence of Native American cultural resources in the immediate BECSP area and noted that the general area was considered sensitive for cultural resources. Finally, representatives from the Gabrielino Tongva Nation contacted PBS&J to express their concerns about the sensitivity of the BECSP area for Native American resources and burial grounds. Therefore, the BECSP area is considered to be sensitive for the presence of Native American cultural resources, including human remains. However, because the project site has been previously disturbed and is considered to be entirely developed, and the records search conducted by the SCCIC did not identify archaeological resources on the project site, archaeological resources are not likely to be encountered as a result of the proposed project and mitigation measure BECSP MM4.4-2(a) contained in BECSP EIR No. 08-008 would not be applicable. However, earthmoving activities could result in the uncovering of previously unidentified resources. Incorporation of mitigation measure BECSP MM4.4-2(b) BECSP EIR No. 08-008 would reduce any impacts from this occurrence to a less than significant level.

- c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources: 19)

Discussion: According to a paleontological records search performed by the Natural History Museum of Los Angeles County in September 2008 for the BECSP EIR No. 08-008, no previously recorded paleontological resources are located within the BECSP area, including the proposed project site. However, the search did identify several paleontological resources in the BECSP vicinity, as well as soils that often contain vertebrate and invertebrate fossils. As such, the BECSP EIR concluded that the entire plan area, including the project site, is considered sensitive for paleontological resources. Due to the area's sensitivity, the proposed project is required to comply with mitigation measure BECSP MM4.4-3(b) in the event that a previously unidentified unique paleontological resource or geological feature is discovered during ground disturbing activities. With mitigation incorporated, the proposed project would result in a less than significant impact to paleontological resources.

- d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: 19)

Discussion: As mentioned above, the BECSP area is considered to be sensitive for the presence of Native American cultural resources, including human remains. However, because the proposed project site has been previously disturbed and is considered to be entirely developed, human remains are not likely to be encountered as a result of the proposed project. However, implementation of mitigation measure BECSP MM4.4-2(b) from the BECSP EIR No. 08-008 would ensure that any potential impacts would remain less than significant level.

XV. RECREATION. Would the project:

- a) Would the project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources:15, 19)

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The proposed project would result in 510 dwelling units, generating an estimated population of 1,362 persons. As such, the proposed project would directly increase the City's residential population and therefore, increase the use of existing neighborhood and regional parks or other recreational facilities. Table 4.12-1 of the BECSP EIR No. 08-008 indicates there are approximately 1,007 acres of recreational space within the City of Huntington Beach. Public parks within 1.5 miles of the project site include Greer Park, Sun View Park, Glen View Park, and College View Park. Construction and operation of the proposed project would not interfere with existing recreation opportunities at these nearby recreational fields or other recreational facilities in the area. There would be no changes to the permitted uses or availability of recreational facilities in the area. However, the direct increase in population as a result of future development would result in an increase in the use of local and regional recreational facilities.

The BECSP requires projects to provide public and private open space. BECSP Section 2.6.1 (Provision of Public Open Space) requires that public open space is provided on the project site at a rate of 50 sf per dwelling unit. The proposed project would be required to provide a total of 25,500 sf of public open space and 25,815 sf of public open space would be provided. Public open space would be designed in conformance with BECSP Section 2.6.4, which identifies guidelines for design of the various types of public open space. BECSP Section 2.6.3 (Provision of Private Open Space) requires that private open space for attached and multi-family be provided on the project site at a rate of 60 sf per dwelling units. The proposed project would be required to provide a total of 30,600 sf of private open space and the project provides 55,396 sf of private open space. In addition to the provision of public and private open space on the project site, the proposed project would be subject to code section requirement BECSP CR4.12-1 which requires a park fee pursuant to Chapter 230.20 of the City's Zoning and Subdivision Ordinance. Compliance with code requirement BECSP CR4.12-1 and the BECSP would ensure that recreational impacts would be less than significant.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Sources: see above)

Discussion: See XV.a) above.

- c) Affect existing recreational opportunities? (Sources: 15, 19)

Discussion: See XV.a) above. In addition, implementation of the proposed project would not directly impact an existing recreation opportunity. Compliance with code requirement BECSP CR4.12-1 and the BECSP would ensure that recreational impacts would be less than significant.

XVI. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: 1, 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project site is designated as Mixed Use-Specific Plan-Design Overlay by the City of Huntington Beach General Plan. No agricultural activities presently occur on site. Pursuant to the NOP for the BECSP Program EIR, the entire Specific Plan area, including the project site, is not mapped as, nor is any area subject to a Williamson Act contract. In addition, the project would not result in the conversion of farmland. No impact would result.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources: 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not conflict with agricultural zoning or a Williamson Act contract. There are no Williamson Act contracts applicable to the proposed project site; the site is zoned Open Space and contains no agricultural uses. No impact would result.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources: 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project site does not contain any farmland. Although it contains trees and other vegetation, it is not designated as farmland. No impact would result.

XVII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Sources: 19, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Construction of the proposed project would result in GHG emissions due to the operation of heavy construction equipment, worker commute trips, and building supply vendor vehicles. In addition, operation of the proposed project would result in GHG emissions as a result of direct sources such as motor vehicles, natural gas consumption, solid waste handling/treatment, architectural coatings, consumer products, landscape equipment and indirect sources such as electricity generation.

Table GHG-1 (Project Operational Estimated Greenhouse Gas Annual Emissions) summarizes the estimated annual GHG emissions for the proposed project.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact Potentially Significant Unless Mitigation Incorporated Less Than Significant Impact No Impact

Table GHG-1 Project Operational Greenhouse Gas Annual Emissions

Category	Greenhouse Gas Emissions (Metric Tons per Year)					
	Bio-CO ₂	NonBio-CO ₂	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
Area Sources ¹	0.00	12.69	12.69	0.01	0.00	12.96
Energy Usage ²	0.00	846.85	846.85	0.03	0.01	852.10
Mobile Sources ³	0.00	217.66	217.66	0.01	0.00	217.85
Solid Waste ⁴	47.62	0.00	47.62	2.81	0.00	106.72
Water and Wastewater ⁵	0.00	114.02	114.02	0.73	0.02	135.61
Construction ⁶	0.00	75.44	75.44	0.00	0.00	75.54
Total Emissions	47.62	1,266.66	1,314.28	3.59	0.03	1,400.78
Threshold of Significance						3,500

Source:

Notes:

¹ Area sources consist of GHG emissions from consumer products, architectural coatings, and landscaping equipment.

² Energy usage consist of GHG emissions from electricity and natural gas usage.

³ Mobile sources consist of GHG emissions from vehicles.

⁴ Waste includes the CO₂ and CH₄ emissions created from the solid waste placed in landfills.

⁵ Water includes GHG emissions from electricity used for transport of water and processing of wastewater.

⁶ Construction GHG emissions based on a 30 year amortization rate.

Source: CalEEMod Version 2011.1.1.

As indicated in Table GHG-1, the proposed project would create 1,400.78 metric tons per year of GHG emissions. At the September 28, 2010 Working Group meeting, the SCAQMD released its most current version of the draft GHG emissions thresholds, which recommends a tiered approach that either provides a quantitative annual thresholds of 3,500 MTCO₂e for residential uses, 1,400 MTCO₂e for commercial uses, and 3,000 MTCO₂e for mixed uses. An alternative annual threshold of 3,000 MTCO₂e for all land use types is also proposed. The 3,500 MTCO₂e annual threshold for residential uses has been utilized in this analysis. This would not exceed the 3,500 metric tons per year significance threshold. Therefore, the proposed project would not result in any new significant environmental effects or substantial increases in the severity of previously identified significant effects related to greenhouse gas emissions.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Sources: 19)

Discussion: Since the estimated emissions would be below the SCAQMD draft threshold for GHG emissions, this impact would be considered less than significant.

The proposed project would have the potential to conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

According to the project GHG emissions calculations above, implementation of the proposed project would result in 1,400.78 MTCO₂e per year. The proposed project would be below the proposed SCAQMD threshold of 3,500 MTCO₂e per year for residential uses. In addition, the proposed project complies with the plans and policies of the AB 32 Scoping Plan adopted by CARB for the purpose of reducing the emissions of greenhouse gases.

In addition, the project site is located within the area covered by the BECSP and analyzed in the BECSP EIR. The BECSP EIR found that operational GHG emissions created from all proposed projects within the Specific Plan area would generate 79,890 MTCO₂e annually and determined that the BECSP's impacts to global climate

ISSUES (and Supporting Information Sources):

	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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change are potentially significant. The BECSP EIR provided mitigation measures BECSP MM4.15-1 through 4.15-9 to reduce this impact to less than significant levels. Therefore, through implementation of these mitigation measures, the proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: see above)

Discussion: The proposed project would not have the potential to substantially degrade the quality of the environment; reduce habitat of fish or wildlife, species; threaten plant or animal communities; or reduce the number or restrict range of rare plants or animals. The project site is in a highly developed urban area that does not contain habitat for any species identified as a candidate, sensitive, or special status species. The project site is dominated by ruderal vegetation. Moreover, implementation of mitigation measure BECSP MM4.3-1 would ensure protection of migratory bird species and habitat in the event that birds protected under the Migratory Bird Treaty Act are nesting within existing trees.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: see above)

Discussion: As discussed in the Air Quality section above, the on-going operational activities for the proposed project, the VOC, NO_x, CO, SO₂, PM₁₀, and PM_{2.5} emissions would not exceed the SCAQMD thresholds of significance for any criteria pollutants. Therefore, less than significant long-term regional air quality impacts would occur during the on-going operations of the proposed project. However, the BECSP EIR found that if all projects covered within the Specific Plan area were to be constructed simultaneously, this would result in a significant unavoidable impact. Mitigation measures BECSP MM4.2-1 through BECSP MM4.2-14 would be implemented to reduce this impact, however not to less than significant levels. When the City of Huntington Beach approved the BECSP on March 1, 2010, it adopted a Statement of Overriding Considerations (SOC) that addresses this significant unavoidable impact and supported its decision based on findings contained in the (SOC) substantial information provided in the FEIR. Thus, although cumulative impacts to air quality are potentially significant, these impacts have already been analyzed, disclosed, and overridden by the BECSP EIR No. 08-008 and the adopted SOC. Furthermore, the analysis in the Air Quality Section of this document has

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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determined that the proposed project would not result in new or more severe air quality impacts beyond those already included and addressed in the BECSP EIR No. 08-008. Thus, cumulative air quality impacts from the proposed project are considered less than significant.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: see above)

Discussion: The proposed project could potentially result in environmental effects that may cause adverse effects on human beings with regard to the environmental areas discussed in this document. However, all of these impacts would be reduced to a less than significant level with the incorporation of the mitigation measures contained in and required by the BECSP EIR No. 08-008 and as noted in this Initial Study.

XIX. EARLIER ANALYSIS/SOURCE LIST.

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). Earlier documents prepared and utilized in this analysis, as well as sources of information are as follows:

Earlier Documents Prepared and Utilized in this Analysis:

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Huntington Beach General Plan	City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach and at http://www.huntingtonbeachca.gov/Government/Departments/Planning/gp/index.cfm
2	City of Huntington Beach Zoning and Subdivision Ordinance	City of Huntington Beach City Clerk's Office, 2000 Main St., Huntington Beach and at http://www.huntingtonbeachca.gov/government/elected_officials/city_clerk/zoning_code/index.cfm
3	Project Vicinity Map	See Attachment #1
4	Site Plan	See Attachment #2
5	Elevations	See Attachment #3
6	Geotechnical Investigation for the Edinger Avenue Apartments Multi-Family Residential Development 7280 Edinger Avenue and 16001 & 16091 Gothard Street. Geocon West, Inc. January 20, 2012.	City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach
7	FEMA Flood Insurance Rate Map (2004)	"
8	CEQA Air Quality Handbook South Coast Air Quality Management District (1993)	"
9	City of Huntington Beach CEQA Procedure Handbook	"
10	Trip Generation Handbook, 7 th Edition, Institute of Traffic Engineers	"
11	Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (Oct. 17, 2002)	"
12	State Seismic Hazard Zones Map	"
13	Hazardous Waste and Substances Sites List	www.calepa.gov/sitecleanup/cortese
14	City of Huntington Beach Municipal Code	City of Huntington Beach City Clerk's Office, 2000 Main St., Huntington Beach and at

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
				http://www.huntingtonbeachca.gov/government/charter_codes/municipal_code.cfm
15	Beach & Edinger Corridors Specific Plan (Mar. 2010)			http://www.huntingtonbeachca.gov/Government/Departments/planning/major/beach_Edinger.cfm
16	Preliminary Water Quality Management Plan for the Edinger Apartments. KHR Associates. November 2012			City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach
17	Preliminary Hydrology Study, Edinger Avenue Apartments, Huntington Beach, California. KHR Associates. November 2012			"
18	Historic Resources Assessment for 16001 Gothard Street. Cynthia Ward Historic Preservation. January 30, 2013			City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach
19	Beach & Edinger Corridors Specific Plan EIR (Nov. 2009)			http://www.huntingtonbeachca.gov/Government/Departments/planning/major/beach_Edinger.cfm
20	SCAQMD Air Quality Management Plan (2007)			http://www.aqmd.gov/aqmp/07aqmp/index.html
21	SCAG Regional Comprehensive Plan and Guide (2008)			http://www.scag.ca.gov/rcp/index.htm
22	Air Quality and Global Climate Change Impact Analysis. Vista Environmental. (November 2012)			City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach
23	California Geological Survey			www.consrv.ca.gov/cgs/
24	Code of Federal Regulations			www.gpoaccess.gov/cfr/
25	California Code of Regulations			http://government.westlaw.com/linkedslice/default.asp?Action=TOC&RS=GVT1.0&VR=2.0&SP=CCR-1000
26	Phase I Environmental Site Assessment for 7262, 7266 & 7280 Edinger Avenue and 16001 & 16091 Gothard Street. Blackstone Consulting LLC. January 10, 2012.			City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach
27	Phase II Limited Subsurface Soil and Groundwater Investigation Report for Proposed Huntington Beach at Edinger 16091 Gothard Street. Blackstone Consulting LLC. February 13, 2012.			"
28	Farmland Mapping and Monitoring Program			ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2008/
29	Traffic Impact Analysis for Archstone Edinger Apartments. Arch Beach Consulting. (October 15, 2012, revised May 13, 2013)			City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach
30	Environmental Noise and Vibration Study. SSA Acoustics. January 2013.			"
31	Education Data Partnership, District and School Reports. Accessed August 21, 2012.			http://www.ed-data.k12.ca.us/Navigation/fsTwoPanel.asp
32	California Department of Resources Recycling and Recovery Data Central			http://www.calrecycle.ca.gov/DataCentral/default.htm
33	Draft Mitigation Monitoring Program			See Attachment #4

ATTACHMENT 1 – PROJECT AERIAL



**Attachment No. 4
Draft Mitigation Monitoring Program**

Mitigation Measure	Implementation Documentation	Timing	Monitoring Activity	Responsible Monitor	Compliance Verification Signature/Date
AESTHETICS					
MM4.1-2 Proposed new structures shall be designed to maximize the use of non-reflective façade treatments, such as matte paint or glass coatings. Prior to issuance of building permits for the proposed project, the Applicant shall indicate provision of these materials on the building plans.	Building plans	Plan check prior to issuance of building permit	Review and approve building plans for inclusion of features	Planning	_____
AIR QUALITY					
MM4.2-1 Project applicants shall require by contract specifications that all diesel-powered equipment used will be retrofitted with after treatment products (e.g., engine catalysts). Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Huntington Beach prior to issuance of a grading permit.	Contract language and notes on grading plans	Plan check prior to issuance of a grading permit	Review and approve grading plans for inclusion	Planning	_____
MM4.2-2 Project applicants shall require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site use low-NOx diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin (this does not apply to diesel-powered trucks traveling to and from the project site). Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Huntington Beach prior to issuance of a grading permit.	Contract language and notes on grading plans	Plan check prior to issuance of a grading permit	Review and approve grading plans for inclusion	Planning	_____
MM4.2-3 Project applicants shall require by contract specifications that construction equipment engines be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Huntington Beach prior to issuance of a grading permit.	Contract language and notes on grading plans	Plan check prior to issuance of a grading permit	Review and approve grading plans for inclusion	Planning	_____
MM4.2-4 Project applicants shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Huntington Beach prior to issuance of a grading permit.	Contract language and notes on grading plans	Plan check prior to issuance of a grading permit	Review and approve grading plans for inclusion	Planning	_____
MM4.2-5 As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air.	Contract language and notes on grading plans	Plan check prior to issuance of a grading permit	Review and approve grading plans for inclusion	Planning	_____

<p>These measures include the following:</p> <ul style="list-style-type: none"> ■ Application of soil stabilizers to inactive construction areas ■ Quick replacement of ground cover in disturbed areas ■ Watering of exposed surfaces three times daily ■ Watering of all unpaved haul roads three times daily ■ Covering all stock piles with tarp ■ Reduction of vehicle speed on unpaved roads ■ Post signs on-site limiting traffic to 15 miles per hour or less ■ Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads ■ Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site ■ to prevent dust from impacting the surrounding areas ■ Install wheel washers where vehicles enter and exit unpaved roads ■ onto paved roads to wash off trucks and any equipment leaving the site each trip 	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	
<p>MM4.2-6 Project applicants shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than 5 minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	
<p>MM4.2-7 Project applicants shall require by contract specifications that construction parking be configured to minimize traffic interference during the construction period and, therefore, reduce idling of traffic. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	
<p>MM4.2-8 Project applicants shall require by contract specifications that temporary traffic controls are provided, such as a flag person, during all phases of construction to facilitate smooth traffic flow. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	
<p>MM4.2-9 Project applicants shall require by contract specifications that construction activities that affect traffic flow on the arterial system be scheduled to off-peak hours (10:00am to 4:00pm). Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	

<p>MM4.2-10 Project applicants shall require by contract specifications that dedicated on-site and off-site left-turn lanes on truck hauling routes be utilized for movement of construction trucks and equipment on site and off site to the extent feasible during construction activities. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>
<p>MM4.2-11 Upon issuance of building or grading permits, whichever is issued earlier, notification shall be mailed to owners and occupants of all developed land uses within 300 feet of a project site within the Specific Plan providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager shall be responsible for complying with all project requirements related to PM₁₀ generation. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, the police department, and a sign on site.</p>	<p>Mail to owners & occupants within 300 feet of project site a notice regarding major construction activities</p>	<p>Plan check prior to issuance of a grading or building permits, which occur first</p>	<p>Review and approve notice</p>	<p>Planning</p>	<p>_____</p>
<p>MM4.2-12 Project applicants shall require by contract specifications that the architectural coating (paint and primer) products used would have a VOC rating of 125 grams per liter or less. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Huntington Beach.</p>	<p>Contract language and notes on construction plans</p>	<p>Plan check prior to issuance of a building permit</p>	<p>Review and approve building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>
<p>MM4.2-13 Project applicants shall require by contract specifications that materials that do not require painting be used during construction to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>
<p>MM4.2-14 Project applicants shall require by contract specifications that pre-painted construction materials be used to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>
BIOLOGICAL RESOURCES					
<p>MM4.3-1 Nesting avian species protected by the MBTA: a. Prior to any construction or vegetation removal between February 15 and August 31, a nesting bird survey shall be conducted by a qualified biologist of all habitats within 250 feet of the construction area. Surveys shall be conducted no less</p>	<p>Developer shall submit construction schedule (including grading activities) as evidence of construction overlap with</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review grading plans for inclusion</p>	<p>Planning</p>	<p>_____</p>

<p>than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with CDFG protocol as applicable. If no active nests are identified on or within 250 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds) a 100-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or USFWS.</p> <p>b. Completion of the nesting cycle shall be determined by qualified ornithologist or biologist.</p>	<p>breeding season. If construction occurs during relevant breeding, developer shall present a survey report (prepared by a consultant approved by the City) to the City, prior to issuance of a grading permit. If nests are found, developer shall submit plans identifying nest locations and limits of construction activities.</p>	<p>During construction</p>	<p>Review field survey, if necessary</p> <p>As necessary pursuant to field survey, review and approve recommendations and any other relevant documents per this mitigation</p>	<p>Planning</p> <p>Planning</p>
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CULTURAL AND PALEONTOLOGICAL RESOURCES				
<p>Proof of retention of archaeological professional to determine if a substantial adverse change would occur to an archaeological resource</p>	<p>Throughout ground disturbing activities</p>	<p>Verify retention of qualified monitors, as necessary, and complete documentation</p>	<p>Planning</p>	<p>_____</p>
<p>Proof of retention of paleontological professional to determine if a substantial adverse change would occur to an paleontological resource</p>	<p>Throughout ground disturbing activities</p>	<p>Periodic field check</p>	<p>Planning</p>	<p>_____</p>
<p>MM4.4-2(b) If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City of Huntington Beach shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the appropriate Information Center.</p>	<p>MM4.4-3(b) Should paleontological resources (i.e., fossil remains) be identified at a particular site during project construction, the construction foreman shall cease construction within 100 feet of the find until a qualified professional can provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:</p>			

<p>1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high</p> <p>2. Assess effects on identified sites</p> <p>3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted</p> <p>4. Obtain comments from the researchers</p> <p>5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible</p> <p>In considering any suggested mitigation proposed by the consulting paleontologist, the City of Huntington Beach staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>		<p>Periodic field check</p>	<p>Planning</p>	
GEOLOGY AND SOILS				
<p>MM4.5-1 Future development in the Beach Boulevard and Edinger Avenue Corridors Specific Plan area shall prepare a grading plan to contain the recommendations of the final soils and geotechnical report. These recommendations shall be implemented in the design of the project, including but not limited to measures associated with site preparation, fill placement, temporary shoring and permanent dewatering, groundwater seismic design features, excavation stability, foundations, soil stabilization, establishment of deep foundations, concrete slabs and pavements, surface drainage, cement type and corrosion measures, erosion control, shoring and internal bracing, and plan review.</p>	<p>Soils and Geotechnical analysis; Notes on grading plan and building plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>
HAZARDS AND HAZARDOUS MATERIALS				
<p>MM4.6-1 Prior to the issuance of grading permits on any project site, the site developer(s) shall:</p> <ul style="list-style-type: none"> ■ Investigate the project site to determine whether it or immediately adjacent areas have a record of hazardous material contamination via the preparation of a preliminary environmental site assessment (ESA), which shall be submitted to the City for review. If contamination is found the report shall characterize the site according to the nature and extent of contamination that is present before development activities precede at that site. ■ If contamination is determined to be on site, the City, in accordance with appropriate regulatory agencies, shall 	<p>Preparation of technical documentation to address site-specific hazards; Risk Management Plan and Site Health and Safety Plan</p>	<p>Plan check prior to issuance of demolition or grading permits, whichever occurs earlier</p>	<p>Review ESA, and, as necessary, review and approve Closure Reports</p>	<p>File</p>

<p>determine the need for further investigation and/or remediation of the soils conditions on the contaminated site. If further investigation or remediation is required, it shall be the responsibility of the site developer(s) to complete such investigation and/or remediation prior to construction of the project.</p> <ul style="list-style-type: none"> ■ If remediation is required as identified by the local oversight agency, it shall be accomplished in a manner that reduces risk to below applicable standards and shall be completed prior to issuance of any occupancy permits. ■ Closure reports or other reports acceptable to the Huntington Beach Fire Department that document the successful completion of required remediation activities, if any, for contaminated soils, in accordance with City Specification 431-92, shall be submitted and approved by the Huntington Beach Fire Department prior to the issuance of grading permits for site development. No construction shall occur in the affected area until reports have been accepted by the City. 	<p>Risk Management Plan and Site Health and Safety Plan</p>	<p>Plan check prior to issuance of any grading permit and during construction</p>	<p>Review and approve grading and building plans for inclusion</p>	<p>Fire</p>	<p>_____</p>
<p>MM4.6-2 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction of the proposed project, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.</p>	<p>Methane Testing Plan Notes on building and methane plans</p>	<p>Prior to commencement of sampling Prior to issuance of any grading permit and during construction</p>	<p>Review and approve grading and building plans for inclusion, and review and approve sampling plan, as necessary</p>	<p>Fire</p>	<p>_____</p>

<p>barrier and vent system will be installed at the project site per City Specification No. 429, prior to plan approval. If required by the HBFD, additional methane mitigation measures to reduce the level of methane gas to acceptable levels shall be implemented.</p>	<p>Prepare construction roadway plans</p>	<p>Prior to approval of grading or building permits, whichever occurs earlier</p>	<p>Review and approve grading and building plans for inclusion</p>	<p>Planning</p>	
<p>MM4.6-4 To ensure adequate access for emergency vehicles when construction activities would result in temporary lane or roadway closures, the developer shall consult with the City of Huntington Beach Police and Fire Departments to disclose temporary lane or roadway closures and alternative travel routes. The developer shall be required to keep a minimum of one lane in each direction free from encumbrances at all times on perimeter streets accessing the project site. At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions. If construction activities require the complete closure of a roadway segment, the developer shall coordinate with the City of Huntington Beach Police and Fire Departments to designate proper detour routes and signage indicating alternative routes.</p>	<p>Water Quality Management Plan</p>	<p>Prior to receiving a precise grading permit</p>	<p>Review and approve Water Quality Management Plan</p>	<p>Public Works</p>	

HYDROLOGY AND WATER QUALITY

<p>MM4.7-1 City of Huntington Beach shall require Applicants for new development and significant redevelopment projects within the Specific Plan area to prepare a project Water Quality Management Plan (WQMP) in accordance with the DAMP requirements and measures described below and with all current adopted permits. The WQMP shall be prepared by a Licensed Civil Engineer and submitted for review and acceptance prior to issuance of a Precise Grading or Building permit.</p>	<p>BMPs in the WQMP shall be designed in accordance with the Municipal NPDES Permit, Model WQMP, DAMP, and City of Huntington Beach LIP. As noted in the Specific Plan, all development projects shall include site design and source control BMPs in the project WQMP. Additionally, new development or significant redevelopment projects and priority projects shall include LID principles to reduce runoff to a level consistent with the maximum extent practicable and treatment control BMPs in the WQMP.</p>	<p>If permanent dewatering is required and allowed by the City, OCWD, and other regulatory agencies, the Applicant shall include a description of the dewatering technique, discharge location, discharge quantities, chemical characteristics of discharged water, operations and maintenance plan, and WDID number for proof of coverage under the De Minimus Threat General Permit or copy of the individual WDR in the WQMP. Additionally, the WQMP shall incorporate any additional BMPs as required by the City Public Works Department.</p>	
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				<p>The WQMP shall include the following additional requirements:</p> <p><u>Project and Site Characterization Requirements</u></p> <ul style="list-style-type: none"> ■ Entitlement Application numbers and site address shall be included on the title sheet of the WQMP ■ In the project description section, explain whether proposed use includes onsite food preparation, eating areas (if not please state), outdoor activities to be expected, vehicle maintenance, service, washing cleaning (if prohibited onsite, please state) ■ All potential pollutants of concern for the proposed project land use type as per Table 7.11-1 of the Orange County Model Water Quality Management Plan shall be identified ■ A narrative describing how all potential pollutants of concern will be addressed through the implementation of BMPs and describing how site design BMP concepts will be considered and incorporated into the project design shall be included ■ Existing soil types and estimated percentages of perviousness for existing and proposed conditions shall be identified ■ In Section I of the WQMP, state verbatim the Development Requirements from the Planning Department's letter to the Applicant ■ A site plan showing the location of the selected treatment control BMPs and drainage areas shall be included in the WQMP ■ A Geotechnical Report shall be submitted to address site conditions for determination of infiltration limitations and other pertinent characteristics. <p><u>Project-Based Treatment Control BMPs</u></p> <ul style="list-style-type: none"> ■ Infiltration-type BMPs shall not be used unless the Geotechnical Report states otherwise. Depth to seasonal high groundwater is determined to provide at least a 10-foot clearance between the bottom of the BMP and top of the water table ■ Wet swales and grassed channels shall not be used because of the slow infiltration rates of project site soils, the potentially shallow depth to groundwater, and water conservation needs ■ If proprietary Structural Treatment Control devices are used, they shall be sited and designed in compliance with the manufacturers design criteria ■ Surface exposed treatment control BMPs shall be selected such that standing water drains or evaporates within 24 hours or as required by the County's vector control ■ Excess stormwater runoff shall bypass the treatment control BMPs unless they are designed to handle the flow rate or volume from a 100-year storm event without reducing effectiveness. Effectiveness of any treatment control BMP for

removing the pollutants of concern shall be documented via analytical models or existing studies on effectiveness.

- The project WQMP shall incorporate water efficient landscaping using drought tolerant, native plants in accordance with Landscape and Irrigation Plans as set forth by the Applicant (see below)

- Pet waste stations (stations that provide waste pick-up bags and a convenient disposal container protected from precipitation) shall be provided and maintained

- Building materials shall minimize exposure of bare metals to stormwater. Copper or Zinc roofing materials, including downspouts, shall be prohibited. Bare metal surfaces shall be painted with non-lead-containing paint

The following BMPs shall not be used because they have not been shown to be effective in many situations. Therefore, unless sufficient objective studies and review are available and supplied with the WQMP to correctly size devices and to document expected pollutant removal rates the WQMP shall not include:

- Hydrodynamic separator type devices as a BMP for removing any pollutant except trash and gross particulates
- Oil and Grit separators

Any Applicant proposing development in the Specific Plan Area is encouraged to consider the following BMPs:

- Sand filters or other filters (including media filters) for rooftop runoff

- Dry swales. A dry swale treatment system could be used if sufficient area, slope gradient, and length of swale could be incorporated into the project design. Dry swales could remove substantial amounts of nutrients, suspended solids, metals, and petroleum hydrocarbons

- Other proprietary treatment devices (if supporting documentation is provided)

Non-Structural BMPs

The WQMP shall include the following operations and maintenance BMPs under the management of an applicant or property manager, where applicable. The Applicant shall fund and implement an operational and maintenance program that includes the following:

- The Applicant shall dictate minimum landscape maintenance standards and tree trimming requirements for the total project site. Landscape maintenance shall be performed by a qualified landscape maintenance company or individual in accordance with a Chemical Management Plan detailing chemical application methods, chemical handling procedures, and worker training. Pesticide application shall be performed by a certified applicator. No chemicals shall be stored on-site unless in a

				<p>covered and contained area and in accordance with an approved Materials Management Plan. Application rates shall not exceed labeled rates for pesticides, and shall not exceed soil test rates for nutrients. Slow release fertilizers shall be used to prevent excessive nutrients in stormwater or irrigation runoff.</p> <ul style="list-style-type: none"> ■ The Applicant or property manager shall have the power and duty to establish, oversee, guide, and require proper maintenance and tree trimming procedures per the ANSI A-300 Standards as established by the International Society of Arborist. The Applicant or property manager shall require that all trees be trimmed by or under the direct observation/direction of a licensed/certified Arborist for the entire area. The Applicant shall establish minimum standards for maintenance for the total community, and establish enforcement thereof for the total community. The property manager shall rectify problems arising from incorrect tree trimming, chemical applications, and other maintenance within the total community. ■ Landscape irrigation shall be performed in accordance with an Irrigation Management Plan to minimize excess irrigation contributing to dry- and wet-weather runoff. Automated sprinklers shall be used and be inspected at least quarterly and adjusted yearly to minimize potential excess irrigation flows. Landscape irrigation maintenance shall be performed in accordance with the approved irrigation plans, the City Water Ordinance and per the City Arboricultural and Landscape Standards and Specifications. ■ Proprietary stormwater treatment systems maintenance shall be in accordance with the manufacturer's recommendations. If a nonproprietary treatment system is used, maintenance shall be in accordance with standard practices as identified in the current CASQA (2003) handbooks, operations and maintenance procedures outlined in the approved WQMP, City BMP guidelines, or other City-accepted guidance. ■ Signage, enforcement of pet waste controls, and public education would improve use and compliance, and therefore, effectiveness of the program, and reduce the potential for hazardous materials and other pollution in stormwater runoff. The Applicant shall prepare and install appropriate signage, disseminate information to residents and retail businesses, and include pet waste controls (e.g., requirements for pet waste cleanup, pet activity area restrictions, pet waste disposal restrictions) in the any agreement, tenant lease (regarding rental property) or Conditions, Covenants, and Restrictions (regarding forsale property). ■ Street sweeping shall be performed at an adequate frequency to prevent buildup of pollutants (see http://www.fhwa.dot.gov/environment/ultraurb/ubmp3p7.htm/

<p>for street sweeping effectiveness).</p> <ul style="list-style-type: none"> The Applicant shall develop a maintenance plan for BMPs and facilities identifying responsible parties and maintenance schedules and appropriate BMPs to minimize discharges of contaminants to storm drain systems during maintenance operations. Reporting requirements: the Applicant or property manager shall prepare an annual report and submit the annual report to the City of Huntington Beach documenting the BMPs operations and maintenance conducted that year. The annual report shall also address the potential system deficiencies and corrective actions taken or planned. <p><u>Site Design BMPs</u></p> <p>Any Applicant proposing development in the Specific Plan Area is required to incorporate LID principles as defined in the Municipal NPDES Permit and is encouraged to consider the following BMPs, if allowed in accordance with the Geotechnical Report and limitations on infiltration BMPs:</p> <ul style="list-style-type: none"> Use of porous concrete or asphalt (if acceptable to the Geotechnical Engineer and where infiltration will not adversely affect groundwater) or other pervious pavement for driveways, paths, sidewalks, and courtyards/open space areas, to the maximum extent practicable, would reduce pollutants in stormwater runoff as well as provide some detention within the material void¹ space. If porous paver blocks are used, they shall be adequately maintained to provide continued porosity (effectiveness) Incorporation of rain gardens or cisterns to reuse runoff for landscape irrigation Green roofs to reduce runoff and treat roof pollutants Site design and landscape planning to group water use requirements for efficient irrigation <p>MM4.7-2 The City of Huntington Beach shall require that any Applicant prepare a Groundwater Hydrology Study to determine the lateral transmissivity of area soils and a safe pumping yield such that dewatering activities do not interfere with nearby water supplies. The Groundwater Hydrology Study shall make recommendations on whether permanent groundwater dewatering is feasible within the constraints of a safe pumping level. The Applicant's engineer of record shall incorporate the Hydrology Study designs and recommendations into project plans. If safe groundwater dewatering is determined to not be feasible, permanent groundwater dewatering shall not be implemented. The City Director of Public Works, OCWD, and other regulatory</p>	<p>Groundwater Hydrology Study</p>	<p>Prior to issuance of a precise grading permit</p>	<p>Review and approve Groundwater Hydrology Study, if necessary</p>	<p>Public Works</p>
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¹ Void space is the empty space between individual particles.

<p>agencies shall approve or disapprove any permanent groundwater dewatering based on the Groundwater Hydrology Study and qualified Engineers' recommendations.</p>	<p>MM4.7-3 The City of Huntington Beach shall require that the Applicant's Licensed Civil Engineer for each site-specific development prepare a Hydrology and Hydraulic Study to identify the effects of potential stormwater runoff from the specific development on the existing storm drain flows for the 10-, 25-, and 100-year design storm events. The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. The Applicant shall design site drainage and document that the proposed development would not increase peak storm event flows over pre-1986 Qs, which must be established by the hydrology study. If the analyses shows that the City's current drainage system cannot meet the volume needs of the project runoff, the applicant shall be required to attenuate site runoff to an amount not to exceed the 25-year storm as determined using pre-1986 criteria. As an option, the applicant may choose to explore low-flow design alternatives, downstream attenuation or detention, or upgrade the City's stormwater system to accommodate the impacts of the new development, at no cost to the City. The Hydrology and Hydraulic Study shall also incorporate all current adopted Municipal NPDES Permit and City requirements for stormwater flow calculations and retention/detention features in effect at the time of review.</p>	<p>Hydrology and Hydraulics Study Precise final grading and street improvement plans and studies</p>	<p>Prior to issuance of a precise grading permit Following grading, excavation, and installation of utilities</p>	<p>Review and approve Hydrology and Hydraulics Study</p>	<p>Public Works</p>	<p>_____</p>
<p>MM4.7-4 The City of Huntington Beach shall require that adequate capacity in the storm drain system is demonstrated from the specific development site discharge location to the nearest main channel to accommodate discharges from the specific development. If capacity is demonstrated as adequate, no upgrades will be required. If capacity is not adequate, the City of Huntington Beach shall identify corrective action(s) required by the specific development Applicant to ensure adequate capacity. Corrective action could include, but is not limited to:</p> <ul style="list-style-type: none"> ■ Construction of new storm drains, as identified in the MPD or based on the Hydrology and Hydraulic Study, if the Hydrology and Hydraulic Study identifies greater impacts than the MPD ■ Improvement of existing storm drains, as identified in the MPD or based on the Hydrology and Hydraulic Study, if the Hydrology and Hydraulic Study identifies greater impacts than the MPD ■ In-lieu fees to implement system-wide storm drain infrastructure improvements ■ Other mechanisms as determined by the City Department of 	<p>Hydrology and Hydraulics Study</p>	<p>Prior to issuance of a precise grading permit</p>	<p>Review and approve Hydrology and Hydraulics Study</p>	<p>Public Works</p>	<p>_____</p>	<p>_____</p>

<p>Public Works.</p> <ul style="list-style-type: none"> For nonresidential areas, if redevelopment would result in an impervious fraction of less than 0.9 and does not increase the directly connected impervious area compared to existing conditions, runoff is expected to remain the same or less than as assessed in the MPD and only MPD improvements would be required. 					
<p>Because some storm drain system constraints may be located far downgradient from the actual development site, several properties may serve to contribute to system capacity constraints. Therefore, the City Department of Public Works shall assess each site development and system characteristics to identify the best method for achieving adequate capacity in the storm drain system. Drainage assessment fees/districts to improve/implement storm drains at downstream locations or where contributing areas are large are enforced through <i>Municipal Code</i> (Section 14.20).</p> <p>The City Department of Public Works shall review the Hydrology and Hydraulic Study and determine required corrective action(s) or if a waiver of corrective action is applicable. The site-specific development Applicant shall incorporate required corrective actions into their project design and/or plan. Prior to receiving a Certificate of Occupancy or final inspection, the City Department of Public Works shall ensure that required corrective action has been implemented.</p>			<p>Contract language and notes on grading and building plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p> <p>Periodic field check</p>
NOISE					
<p>MM4-9-1 Project applicants shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:</p> <ul style="list-style-type: none"> Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 300 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period Ensure that construction equipment is properly muffled according to industry standards and be in good working condition Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible Schedule high noise-producing activities between the hours of 8:00 A.M. and 5:00 P.M. to minimize disruption on sensitive uses, Monday through Saturday. Schedule pile-driving activities between the hours of 8:00 A.M. and 4:00 P.M. on Mondays through Fridays only. Implement noise attenuation measures, which may include, but 			<p>Planning</p>	<p>Planning</p>	

<p>are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources</p> <ul style="list-style-type: none"> ■ Use electric air compressors and similar power tools rather than diesel equipment, where feasible ■ Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 10 minutes ■ Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party. <p>Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.</p>	<p>Contract language and notes on grading plans and building plans</p>	<p>Prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	
<p>MM4.9-2 Project applicants shall require by contract specifications that construction staging areas along with the operation of earthmoving equipment within the project area would be located as far away from vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.</p>	<p>Contract language and notes on grading plans and building plans</p>	<p>Prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	
<p>MM4.9-3 Project applicants shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.</p>	<p>Contract language and notes on grading plans and building plans</p>	<p>Prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	
<p>MM4.9-4 Project applicants shall provide proper shielding for all new HVAC systems used by the proposed residential and mixed-use buildings to achieve a noise attenuation of 15 dBA at 50 feet from the equipment.</p>	<p>Contract language and notes on grading plans</p>	<p>Prior to issuance of a grading permit</p>	<p>Review and approve building plans for inclusion</p>	<p>Planning</p>	
<p>MM4.9-5 Prior to issuance of building permits, project applicants shall submit an acoustical study for each development, prepared by a certified acoustical engineer. Should the results of the acoustical study indicate that that exterior (e.g., patios and balconies) and interior noise levels would exceed the standards set forth in the City of Huntington Beach Municipal Code Sections 8.40.050 through 8.40.070, the project applicant shall include design measures that may include acoustical paneling or walls to ensure that noise levels do not exceed City standards. Final project design shall incorporate special design measures in the construction of the residential units, if necessary.</p>	<p>Acoustical Study</p>	<p>Prior to issuance of building permits</p>	<p>Review and approval of study and building plans for inclusion any special design measures</p>		

PUBLIC SERVICES

<p>MM4.11-1 Subject to the City's annual budgetary process, which considers available funding and the staffing levels needed to provide acceptable response time for fire and police services, the City shall provide sufficient funding to maintain the City's standard, average level of service through the use of General Fund monies.</p>	<p>Budget sufficiently to maintain standard level of fire and police protection</p>	<p>Prior to issuance of building permits</p>	<p>Review and approve building plans for inclusion</p>	<p>Planning</p>
TRANSPORTATION/TRAFFIC				
<p>MM4.13-1 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate westbound right turn lane to the intersection of Beach Boulevard at Warner Avenue. Implementation of this improvement would require Caltrans approval.</p>	<p>Proof of fair share payment</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Confirm payment</p>	<p>Public Works</p>
<p>MM4.13-2 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of dual northbound and southbound left turn lanes to the intersection of Beach Boulevard at Garfield Avenue. Implementation of this improvement would require Caltrans approval.</p>	<p>Proof of fair share payment</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Confirm payment</p>	<p>Public Works</p>
<p>MM4.13-3 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a fourth northbound through lane to the intersection of Brookhurst Street at Adams Avenue.</p>	<p>Proof of fair share payment</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Confirm payment</p>	<p>Public Works</p>
<p>MM4.13-4 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate northbound right turn lane to the intersection of Brookhurst Street at Adams Avenue.</p>	<p>Proof of fair share payment</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Confirm payment</p>	<p>Public Works</p>
<p>MM4.13-5 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a fourth southbound through lane to the intersection of Brookhurst Street at Adams Avenue.</p>	<p>Proof of fair share payment</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Confirm payment</p>	<p>Public Works</p>
<p>MM4.13-6 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a fourth eastbound through lane to the intersection of Brookhurst Street at Adams Avenue.</p>	<p>Proof of fair share payment</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Confirm payment</p>	<p>Public Works</p>
<p>MM4.13-7 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a fourth westbound through lane to the intersection of Brookhurst Street at Adams Avenue.</p>	<p>Proof of fair share payment</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Confirm payment</p>	<p>Public Works</p>
<p>MM4.13-8 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution to allow a right turn overlap for a westbound right turn at the intersection of Brookhurst Street at Adams Avenue.</p>	<p>Proof of fair share payment</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Confirm payment</p>	<p>Public Works</p>

MM4.13-9 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution to allow a right turn overlap for a northbound right turn at the intersection of Brookhurst Street at Adams Avenue.	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works	_____
MM4.13-10 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a fourth northbound through lane to the intersection of Beach Boulevard at Edinger Avenue. Implementation of this improvement would require Caltrans approval.	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works	_____
MM4.13-11 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a third westbound through lane to the intersection of Beach Boulevard at Edinger Avenue. Implementation of this improvement would require Caltrans approval.	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works	_____
MM4.13-12 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right turn lane to the intersection of Beach Boulevard at Bolsa Avenue. Implementation of this improvement would require Caltrans and City of Westminster approvals.	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works	_____
MM4.13-13 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a second westbound left turn lane to the intersection of Beach Boulevard at Talbert Avenue. Implementation of this improvement would require Caltrans approval.	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works	_____
MM4.13-14 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a de facto westbound right turn lane to the intersection of Beach Boulevard at Talbert Avenue. Implementation of this improvement would require Caltrans approval.	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works	_____
MM4.13-15 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the conversion of a separate westbound right turn lane to a de facto right turn lane at the intersection of Newland Street at Warner Avenue.	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works	_____
MM4.13-16 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a third westbound through lane to the intersection of Newland Street at Warner Avenue.	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works	_____
MM4.13-17 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate southbound right turn lane to the intersection of Beach Boulevard at McFadden Avenue. Implementation of this improvement would require Caltrans and City	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works	_____

of Westminster approvals.	Proof of fair share payment	Prior to issuance of certificate of occupancy	Confirm payment	Public Works
<p>MM4.13-18 For future projects that occur within the Specific Plan area, the project applicant(s) shall make a fair share contribution for the addition of a separate northbound right turn lane to the intersection of Beach Boulevard at McFadden Avenue. Implementation of this improvement would require Caltrans and City of Westminster approvals.</p>				
UTILITIES AND SERVICE SYSTEMS				
<p>MM4.14-1 The components of future projects in the Specific Plan area shall incorporate the following measures to ensure that conservation and efficient water use practices are implemented per project. Project proponents, as applicable, shall:</p> <ul style="list-style-type: none"> ■ Require employees to report leaks and water losses immediately and shall provide information and training as required to allow for efficient reporting and follow up. ■ Educate employees about the importance and benefits of water conservation. ■ Create water conservation suggestion boxes, and place them in prominent areas. ■ Install signs in restrooms and cafeterias that encourage water conservation. ■ Assign an employee to evaluate water conservation opportunities and effectiveness. ■ Develop and implement a water management plan for its facilities that includes methods for reducing overall water use. ■ Conduct a water use survey to update current water use needs. (Processes and equipment are constantly upgrading, thus changing the need for water in some areas.) ■ Repair leaks. Check the water supply system for leaks and turn off unnecessary flows. ■ Utilize water-efficient irrigation systems and drought tolerant plant palette and insure that sprinklers are directing water to landscape areas, and not to parking lots, sidewalks or other paved areas. ■ Adjust the irrigation schedule for seasonal changes. ■ Install low-flow or waterless fixtures in public and employee restrooms. ■ Instruct cleaning crews to use water efficiently for mopping. ■ Use brooms, squeegees, and wet/dry vacuums to clean surfaces before washing with water; do not use hoses as brooms. Sweep or blow paved areas to clean, rather than hosing off (applies outside, not inside). ■ Avoid washing building exteriors or other outside structures. ■ Sweep and vacuum parking lots/sidewalks/window surfaces 	Notes on construction plans and conditions, covenants and restrictions (CC&Rs), as applicable	Prior to issuance of building permits; Prior to final inspection	Review and approve building plans for inclusion Field Check	Public Works Public Works

<p>rather than washing with water.</p> <ul style="list-style-type: none"> ■ Switch from "wet" carpet cleaning methods, such as steam, to "dry," powder methods. Change window-cleaning schedule from "periodic" to "as required." ■ Set automatic optic sensors on icemakers to minimum fill levels to provide lowest possible daily requirement. Ensure units are air-cooled and not water-cooled. ■ Control the flow of water to the garbage disposal ■ Install and maintain spray rinsers for pot washing and reduce flow of spray rinsers for prewash ■ Turn off dishwashers when not in use – wash only full loads ■ Scrape rather than rinse dishes before washing ■ Operate steam tables to minimize excess water use ■ Discontinue use of water softening systems where possible ■ Ensure water pressure and flows to dishwashers are set a minimum required setting ■ Install electric eye sensors for conveyer dishwashers ■ Retrofit existing flushometer (tankless) toilets with water-saving diaphragms and coordinate automatic systems with work hours so that they don't run continuously ■ Use a shut-off nozzle on all hoses that can be adjusted down to a fine spray so that water flows only when needed. ■ Install automatic rain shutoff device on sprinkler systems ■ Launder hotel linens per room by request or after vacancy 					
<p>MM4.14-2 The City of Huntington Beach shall require that adequate capacity in the wastewater collection system is demonstrated from the specific development site discharge location to the nearest OCSD main or trunk line to accommodate discharges from the specific development project. If capacity is demonstrated as adequate, no upgrades will be required. If capacity is not adequate, the City of Huntington Beach shall identify corrective action(s) required by the specific development Applicant to ensure adequate capacity. Corrective action could include, but is not limited to:</p> <ul style="list-style-type: none"> ■ Upsize new sewer pipes, as identified in sewer analysis (CR4.14-3) ■ Discharge assessment fees/districts to upsize sewer lines at downstream locations or where contributing areas are large ■ In-lieu fees to implement system-wide wastewater collection infrastructure improvements ■ Other mechanisms as determined by the City Department of Public Works. <p>Because some wastewater collection system constraints may be located far down gradient from the actual development site, several properties may serve to contribute to system capacity constraints.</p>	<p>Sewer capacity analysis</p> <p>Infrastructure and Improvement Plans</p>	<p>Prior to issuance of building permits</p>	<p>Review and approve Sewer capacity analysis</p>	<p>Public Works</p>	<p>Public Works</p>
		<p>Prior to final inspection</p>	<p>Field Check, if corrective action necessary</p>		

<p>Therefore, the City Department of Public Works shall assess each development and system characteristics to identify the best method for achieving adequate capacity in the wastewater collection system.</p> <p>The City of Huntington Beach Department of Public Works shall review the sewer analysis and determine required corrective action(s) or if a waiver of corrective action is applicable. The site-specific development Applicant shall incorporate required corrective actions into their project design and/or plan. Prior to Final Inspection, the City Department of Public Works shall ensure that required corrective action has been implemented.</p>						
CLIMATE CHANGE						
<p>MM4.15-1 The City shall require by contract specifications that all diesel-powered equipment used would be retrofitted with after-treatment products (e.g., engine catalysts and other technologies available at the time construction commences) to the extent that they are readily available and cost effective when construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>	<p>_____</p>
<p>MM4.15-2 The City shall require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent feasible at the time construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>	<p>_____</p>
<p>MM4.15-3 The City shall require by contract specifications that developers within the project site use locally available building materials, to the extent feasible, such as concrete, stucco, and interior finishes, for construction of the project and associated infrastructure.</p>	<p>Contract language and notes on construction plans</p>	<p>Plan check prior to issuance of a building permit</p>	<p>Review and approve building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>	<p>_____</p>
<p>MM4.15-4 The City shall require developers within the project site to establish a construction management plan with Rainbow Disposal to divert a target of 50 percent of construction, demolition, and site clearing waste.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading or building permit, which occurs earlier</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>	<p>_____</p>
<p>MM4.15-5 The City shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>Review and approve grading plans and building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>	<p>_____</p>
<p>MM4.15-6 The City shall require by contract specifications that construction-related equipment, including heavy-duty equipment,</p>	<p>Contract language and notes on grading plans and</p>	<p>Plan check prior to issuance of a grading</p>	<p>Review and approve grading</p>	<p>Planning</p>	<p>_____</p>	<p>_____</p>

<p>motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than five minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.</p>	<p>construction plans</p>	<p>permit</p>	<p>plans and building plans for inclusion</p>	<p>Planning</p>	<p>_____</p>
<p>MM4.15-9 The City shall require that any new development within the project site provide a bulletin board or kiosk in the lobby of each proposed structure that identifies the locations and schedules of nearby transit opportunities.</p>	<p>Contract language and notes on construction plans</p>	<p>Plan check prior to issuance of certificate of occupancy</p>	<p>Review and approve building plans for inclusion</p>	<p>_____</p>	<p>_____</p>

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ATTORNEYS AT LAW

June 24, 2013

RECEIVED

JUN 24 2013

Dept. of Planning
& Building

VIA HAND-DELIVERY AND E-MAIL

Ms. Jill Arabe
Associate Planner
CITY OF HUNTINGTON BEACH
Department of Planning and Building
2000 Main Street
Huntington Beach, California 92648

Re: OVSD's Appeal of Environmental Assessment No. 2012-003
Edinger and Gothard Apartments

Dear Ms. Arabe:

On behalf of our client, the Ocean View School District (the "School District" or "OVSD"), we hereby appeal the action that was taken by the Environmental Assessment Committee (the "EAC") of the City of Huntington Beach (the "City") on June 12, 2013, in issuing Environmental Assessment No. 2012-003 ("EA 12-003") relating to the development of a 510-unit multi-family apartment project to be located on the southwest corner of Gothard Street and Edinger Avenue on adjoining parcels commonly known as 16001 and 17091 Gothard Street and 7262, 7266, and 7280 Edinger Avenue (the "Project").

In issuing EA 12-003, the EAC improperly determined that (1) all potentially significant effects of the Project were previously analyzed in the Environmental Impact Report ("EIR") that was certified in 2009 in connection with the City's approval of the Beach Edinger Corridors Specific Plan ("BECSP"); (2) such impacts can be mitigated pursuant to applicable mitigation measures adopted for that previous EIR (hereinafter referred to as the "BECSP EIR"); and (3) pursuant to section 15182 of the CEQA Guidelines, no further environmental analysis of the Project is required.

As a threshold matter, the School District objects to the City's refusal to comply with the provisions of section 6103 of the Government Code that clearly exempt the School District from having to pay an appeal fee of \$494.00 in connection with this appeal. The School District is tendering the appeal fee under protest and hereby requests that the City immediately comply with state law and return the enclosed check for \$494.00 to my office.

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The grounds for the School District's appeal of EA 12-003 are summarized below, but this summary is not intended to be an exhaustive listing of all of the evidence supporting each of these grounds. The School District reserves the right to submit additional evidence in support of its appeal. The purpose of this letter is simply to provide the City with the required notice of the School District's appeal.

Summary Of Grounds For OVSD's Appeal Of EA 12-003

1. Failure To Provide Requested Notice. Pursuant to my letter to Ms. Arabe of the City's Planning Division, dated July 2, 2012, the School District specifically requested that "it be provided with advanced written notice of all actions to be taken by the City with respect to the Project, including, but not limited to, all decisions, approvals, hearings, or other proceedings relating thereto." Despite this written request, the City failed and refused to provide advance notice of the proceedings that the EAC conducted on June 12, 2013, in voting to issue EA 12-003. The City did not inform the School District that EA 12-003 had been approved until five (5) days after the EAC had conducted its proceedings relating thereto.

2. Improper Reliance On The BECSP EIR. In issuing EA 12-003, the EAC improperly determined that all potentially significant effects of the Project have been analyzed pursuant to the BECSP EIR and can be mitigated pursuant to applicable mitigation measures adopted for that EIR. In fact, the BECSP EIR cannot be used as a Program EIR for the Project because it neither analyzes, nor does it attempt to mitigate, the impacts to the School District and the non-school environment that will be caused by the Project. Although Program EIR No. 08-008 that was prepared and certified for the BECSP did address specific development projects, the Project was not one of them. Moreover, the BECSP EIR expressly acknowledged that future projects within the area covered by the BECSP could require additional environmental analysis and documentation. In this regard, the City required the preparation of site-specific EIRs for the Murdy Commons, Beach/Warner, and Beach/Ellis projects, all three of which were specifically identified in the BECSP EIR. As such, the City has no legitimate basis for not also requiring the preparation of a separate, site-specific EIR for the Project.

3. Failure To Consider New Information Of Substantial Importance. Within the meaning of sections 15162 and 15182 of the CEQA Guidelines, the EAC, in issuing EA 12-003, failed to consider new information of substantial importance which was not known at the time that the BECSP EIR was certified in 2009. This new information shows that the Project (a) will result in significant environmental effects that were either not discussed in the BECSP EIR or will be substantially more severe than the effects that were discussed in the BECSP EIR; and (b) will require additional mitigation measures that would substantially reduce one or more significant effects of the Project. Such new information includes, but is not limited to, the following:

- A. The statements and assumptions set forth in sections 4.11.7, 4.11.8, and 4.11.9 of the BECSP EIR, regarding (i) the existing and projected capacity and enrollment at OVSD's existing school facilities within the BECSP area, (ii) the City's General Plan Policies applicable to those school facilities, and (iii) the impacts that the Project will have, and the mitigation measures that it will provide, with respect to such school facilities, are seriously outdated and incorrect.

C|F|W

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June 24, 2013
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- B. As discussed below, the City has shirked its duties under the City's General Plan to cooperate and coordinate with the School District in identifying and addressing the cumulative impacts on OVSD's school facilities that will occur as residential projects that are approved as part of the BECSP are built out over the next 5 to 20 years. Incredibly, the City is poised to approve the Project based on Table 4.11-4 in section 4.11.7 of the BECSP EIR that contains no existing or projected capacity figures for any of OVSD's schools. Because of the veritable onslaught of residential units that have been, or are slated to be, approved under the BECSP, the School District has been compelled to undertake a new demographics study, the results of which may well necessitate numerous boundary adjustments throughout the neighborhoods served by the School District. These boundary changes could most certainly cause physical impacts on the environment. The City would be derelict in its duty if it did not require the preparation of an EIR for the Project that could incorporate and analyze the findings of this new study.
- C. Contrary to what is stated in section 4.11.9 of the BECSP EIR, and as the School District specifically pointed out to the City in my letter to Ms. Arabe, dated July 3, 2012, the Project, itself, without considering the cumulative impacts associated with other residential projects in the BECSP area, would generate additional elementary and middle school students that (i) could not be accommodated within OVSD's existing school facilities, particularly over the next 5-20 year buildout period for the BECSP, and (ii) would require the retrofitting and reopening of one or more additional schools that would result in significant environmental impacts, as explained below.
- D. When viewed in light of the cumulative impacts associated with the proposed development of all of the other residential projects that the City has already approved or that are contemplated by the BECSP, the Project would have the indirect effects of forcing the School District to (i) engage in the expensive and time-consuming process of redrawing attendance boundaries which could have adverse impacts on the environment, and (ii) incur millions of dollars in retrofitting and reopening additional schools, such as, for example, Park View Elementary School ("Park View"), located at 1666 Tunstall Lane in Huntington Beach. Reopening Park View would cause noise, dust, traffic, air quality, and other construction-related impacts, and would require new bus routes to be added in order to bus students generated by the Project to interim schools until Park View could be opened. In addition, the reopening of Park View, for example, would cause additional adverse effects on the residential neighborhoods and the surrounding commercial areas that would result from having hundreds of students bused or driven to and from the Park View location on a daily basis (e.g., traffic, air quality, noise, etc.). Likewise, reopening Park View would cause additional impacts to public services (police, fire, etc.) needed to provide for the safety of the school children who will be attending Park View. Needless to say, the payment of school development fees would not mitigate these reasonably-foreseeable impacts that would indirectly affect the non-school physical environment as a result of school facilities being physically altered and traffic

patterns being changed in order to alleviate school overcrowding caused by the Project.

- E. Section 15358(a)(2) of the CEQA Guidelines requires the City to adequately address and mitigate the indirect effects that would be caused by the Project, including the above-described impacts associated with retrofitting and reopening additional schools, such as Park View, as well as the indirect impacts on local and regional park and recreational facilities that would occur because reopening Park View to house students generated by the Project would require the Ocean View Little League, currently using the Park View grounds, to relocate to another park facility in Huntington Beach or be eliminated.

4. Failure To Comply With City's General Plan Policies And Implementation Programs. In section 4.11.8 of the BECSP EIR, the City intentionally omitted and, in issuing EA 12-003, the EAC intentionally ignored, the City's own Policies and Implementation Programs in the City's General Plan, as follows:

- A. The BECSP EIR fails to acknowledge, and the EAC failed to comply with, Implementation Program No. I-PF 14, which provides that "**[t]he City shall cooperate and coordinate with the school districts** in identifying and soliciting funding from additional sources to support the expansion and development of school facilities in order to enhance the educational opportunities, activities, and programs offered by the school districts, and **to address issues facing the school districts which affect the health, safety, and general welfare of the community.**" (Emphasis added.)
- B. The BECSP EIR fails to acknowledge, and the EAC failed to comply with, Implementation Program No. I-PF 15 in the City's General Plan which provides "[d]evelop a review process that would **require that development impacts be reviewed by the City with the developer and with the School Districts** prior to project review for determination of necessary mitigations to school impacts. **Require developers to meet with the appropriate school district with the intent to mitigate the impact on school facilities,** prior to project approval by the permitting City authority." (Emphasis added.)
- C. In the face of the School District's written notice that the development of the Project could result in overcrowding at existing school facilities, the EAC failed to comply with one of the bedrock Policies set forth in the City's General Plan to "[e]nsure that the development shall **not** occur without providing for adequate school facilities." (Policy Nos. PF 4.2.3 and LU 2.1.7, emphasis added.)
- D. By failing and refusing to "cooperate and coordinate" with the School District to discuss OVSD's concerns about how the development of the Project would result in inadequate school facilities for the community, the EAC acted in a manner that was entirely inconsistent with the City's obligations under the City's General Plan. As a result, the EAC violated the General Plan. In addition, the EAC violated CEQA Guidelines section 15125(d) in failing to discuss these inconsistencies in an EIR tailored specifically to the Project.

C|F|W

Ms. Jill Arabe
June 24, 2013
Page 5

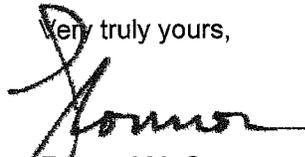
5. Failure To Prepare A Subsequent EIR Or A Supplement To The BECSP EIR. In issuing EA 12-003, the EAC improperly determined that the Project qualified for the exemption provided under section 15182 of the CEQA Guidelines. However, given the "new information" described above that the EAC failed and refused to consider before issuing EA 12-003, the provisions of section 15162 of the CEQA Guidelines have been triggered and, as such, the exemption afforded under section 15182 cannot apply unless and until the City completes, circulates for public review and comment, and certifies a subsequent EIR keyed to the Project or a supplement to the BECSP EIR.

In closing, the School District reiterates its earlier request that my office, as well as the Superintendent's office at OVSD, be provided with advance written notice of all actions to be taken by the City with respect to the Project, including, but not limited to, all decisions, approvals, hearings, or other proceedings relating thereto. Notices should be sent by first class mail and/or e-mail to the following:

Mr. Gustavo Balderas
Superintendent
Ocean View School District
17200 Pinehurst Lane
Huntington Beach, California 92647-5569
gbalderas@ovsd.org

In addition, I would request that copies of any notices sent to the School District also be sent me via first class mail to my office address and/or to my e-mail address (econnor@businesslit.com). Thank you.

Very truly yours,



Edmond M. Connor

ATTACHMENT NO. 2.5

Chapter 240 Zoning Approval; Environmental Review; Fees and Deposits

Sections:

240.02	Zoning Approval
240.04	Environmental Review
240.06	Fees and Deposits

240.02 Zoning Approval

To ensure that each new or expanded use of a site and each new, expanded, reconstructed or structurally altered structure complies with Titles 20-23, zoning approval shall be required prior to issuance of a building, grading, coastal development or demolition permit, certificate of occupancy, business license, or utility service connection. If any grading or scraping is proposed as part of a project, a survey of existing topography on the site and adjacent land within 5 feet of the site boundaries and any proposed changes in topography shall be submitted to the Director for review and approval prior to issuance of a building permit, grading permit, or demolition permit. The contours of the land shall be shown at intervals of not more than 5 feet. Grading or stockpiling which involves 25,000 cubic yards or more of import or export shall be referred to the Planning Commission for review and approval prior to issuance of the grading or stockpile permit.

(3334)

240.04 Environmental Review

- A. Purpose. The purpose of this section is to implement the California Environmental Quality Act of 1970 (CEQA). This section shall apply to all permits or entitlements, not otherwise exempt, requiring discretionary action by the City. The City Council shall by resolution adopt policies, objectives, criteria, and procedures regulating environmental evaluation of public and private projects. This section and the provisions adopted by resolution provide the basic principles, objectives, criteria, procedures, and definitions to ensure consistent implementation of the California Environmental Quality Act.
- B. Establishment of Environmental Assessment Committee. There is hereby established an Environmental Assessment Committee consisting of the Director of Community Development, the Director of Public Works, and the City Attorney, or a designated representative of each. A quorum shall require at least two members.
- C. The Environmental Assessment Committee shall have responsibility for evaluating the environmental impact of all discretionary projects, determine the appropriate environmental documentation required for compliance with CEQA and make recommendations to the discretionary body to adopt or deny a negative declaration or environmental impact report, consistent with State and local law.

- D. Administration. The Director shall be responsible for:
1. Preparing and processing all environmental documents necessary to comply with CEQA, the guidelines of the California State Resources Agency as authorized under the Public Resources Code Section 21083, and such additional provisions as may be adopted by the City of Huntington Beach; and
 2. Contracting for private, professional consultation for preparation of environmental impact reports.
- E. Environmental Determination. Prior to any project approval, the discretionary body shall first act upon the negative declaration or the environmental impact report (EIR). The discretionary body acting on the project may adopt the negative declaration or may reject it and require an environmental impact report. The discretionary body may certify the environmental impact report or reject it, if deemed incomplete.
- F. Mitigation Measures. Any feasible change or alteration to the project which avoids or substantially lessens the significant environmental impacts identified in the negative declaration or final EIR shall be incorporated as a condition of approval imposed on the project. The condition of approval shall also describe the time period and the manner in which the mitigation measure must be satisfied.
- G. Monitoring and Reporting Program. The City requires a reporting or monitoring program be prepared to ensure compliance of mitigation measures during project implementation. The project applicant shall be responsible for ensuring completion of the program and shall submit to the City reports indicating the status of compliance. The City may obtain or require an independent analysis of any completed reports submitted as required by a mitigation measure. The cost of the analysis shall be paid by the project applicant.
- Prior to final inspection the monitoring program report shall be completed and accepted by the City. A separate report may be required for each phase of a project constructed in phases.
- H. Appeal. Any decision of the committee may be appealed to the discretionary body which has original jurisdiction over approval of the project as provided in this code. The appeal shall be heard prior to the discretionary body's action on the project.

240.06 Fees and Deposits

All persons submitting applications for any permits, certificates, development agreements, map approvals, or zoning map or text amendments, or any other approvals as required by this ordinance code, or filing appeals shall pay all fees and/or deposits as provided by the City Council's resolution or resolutions establishing applicable fees and charges.

EDMOND M. CONNOR
MATTHEW J. FLETCHER
MICHAEL R. WILLIAMS
DOUGLAS A. HEDENKAMP
SHIRY TANNENBAUM
MICHAEL SAPIRA



CONNOR, FLETCHER & WILLIAMS LLP

ATTORNEYS AT LAW

RECEIVED
JUL 06 2012
Dept. of Planning
& Building

July 3, 2012

Ms. Jill Arabe
Assistant Planner
CITY OF HUNTINGTON BEACH
Department of Planning and Building
2000 Main Street
Huntington Beach, California 92648

Re: Environmental Impact Report Required for the Archstone Project
Located on the Southwest Corner of Gothard Street and Edinger Avenue

Dear Ms. Arabe:

In our capacity as legal counsel for the Ocean View School District (the "School District"), we have reviewed the applications for Site Plan Review 12-002, Tentative Parcel Map 12-009, and Environmental Assessment 12-003 that were recently submitted to the City of Huntington Beach (the "City") by Archstone New Development Holdings LP ("Archstone") in connection with the development of a 510-unit multi-family apartment building to be located on the southwest corner of Gothard Street and Edinger Avenue on adjoining parcels commonly known as 16001 and 16091 Gothard Street and 7280, 7262 and 7266 Edinger Avenue (collectively, the "Project").

The development of this Project will result in significant direct and indirect impacts to the School District and to the environment in general. As such, in accordance with CEQA section 21100 and section 15126.2 of the CEQA Guidelines, a project specific environmental impact report should be prepared. As you know, the Project is located within the area covered by the Beach Edinger Corridor Specific Plan (the "BECSP"). Although the Environmental Impact Report (No. 08-008) that was prepared and certified for the BECSP addressed four specific development projects, the Project was not one of them. Accordingly, the BECSP EIR cannot be used as a Program EIR for the Project because it neither analyzes, nor does it attempt to mitigate, the impacts to the School District and the environment that will be caused by the Project.

Notably, although the BECSP EIR specifically addressed the Beach/Warner project, the City nevertheless went ahead and prepared a separate EIR for that project anyway. A separate EIR should likewise be prepared for the Project, particularly since it is not addressed in the BECSP EIR.

In completing the Environmental Assessment Form submitted with SPR 12-002, Archstone has asserted that students living in the Project will attend Sun View Elementary

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E-MAIL: econnor@businesslit.com

ATTACHMENT NO. 4.1

Ms. Jill Arabe
July 3, 2012
Page 2

School ("Sun View"). Actually, the Project appears to fall within the attendance boundaries for College View Elementary School ("College View"), not Sun View. The School District would be interested in finding out why Archstone believes that the students from the Project would attend Sun View. However, for purposes of analyzing the environmental impacts associated with the development of the Project, the working assumption should be that the Project presently lies within the area served by College View.

Of course, regardless of which of these two schools the students from the Project would most likely be attending, the number of students generated by the Project would be far more than either school could accommodate. Indeed, even using the most conservative of estimates, the Project's 510 apartments would generate at least 250 additional elementary school students, but, neither College View, nor Sun View, has the capacity to handle these extra students. Thus, the Project would cause overcrowding at both College View and Sun View.

Moreover, when viewed in light of the cumulative impacts associated with the proposed development of all of the other projects contemplated by the BECSP, the Project would have the indirect effect of forcing the School District to (1) engage in the expensive and time-consuming process of redrawing attendance boundaries which could have adverse impacts on the environment, and (2) incur millions of dollars in retrofitting and reopening an elementary school, most likely Park View Elementary School ("Park View"), located at 1666 Tunstall Lane in Huntington Beach. Reopening Park View would cause noise, dust, traffic, air quality, and other construction-related impacts, and would require new bus routes to be added in order to bus students generated by the Project to interim schools until Park View could be opened.

Also, having to reopen Park View to house students generated by the Project would require the Ocean View Little League, currently using the Park View grounds, to relocate to another park facility in Huntington Beach or be eliminated. Needless to say, the payment of school development fees would not fully mitigate the impacts associated with the Project.

In conclusion, a project-specific environmental impact report should be prepared and a new baseline should be established to fully analyze and mitigate the environmental impacts associated with the Project. The traffic study used for the BECSP is based on data generated in 2005 and early 2006. A new project-specific traffic study needs to be prepared based on existing traffic counts. Likewise, the data used for the noise and air quality reports in the BECSP EIR are unreliable because they are based on the outdated traffic study for the BECSP. These deficiencies can and should be remedied by preparing a new EIR for the Project that utilizes 2012, not 2005, traffic data.

We would greatly appreciate it if the City would provide written confirmation by return letter that it will be preparing a new EIR for the Project. Also, the School District hereby requests that it be provided with advance written notice of all actions to be taken by the City with respect to the Project, including, but not limited to, all decisions, approvals, hearings, or other proceedings relating thereto. Notice should be sent by first class mail and e-mail to the following:

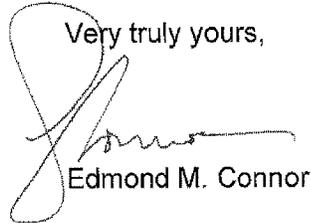
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Ms. Jill Arabe
July 3, 2012
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Dr. William H. Loose
Superintendent
OCEAN VIEW SCHOOL DISTRICT
17200 Pinehurst Lane
Huntington Beach, California 92647-5569
wloose@ovsd.org

In addition, I would request that copies of any notices sent to the School District also be sent me via first class mail to my office address and to my e-mail address (econnor@businesslit.com). Thank you.

Very truly yours,



Edmond M. Connor

cc: John M. Fujii, Esq.

ATTACHMENT NO. 4.3



JEANETTE C. JUSTUS ASSOCIATES
SCHOOL PLANNING | PUBLIC POLICY

NEWPORT BEACH | CALIFORNIA | 92660
TELEPHONE: (949) 706-9701

RECEIVED

AUG 30 2012

Dept. of Planning
& Building

August 30, 2012

Ms. Jill Arabe
Assistant Planner
City of Huntington Beach
Department of Planning and Building
2000 Main Street
Huntington Beach, CA 92648

Re: Environmental Impact Report Required for the Archstone Project ("Project") Located on the Southwest Corner of Gothard Street and Edinger Avenue

Dear Ms. Arabe:

Archstone New Development Holdings, LP has engaged Jeanette C. Justus Associates to respond to a comment letter received by the city July 3, 2012 from Connor, Fletcher & Williams LLP on behalf of the Ocean View School District. The purpose of this letter is to provide background information about the demographic trends and projections at OVSD as well as to discuss potential Project impacts and mitigation and request clarifications from OVSD staff.

Over the last ten years, districtwide enrollment at OVSD declined by 7% from 10,177 students in the 2002-03 school year to 9,461 students in 2011-12 school year.¹ As outlined in March 2011, projections prepared by the OVSD demographic consultant, DecisionInsite, Inc. ("DI"), enrollment is expected to continue declining through 2020.² DI projects there would be 8,886 students in 2020.³ When the same projection compares enrollment to capacity, there are 3,171 available seats projected in 2020.⁴ DI estimates there are 586 classrooms or 11,880 seats currently. When compared to the 2011-12 enrollment of 9,461, there is a surplus of 2,419 seats districtwide.^{5,6} School district enrollment projections typically include students from new

¹ District and School Enrollment by Grade. 2011-12 and 2002-03. Ocean View School District. Education Demographics Unit. California Department of Education. www.cde.ca.gov. Web retrieved on August 21, 2012.

² Enrollment Forecast. Enrollment Patterns, Attendance and Boundaries, Facilities Planning Advisory Committee Meeting #3. May 9, 2011. PowerPoint Presentation. www.ovsd.org. Web retrieved August 23, 2012. p 31.

³ Ibid.

⁴ Ibid.

⁵ Ibid

development planned within school district boundaries. Referenced projections were prepared in March 2011, and it is our assumption that planned development within the Beach/Edinger Corridor Specific Plan dated 2009 is incorporated in the study. We would like to request that OVSD confirms new development assumptions used to estimate capacity available at schools assigned to the Project.

In the letter dated July 3, 2012, it is correctly noted that College View Elementary School, rather than Sun View Elementary, is the assigned elementary school for the Project. To evaluate whether schools assigned to the Project can accommodate new students, current enrollment was compared to capacity available from the same DI report and outlined in Table 1 below. Based on 2011-12 enrollment data, College View Elementary School has 277 available seats and Spring View Middle School has 64 available seats.

Table 1
Enrollment and Capacity at OVSD Schools Assigned to the Project

School Name	Capacity	Enrollment	Available Capacity
College View Elementary	783	506	277
Spring View Middle	864	800	64
<i>Sources:</i>			
<i>District and School Enrollment by Grade. 2011-12. Ocean View School District. Education Demographics Unit. California Department of Education. www.cde.ca.gov. Web retrieved on August 21, 2012.</i>			
<i>Enrollment Forecast. Enrollment Patterns, Attendance and Boundaries, Facilities Planning Advisory Committee Meeting #3. May 9, 2011. PowerPoint Presentation. www.ovsd.org. Web retrieved August 23, 2012. p 44.</i>			

Based on data outlined in Table 1 and the estimated number of students outlined in the July 3, 2012 letter, there are available seats at schools assigned to the Project to accommodate all students. However, it should also be noted that it is unlikely that the 510 planned units would generate the 250 students assumed by OVSD. The Project density is 60 dwelling units to the acre. The Project's target market includes young professionals rather than families with children. Jeanette C. Justus Associates has been following high density development and observed that as long as there are low density attached and detached alternatives available in the area, it is likely that families with children would choose other housing alternatives. Irvine Unified School District ("IUSD") has experienced a significant number of high density development such as the proposed Project. In October 2011, Jeanette C. Justus Associates collected data from IUSD and calculated student generation rates.⁷ The sample of high density units of 45+ units to the acre included 2,422 units located in the John Wayne Airport Area and the Irvine Spectrum. The resulting K-8 student generation rate or ratio of students per home is 0.052 or approximately 5

⁶ District and School Enrollment by Grade. 2011-12. Ocean View School District. Education Demographics Unit. California Department of Education. www.cde.ca.gov. Web retrieved on August 21, 2012.

⁷ Donna Jordan, Facilities Planner. Irvine Unified School District. October 4, 2011. E-mail communication.

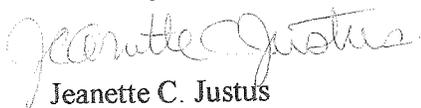
students for each 100 dwelling units. When these high density student generation rates are applied to the proposed Project, the estimated number of K-8 students equals 27. To house all Project students, approximately one classroom would be required. As outlined in Table 1, a large number of existing seats is available to accomodate them.

It may be helpful to all parties to work with OVSD on developing assumptions that would allow for efficient school facility planning. We recognize a significant difference between the 250 students estimated in the July 3, 2012 letter and the 27 students projected based on high density student generation rates. If OVSD strongly believes the higher generation rates are applicable to the Project, then we would like to request background information about these rates. What type of housing are the rates based on; i.e. single family detached, attached or rental apartments? When were the units in the sample constructed? What is the density of projects in the sample?

We also recognize OVSD's concerns outlined in the July 3, 2012 letter regarding overcrowding at schools serving the new development within the Beach/Edinger Corridor and agree that alternatives such as boundary changes or school re-openings might not be advisable. However, other alternatives such as changing school board policy to prioritize serving resident students within OVSD boundaries over those coming from other districts can be explored.

We understand that to mitigate impacts from the Project, pursuant to Section 65995 of the *California Government Code*, the Project applicant shall pay developer fees to OVSD at the time building permits are issued. Payment of the adopted fees would provide full and complete mitigation of school impacts. Additionally, OVSD is currently working on a ballot measure that would provide \$198 million for school improvement projects districtwide and result in a tax of no more than \$30 per \$100,000 of assessed valuation. If the measure is approved by voters in November 2012, then new development within the Project would be subject to the same general obligation tax. Capital funding generated by developer fees and general obligation bond taxes can be used to retrofit existing facilities at schools assigned to the Project.

Sincerely,



Jeanette C. Justus
President

Jeanette C. Justus Associates

Allen Matkins

Memorandum

Allen Matkins Leck Gamble Mallory & Natsis LLP
 Attorneys at Law
 www.allenmatkins.com

To: Ken Keefe, ArchRock**From: William R. Devine**

Date: July 1, 2013

Telephone: 949.851.5412

E-mail: wdevine@allenmatkins.com

File Number: 373217-00001/OC990953.01

Subject: Responses to Comments of OVSD; Appeal of EA No. 2012-003**Summary of Applicant Response to OVSD Appeal Letter**

On June 12, 2013, the City of Huntington Beach Environmental Assessment Committee ("EAC") reviewed the Environmental Assessment ("EA-12-003") for the Pedigo Project (the "Project") and concluded that the exemption for residential projects described in California Government Code Section 65457, and CEQA Guidelines Section 15182 applied, and, as a result, no further environmental analysis was required. OVSD's legal representative (hereinafter "OVSD") submitted a letter dated June 24, 2013, in which they argue that this decision by the EAC was in error. Provided below is a brief summary of the applicant's responses to the arguments made by OVSD. A more detailed response is being prepared and will be submitted to the City prior to the Planning Commission hearing scheduled for July 9, 2013.

Much of what OVSD argues is based on their assertion that the BECSP EIR did not appropriately address the impacts of the BECSP on OVSD and/or that OVSD has new information that establishes a greater impact on OVSD than stated in the BECSP EIR. Similar allegations were made by OVSD in a July 3, 2012, letter from OVSD to the City. In response to that letter, the applicant's school consultant submitted a detailed response. That response letter was dated August 30, 2012, and is attached to these comments. Since that time, the applicant's consultant has updated her conclusions and they are provided immediately below as the factual basis for our strong disagreement with the assertions of OVSD.

Factual Background Regarding OVSD

DISTRICT-WIDE

- OVSD district-wide capacity is 11,880 seats. With an enrollment in the 2012-13 school year of 9,418, there are 2,462 seats available district-wide.

ATTACHMENT NO. 6.1

To: Ken Keefe, ArchRock

From: William R. Devine

Date: July 1, 2013

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- OVSD is declining in enrollment. Since 2002-03, the district's population declined by 7.5%.
- A demographic study prepared in 2011 projected a decline through 2020, when OVSD enrollment would reach 8,886. The number of surplus seats would increase to 3,171.
- OVSD has never established eligibility for state new construction funding. This is an action typically taken by school districts which expect overcrowding due to growth resulting from new development.
- OVSD did not provide capacity for the BECSP.
- Growth from new development will generate funding in the form of SB 50 school fees and potential future General Obligation Bond funding capacity.
- Growth from new development is extremely helpful for school districts' operational budgets. The vast majority of school districts including OVSD are funded by the state on a per student (Average Daily Attendance) basis for operations. With declining enrollment, school districts receive less funding for teachers and administration. Enrollment from new development helps to offset declines in operating funding.

SITE SPECIFIC

- Assigned College View Elementary is also declining in enrollment. Between 2011-12 and 2012-13, the school population declined from 506 to 471 students, resulting in available capacity of 312 seats.
- Although at a lower rate, assigned Spring View Middle School is also declining in enrollment. Based on 2012-13 enrollment of 795 students, there are 69 available seats at Spring View.
- Project density of 60 units per acre and the target market of young professionals are not expected to attract families with children. Similar communities exist in other areas of Orange County. Irvine Unified School District data from 2,422 dwelling units illustrates a student generation rate of 0.052, or approximately 5 students per 100 homes.
- Based on proposed student generation rates, the Project would generate 27 K-8 students, which would require 1 classroom.
- Given the Project's affordable housing program, student generation may increase for the affordable units only.
- Due to extensive available capacity, no new construction would be required and students can be housed at existing facilities.

Summary of Specific Responses

1. OVSD states that the BECSP EIR cannot be used as a Program EIR for the Pedigo Project because it neither analyzes, nor does it attempt to mitigate, the impacts to the school district and the non-school environment that will be caused by the Project. They go on to state that although the EIR that was prepared and certified for the BECSP did address specific development projects, the

To: Ken Keefe, ArchRock

From: William R. Devine

Date: July 1, 2013

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Pedigo Project was not one of them. In this regard, they state that the City required the preparation of site specific EIRs for the Murdy Commons, Beach/Warner and Beach/Ellis projects, all three of which were specifically identified in the BECSP EIR, and that, as such, the City has no legitimate basis for not also requiring the preparation of a separate, site-specific EIR for the Project.

In fact, the BECSP EIR not only analyzes, but provides mitigation for impacts to the school district as well as the surrounding community, assuming full development under the specific plan. That full development includes the Pedigo Project as well as other future residential projects that are developed consistent with the BECSP. The BECSP anticipates ultimate development of 6400 new residential dwelling units and performed the environmental analysis assuming that all 6400 units would be built. Since the Pedigo Project clearly falls within this total number, and is otherwise consistent with the BECSP, the EIR, in fact, addressed the potential environmental impacts of the Project.

OVSD seems to suggest that unless the Project was specifically called out in the EIR, it was not covered. In fact, the only new residential projects within the BECSP area that were identified in the EIR were those that were already in process at the same time the BECSP was being processed, which were Murdy Commons, Beach and Warner, Beach and Ellis, and Amstar/Red Oak. The Amstar/Red Oak project had its own EIR which was certified prior to completion of the BECSP process. The other three projects mentioned were processed concurrently with the BECSP and thus had their own separate environmental documentation. In addition, each of these three projects was a mixed use project which included both residential and commercial. Thus, the residential exemption in California Government Code § 65457 did not apply to them.

The BECSP is a long term project and most of the specific projects that will be built in conformance with the BECSP were not known and could not have been identified in the BECSP EIR. Since the Pedigo Project is being processed three years after the BECSP EIR was certified and the BECSP adopted, and is a residential only project, any additional CEQA analysis required for this Project is subject to Government Code § 65457. Pursuant to that provision, a residential development that is implemented consistent with an approved specific plan that was adopted in conjunction with a certified EIR, is exempt from further CEQA review unless the specific plan EIR needs to be supplemented because of one of three triggering events. Those events that would trigger the need for a supplemental specific plan EIR are described in Public Resources Code § 21166 and CEQA Guidelines §§ 15162 and 15163.

The OVSD appeal letter only raises one of those potential triggering events, the "new information" exception. Pursuant to that exception, anyone challenging use of the exemption must establish, based on substantial evidence in the record, that new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the specific plan EIR was certified as complete, shows that the specific plan project will have

To: Ken Keefe, ArchRock

From: William R. Devine

Date: July 1, 2013

Page 4

one or more significant effects not discussed in the certified specific plan EIR, or significant effects previously identified will be substantially more severe than shown in the specific plan EIR or mitigation measures or alternatives previously found not to be feasible would be feasible or mitigation measures or alternatives which are considerably different than those analyzed in the previous EIR would substantially reduce one or more significant effects.

The applicability and appropriate circumstances under which the residential exemption referenced in Government Code § 65457, is applied was the subject of a recent California appellate court decision in Concerned Dublin Citizens v. City of Dublin, 2013 DJDAR 4098 (Cal.App. 1st District, March 28, 2013). The facts in that case are very similar to those in the current situation. The court concluded that the petitioners must identify substantial evidence in the record to support the existence of one of the triggering events requiring a supplemental Specific Plan EIR in order to overturn the City's use of the residential exemption. In this case, OVSD has the same burden of proof. Nothing in their letter supports any such conclusion. This will be addressed in more detail at a later date.

2. First OVSD makes the unsubstantiated statement that the City's statements and assumptions set forth in Section 4.11.7, 4.11.8, and 4.11.9 of the BECSP EIR regarding the existing and projected capacity and enrollments at OVSD's existing school facilities within the BECSP area, the City's General Plan policies applicable to those school facilities, and the impacts that the project will have, and the mitigation measures that it will provide, with respect to such school facilities, are seriously outdated and incorrect.

It is important to establish the framework for analyzing impacts to schools under CEQA. As noted in Section 4.11.8 of the BECSP EIR, the payment of statutory school fees by developers is the sole method under CEQA of mitigating impacts of development on school facilities. These statutory and regulatory provisions have been in effect for a number of years and seem to be ignored by OVSD. Under the provisions of SB 50, school districts may collect fees to offset the costs associated with increasing school capacity as a result of development. In other words, pursuant to California law, the exclusive method for considering and mitigating the impacts on school facilities is the payment of statutory school fees. The analysis in the BECSP concluded that, even with full development under the BECSP, there would be no significant impact on school facilities since new students anticipated from future development would not result in overcrowding because of the existing excess capacity at schools as well as anticipated declining enrollment. Despite the lack of significant impact, the BECSP still imposed Mitigation Measure CR4.11-2 which states that "Project applicants for future development located within the OVSD shall pay all applicable development impact fees in effect at the time of building permit issuance".

OVSD states that the City is ready to approve the Project in reliance on Table 4.11-4 in Section 4.11.7 of the BECSP EIR which contains no existing or projected capacity figures for any of

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OVSD's schools. In making such a statement, OVSD fails to note that the reason the capacity figures for the OVSD schools are blank, is because OVSD did not have total capacity numbers available when asked for those numbers by the City. However, the City did receive communications from an OVSD representative which indicated that the current enrollment within the school district has been declining in recent years and that this decline is expected to continue for the next several years. As a result, OVSD had no current plans for the addition of new schools within the district.

3. OVSD argues that, contrary to the information in Section 4.11.9 of the BECSP EIR, the Project, in conjunction with cumulative impacts associated with other residential projects in the BECSP area, would generate additional elementary and middle school students that could not be accommodated within OVSD's existing school facilities and would require the retrofitting and reopening of one or more additional schools that would result in significant environmental impacts. OVSD continues to make conclusory statements such as this while providing absolutely no evidence in support of their statements. For all the reasons previously provided in correspondence to the City, we strongly disagree with these conclusions. In fact, all of the available evidence supports just the opposite conclusion.

4. In their appeal letter, OVSD engages in a long series of hypothetical statements which allegedly could result in some impacts. To be clear, EIRs are not to engage in speculation, and that is exactly what the OVSD representative is engaging in. They speculate that the Project *could* have indirect effects, which *could* force the school district to engage in a process of redrawing attendance boundaries which *could* have adverse impacts on the environment and *could* incur millions of dollars in retrofitting and reopening additional schools such as Park View Elementary, and that reopening Park View Elementary *could* cause a variety of construction-related impacts and *could* require new bus routes and *could* have adverse effects on nearby neighborhoods and *could* cause additional impacts to public services. The purpose of CEQA is to inform decision-makers of potentially significant impacts prior to making a decision to move forward on a project. Pursuant to this purpose, the scope of an EIR's analysis of potential future environmental consequences guided by standards of reasonableness and practicality under which lead agencies need not undertake a premature evaluation of the environmental consequences of undefined, possible future actions. An EIR is not required to speculate about the environmental consequences of a future development that is unspecified or uncertain. An analysis of the impacts of future actions should be taken, when the future actions are sufficiently well-defined, or it is feasible to evaluate the potential impacts. Thus, to the extent that OVSD decides, at some future date, to redraw attendance boundaries and to retrofit or reopen schools, then OVSD will have the responsibility of complying with CEQA and assessing the impacts of those proposed changes. As noted previously, pursuant to state law, the only mitigation for a development project's impact on school facilities is the payment of statutory school fees. The BECSP EIR includes that requirement as a mitigation measure. Thus, based on all the information to date, no evidence has been provided which indicates that there would be new significant impacts requiring new mitigation. See prior responses to comment above.

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5. OVSD refers to Section 15358(a)(2) of the CEQA Guidelines which requires a city to adequately address and mitigate the direct effects that would be caused by a project. It then goes on to continually refer to the potential reopening of Park View as an example of an indirect effect that should have been addressed or should now be addressed in an EIR. The referenced CEQA Guideline section defines indirect or secondary effects as those caused by the project but which are still reasonably foreseeable. An environmental impact that is speculative or unlikely to occur is not reasonably foreseeable. (CEQA Guidelines Section 15064(d)(3).) As discussed above, none of the information available or provided by OVSD or available from any other sources leads to the conclusion that the reopening of Park View school is reasonably foreseeable as a result of the proposed Project. Thus, there is no support for OVSD's contention in this respect.

6. OVSD states that, in Section 4.11.8 of the BECSP EIR, the City intentionally omitted and, in issuing EA12-003, the EAC intentionally ignored, the City's own policies and implementation programs in the City's General Plan. We cannot speak for the City, but can only assume that the City did not intentionally ignore any General Plan policies and implementation programs that it felt were appropriate to address, either in the BECSP EIR or in the issuance of EA-003.

7. OVSD asserts that the City has ignored its Implementation Program No. I-PF14 and I-PF15. In reviewing this comment, it is unclear how OVSD feels that the City has failed to comply with these General Plan policies or why such policies necessarily need to be referenced in the BECSP EIR. In any event, failure to reference it in the EIR does not in any way trigger the need for a supplemental EIR or a project-specific EIR, so we are not certain of the purpose of the comment. In addition, it is clear that in preparing the BECSP EIR, the City did comply with these policies. Based on all the information available to the City, as referenced in the EIR, and all current information available, there is no need for additional funding to support expansion and development of school facilities. Presumably, what OVSD would like is for the City to blindly agree to whatever demands OVSD may make without reliance on any evidentiary support justifying such requests.

8. OVSD argues that the EAC failed to comply with its General Plan policy to insure that the development shall not occur without providing for adequate school facilities, because EAC failed to agree with OVSD's written notice from the district's attorney that the development of the Project *could* result in overcrowding at existing school facilities. EAC's failure to agree with the school district's unsubstantiated conclusions, is clearly not a violation of this General Plan policy. The City addressed that policy in the BECSP EIR directly and concluded that there will be no significant impacts on school facilities from the BECSP while still imposing the maximum mitigation authorized by law, the payment of applicable statutory school fees.

9. OVSD argues that, by refusing to "cooperate and coordinate" with the school district to discuss their concerns about the development of the Project, the EAC acted in a manner that was inconsistent with the City's obligations under the General Plan. In addition, OVSD argues that the

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EAC violated CEQA Guideline Section 15125(d) in failing to discuss the inconsistencies in an EIR tailored specifically to the Project.

OVSD continually fails to understand that the proposed Project is statutorily exempt from CEQA and the *only* CEQA document that could be required would be a supplemental specific plan EIR and not a project-specific EIR. In addition, the reference to CEQA Guideline Section 15125(d) does not make sense. That section states that an EIR shall discuss any inconsistencies between the proposed project and applicable General Plans, Specific Plans, etc. The BECSP EIR had an entire section discussing consistency of the Specific Plan with the City's General Plan. The EIR determined that the two were consistent. Thus, the referenced section has absolutely no relevance in the context raised by OVSD. The suggestion that the EAC failed to cooperate and coordinate with the school district to discuss OVSD's concerns was a violation of the City's General Plan makes no sense. Cooperating and coordinating with school districts does not mean giving in to unsupported allegations or threats. In any event, the only role of the EAC is to determine, based on the evidence available in the record, whether any of the three triggers that would require preparation of a supplemental BECSP EIR, had in fact, occurred. If there was no evidence to support such a contention, then the only finding the EAC could make is that the residential exemption applied to the Project, and, thus, their actions were entirely consistent with applicable law.

10. OVSD argues that, in issuing EA 12-003, the EAC improperly determined that the Project qualified for the residential exemption. The basis for this assertion is that, given the "new information" described previously in their letter, the provisions of Section 15162 of the CEQA Guidelines have been triggered and, thus, the exemption does not apply. For all of the reasons noted in the prior responses to OVSD's comments above, we strongly disagree with this contention.