



Final Focused Environmental Impact Report Surf City Nights Project

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1. Introduction

An Initial Study/Mitigated Negative Declaration (MND) was prepared in May 2013 by the City of Huntington Beach (City), as lead agency, to analyze the environmental effects of Surf City Nights, the weekly Street Fair and Certified Farmers' Market. In response to comments on the MND, the City found it appropriate to prepare a Focused Environmental Impact Report (Focused EIR). A Focused EIR serves to further examine select environmental impacts that were initially analyzed in a prior environmental document.

1.1 Purpose of EIR

This Draft Focused EIR has been prepared on behalf of the City of Huntington Beach to evaluate the environmental impacts, the mitigation measures, and the project alternatives associated with the Proposed Project, a weekly Street Fair and Certified Farmers' Market. Analysis in this Draft Focused EIR will include:

- Greenhouse Gas Emissions
- Land Use and Planning
- Noise
- Traffic/Parking
- Alternatives to the Proposed Project
- Cumulative Impacts
- Growth Inducing Impacts

The Proposed Project requires the following discretionary actions:

- Approval of Conditional Use Permit No. 12-026
- Approval of Coastal Development Permit No. 12-001
- Approval of Noise Deviation Permit No. 13-009

It is intended that this Draft Focused EIR be considered in the decision-making process for this project, along with other information presented on the project such as public proceedings. Pursuant to California Environmental Quality Act (CEQA) Guidelines §15200, this Focused EIR will serve the following purposes of review:

1. Sharing expertise
2. Disclosing agency analyses
3. Checking for accuracy
4. Detecting omissions
5. Discovering public concerns
6. Soliciting counter proposals

1.2 Statutory Authority

This Draft Focused EIR has been prepared in accordance with the CEQA statutes, as amended (*Public Resources Code* §21000, et seq.). In accordance with CEQA Guidelines §15146, the degree of specificity required in an EIR must correspond to the actions sought to be covered by the EIR. In accordance with CEQA Guidelines §15050, the City of Huntington Beach, Planning and Building Department is the Lead Agency for the EIR.

The City of Huntington Beach, Office of Business Development, and the Downtown Business Improvement District (DTBID) are co-applicants for the Proposed Project.

This Draft Focused EIR identifies and discusses every significant impact, mitigation measure, and project alternative with relationship to this project, using its best efforts to forecast, while incorporating requests by the public and responsible agencies for consideration of specific mitigation measures and/or alternatives.

The mitigation measures included in this Draft Focused EIR are designed to avoid or reduce the environmental impacts described herein. Mitigation measures are structured in accordance with §15370 of the CEQA Guidelines. This section refers to effects on the physical environment, as opposed to other types of effects (e.g., economic and social effects) that may arise as a result of this project or that may be of interest to the public and decision makers generally. Accordingly, the mitigation measures have been structured to meet the following criteria:

- Avoiding the impact altogether by not taking a certain action or parts of an action
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action
- Compensating for the impact by replacing or providing substitute resources or environments

1.3 CEQA Process

CEQA requires agencies to prepare EIRs and negative declarations “as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (CEQA Guidelines §15004(b)). An Initial Study/Mitigated Negative Declaration (MND) was prepared in May, 2013 by the City. In response to comments received on the MND, the City determined that it would be necessary to prepare a Focused EIR to more closely examine selected environmental impacts. The MND and the comments on the MND are included as Appendix C and Appendix D, respectively.

A Notice of Preparation (NOP) was prepared and distributed for review and comment on December 19, 2013 and is provided as Appendix A. Time limits mandated by state law require a 30-day review period, which was extended for one week to account for the holidays, and ended on January 24, 2014. The NOP was posted with the Orange County Clerk, Recorder’s office on December 19, 2013, and was made available for review at the City of Huntington Beach Central Library, Main Street Branch Library, City of Huntington Beach Planning and Building Department, and online at www.huntingtonbeachca.gov/government/departments/planning/environmentalreports.cfm. The NOP was also sent via U.S. mail to area residents, business owners, and public agencies and interested parties.

The purpose of the NOP was for public information and to elicit input on matters to be addressed in the EIR. Table 1 – Summary of Comment Letters, Notice of Preparation contains a summary of all agencies and persons who provided comments on the NOP and indicates where the comment is addressed in the EIR. The NOP comment letters are included in this Draft EIR in Appendix B.

Table 1 – Summary of Comment Letters, Notice of Preparation

| Date | Letter From | Brief Summary | Where Addressed in FEIR |
|----------|-------------------------------------|--|--|
| 12/30/13 | Native American Heritage Commission | <ul style="list-style-type: none"> • Contact appropriate Native American Heritage representative regarding impacts • Conduct an archaeological survey of the site • Provide mitigation if cultural resources are found on the site • Prepare a monitoring plan and provision for analysis and disposition of resources | Table 2 – Impacts Found Not To Be Significant (page 13) No known cultural resources are on the Project site, as the area contains existing development. No construction is included for the Proposed Project, and the weekly festival will not preclude access to cultural resources if they are discovered in the future. No further analysis is required in the DEIR. |
| 12/22/13 | William K. Vogt | <ul style="list-style-type: none"> • Provide for adequate trash pick-up and receptacles beyond the boundaries of the Project site | Not an environmental issue. Comment will be provided to festival operators. |
| 12/24/13 | Edward Rohaly | <ul style="list-style-type: none"> • Fully supports the festival and expansion to 5th Street | Not an environmental issue. |
| 1/2/14 | Steve Wise | <ul style="list-style-type: none"> • Supports the festival and enjoys the vendors and music | Not an environmental issue. |

| Date | Letter From | Brief Summary | Where Addressed in FEIR |
|---------|-------------------------------|--|--|
| 1-13-14 | Jeffrey Hansler | <ul style="list-style-type: none"> • Reserve parking meters spaces on 1st through 7th Streets for residents only • Limit alcohol service to 10:00 p.m. • Only allow hotels to serve alcohol past 10:00 p.m. • Establish and fund a Surf City Nights Cultural Board | Not an environmental issue. Comments will be provided to festival operators. |
| 1-16-14 | Department of Transportation | <ul style="list-style-type: none"> • Require an encroachment permit for use of State right of way • Provide traffic enforcement by Huntington Beach Police Department • Place two sets of barricades (Type II or Type III) with flashing amber lights on NB PCH right turn inly lane onto Main Street to divert vehicular traffic from entering the right turn pocket • Place two sets of barricades (Type II or Type III) with flashing lights on SB PCH left turn lane onto Main Street to divert vehicular traffic from entering the left turn pocket | Section 5.4, Transportation and Traffic (beginning on page 79) |
| 1-20-14 | Susan Worthy and Guy Guzzardo | <ul style="list-style-type: none"> • Traffic back up onto Walnut during event hours • Fiscal impacts of loss of meter income • Resubmitted a comment letter dated 6-24-13 | Section 5.3, Noise (beginning on page 65), Section 5.4, Transportation and Traffic (beginning on page 79), Chapter 6, Alternatives Analysis (beginning on page 99), Chapter 4, Project Description (beginning on page 19). |
| 1-23-14 | James A. Aul | <ul style="list-style-type: none"> • Noise increase in the area from events and bars • No closure of Main Street • No extension onto 5th Street • Relocation of event to parking lots across PCH | Section 5.3, Noise (beginning on page 65), Chapter 6, Alternatives Analysis (beginning on page 99) |
| 1-19-14 | Denise Dangora | <ul style="list-style-type: none"> • No extension of hours of operation • No extension onto 5th Street • Extend vendors up Main Street | Chapter 4, Project Description (beginning on page 19), Chapter 6, Alternatives Analysis (beginning on page 99) |

1.4 Incorporation by Reference

Certain documents are to be incorporated by reference into this Focused EIR pursuant to CEQA Guidelines §15150. Where a document is incorporated by reference, its pertinent sections will be briefly summarized and referenced in the relevant sections in this EIR. This EIR incorporates by reference the following documents:

- City of Huntington Beach General Plan
- City of Huntington Beach Zoning Code
- City of Huntington Beach Local Coastal Program
- City of Huntington Beach Downtown Specific Plan, SP-5, 2011
- South Coast Air Quality Management District CEQA Air Quality Handbook

Copies of all documents incorporated by reference are available for public review at the City of Huntington Beach Planning and Building Department, 2000 Main Street, Huntington Beach, California 92648.

1.5 Project Alternatives

Chapter 6, Alternatives Analysis (beginning on page 99) of this Focused EIR presents alternatives that have been designed to alleviate identified environmental problems. These alternatives consist of the No Project Alternative, the No Amplified Music Alternative, and the Alternate Site Location Alternative. Each alternative has been measured against the stated project goals and objectives of the Proposed Project and in accordance with CEQA Guidelines §15126.6, the alternatives must be able to attain most of the basic objectives of the Proposed Project.

These alternatives focus on approaches capable of eliminating significant environmental impacts associated with the Proposed Project including, but not limited to, air quality, noise, and aesthetics, or reducing them to a level of insignificance. Consistent with CEQA Guidelines §15126.6, an EIR need only address those alternatives that are actually capable of reducing or eliminating one or more significant physical environmental effects brought on by the project, as proposed. A comprehensive analysis of project alternatives, including the identification of the environmentally superior alternative, is provided in Chapter 6, Alternatives Analysis.

1.6 Thresholds of Significance

The state does not require that local agencies adopt their own thresholds of significance. In this regard, the City relies on the state's CEQA Environmental Checklist. In addition, in some areas, the City relies on its General Plan, Downtown Specific Plan, codes, and ordinances as thresholds of significance.

1.7 Areas of Controversy/Issues to be Resolved

CEQA Guidelines §§15123(b)(2) and (3) require that the EIR summary identify areas of controversy known to the lead agency, issues raised by agencies and the public, and issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts.

Areas of public controversy and issues to be resolved that are known or that have been called to the attention of the City during the MND and the Focused EIR NOP process are noted below. Because each issue to be resolved involves some degree of public controversy, the distinction between the area of public controversy and an issue to be resolved is not critical.

Areas of public controversy raised during circulation of the IS/MND and the Focused EIR NOP review periods are:

- Limiting hours of operation for the festival
- Controlling trash during the festival

- Adequate police patrol in the festival area
- Funding and costs of the festival shuttle
- Minimizing noise generated by the festival
- Relocating the festival to the north side of the Pier
- Maintaining a reasonable event size
- Limiting the number of events in the Business District
- Maintaining adequate parking during festival hours for surrounding businesses
- Properly assessing noise impacts on residents and businesses
- Examining cumulative impacts the festival will have in conjunction with other projects and special events.
- Eliminating bike lanes and increased bike traffic during the festival
- Examining viable project alternatives
- Parking loss in a coastal zone
- Explanation of shuttle operation hours
- Project's impact on the Tsunami evacuation area
- Noise Deviation Permit
- Traffic impacts during street closures

It is recognized that other issues may be raised during the review process that were not and could not have been known at the time of the publication of the Draft Focused EIR. These will be addressed to the extent required by law in the preparation of the Final EIR and in the deliberation process.

1.8 Disagreement among Experts

This Draft Focused EIR contains substantial evidence to support all of the conclusions presented herein. That is not to say that there will not be disagreements with these conclusions. The CEQA Guidelines – and more particularly, case law – clearly provide the standards for treating disagreement among experts. Where evidence and opinions of experts conflict on an issue concerning the environment, and the agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision makers to take intelligent account of the environmental consequences of their action.

It is also possible that evidence will be presented during the Draft EIR review that might create disagreement. This evidence is considered by the decision makers during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most conservative or environmentally protective option. They may give more weight to one expert than another, and resolve a dispute among experts through the exercise of their collective good faith judgment.

In their proceedings, they must consider the comments received and address objections, but need not follow said comments or objections so long as they state the basis for their decision and that decision is supported by substantial evidence.

1.9 Availability of Draft Focused EIR and Technical Appendices

The Draft Focused EIR and the Technical Appendices for the Proposed Project are available for review at the City of Huntington Beach, Planning and Building Department, 2000 Main Street, Huntington Beach, California 92648.

2. Executive Summary

2.1 Project Location

The Proposed Project is located within the City of Huntington Beach, County of Orange, California. The project site includes public streets and their adjacent public and private sidewalks. Surf City Nights currently takes place on Main Street between Pacific Coast Highway and Orange Avenue, and extends onto the adjoining half blocks of Walnut Avenue and Olive Avenue. The Proposed Project is the expansion of the existing Surf City Nights Street Fair and Certified Farmers' Market onto 5th Street between Pacific Coast Highway and Walnut Avenue.

2.2 Project Description

Surf City Nights is an existing downtown street fair that occurs every Tuesday night. Surf City Nights includes a Certified Farmers' Market, live entertainment consisting of amplified music, street performances, children's games and activities, local merchant displays, sidewalk sales, a food-court, and the sale of prepackaged food and handcrafted items. The festival runs weekly on Tuesday nights from 5:00 p.m. until 9:00 p.m., but is cancelled in the event of heavy rain or showers. This event was established in 2007 and was run by the City of Huntington Beach (City) for the first two years. The event is now run by the Downtown Business Improvement District (DTBID), which took over management and operations of the festival in 2009.

The City's Office of Business Development and the DTBID are co-applicants for the Proposed Project, which includes renewed discretionary permits for 1) the current operation; and 2) the expansion of Surf City Nights from its current location on Main Street between Pacific Coast Highway and Orange Avenue, onto 5th Street between Pacific Coast Highway and Walnut Avenue. The Proposed Project requires no new development or construction. The Proposed Project includes the temporary closure of downtown streets, including Main Street and 5th Street, as shown on Exhibit 1 – Project Area Map, every Tuesday from 2:00 p.m. until 10:00 p.m. The street closures are facilitated by the use of metal bollards and other similar barricades, placed to divert traffic and promote pedestrian safety; however, all blockades are removable, and the site is fully accessible to emergency vehicles at all times.

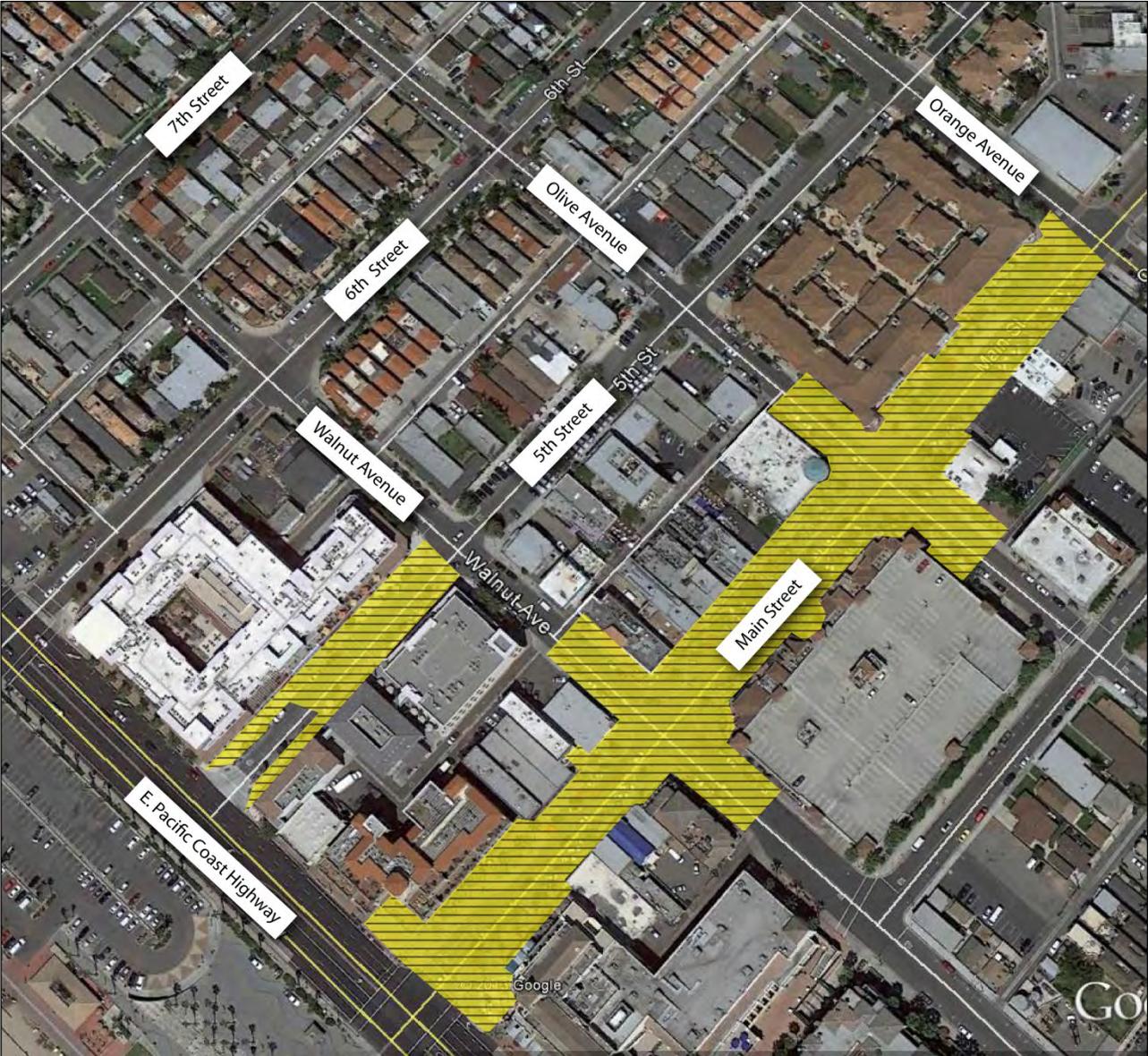


Exhibit 1 – Project Area Map

The event requires that parking meters within the festival area of Main Street and 5th Street be bagged and labeled with No Parking signs, indicating that vehicles must be moved by 2:00 p.m. Parking for the event is available on surrounding streets and within an 850-stall parking structure located on Main Street in addition to other available nearby publicly accessible parking areas.

Peak attendance is observed during the summer months, when the City accommodates additional off-site parking with a free shuttle to and from the event site. In 2012 the City began operating the Surf City Downtown Shuttle on Tuesdays from 5:30 p.m. to 10:00 p.m. in order to provide a no-cost parking opportunity to attendees of Surf City Nights. Parking for the Surf City Shuttle is accommodated at the Civic Center, where the shuttle originates. A maximum of 350 parking stalls at the Civic Center are designated for shuttle users.

2.3 Discretionary Actions

This Draft Focused EIR is intended to provide complete and adequate CEQA coverage for all actions and approvals associated with ultimate development of the Proposed Project, including but not limited to:

- Approval of Coastal Development Permit No. 12-001
- Approval of Conditional Use Permit No. 12-026
- Approval of Noise Deviation Permit No. 13-009

2.4 Summary of Environmental Impacts

Chapter 5, Environmental Setting, Impacts and Mitigation Measures (page 37) provides a detailed analysis of the potential impacts of the Proposed Project related to greenhouse gas emissions, land use and planning, noise, and transportation and traffic. Chapter 6, Alternatives Analysis (page 99) provides an analysis of several alternatives to the project as it is currently proposed. Chapter 7, Summary of Cumulative Impacts (page 111) and Chapter 8, Growth-Inducing Impacts (page 117) describe the potential for the Proposed Project to result in cumulative and growth-inducing impacts, respectively. Chapter 9, Inventory of Mitigation Measures (page 119) provides a complete list of mitigation measures proposed for the project under this Draft EIR. Chapter 10, Inventory of Unavoidable Adverse Impacts (page 121) summarizes the potentially significant adverse impacts of the Proposed Project that cannot be avoided or mitigated to below a level of significance.

2.5 Matrix of Mitigation Measures

| Project Impacts | Mitigation Measures | Level of Significance after Incorporation of Conditions of Approval and Mitigation Measures |
|---|--|---|
| Greenhouse Gas Emissions | | |
| Greenhouse gas emissions are less than the recommended threshold of 3,000 MTCO ₂ e. | None required | Less than significant |
| Land Use and Planning | | |
| The Proposed Project is consistent with the City's Land Use policies and designations. Issuance of a Coastal Development Permit, a Conditional Use Permit, and a Noise Deviation Permit are required to bring the Project into conformance with the LCP and the Municipal Code. | None required | Less than significant |
| Noise | | |
| The Proposed Project will contribute a temporary and periodic noise increase to existing ambient noise levels. | No feasible mitigation measures are available. | Significant and unavoidable |
| Transportation and Traffic | | |
| The Project will not result in any traffic or parking impacts. All study intersections will continue to operate at acceptable levels. Adequate parking is provided to accommodate festival attendees. A shuttle system will operate to transport people from an off-site parking area at the Civic Center to the festival during peak months. | COA-1 During peak visitor periods from Memorial Day to October 1, a free shuttle service shall be provided to encourage visitor parking at the Civic Center. The shuttle service shall operate when the parking structures reach capacity for a period of two hours, as determined by an electronic monitoring system. | Less than significant |

2.6 Impacts Found Not To Be Significant

Section 15128 of the CEQA Guidelines requires that an EIR identify those impacts found not to be significant in the Initial Study and EIR process. Those impacts must be identified accompanied by a brief explanation of why the impacts were found to be insignificant. The following impacts were found to be insignificant after completion of the Initial Study and the NOP process.

As proposed, the project is a temporary, weekly street fair and farmers' market that utilizes existing streets and sidewalks. Many environmental issues typically analyzed in an EIR are not included because the Proposed Project does not involve construction or permanent alterations to the area thereby reducing the extent of potential environmental effects.

Table 2 – Impacts Found Not To Be Significant

| Environmental Issue | Basis for Dismissal from EIR Discussion |
|--------------------------------|--|
| Aesthetics | Downtown Huntington Beach is developed with two-story mixed-use buildings, and is the subject of redevelopment. The Proposed Project will involve the weekly temporary use of existing streets and sidewalks, and does not involve construction or alterations of the area. No impacts on aesthetics will result from project implementation. |
| Agricultural Resources | No farmland exists on or near the project site. No farmland will be converted to non-agricultural use. No impacts will occur as a result of project implementation. |
| Air Quality | No changes to air quality as a result of the project are anticipated. An analysis of greenhouse gas emissions is included in Section 5.1, Greenhouse Gas Emissions (beginning on page 37) of this Focused EIR. |
| Biological Resources | No biological resources will be affected by the Proposed Project. The project area does not include any species identified as a candidate, sensitive, or special status by and special plans, policies, regulations, or governmental agencies. No riparian habitat, wetlands, or native or migratory fish or wildlife are identified in the project area. The Proposed Project is not located within or in conflict with any local policies or ordinances protecting biological resources or conservation plans. |
| Cultural Resources | There are no known cultural resources on the project site or in the immediate project vicinity. |
| Geology and Soils | The project area is within the Downtown Huntington Beach area. The Proposed Project will involve the temporary use of existing streets and sidewalks, and does not involve construction or alterations of the area. No impacts to geology and soils will result from project implementation. |
| Hazards and Hazardous Material | No known hazards or hazardous materials are associated with the implementation of the project. Section 5.2, Land Use and Planning (beginning on page 47) of this EIR analyzes potential impacts resulting from tsunami evacuation from the project site and the surrounding area, as depicted on Exhibit 19 – Tsunami Evacuation Area Map. |
| Hydrology and Water Quality | No impacts to hydrology and water quality are anticipated due to project implementation. In the event of rain the festival will be canceled. |
| Mineral Resources | There are no known mineral resources on the project site or in the immediate project vicinity. The weekly event would not preclude access to mineral resources, if they are discovered. |
| Population and Housing | The Proposed Project will neither directly nor indirectly induce population growth, will not involve the construction of residential homes, and will not displace housing, and no replacement housing will be necessary, because the project is a weekly street fair and farmers' market. No impact will occur with the implementation of the Proposed Project. |

| Environmental Issue | Basis for Dismissal from EIR Discussion |
|---------------------|---|
| Public Services | Public services are currently provided by the City. The project is an existing use, and requires no additional public services. |
| Recreation | There will be no increased use or physical deterioration of recreational facilities or parks as a result of project implementation. The Proposed Project is a beneficial recreational use, encouraging people to recreate in the downtown area. |
| Utilities | The Proposed Project will not result in the increase of waste water, or require the construction or expansion of storm water drainage or waste water drainage facilities. The existing landfill, waste water, and storm water utilities are sufficient and would not be impacted by the Proposed Project. No impact is anticipated as a result of project implementation. |

3. Project History and Background

Surf City Nights is a year-round Street Fair and Certified Farmers' Market. The festival includes merchant vendors selling original artwork, glass and ceramics, clothing and couture, and gifts and collectibles; and food vendors selling hot and cold sandwiches, food plates of ethnic and American cuisine, seasonal snacks, desserts, and beverages. The festival's live entertainment includes musical groups and soloists, bubble man, pirates, magicians, kids' activities, balloon artists, face painting, animal rides, and bounce house inflatables. The Certified Farmers' Market includes the sale of fruits and vegetables, fresh cut flowers, original crafts, local honey, fresh baked goods, and dried fruit and nuts.

The Proposed Project is Surf City Nights, an existing weekly street festival. The Proposed Project site is in the heart of downtown Huntington Beach. Surf City Nights is a collaborative effort between the City of Huntington Beach and the Downtown Business Improvement District (DTBID). The DTBID was formed in 2004 with the vision to strengthen and improve the experience of the downtown business district of Huntington Beach.

Surf City Nights has been operating since 2007 on Main Street and the adjoining half blocks of Olive Avenue and Walnut Avenue, and operated with a Coastal Development Permit and a Temporary Use Permit until May 2013. The Proposed Project seeks to expand from its original location to include the first block of 5th Street, between Pacific Coast Highway (PCH) and Walnut Avenue. A new Coastal Development Permit and a Conditional Use Permit have been applied for concurrently with environmental documentation.

In 2007 the Zoning Administrator made a finding to exempt the project from provisions of CEQA under §15304(e), which provides a categorical exemption for minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, and the sale of Christmas trees. However, it is unclear if a Notice of Exemption (NOE) was filed. In a 2012 staff report before the Zoning Administrator, a similar exemption finding was suggested, but no action was taken. In May 2013, the City prepared an Initial Study and circulated a draft Mitigated Negative Declaration (IS/MND). Following receipt of comment letters on the MND, the City determined that a Focused EIR was necessary.

A total of 76 comment letters on the IS/MND were received by the City, including 69 in support of the Proposed Project and 7 opposed. In addition, a petition containing 331 signatures in support of the Proposed Project was received. None of the 69 support letters received raised environmental issues, but included general comments in support of the project. Table 3 below contains a summary of comment letters raising environmental issues or concerns made on the IS/MND and indicates where the comment is addressed in the Focused EIR. The IS/MND is included in this Draft

Focused EIR as Appendix C. The MND comment letters are included in this Draft Focused EIR in Appendix D.

Table 3 – Summary of Environmental Issues/Concerns Raised in Comment Letters, Mitigated Negative Declaration

| Date | Letter From | Brief Summary | Where Addressed in FEIR |
|----------|-------------------------------|--|---|
| No date | J. Ferris | - Extension of event hours | Chapter 4, Project Description (beginning on page 19) |
| | | - Attendee trash and loitering | Chapter 4, Project Description (beginning on page 19) |
| | | - Increase police foot patrol | Not an environmental issue |
| | | - Shuttle program costs and funding | Section 5.4, Transportation and Traffic (beginning on page 79) |
| 06-28-13 | Merilee Madrigal | - Photo of traffic on PCH dated, 06-18-13 at 2:30 p.m. | Section 5.4, Transportation and Traffic (beginning on page 79) |
| | | - Increased traffic impacts | Section 5.4, Transportation and Traffic (beginning on page 79) |
| 06-24-13 | Susan Worthy/ Guy Guzzardo | - Amplified noise impacts on residents | Section 5.3, Noise (beginning on page 65) |
| | | - Earlier event ending time | Not an environmental issue |
| | | - Increase law enforcement during event | Not an environmental issue |
| | | - Business impacts due to decreased parking | Section 5.4, Transportation and Traffic (beginning on page 79) |
| | | - Relocation of event to North side of the pier | Chapter 6, Alternatives Analysis (beginning on page 99) |
| | | - Current and future event size | Chapter 4, Project Description (beginning on page 19) |
| 06-25-13 | James A. Aul | - Limitation of event quantity in business district | Not an environmental issue |
| | | - Event attendee decorum | Not an environmental issue |
| | | - Issues regarding law enforcement | Not an environmental issue |
| 06-27-13 | Mauriello Law Firm | - Current and future noise impact | Section 5.3, Noise (beginning on page 65) |
| | | - Recommend preparation of EIR | Chapter 1, Introduction |
| | | - Public noticing to business owners and residents | Chapter 1, Introduction |
| | | - Acknowledgement of prior environmental documentation | Chapter 3, Project History and Background (beginning on page 15) |
| | | - Traffic impacts from street closures | Section 5.4, Transportation and Traffic (beginning on page 79) |
| | | - Parking impacts from decreased parking spaces | Section 5.4, Transportation and Traffic (beginning on page 79) |
| | | - Proper mitigation for noise impacts from amplified sound | Section 5.3, Noise (beginning on page 65) |
| | | - Examination of cumulative impacts | Chapter 5, Environmental Setting, Impacts and Mitigation Measures (beginning on page 37) and Chapter 7, Summary of Cumulative Impacts (beginning on page 111) |
| No date | Dean Fetter, Ph.D. | - Examination of alternatives | Chapter 6, Alternatives Analysis (beginning on page 99) |
| | | - Opposed to the noise variance permit | Section 5.3, Noise (beginning on page 65) |
| 06-28-13 | Mark Bixby | - Coastal zone parking mitigation | Section 5.4, Transportation and Traffic (beginning on page 79) |
| | | - Access to shuttle during event hours | Section 5.4, Transportation and Traffic (beginning on page 79) |

| Date | Letter From | Brief Summary | Where Addressed in FEIR |
|------|-------------|---|---|
| | | - Impacts on tsunami evacuation route | Section 5.2, Land Use and Planning (beginning on page 47) |
| | | - Noise impacts on residents | Section 5.3, Noise (beginning on page 65) |
| | | - Noise survey sampling and methodology | Section 5.3, Noise (beginning on page 65) |
| | | - Preparation of an EIR | Chapter 1, Introduction |

4. Project Description

This Focused EIR serves to examine the environmental effects that the Proposed Project may have on its immediate and surrounding areas. This section will provide details to describe the Proposed Project.

4.1 Project Location

The Proposed Project is a weekly street festival located within the City of Huntington Beach, County of Orange, California, as shown on Exhibit 2 – Regional Location Map. The City of Huntington Beach is an area of 28.5 square miles and 8.5 miles of coastline. The City has a variety of residential, commercial, and recreational uses surrounding an older downtown core with the municipal pier as a focal point. The project is located in the Downtown Huntington Beach area, which is identified as an area that promotes tourism and maximizes public access and recreation. Huntington Beach Downtown has experienced growth in the past 10 to 15 years, but retains the potential for a variety of uses and enhanced development in the area.

The Proposed Project would be on existing public streets and their adjoining public and private sidewalks, and would require no additional construction or permanent alterations to the existing area. As proposed, the project will take place on Main Street between Pacific Coast Highway and Orange Avenue. The project extends onto the adjoining half blocks of Walnut Avenue and Olive Avenue, and continues onto the first block of 5th Street, bound by Pacific Coast Highway and Walnut Avenue, as shown on Exhibit 3 – Project Vicinity Map.

4.2 Existing Conditions

The Proposed Project site is located within the built-out downtown area of Huntington Beach, a mixed-use area that includes retail, restaurant, parking structures, multi-family residential, office, municipal pier, beach, and other visitor-serving uses. Public utilities, public safety, amenities, and City infrastructure have been established and are maintained by the City. The Proposed Project is surrounded by available on-street parking, as shown on Exhibit 4 – Downtown Parking Map Showing Area Public Metered Parking, and has four parking structures in its vicinity, as shown as Exhibit 5 – Area Parking Structures, totaling over 1,700 parking stalls.

Trash services are provided by Rainbow Environmental Services for the downtown area, as well as during the festival. There is a police substation located at the boundary of the Proposed Project site, at 5th Street and Walnut Avenue.

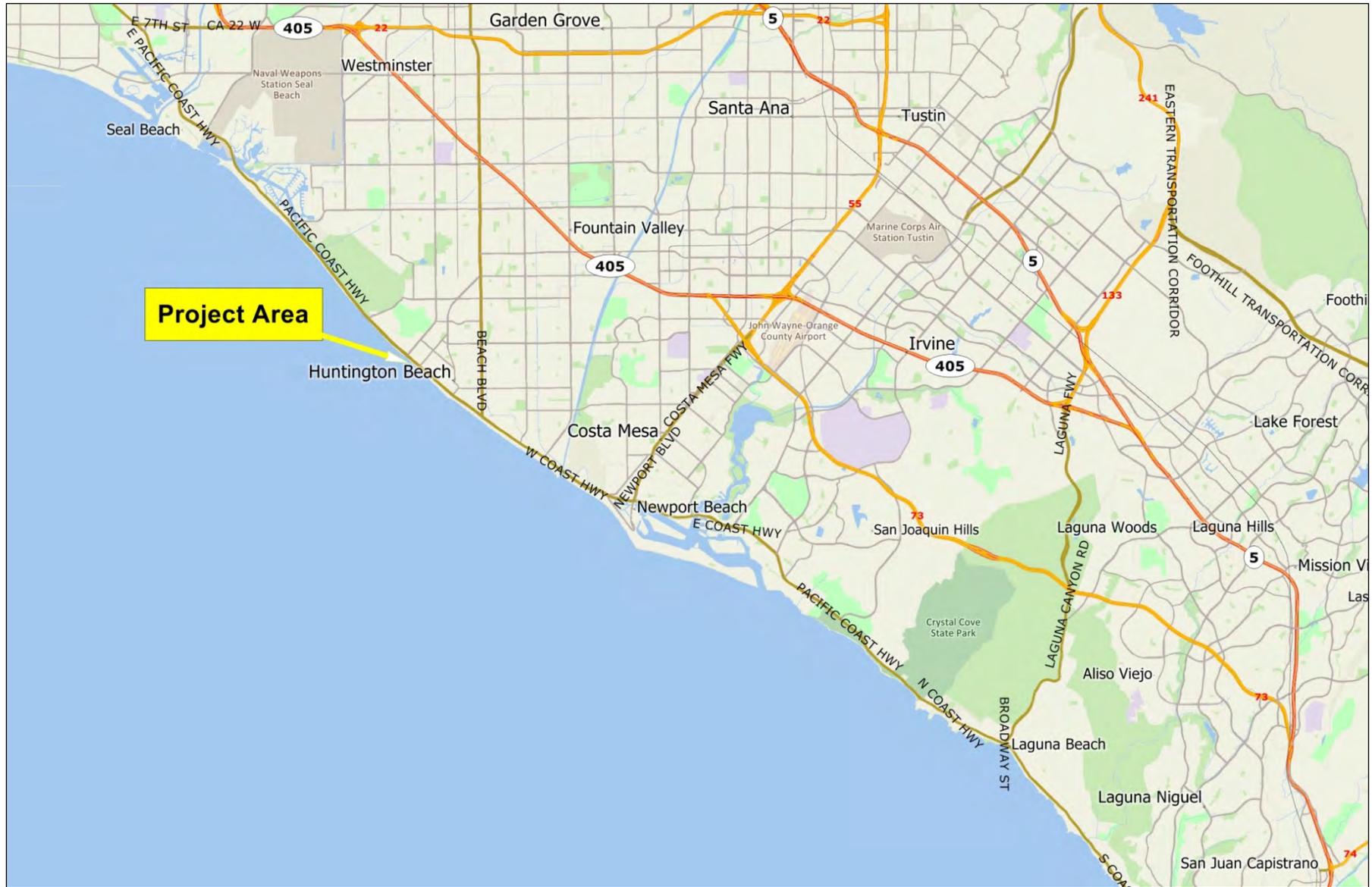


Exhibit 2 – Regional Location Map

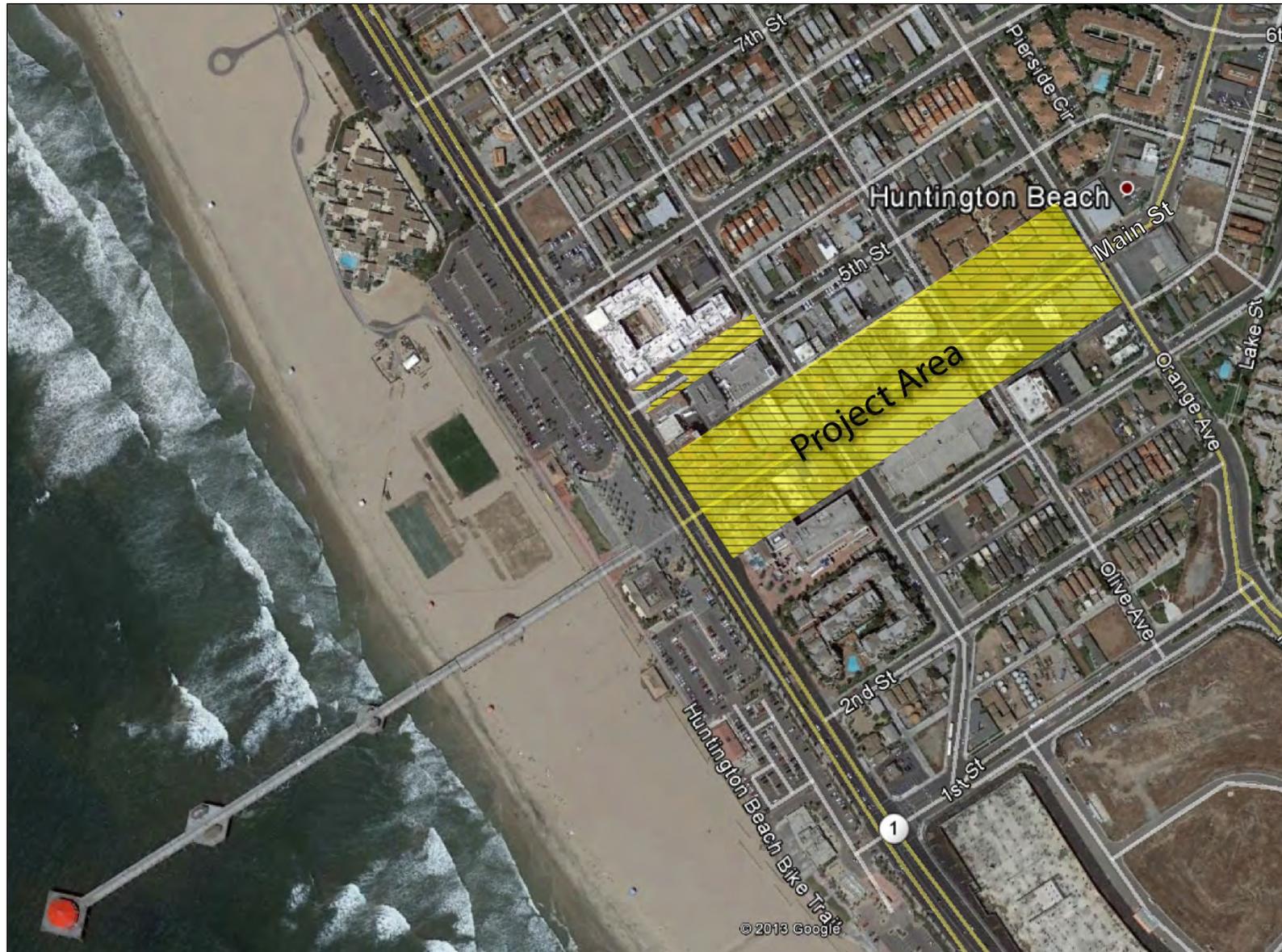
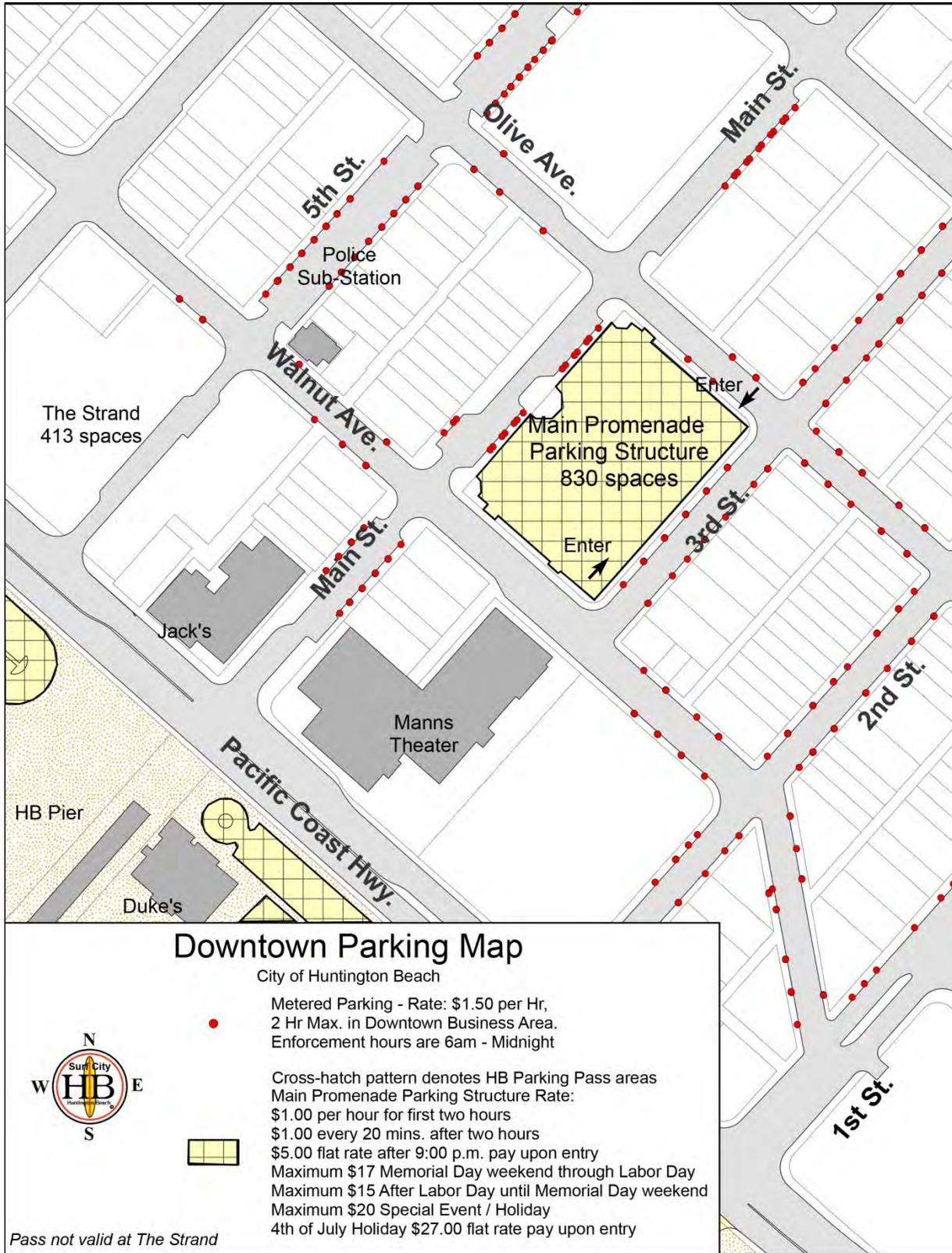


Exhibit 3 – Project Vicinity Map



Source: http://www.huntingtonbeachca.gov/visitors/parking/downtown_parking.pdf

Exhibit 4 – Downtown Parking Map Showing Area Public Metered Parking



Exhibit 5 – Area Parking Structures

The Project area begins on Main Street at Orange Avenue, which can be characterized as mostly multi-family residential with commercial and retail uses, as shown on Exhibit 6 – View of Main Street Looking toward Olive Avenue from Orange Avenue. When traveling down Main Street from Orange Avenue towards Pacific Coast Highway, area uses become exclusively retail and commercial, as shown on Exhibit 7 – View of Main Street Looking toward Walnut Avenue from Pacific Coast Highway. The Proposed Project includes the use of 5th Street between PCH and Walnut Avenue. This area of 5th Street is characterized by retail and commercial uses, and a hotel, as shown on Exhibit 8 – View of 5th Street Looking toward Walnut Avenue from Pacific Coast Highway.

Surf City Nights was established in 2007 and was operated by the City for the first two years. It is now operated by the Downtown Business Improvement District (DTBID), which took over management and operations of the event in 2009. The Proposed Project would utilize an established street and sidewalk area of Huntington Beach Downtown. The downtown area hosts several events throughout the year, and serves beachgoers as well as residents from the community.

4.3 Project Description

Surf City Nights is an existing downtown street fair that occurs every Tuesday night, from 5:00 p.m. until 9:00 p.m., but is cancelled in the event of heavy rain or showers. The Proposed Project requires the temporary closure of downtown streets, including Main Street and 5th Street (Exhibit 3 – Project Vicinity Map, page 21) in the City every Tuesday from 2:00 p.m. until 10:00 p.m. The street closures are facilitated by the use of metal bollards and other similar barricades placed to divert traffic and promote pedestrian safety; however, all blockades are removable, and the site is fully accessible to emergency vehicles at all times. The event requires that parking meters within the festival area of Main Street and 5th Street be bagged and labeled with No Parking signs indicating that vehicles must be moved by 2:00 p.m., as shown on Exhibit 11. Parking for the event is available on surrounding streets and within an 850-stall parking structure located on Main Street in addition to other available publicly accessible parking areas. Peak attendance is observed during the summer months, when the City accommodates additional off-site parking with a free shuttle to and from the event site. The shuttle has operating hours of 5:30 p.m. to 10:00 p.m., and is triggered to run when the area parking structures remain at capacity for a period of two hours.



Exhibit 6 – View of Main Street Looking toward Olive Avenue from Orange Avenue



Exhibit 7 – View of Main Street Looking toward Walnut Avenue from Pacific Coast Highway



Exhibit 8 – View of 5th Street Looking toward Walnut Avenue from Pacific Coast Highway



Exhibit 9 – View of Main Street Looking from Orange Avenue towards PCH



Exhibit 10 – View of 5th Street Looking from Walnut Avenue towards PCH



Exhibit 11 – Parking Meter

Surf City Nights includes a Certified Farmers' Market; live entertainment consisting of amplified music, street performances, children's games, and activities; local merchant displays; sidewalk sales; and a food-court. Festival entertainment is provided on Main Street at the cross streets of Orange Avenue, Olive Avenue, and Walnut Avenue, as shown on Exhibit 12 – Street Fair Site Plan. The festival's live entertainment includes musical groups and soloists, bubble man, pirates, magicians, kids' activities, balloon artists, animal rides, and face painting. Exhibit 13 and Exhibit 14 depict typical festival activities for Surf City Nights, including an aerial view of the festival, produce offered at the Farmers' Market, children's activities, and event performers.

The festival includes Merchant Vendors who sell original artwork, glass and ceramics, clothing and couture, and gifts and collectibles. Merchant vendors line the streets within the project area on 5th Street from PCH to Walnut Avenue, on Main Street from PCH to Walnut Avenue, and from Orange Avenue to Olive Avenue. The area on Main Street from Olive Avenue to Walnut Avenue is reserved for a Certified Farmers' Market, as shown on Exhibit 12. The Certified Farmers' Market includes the sale of fresh cut flowers, original crafts, local honey, fresh baked goods, and dried fruit and nuts.

Food Vendors are available at the south-side of Walnut and Main Street, as shown on Exhibit 12, with the sale of hot and cold sandwiches, food plates of ethnic and American cuisine, seasonal snacks, desserts, and beverages.

1. Parking

Within the project vicinity there are four public parking structures – Main Promenade, The Strand, Plaza Almeria, and Pier Plaza – as well as area street parking. The Proposed Project would result in the temporary loss of 58 parking stalls on Main Street, Olive Avenue, and Walnut Avenue. However, the remaining vicinity on-street parking and parking structures, as shown on Exhibit 4 (page 22) and Exhibit 5 (page 23) will continue to provide approximately 1,700 parking stalls.

2. Free Shuttle

The Proposed Project has an implemented shuttle program from 5:30 p.m. to 9:00 p.m., running every 30 minutes from City Hall at 2000 Main Street to the corner of Main Street and Orange Avenue, the eastern boundary of the project site. The shuttle runs during the summer season, from mid-May to October, when peak attendance is anticipated. The shuttle service allows festival goers to park at City Hall and ride a free shuttle to the project site, and offers an additional 350 parking stalls for event and public use. The details of the shuttle implementation are available to the public at the Surf City Nights website at:

<http://www.huntingtonbeachevents.com/Event/surfcity-shuttle.html>

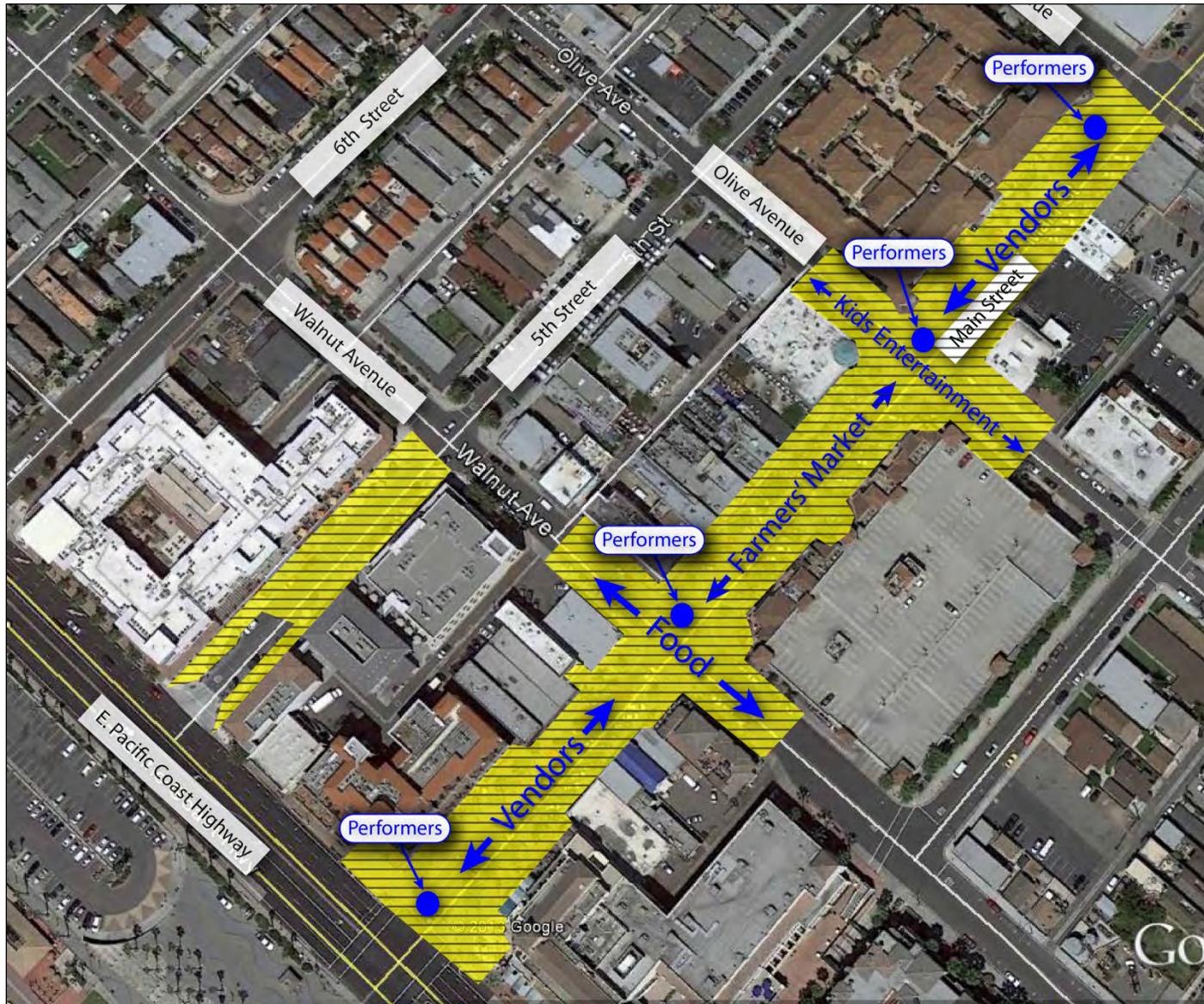


Exhibit 12 – Street Fair Site Plan



Exhibit 13 – Existing Festival Photographs (Part 1)



Exhibit 14 – Existing Festival Photographs (Part 2)

4.4 Discretionary Approvals

This Focused Environmental Impact Report is intended to provide complete and adequate California Environmental Quality Act (CEQA) coverage for all actions and approvals associated with ultimate development of the Proposed Project. The following approvals are required for project implementation.

1. **Coastal Development Permit**

Per Title 24, Section 245.06 of the City Municipal Code, any person, partnership, or corporation, or state or local government agency wishing to undertake development in the coastal zone shall obtain a Coastal Development Permit (CDP). The City has a certified Local Coastal Program (LCP), and therefore is the issuing body for CDPs. An application for a CDP No. 12-001 has been submitted to the City, concurrently with other discretionary permitting and environmental documentation, for processing and approval.

2. **Conditional Use Permit**

A Conditional Use Permit (CUP) is required for the Proposed Project due to its operating characteristics, and that it may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. An application for CUP No. 12-0026 has been submitted to the City, concurrently with other discretionary permitting and environmental documentation, for processing and approval.

3. **Noise Deviation Permit**

A Noise Deviation Permit is required due the Proposed Project's amplified music feature. Approval of a Noise Deviation Permit would allow the Proposed Project to exceed the City's allowable noise standard of 65 dBA. Project impacts on noise will be analyzed in Section 5.3, Noise (beginning on page 65) of this Focused EIR. An application for Noise Deviation Permit No. 13-009 has been submitted to the City, concurrently with other discretionary permitting and environmental documentation, for processing and approval.

4.5 Project Goals and Objectives

CEQA Guidelines §15124 requires an EIR to include a statement of objectives sought by the Proposed Project. This disclosure assists in developing the range of project alternatives to be investigated in the EIR, as well as providing a rationale for the adoption of a Statement of Overriding Considerations, if one is in fact adopted. Identified below are goals and objectives related to the Proposed Project:

1. Create an awareness of the Downtown Huntington Beach businesses.
2. Provide a community gathering place where locals and visitors can come together to enjoy food, music, and fresh certified organic fruits and vegetables.
3. Serve local businesses and their families, Huntington Beach residents, neighboring cities' residents, and tourists.
4. Provide a safe family entertainment atmosphere for all ages.
5. Expose residents and visitors to restaurants, stores, and businesses that are often overlooked.
6. Eliminate traffic on Main Street and 5th Street to create a large gathering area for festival attendees.
7. Increase sales tax revenue to the City.

4.6 Intended Uses of the EIR

1. Agencies that are expected to use the EIR in their decision making
 - City of Huntington Beach
2. Permits or other approvals required to implement the project
 - None
3. Subsequent Use of the EIR

In accordance with CEQA Guidelines §15168(c), subsequent projects identified within the scope of the EIR may rely on this document without the preparation of a new environmental document or the preparation of new findings so long as the project was contemplated in the EIR. The City must examine each subsequent action requested to determine whether it was described in the EIR. In accordance with CEQA Guidelines §15168(c)(1), "If a later activity would have effects that were not examined in the EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration." However, no new environmental documentation would be required where the subsequent action/project is within the scope of the EIR so long as no new effects would occur, and no additional mitigation measures would be required. Pursuant to CEQA Guidelines §15168(c)(3), the City would need to incorporate feasible mitigation measures and alternatives developed in the EIR into subsequent actions.

5. Environmental Setting, Impacts and Mitigation Measures

5.1 Greenhouse Gas Emissions

This section analyzes the potential impacts related to greenhouse gas (GHG) emissions associated with the Proposed Project. The analysis is based on the “Greenhouse Gas (GHG) Assessment” (GHG Assessment) prepared by KPC EHS Consultants dated January 2014.

5.1.1 Existing Setting

1. Climate

The Project site is located in the South Coast Air Basin (SCAB), which is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean and high mountains. The climate in the SCAB is determined by its terrain and geographical location and is dominated by the strength and position of the semi-permanent high pressure center over the Pacific Ocean near Hawaii.

Prevailing westerly and southwesterly winds off the Pacific Ocean help maintain pleasant weather throughout the year with temperatures ranging generally from 65° Fahrenheit to 80° Fahrenheit in the Project area. The mean annual humidity is 64.7%. Summer temperatures rarely exceed 85 degrees and winter temperatures rarely fall below 40 degrees. Annual rainfall is less than 12 inches with a majority of the rain falling between December and March.

2. Temperature Inversions

Temperature inversions result when the daytime onshore flow of marine air is capped by a dome of warm air that acts like a lid over the basin. As the ocean air moves inland, pollutants are continually added from below without any dilution from above. This layer slows down in inland valleys and undergoes photochemical transformations due to sunlight, creating unhealthful levels of smog (ozone). Ozone typically occurs in high concentrations in late spring, summer and early fall when light winds, low mixing height, and increased sunlight combine, resulting in ozone production. Smog effects are less significant when there is no inversion layer or when winds average 15 miles per hour or greater.

Nighttime inversions, especially during the winter, form as cool air pools in low elevations while the upper air remains warm. Shallow radiation inversions are formed that trap pollutants near intensive traffic sources such as freeways, forming localized effects called “hot spots.”

Pollutants generated by stationary and mobile sources mix with less contaminated air beneath the inversion layer and will become more concentrated unless the inversion breaks down. When strong inversions are formed on cool winter nights, carbon monoxide (CO) generated by automobile exhaust becomes concentrated. Generally, the highest levels of CO are produced during the months of November through February.

3. Greenhouse Gas Emissions

The greenhouse gas effect is a natural process in which energy is trapped in the earth's atmosphere. GHG act as a blanket causing a warming of the earth. The greenhouse effect is necessary for life on earth; however, excessive heat captured as a result of a buildup of GHGs may result in changes in the earth's climate, which could ultimately affect human health and ecosystems. GHG are created by human activities and are implicated in global climate change, commonly referred to as global warming.

5.1.2 Regulatory Setting

The SCAQMD and the California Air Resources Board (CARB) are the principal agencies charged with managing air quality within the SCAB. The SCAQMD establishes and enforces regulations for stationary (non-mobile) sources of air pollution within the SCAB. The CARB is responsible for controlling motor vehicle emissions, establishing legal emissions rates for new vehicles, and the vehicle inspection program.

1. Greenhouse Gas Emissions (GHG)

GHGs are the six gases identified in the Kyoto Protocol: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydro fluorocarbons (HFCs), per fluorocarbons (PFCs), and sulfur hexafluoride (SF₆). GHGs are expressed in metric tons (MT) of CO₂e (carbon dioxide equivalents). CO₂e is calculated by the various individual GHGs and multiplying by their global warming potential (GWP). The global warming potential is a ratio of a gas's atmospheric heat trapping characteristics as compared to CO₂, which is represented by a GWP of 1. The CO₂e estimated values were calculated using calculations from the EPA (2012) Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010, and 2006 IPCC Guidelines for National Greenhouse Gas Inventories.

Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of GHG emissions globally. A Global Warming Potential (GWP) has been established by scientists based on the source's ability to absorb and re-radiate long wave radiation. Industrial and commercial sources are the second largest contributors of GHG emissions at about one-fourth of total emissions.

Presently, there are no federal regulations on the reduction of GHG or to reduce their effects on global climate changes.

RTC-1. Assembly Bill 32 (AB 32)

State of California Assembly Bill 32 (AB 32) (Division 25.5 of the Health and Safety Code, §38500, et seq.), known as the Global Warming Solutions Act, was passed in August 2006. Senate Bill 97 (SB 97) requires that the Governor's Office of Planning and Research develop guidelines for CEQA compliance related to GHG emissions, including mitigation measures for the reduction of GHG. Detailed discussion on these rules and regulations can be found on the California Air Resources Board (CARB) website on Climate Change at <http://www.arb.ca.gov/cc/cc.htm>.

Under the requirements of AB32 the CARB, approved the 1990 greenhouse gas emissions inventory, which established the emissions limits for the year 2020. The 2020 emission limit was established at 427 million MTCO_{2e}. The inventory breakdown of GHG sources for 1990 indicated transportation accounted for 35%; industrial emissions, 24%; imported electricity generation, 14%; local electricity generation, 11%; residential usage, 7%; agriculture, 5%; commercial usage, 3%; and forestry emissions, 1%. Reducing GHGs to 427 MMTCO_{2e} would require a reduction of approximately 173 MMTCO_{2e}. Compliance with AB32 does not require that each individual sector meet or lower their 1990 GHG inventory percentage, the law instead requires the total inventory be reduced to 1990 levels by 2020.

As part of the requirements of AB32 in December of 2008, CARB adopted an initial scoping plan to reduce GHG to 1990s levels. The scoping plan included recommendation to reduce GHGs to 1990 levels by 2020 through the use of green building policies, recycling and solid waste reduction, and a cap-and-trade program.

AB 32 is one of the most significant pieces of environmental legislation that California has adopted. The bill will have wide-ranging effects on California businesses and lifestyles as well as far reaching effects on other states and countries. A unique aspect of AB 32, beyond its broad and wide-ranging mandatory provisions and dramatic GHG reductions, are the short timeframes within which it must be implemented. Major components include:

- Requires the monitoring and reporting of GHG emissions beginning with sources or categories of sources that contribute the most to statewide emissions
- Requires immediate "early action" control programs on the most readily controlled GHG sources
- Mandates that by 2020, California's GHG emissions be reduced to 1990 levels
- Forces an overall reduction of GHG gases in California by 25-40% from business as usual, to be achieved by 2020

- Must complement efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminants

RTC-2. Senate Bill 97 (SB97)

In order to address GHG emissions and comply with AB32 in General Plans and CEQA documents Senate Bill 97 (SB97) required the State's Governor's Office of Planning and Research (OPR) to develop guidelines for CEQA compliance on how to address GHG emissions along with mitigation measures to reduce project GHG emissions.

RTC-3. California Environmental Quality Act (CEQA)

CEQA Guidelines §15064.4 - Determining the Significance of Greenhouse Gas Emissions - encourages lead agencies to quantify GHG emissions of proposed projects where possible and recommends that lead agencies consider several other qualitative factors in determining significance including: 1) the extent to which a project may increase or reduce GHG as compared to the existing environmental setting; 2) whether the project emissions exceed a threshold of significance that the lead agency determines is applicable to the project; and 3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines allow the selection of the model or methodology the lead agency considers most appropriate. Use of a computer model such as CalEEMod is the most common practice for emissions quantification to determine the significance of the emissions. The threshold of significance must take into consideration what level of GHG emissions would be cumulatively considerable. The guidelines are clear that they do not support a zero net emissions threshold. A lead agency may rely on thresholds adopted by an agency with greater expertise if it does not have sufficient expertise in evaluating the impacts.

In addition to AB 32 and SB 97, California's Governor has signed at least three executive orders regarding GHG. GHG statutes and executive orders (EO) include SB 1368 (Chapter 596, Statutes of 2000), EO S-03-05, EO S-20-06 and EO S-01-07. Statewide, the framework for developing the implementing regulations for AB 32 is under way. Maximum GHG reductions are expected to derive from increased vehicle fuel efficiency, from greater use of renewable energy and increased structural energy efficiency. Additionally, through the California Climate Action Reserve, general and industry-specific protocols for assessing and reporting GHG emissions have been developed. The California Climate Action Reserve is a program of the Climate Action Reserve committed to solving climate change through emissions accounting and reduction. GHG sources are categorized into direct sources and indirect sources. Direct sources include combustion emissions from on- and off-road mobile sources and fugitive

emissions. Fugitive emissions are defined as gases or vapors emitted from pressurized equipment due to leaks and other unintended or irregular releases of gases, generally from industrial activities. Indirect sources include off-site electricity generation and non-company owned mobile sources.

RTC-4. Local GHG Regulations

The South Coast Air Quality Management District (SCAQMD) in 2008 provided guidance to lead agencies to determine significance of GHG project emissions. As part of the process the SCAQMD organized the GHG Significance Threshold Working Group with the goal to develop and reach a consensus on acceptable significance thresholds to be used in CEQA determination. The working group developed and presented significance thresholds for various project types (e.g., residential, industrial, and commercial); however, as of 2012 the only threshold approved by the SCAQMD Board is for industrial projects with a significance threshold of 10,000 MTCO₂e per year.

The SCAQMD is considering a tiered approach in determining the significance of residential and commercial projects as indicated in the draft issued in 2012, which includes:

- **Tier 1:** If the project is exempt under existing statutory or categorical exemptions? There is a presumption of “less-than-significant” impacts with respect to climate change.
- **Tier 2:** If the project’s GHG emissions are within the GHG budgets in an approved regional plan (plans consistent with CEQA sections 15064(h)(3), 15125(d), or 15152(s))? There is a presumption of “less-than-significant” impacts with respect to climate change.
- **Tier 3:** Is the projects incremental increase in GHG emissions below or mitigated to less than the significance screening level (10,000 MTCO₂e per year for industrial projects; 3,500 MTCO₂e per year for residential projects; 1,400 MTCO₂e per year for commercial projects; and 3,000 MTCO₂e per year for mixed-use or other land use projects)? If yes, there is a presumption of “less-than-significant” impacts with respect to climate change.
- **Tier 4:** Does the project meet one of the following performance standards? If yes, there is a presumption of “less-than-significant” impacts with respect to climate change.
 - Option 1: Achieve some percentage reduction of GHG emissions from a base case scenario, including land use sector reductions from AB32 (e.g., 28% reduction as recommended by the San Joaquin Valley Air Pollution Control District)
 - Option 2: For individual projects, achieve a project-level efficiency target of 4.6 MTCO₂e per service population by 2020

or a target of 3.0 MTCO₂e per service population by 2035. For plans, which achieve a plan-level efficiency target of 6.6 MTCO₂e per service population by 2020.

- **Tier 5:** Projects should obtain GHG emissions offsets to reduce significant impacts. Offsets in combination with any mitigation measures should achieve the target thresholds for any of the above Tiers. Otherwise, project impacts would remain significant.

The SCAQMD has not finalized or presented the final version of the threshold guidelines to the SCAQMD Governing Board, however local agencies have been using the guidelines, specifically Tier 3 for determining the significance of a project based on GHG and climate change impacts.

2. City of Huntington Beach

The City has adopted an Energy Action Plan (EAP) that outlines the City's commitment to eliminating energy waste, preparing for peak oil production, and reducing greenhouse gas emissions. The areas of focus in the EAP are:

- Utility bill audits and expenditure tracking
- Developing and managing energy efficiency projects
- Managing federal, state, and utility grants and incentive programs
- Developing and managing renewable energy programs
- Developing energy & sustainability guidelines/policies
- Designing best practices and resource sharing regionally through the Local Government Energy Management Services Program

The City is committed to ensuring community vitality and sustainability by giving equal importance to economic, ecological and society solutions to achieve energy efficiency and reduce consumption.

5.1.3 Thresholds of Significance

The California Resources Agency developed guidelines for the treatment of GHG emissions under CEQA in response to requirements of SB 97. The new guidelines became state laws under Title 14 of the *California Code of Regulations* in March 2010. The CEQA Appendix G Guidelines for air quality state that a project would have a potentially significant impact if it:

- a) Generates GHG emissions, directly or indirectly, that may have a significant impact on the environment; or,
- b) Conflicts with an applicable plan, policy or regulation adopted to reduce GHG emissions.

California Code of Regulations §15064.4 specifies how significance of GHG emissions is to be evaluated, even though guidelines have not been adopted. The process is

broken down into quantification of project-related GHG emissions, making a determination of significance and specification of any appropriate mitigation if impacts are found to be potentially significant. The lead agency is afforded substantial flexibility at each of these steps.

In December 2008, the SCAQMD Governing Board adopted a numerical GHG significance threshold of 10,000 MTCO₂e per year for industrial projects where the SCAQMD is the lead agency. In 2010, SCAQMD proposed screening values for residential and commercial projects as follows:

- Residential: 3,500 MT/year CO₂e
- Commercial: 1,400 MT/year CO₂e
- Mixed Use: 3,000 MT/year CO₂e

While specific thresholds have not been adopted for residential and commercial development, SCAQMD encourages lead agencies to consistently use either the recommended numerical thresholds above or use a single numerical threshold for all non-industrial projects of 3,000 MTCO₂e per year. The thresholds are recommended in the absence of a locally adopted GHG reduction plan.

5.1.4 Project Impacts Prior to Mitigation

The GHGs associated with the Proposed Project include CO₂, CH₄, and N₂O, which are emitted as a result of internal combustion sources and activities. The other gases listed as part of the overall GHG makeup generally are related to industrial activities.

Based on SCAQMD recommendations, the CalEEMod program was used to calculate estimated GHG. Under SCAQMD recommendations the CalEEMod program is normally used for calculating estimated Greenhouse gas emissions; however, as noted in Surf City Nights Mitigated Negative Declaration Air Quality Section this project does not conform to standard modeling criteria and CalEEMod would not produce accurate estimates.

Since CalEEMod could not be used for modeling and estimating Project emissions represented by Carbon Dioxide Equivalent (CO₂e), emissions were estimated using EPA recognized calculations along with a set of project assumptions. The assumptions included the number of vendors, generator fuel use, electrical use, solid waste production, catering truck use and attendee vehicle trips.

1. Tier 3 Approach Proposed Threshold Level

Using the SCAQMD's proposed Tier 3 option for determining the significance of a project's GHG impacts, the Proposed Project's operational emissions will be 474.138 MTCO₂e per year as presented in Table 4 below. The estimated 474.138 MTCO₂e per year is less than the guidance for mixed use/other land use projects at 3,000 MTCO₂e per year and there is a presumption of "less-than-significant" impacts with respect to climate change.

Table 4 – Project Greenhouse Gas Emissions (Unmitigated)

| Source | MTCO _{2e} per Year |
|--------------------------|-----------------------------|
| Mobile Sources (Traffic) | 360.62 |
| Energy (Food Court) | 99.01 |
| Energy (Street Vendors) | 3.328 |
| Solid Waste | 11.18 |
| TOTAL | 474.138 |
| SCAQMD Threshold | 3,000 |
| Exceed Threshold? | NO |

2. Tier 4 Business As Usual (BAU) Approach

The California Air Resources Board (CARB) defines business-as-usual (BAU) to mean, “the normal course of business or activities for an entity or a project before the imposition of greenhouse gas emission reduction requirements or incentives.” (ARB: “Preliminary Draft Regulation for a California Cap-and-Trade Program,” Section 95802(a)(18), December 2009)

The BAU approach relates to the consistency of the project with GHG plans and policies and is evaluated relative to AB32 goal of a 28.9 percent reduction in statewide GHG emissions compared to the BAU scenario. Statewide programs are in place that will achieve a large percentage of the GHG reductions, which the SCAQMD and other regional AQMDs have calculated. These reductions are indicated in Table 5 below and include the following mandatory regulatory requirements imposed by the state to directly and/or indirectly reduce GHG emissions:

- Global Warming Solutions Act of 2006 (AB32)
- Regional GHG Emissions Reduction Targets/Sustainable Communities Strategies (SB 375)
- Pavley Fuel Efficiency Standards (AB1493). Establishes fuel efficiency ratings for new vehicles.
- Title 24 *California Code of Regulations* (California Building Code). Establishes energy efficiency requirements for new construction. Title 24 became even more stringent beginning January 1, 2014
- Title 20 *California Code of Regulations* (Appliance Energy Efficiency Standards). Establishes energy efficiency requirements for appliances.
- Title 17 *California Code of Regulations* (Low Carbon Fuel Standard). Requires carbon content of fuel sold in California to be 10% less by 2020.
- California Water Conservation in Landscaping Act of 2006 (AB1881). Requires local agencies to adopt the Department of Water Resources updated Water Efficient Landscape Ordinance or equivalent to ensure efficient landscapes in new development and reduced water waste in existing landscapes.
- Statewide Retail Provider Emissions Performance Standards (SB 1368). Requires energy generators to achieve performance standards for GHG emissions.

- Renewable Portfolio Standards (SB 1078). Requires electric corporations to increase the amount of energy obtained from eligible renewable energy resources to 20 percent by 2010 and 33 percent by 2020.

Table 5 – GHG Emissions Reduction from State Regulations and AB32 Measures

| Affected Emissions Source | California Legislation | % Reduction from 2020 GHG Inventory | Scaled % Emissions Reduction (credit) |
|--|---|-------------------------------------|---------------------------------------|
| Mobile | AB1493 (Pavley) | 19.7% | 8.9% |
| | LCFS (auto/light truck) | 7.2% | 3.2% |
| | LCFS (Heavy/Med) | 7.2% | 0.4% |
| | Heavy/Med Duty Efficiency | 2.9% | 0.2% |
| | Passenger Vehicle Efficiency | 2.8% | 1.3% |
| Area | Energy-Efficiency Measures (Res-gas) | 9.5% | 1.0% |
| | Energy-Efficiency Measures (Nonres-gas) | 9.5% | 1.0% |
| Indirect | Renewable Portfolio Standard | 21.0% | 3.5% |
| | Energy-Efficiency Measures (Elec) | 15.7% | 4.0% |
| | Solar Roofs | 1.5% | 0.2% |
| Total Credits from Scoping Plan Measures | | | 23.9% |

These statewide reductions are estimated to provide 23.9% of the AB32 required reductions of 28.9% from the 2020 BAU emissions. Local and project level initiatives and mitigation measures can achieve the remaining 5% of the GHG reductions mandated by AB32.

The BAU emissions approach would include the unmitigated operational emissions for area energy, mobile sources, water/wastewater, and solid waste without the added emissions from the proposed Surf City Nights project. In order to meet the requirements of reducing emissions 5% below BAU for the downtown area the reductions would also need to include reducing current emissions by an additional 474.138 MTCO_{2e} per year to compensate for the Surf City Nights project. Since the emissions of the Surf City Nights project are not part of the BAU GHG emissions associated with the downtown area, the emissions from the proposed Surf City Nights project would be considered above the normal BAU. The California Air Pollution Control Officers Association (CAPCOA) “CEQA and Climate Change” (December 2008) and in the CAPCOA “Quantifying Greenhouse Gas Mitigation Measures” White Paper are detailed presentations of quantified mitigation measures that can result in the 5% reduction. The SCAQMD indicated in GHG Guidance that this document provides a comprehensive discussion on GHG reduction strategies with specific mitigation measures. However, these measures are suited for new construction or renovation projects and the Proposed Project would not provide for easily quantified or enforced mitigation measures that would significantly reduce the project’s GHG emissions.

5.1.5 Mitigation Measures

The analysis for GHG emissions depicted two potentially relevant approaches, Tier 3 and Tier 4, to quantify project GHG emissions thresholds. Tier 3 analysis is the

preferred method of measurement for the Proposed Project, as Tier 4 analysis and mitigation are suited for new construction or renovation projects, which are not components of the Proposed Project. The Tier 3 approach for the estimated operational GHG impacts results in emissions that are less than the guidance for mixed use/other land use projects. Therefore, no mitigation measures are required.

5.1.6 Level of Significance After Mitigation

The Tier 3 approach for analysis of Project GHG emissions results in a less than significant impact. The SCAQMD proposed threshold for emissions under Tier 3 is 3,000 MTCO₂e per year and the Project emissions would total 474.138 MTCO₂e; therefore there is a presumption of less than significant impacts with respect to climate change.

The Proposed Project will not generate GHG emissions, directly or indirectly, that may have a significant impact on the environment. The Proposed Project does not conflict with an applicable plan, policy or regulation adopted to reduce GHG emissions.

5.1.7 Cumulative Impacts

With respect to GHG, the proposed Project will incrementally add emissions totaling 474.138 MTCO₂e to the existing condition in the downtown area. While this will result in a slight incremental increase in GHG emissions, the increase is not cumulatively significant because the level of emissions is minor and only occur one day per week. The Proposed Project will not result in cumulative impacts in the area of GHG Emissions.

5.1.8 Unavoidable Adverse Impacts

Project impacts related to GHG will be less than significant, individually and cumulatively.

5.2 Land Use and Planning

In this section, the Proposed Project is evaluated to determine its consistency with the Huntington Beach General Plan, the City's zoning regulations, and the Downtown Specific Plan; and its compatibility with surrounding land uses. The Proposed Project requires a Coastal Development Permit and a Conditional Use Permit.

5.2.1 Existing Setting

The Proposed Project is located in the City of Huntington Beach Downtown Specific Plan area of Orange County, California, as shown on Exhibit 3 – Project Vicinity Map (page 21). The Proposed Project site includes approximately three street blocks on Main Street, from PCH to Orange Avenue, and two adjoining half blocks from Main Street onto Walnut Avenue and Olive Avenue. The project site is continued on, but not contiguous with, 5th Street, between PCH and Walnut Avenue, as shown on Exhibit 3. In total, the site includes a total of four blocks and 2 half blocks in the Downtown Huntington Beach area. The Proposed Project includes the temporary use of streets and sidewalks on Tuesdays from 5:00 p.m. to 9:00 p.m., within the downtown area. During all other times the project area will maintain its existing setting and uses.

1. Surrounding Land Uses

The project site is located in Downtown Huntington Beach, and is surrounded by mixed-use land, as indicated in the Downtown Specific Plan. While the project is mostly surrounded by one- and two-story and stand-alone buildings, three large developments – Pierside Pavilion, Oceanview Promenade, and The Strand – are located on two corners of the intersection of Main Street and PCH, and on the first block of 5th Street between PCH and Walnut Avenue, as shown on Exhibit 15 – Project Area Developments. All referenced developments are multi-story with mixed uses. Beyond the immediate pier area, Main Street is developed with older commercial buildings, a three-story multi-family residential development (Townsquare condominiums) with ground floor commercial at the street, the Huntington Beach Art Center, and the Main Street branch library.

The Proposed Project would include a block on 5th Street, which is identified as interspersed with mixed residential and commercial uses, and includes the Strand, which was recently completed. The Strand is located on the North side of 5th Street from PCH to Walnut Avenue. It is approximately 50 feet in height and includes ground floor retail uses, a boutique hotel, office space on the upper floors, and a 470-space subterranean parking structure.

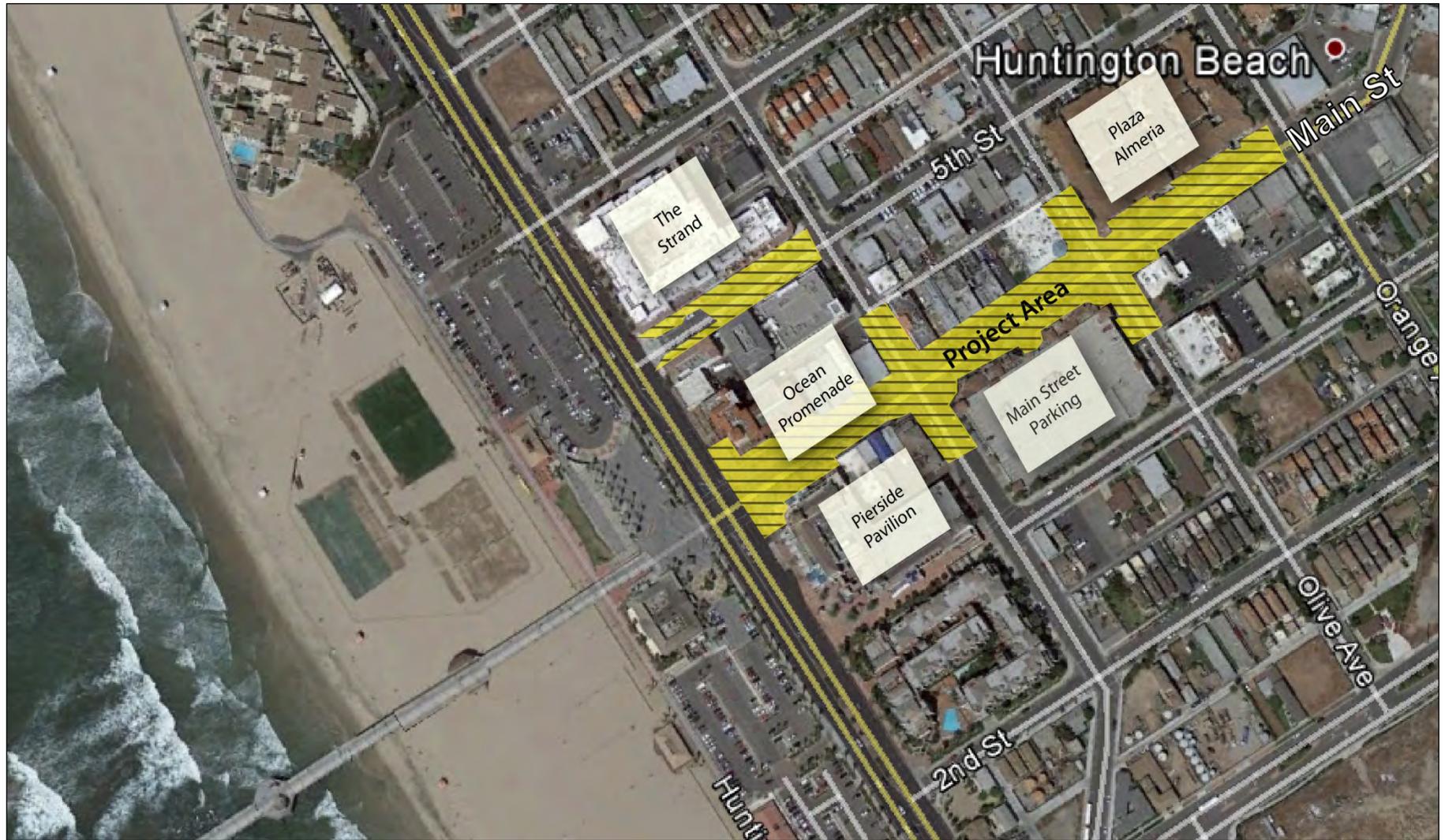


Exhibit 15 – Project Area Developments

2. Relevant Plans and Policies

RTC-1. General Plan

The Huntington Beach General Plan was adopted in 1996, and designates the Proposed Project area as Mixed Use, as shown on Exhibit 16 – General Plan Map. Allowable uses in this land use designation include mixed use retail, restaurant, commercial, office, and residential. The General Plan Elements consist of Land Use, Urban Design, Historic and Cultural Resources, Economic Development, Growth Management, Housing, Circulation, Public Facilities and Public Services, Recreation and Community Services, Utilities, Environmental Resources/ Conservation, Air Quality, Coastal, Environmental Hazards, Noise, and Hazardous Materials.

In addition, the City has prepared a Local Coastal Program (LCP) in accordance with the 1976 California Coastal Act. The Coastal Element of the General Plan serves as the Land Use Plan (LUP) for the LCP, and establishes detailed land use policies within the coastal zone. The LCP is discussed in more detail below.

RTC-2. Local Coastal Program

The City has a certified LCP, which governs coastal-specific uses in the City. The LCP was updated in 2001, and amended in 2011 to incorporate the most recent comprehensive update to the DTSP and Land Use Plan. The Implementation Plan (IP) of the LCP consists of Huntington Beach Zoning Code and Specific Plans that include areas within the coastal zone. The Land Use Plan, as adopted in the LCP, sets forth goals related to Coastal Access and Recreation, and New Development Policies that are consistent with California Coastal Act findings, declarations and goals, including:

- Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.
- Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.
- Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.



Source: <http://www.huntingtonbeachca.gov/about/maps/general-plan.pdf>

Exhibit 16 – General Plan Map

RTC-3. Land Use Plan

The Land Use Plan (LUP) is a component of the City's Local Coastal Program. As such, the LUP provides development guidelines that are consistent with the policies and goals of the California Coastal Act (Coastal Act) related to coastal access, recreation, marine resources, cultural and historic, and parking, among others. The Coastal Act encourages the use of the coastal area for recreational use for all people.

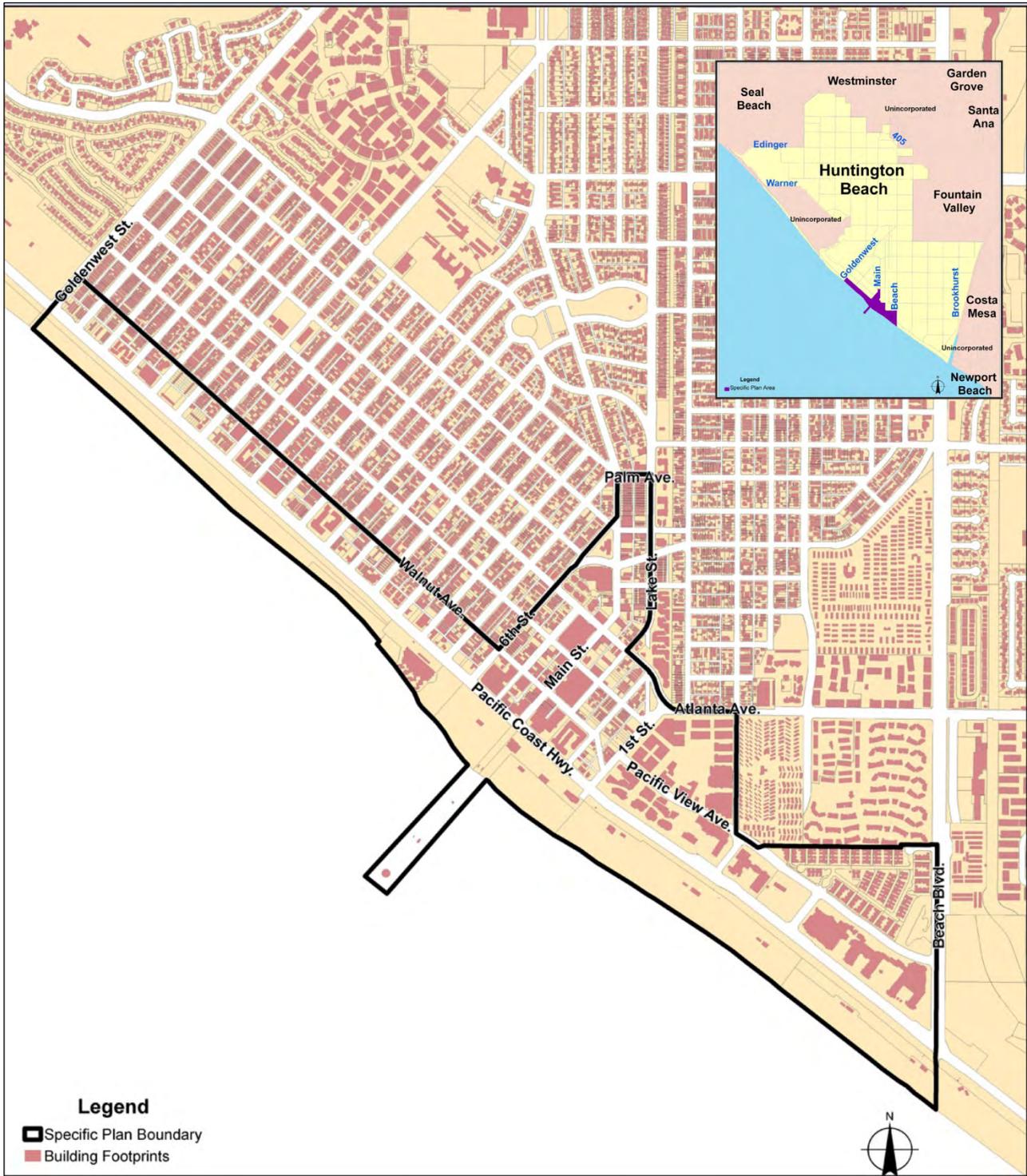
RTC-4. Implementation Plan

The Huntington Beach Local Implementation Plan (LIP) serves to carry out the Land Use Plan (LUP) goals and policies through zoning codes and other implementing ordinances.

RTC-5. Huntington Beach Downtown Specific Plan

The Proposed Project is contained within the Downtown Specific Plan (DTSP), which encompasses 336 acres from the intersection of Goldenwest Street and Pacific Coast Highway to Beach Boulevard, including the Huntington Pier, as shown on Exhibit 17 – Downtown Specific Plan Map. The eastern boundary follows Pacific View Avenue from Beach Boulevard to 1st Street, up to Palm Avenue and down along 6th Street, and parcels located on the first block adjacent to PCH from 6th Street to Goldenwest.

The updated DTSP was adopted in January 2010 by the City, and approved by the California Coastal Commission in October 2011. The DTSP update served to reconfigure the existing 11 districts into 7 new districts with the intention of encouraging development opportunities by revising development standards within its districts, and providing recommendations for improvements to streetscape, public amenity requirements, circulation, and mobility within the entire DTSP area. There are two goals set forth by the DTSP from which objectives and policies were drawn that serve as the basis of the Specific Plan. One of the goals is to create an environment that promotes tourism to maximize public access and recreation, increase revenues to support community services, and transform the City's economy.



Source: Huntington Beach Downtown Specific Plan No. 5, Rev. October 6, 2011

Exhibit 17 – Downtown Specific Plan Map

The DTSP envisions the Municipal Pier and the natural extension of the pier down Main Street as an area that will encourage pedestrian movement from the beach areas along the downtown streets, and draw pedestrian traffic into the heart of Downtown. The Proposed Project area is identified as located within District 1, Downtown Core, of the DTSP, as shown on Exhibit 18 – District 1 Map. This district promotes visitor-serving mixed-use, commercial, office and residential developments. The purpose of this district is to create a designated downtown area for the City by encouraging a more urban atmosphere and relatively higher intensity development, while maintaining a viable visitor-serving environment, and providing coastal dependent and coastal-related commercial and residential uses that are consistent with the Coastal Act.

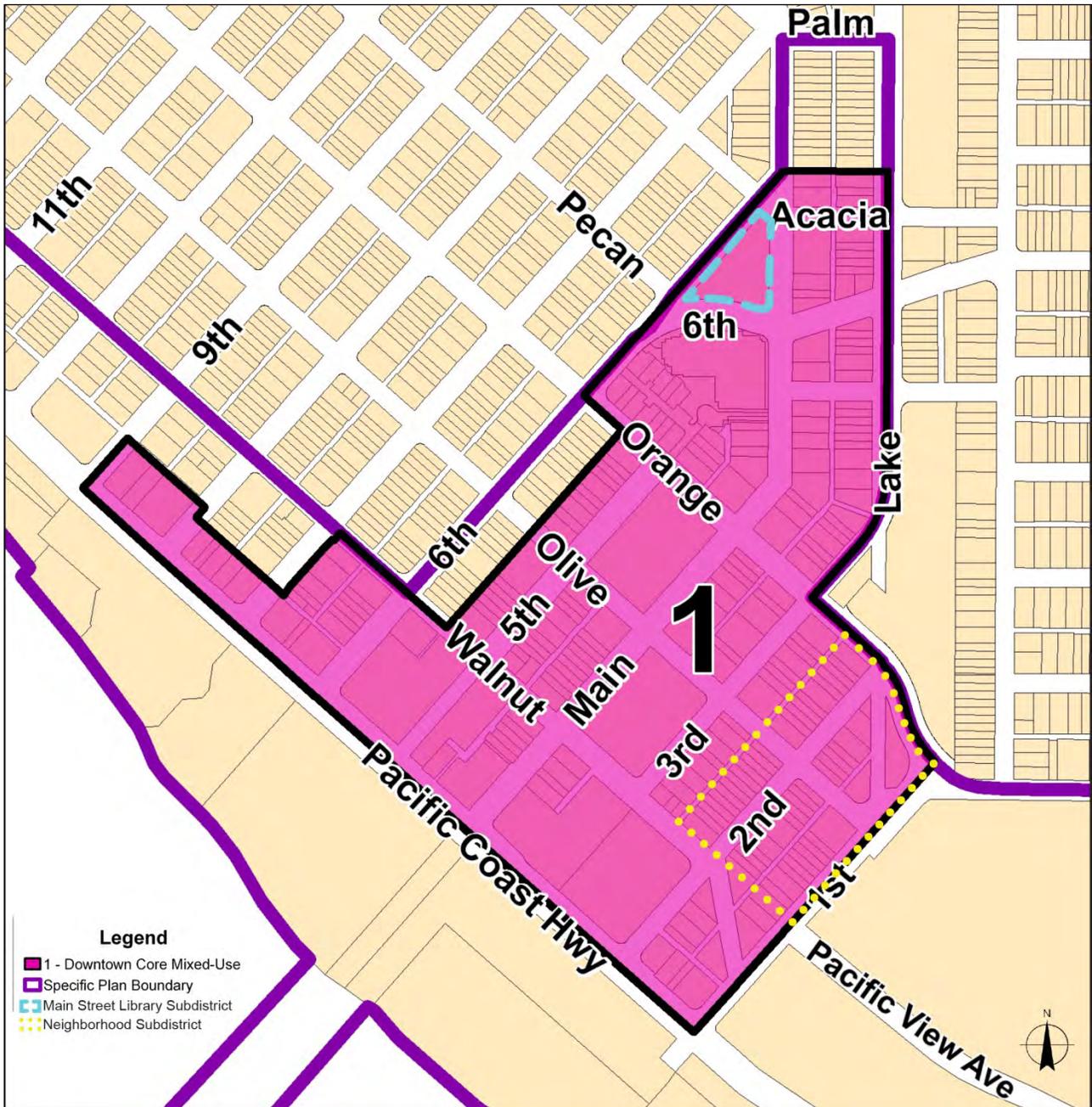
RTC-6. Zoning Code

The Huntington Beach Zoning and Subdivision Ordinance (Zoning Code) addresses a variety of provisions and codes within the project area. It is used for regulating the use of public property, and designating guidelines and requirements for residential, commercial, industrial, or other uses in the City. The Zoning Code is used by the City to consider the Proposed Project's land uses, and its suitability for the property or area in question.

The DTSP is the implementation planning document for the Downtown area. In the event the DTSP does not address a topic, deferral is given to the Zoning Code. This includes the authorities and guidelines for the issuance of Coastal Development Permits and Conditional Use Permits, Title 24 Zoning Code-Administration.

Section 245.06 requires the issuance of a Coastal Development Permit for development within the coastal zone, and grants the authority of permit approval to the City, with the exception of developments located within the Coastal Commission's original permit jurisdiction.

Section 241.04 grants the Zoning Administrator authority to approve or conditionally approve applications for conditional use permits and variances, upon finding that the proposed conditional use permit or variance is consistent with the General Plan, and all applicable requirements of the Municipal Code, consistent with the requirements of Section 241.10.



Source: Huntington Beach Downtown Specific Plan No. 5, Rev. October 6, 2011

Exhibit 18 – District 1 Map

5.2.2 Thresholds of Significance

The state encourages local agencies to adopt their own thresholds, but it is not required. The City of Huntington Beach does not have adopted thresholds to identify significant land use impacts. Thus, for purposes of this analysis, the applicable thresholds listed in CEQA Guidelines will be used. According to Appendix G of the CEQA Guidelines, the Proposed Project would have a potentially significant impact if it:

- Physically divides an established community
- Conflicts 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
- Conflicts with any applicable habitat conservation plan or natural community conservation plan

5.2.3 Project Impacts Prior to Mitigation

1. Land Use Compatibility

The Proposed Project is compatible with the nature of acceptable land uses in the Downtown Huntington Beach area because the Proposed Project promotes community and visitor attendance to the downtown area by providing a free weekly Street Fair and Certified Farmers' Market in accordance with the adopted goals of the DTSP. The Proposed Project utilizes public streets and sidewalks. It is primarily located on Main Street, which is identified as the central spine of the district. The Proposed Project also encompasses Main Street's adjoining half-blocks on Walnut Avenue and Olive Avenue, and the one block of 5th Street between PCH and Walnut Avenue. Surf City Nights is a compatible use, as it meets the goals of the DTSP and is consistent with the area's General Plan designation.

2. General Plan

The Huntington Beach General Plan identifies the project area as mixed-use. The Proposed Project is consistent with this designation, as the project offers services and entertainment that are allowable under the mixed-use General Plan designation. The Proposed Project would not include any developments or permanent structures or inconsistent land uses. The Proposed Project is located in an existing built-out area of the City, and does not involve changes in the existing Land Use for the project site or the surrounding area. It is consistent with land use designation as set forth in the General Plan. The Proposed Project will serve to promote and enhance public and community use of the City's Downtown area. While the City has an adopted General Plan with a Land Use Element that was amended in 2013, the primary governing uses and standards for the project area are contained in the DTSP.

3. Local Coastal Program

The Proposed Project promotes coastal access for the public and the coastal community, and provides a unique opportunity for attendees to enjoy a variety of products and services for a range of cost and market preferences. The Proposed Project is consistent with the goals, objectives, and policies set forth in the LCP.

The entire project lies within the Coastal Zone and is therefore subject to compliance with the Huntington Beach LCP. The LCP is divided into two components: Land Use Plan (LUP) and Local Implementation Plan (LIP).

RTC-1. Land Use Plan

The Proposed Project is consistent with providing access to the coastal area for area residents and visitors. It provides for a visitor-serving activity, and a community based activity.

- **Access**

The Proposed Project is not located on the beach, but is located directly across from the Huntington Pier and beach, and it is anticipated that beach-goers will be in attendance. Table 6 below identifies the Proposed Project’s consistency with coastal access.

Table 6 – Access Goals, Objectives, Policies, and Analysis

| Goals, Objectives, Policies | Analysis |
|--|--|
| C.1.1.4 Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors. | The Proposed Project is located within the existing downtown area of Huntington Beach, and no new construction or development is required. The project will serve as an attraction for both visitors and area residents. |
| C.1.1.6 Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Commission’s guidelines adopted by the Commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities | Coastal Development permit No. 12-001 has been submitted to the City for processing and approval. |

- **Recreation and Visitor Serving Facilities**

The Proposed Project does not involve any development; however, it would involve a weekly community event. The Proposed Project would have a positive impact on recreation and visitor serving facilities, as shown in Table 7 below.

Table 7 – LCP Recreation Goals, Objectives, Policies, and Analysis

| Goals, Objectives, Policies | Analysis |
|---|--|
| C.3.2.1 Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone. | The project provides the area residents and tourists with a free family-friendly event in the Coastal Zone of Downtown Huntington Beach. |
| C.3.2.2 Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. On oceanfront, waterfront or nearshore areas or lands designated for visitor uses and recreational facilities, an assessment of the availability of lower cost visitor uses shall be completed at the time of discretionary review and in lieu of fee in an amount necessary to off-set the lack of preferred lower cost facilities in or near Huntington Beach shall be imposed. | The Proposed Project is located in the Coastal Zone of Downtown Huntington Beach, and offers a wide variety of entertainment, goods, services, and foods at costs ranging from free to luxury. |
| C.3.4.2 Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourists and community activity. | The Proposed Project enhances the coastal experience of the community and tourists by establishing an event that is family friendly, provides several types of entertainment, offers a multitude of food, services, and goods at a variety of market points, and remains free of charge for all attendees. |

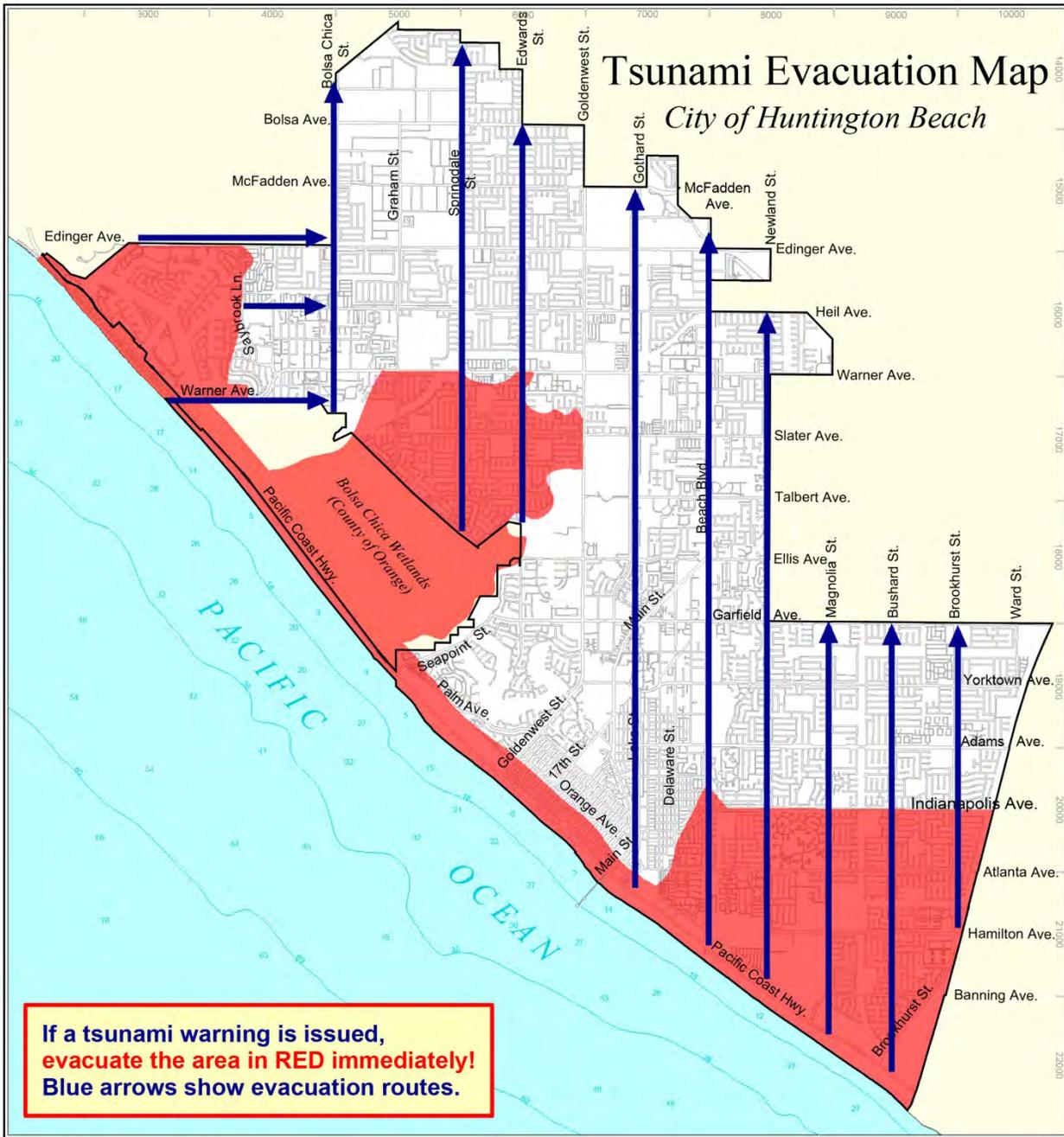
The Proposed Project involves a street festival with live music, street vendors, children's activities, and a Certified Farmers' Market. Festival attendance is free. A wide variety of foods, goods, and services are provided to the public for a range of costs and market preferences. Attendees range from beach-goers to neighborhood residents.

- **Cultural and Historic Resources**

The Proposed Project is a weekly street festival, located on existing streets and sidewalks. No construction will occur that could impact cultural resources, and no cultural or historic resources have been identified within the project area. Upon the implementation of the project, there would be no impact on cultural and historic resources.

- **Environmental Hazards**

The City's Information Services Department provides a Tsunami Evacuation Area Map, identifying, for public convenience, a Tsunami Evacuation Area and an Evacuation Path, as shown on Exhibit 19 – Tsunami Evacuation Area Map. The Proposed Project lies partially within the evacuation area, and adjacent to the identified Evacuation Path. However, the Proposed Project is not identified by the Huntington Beach General Plan as lying within a known Tsunami Run-Up Area, as shown on Exhibit 20 – Moderate Tsunami Run-Up Area.



| | | |
|---|--|---|
| <p> Tsunami Evacuation Area</p> <p> Evacuation Path</p> |  <p>0 0.5 1 Miles</p> | <p>Information Services Department</p>  <p>HB GIS January 2007</p> <p>CAUTION WHEN USING THIS MAP</p> <p>Information shown hereon is a compilation of data from sources of varying accuracy and is provided as a convenience to the user. The City of Huntington Beach does not guarantee its completeness or accuracy.</p> <p>It is the user's responsibility to verify all information to their own satisfaction.</p> |
|---|--|---|

Source: City of Huntington Beach General Plan, Environmental Hazards Element

Exhibit 19 – Tsunami Evacuation Area Map

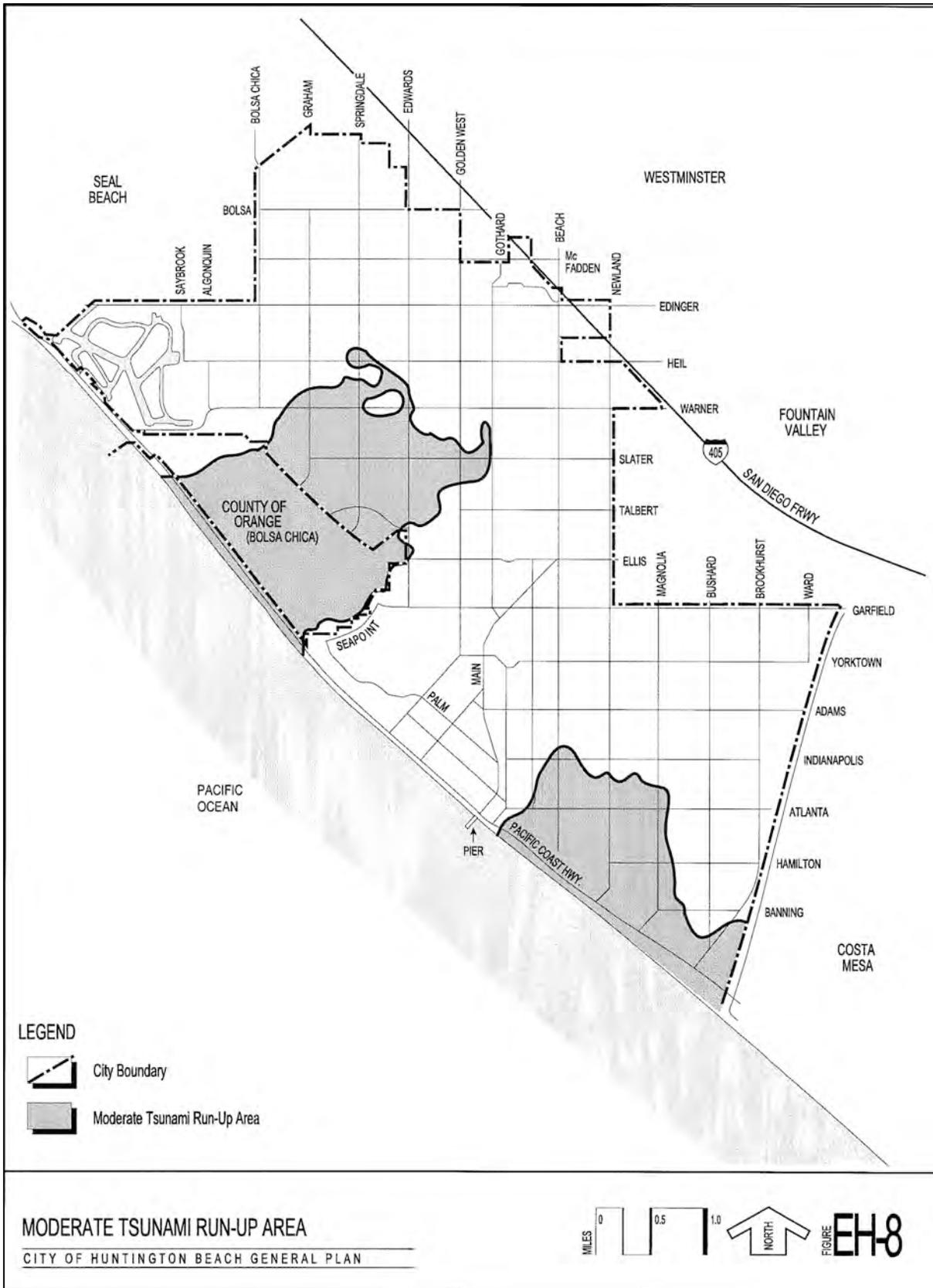


Exhibit 20 – Moderate Tsunami Run-Up Area

Modern advances in technology allow for immediate public notification of a seismic or marine event, giving the public and event coordinators ample time to become aware of a developing situation prior to the festival. In the event that a tsunami warning is issued, the Proposed Project, a weekly street festival, will be cancelled, and there will be no street closures that could impede evacuation. In the unlikely event that a tsunami warning is issued during the festival, metal bollards and blockades are removable, and any thoroughfare access that may remain unsupported in the project area could be easily routed onto surrounding streets, identified in Exhibit 19.

- **Parking**

The Proposed Project is located within the Downtown Huntington Beach area, an area inherently impacted by vehicles due to beach activities, and various parking needs of tourists and area residents. The project site is surrounded by on-street parking, as well as flanked by four parking structures, totaling over 1,700 stalls, as depicted on Exhibit 4 (page 22). The Proposed Project would result in the loss of 58 on-street parking stalls from 2:00 p.m. to 10:00.p.m. every Tuesday. However, the loss of parking would be adequately compensated for by the available parking structures and additional street parking in the area. Additionally, the Proposed Project includes the operation of a free shuttle service, where patrons park at City Hall, which has 350 available parking stalls, and ride a shuttle to and from the project site.

The LCP identifies parking policies in section 2.4.2 of the Coastal Element. Sections 2.4.2(e) and 2.4.2(f) are analyzed in Table 8 below; however, Sections 2.4.2(a), (b), (c), and (d) are not analyzed, because they cannot be applied to the Proposed Project. Parking impacts resulting from the Proposed Project will be analyzed in Section 5.4, Transportation and Traffic (beginning on page 79) of this EIR.

Table 8– LCP Parking Goals, Objectives, Policies, and Analysis

| Goals, Objectives, Policies | Analysis |
|---|---|
| C.2.4.2(e) Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone [by] monitor[ing] parking programs to make the most effective use of parking resources. | The Proposed Project is flanked by four parking structures, totally 1700 parking stalls, and includes the operation of a free parking shuttle from the City Hall, totaling an additional 350 stalls. |
| C.2.4.2 (f) Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone [by] replac[ing] any on-street parking lost in the Coastal Zone on a 1:1 basis within the Coastal Zone prior to or concurrent with the loss of any parking spaces. | The Proposed Project includes the temporary restriction of 58 parking stalls on Main Street and 5 th Street every Tuesday from 2:00 p.m. to 11:00 p.m. Outside of festival hours all on-street parking will be maintained, and the closure will not require the removal or the permanent loss of any parking stalls in the City. During the hours that parking is restricted on Main Street and 5 th Street, parking will be maintained with surrounding on-street parking and within the area’s four parking structures. |
| C2.4.4 Develop parking areas out-side the Coastal Zone for passenger cars and the development of alternative transportation modes for beach users including incentives for parking in those locations. | The Proposed Project includes a free shuttle service operating from City Hall to the festival site during the hours of 5:30 p.m. and 10:00 p.m. The shuttle will serve as an incentive for festival attendees to park at City Hall and be shuttled into the festival area free of charge. |

RTC-2. Local Implementation Plan

The Proposed Project would require the following discretionary permitting:

- **Coastal Development Permit No. 12-001** – Per Title 24, Section 245.06 of the City Municipal Code, any person partnership, or corporation, or state or local government agency wishing to undertake development in the coastal zone shall obtain a Coastal Development Permit (CDP). The City has a certified Local Coastal Program (LCP), and, therefore, is the issuing body for CDPs. An application for a CDP has been submitted to the City concurrently with environmental documentation for processing and approval. When considering a CDP, the following factors are evaluated.
 - **Environmentally Sensitive Habitat Area** – As depicted on the General plan ESHA Map, there are three areas identified by the City as ESHA: the Huntington Beach Wetland area, the California Least Tern nesting sanctuary, and the wetlands and eucalyptus ESHA on the Parkside site. The project site is not located within an ESHA, and the closest ESHA to the project site is nearly four miles away. Therefore, the Proposed Project would not have an adverse effect on any sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.
 - **Views** – The Proposed Project, a weekly street festival and Certified Farmers’ Market, is located on public streets, and public and private sidewalks. Therefore, no view or view corridor would be obstructed or hindered by the Proposed Project.
 - **Coastal Access** – The Proposed Project would encourage visitors to the coastal zone with a weekly street festival, but would require the partial closure of Main Street and 5th Street to vehicular traffic, as shown on Exhibit 1 – Project Area Map (page 10), every Tuesday between the hours of 2:00 p.m. and 10:00 p.m. Surrounding streets in the area would remain open. Project impacts on traffic will be analyzed in Section 5.4, Transportation and Traffic (beginning on page 79) of this EIR. Therefore, no pedestrian access will be restricted either within the project area or to beachfront areas across PCH.

4. Downtown Specific Plan

The purpose of the DTSP is to create a unique and identifiable downtown for Huntington Beach that capitalizes on the unique location and features of the City’s beachside downtown and is an economically vibrant, pedestrian-oriented destination for residents and visitors alike. The Proposed Project serves to promote a downtown atmosphere with musical entertainment, a children’s area and bounce house, a variety of food carts and restaurants, a Certified Farmers’ Market, and a multitude of vendors and permanent retail businesses each Tuesday night. The spirit of the weekly street

festival is to encourage the utilization of Downtown Huntington Beach by providing a family-friendly environment with eclectic services, goods, and dining for all to enjoy.

The weekly Street Fair and Certified Farmers' Market on public streets, and public and private sidewalks, would not include any additional development or modification to existing development. The Proposed Project is consistent with the standards and guidelines set forth in the DTSP. It will serve to promote a mix of commercial use with surrounding housing, support recreational use, induce pedestrian activity, and ultimately establish a sense of community.

5. Zoning Code

The Proposed Project is consistent with the standards set forth in the Zoning Code. The City is the authorized agent for the issuance of the following discretionary permits.

RTC-1. Conditional Use Permit (CUP) No. 12-026

A CUP is required for the Proposed Project due to its operating characteristics, and that it may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

RTC-2. Coastal Development Permit (CDP) No. 12-001

A Coastal Development Permit is required, as the Proposed Project is located within the coastal zone and not considered exempt under section 245.08 or categorically excluded under 245.10 of the Zoning Code. Mitigation Measures

No mitigation is required. The project can only proceed with the issuance of a Coastal Development Permit and a Conditional Use Permit. There will be no impacts related to land use.

5.2.4 Level of Significance After Mitigation

The Proposed Project will not result in any significant environmental impacts as identified in the CEQA thresholds. The project does not divide an established community or conflict with any applicable land use plan or habitat/natural community conservation plan. The permits noted above will be necessary to bring the project into conformance with adopted policies and regulations.

The project is consistent with the surrounding land uses, as it is located in the DTSP area, which is designated as a hub for urban activities and mixed-uses. The project will serve to promote and enhance public usage of the coastal area by providing a free weekly street fair with a multitude of activities and products at a variety of market points. The project will be consistent with the General Plan, the Specific Plan, the Local Coastal Program, and City Zoning Code. No mitigation is proposed in the area of Land Use and Planning, and no mitigation is necessary. The Proposed Project will not result in significant adverse unavoidable land use impacts.

5.2.5 Cumulative Impacts

Several other projects are pending or approved within the project vicinity. The closest projects are Pierside Pavilion Expansion, Pacific City, Forever View, and The Coral, with Pierside Pavilion being the most immediately located on the southeast corner of the project site. Several retail businesses located at Pierside Pavilion participate in the Surf City Nights Street Festival. The remaining identified area projects include the construction of retail or residential structures within the vicinity of the project. A comprehensive related projects list and discussion is included in the Cumulative Impacts section of this EIR. The Proposed Project requires the approval of a Noise Deviation Permit. However, a weekly street fair on existing public streets is consistent with land uses set forth by the General Plan, the Specific Plan, the LCP, and the Zoning Code, and would not exacerbate the impacts to any surrounding land uses. There would be no cumulative land use impacts.

5.3 Noise

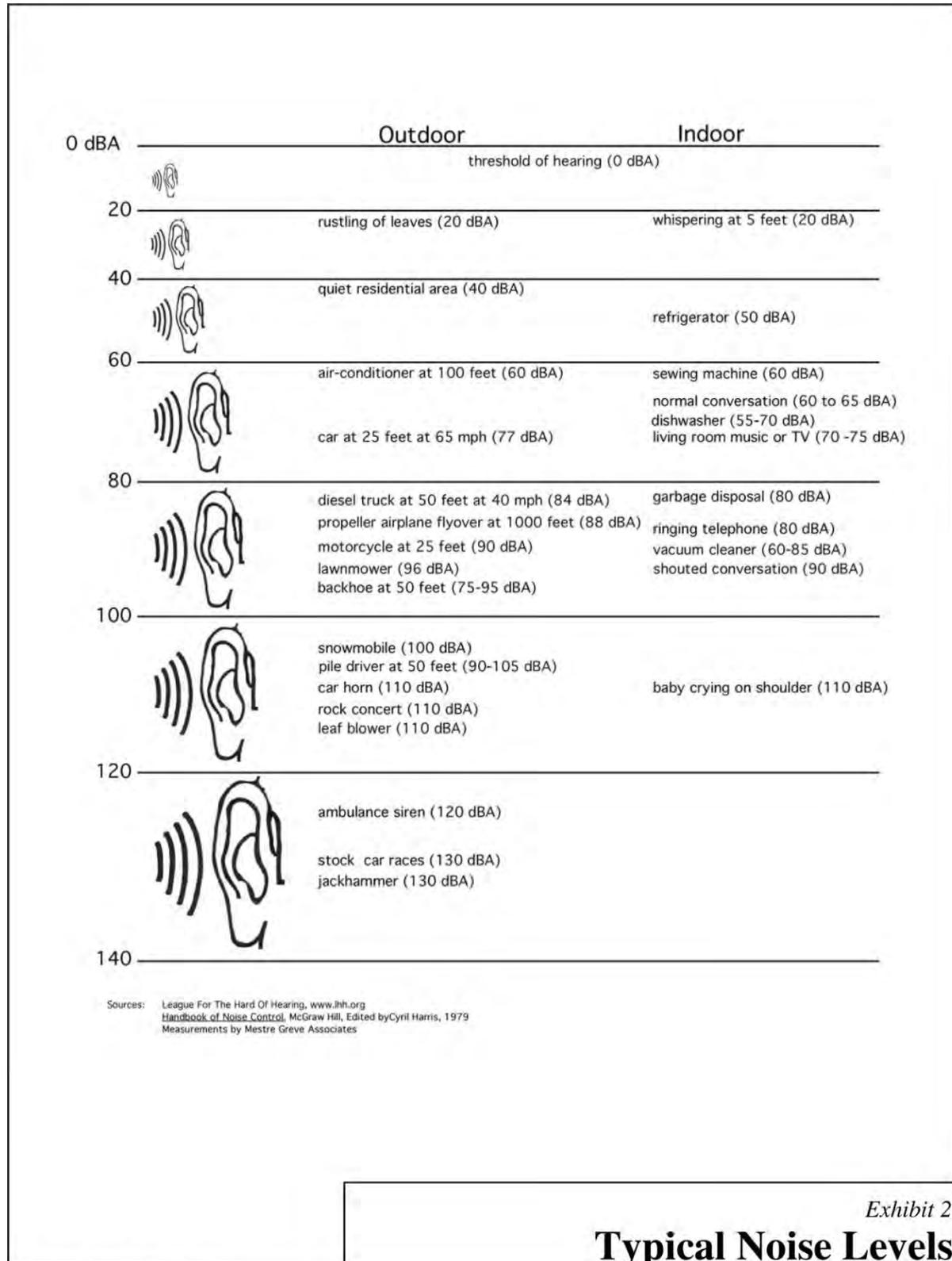
This section summarizes potential noise impacts associated with the existing Surf City Nights Street Fair and Certified Farmers' Market, which includes expansion of the street fair to 5th Street between Pacific Coast Highway (PCH) and Walnut Avenue. Typical noise sources resulting in impacts may include traffic noise, operational noise from vendors and fair attendees, and most notably live musical performances with amplified noise. This analysis is based on a Noise Measurement Survey prepared by Mestre Greve Associates (MGA) in September 2012 and revised in May 2013 (Noise Measurement Survey, Appendix F). The Noise Analysis focuses on existing amplified sound on Main Street. The Noise Analysis considered project expansion from 5th Street to 3rd Street on Olive Avenue and Walnut Avenue and the inclusion of 5th Street between PCH and Walnut Avenue. Therefore, the Noise Analysis includes an analysis of the expansion of Surf City Nights onto 5th Street between Pacific Coast Highway and Walnut Avenue, which is a component of this Focused EIR. The Proposed Project does not include amplified sound on 5th Street and, therefore, the Noise Measurement Survey is adequate and does not require a further update.

5.3.1 Existing Conditions

The Project site is located in the Downtown Specific Plan (DTSP) area and is surrounded by mixed uses consisting of residential and commercial/office uses. Two 4-story large-scale developments, Pierside Pavilion and Oceanview Promenade, are located on two corners of the intersection of Main Street and PCH. Main Street is developed with Plaza Almeria, a multi-story mixed use building with residential, older commercial buildings, a three-story multi-family residential development (Townsquare condominiums) with ground floor commercial on the street level, the Huntington Beach Art Center, and the Main Street branch library. As described above, the project is located in a substantially built out urban area and is not within an airport zone.

1. Noise Descriptors

Sound is described in terms of loudness (amplitude) of the sound and frequency (pitch) of the sound. Sound levels decrease as a function of distance from the source as a result of wave divergence, atmospheric absorption, and ground attenuation. As the sound wave form travels away from the source, the sound energy is dispersed over a greater area. Atmospheric absorption also influences the levels received by the observer. The greater the distance traveled, the greater the influence and the resultant fluctuations. The degree of absorption is a function of the frequency of the sound as well as the humidity and temperature of the air. Wind, temperature, and humidity also play a significant role in determining the degree of attenuation. Intervening topography can also have a substantial effect on the effective perceived noise levels. Exhibit 21 – Typical Noise Levels depicts typical noises and their A-weighted noise level.



Mestre Greve Associates

Exhibit 2
Typical Noise Levels

Exhibit 21 – Typical Noise Levels

Noise is defined as “unwanted sound” and has several adverse effects on people. Criteria have been established to help protect the public health and safety and prevent disruption of certain activities. The criteria are based on known impacts of noise as described below:

- *Hearing Loss* is not a concern in community noise situations similar to the Proposed Project. The potential for noise-induced hearing loss is more commonly associated with occupational noise exposure in heavy industry to noisy work environments. Noise levels in neighborhoods, even in noisy airport environs, are not sufficiently loud to cause hearing loss.
- *Speech Interference* is one of the primary concerns in environmental noise analysis. Normal conversational speech is in the range of 60 to 65 dBA, and any noise in this range or louder may interfere with speech.
- *Sleep Interference* is a major noise concern related to traffic noise. Sleep disturbance studies have identified interior noise levels that have the potential to cause sleep disturbance. Sleep disturbance does not necessarily mean awakening from sleep, but can refer to altering the pattern and stages of sleep.
- *Physiological Responses* are those measureable effects of noise on people that are realized as physiological changes (e.g., pulse rate, blood pressure). While such effects can be induced and observed, the extent is not known to which these physiological responses cause harm or are signs of harm.
 - *Annoyance* is the most difficult of all noise responses to describe. Annoyance is a very individual characteristic and can vary widely from person to person. What one person considers tolerable can be quite unbearable to another of equal hearing capability.

RTC-1. Decibels

Sound pressures can be measured in units called microPascals. More commonly, sound pressure levels are described in logarithmic units of ratios of actual sound pressures called bels. A bel is subdivided into ten decibels (dB) in order to provide a finer resolution. Sound or noise can vary in intensity by over one million times within the range of human hearing. However, the human ear is not equally sensitive to all sound frequencies within the entire spectrum. Noise levels at maximum human sensitivity from 500 to 2,000 cycles per second are factored more heavily into the A-weighting process. The perceived noise volume relative to human sensitivity is known as the A-weighted decibel (dBA) and is subjective to the hearer.

“Leq” is a time-averaged sound level, a single number value that expresses the time-varying sound level for the specified period as though it were a constant sound with the same total sound energy as the time-varying level. This unit is the decibel (dB). The most common average period for Leq is hourly.

Since decibels are logarithmic units, sound pressure levels cannot be added or subtracted by ordinary arithmetic means. For example, if an automobile produces a sound pressure level of 70 dB when passing an observer, two automobiles passing together would produce a sound pressure level of 73 dB rather than 140 dB. Therefore, doubling traffic volumes or the speed would increase the noise level by only 3 dB. Conversely, reducing the traffic volume by half would result in a 3 dB reduction in the noise level.

RTC-2. Vibration

Vibration is most commonly expressed in terms of the root mean square (RMS) velocity of a vibrating object. RMS velocities are expressed in units of vibration decibels. The range of vibration decibels (VdB) is as follows:

| | | |
|-----------|---|------------------------------------|
| 65 VdB | - | threshold of human perception |
| 72 VdB | - | annoyance due to frequent events |
| 80 VdB | - | annoyance due to infrequent events |
| 94-98 VdB | - | minor cosmetic damage |

RTC-3. Sensitive Receptors

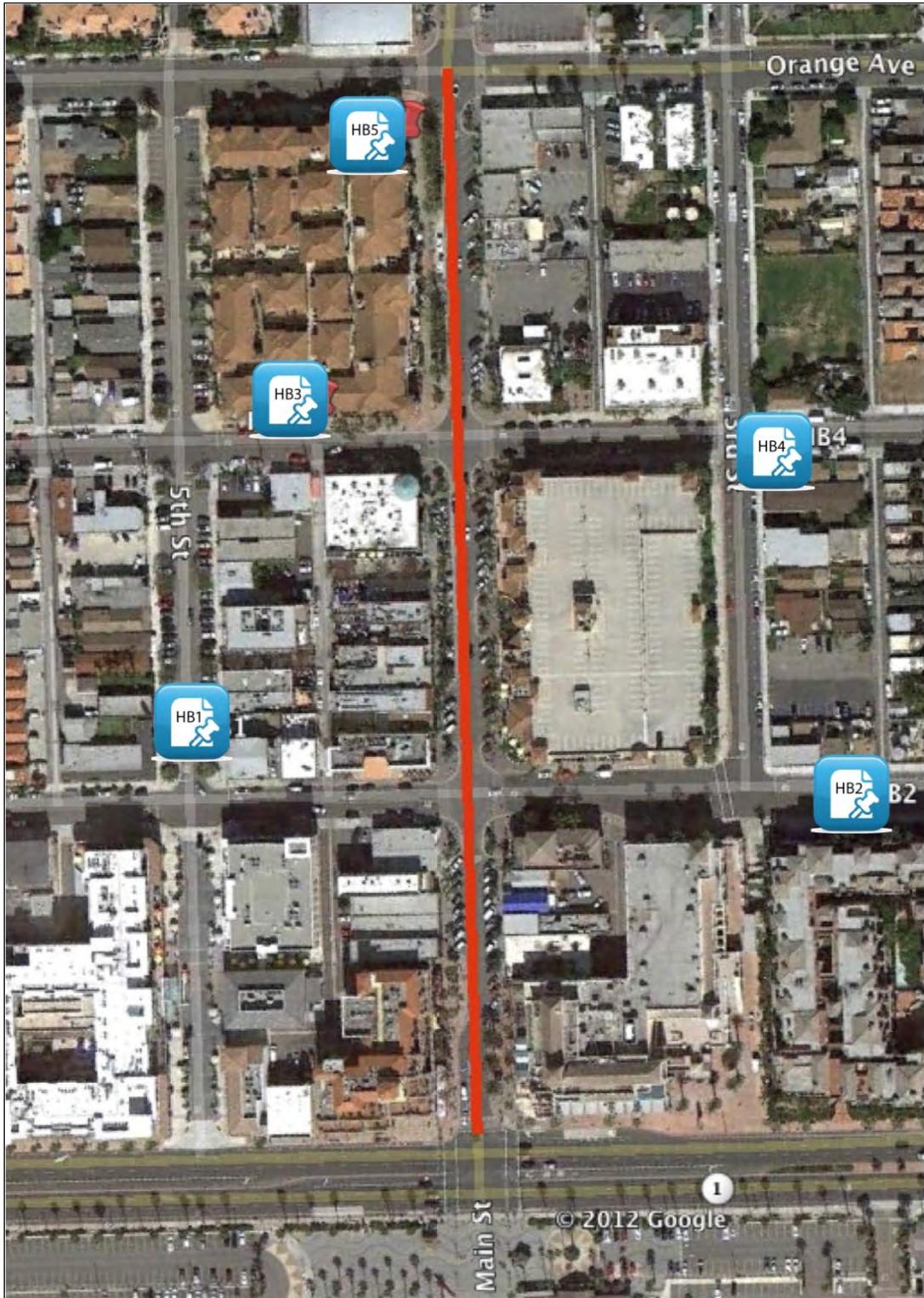
With regard to noise impacts, sensitive receptors are primarily considered to be residences and medical facilities. The Project site is within a mixed-use area where retail, restaurant, office, and other commercial uses exist alongside residential development. In some cases, the residential development is directly above first-floor retail uses. For this reason, noise measurements were taken at locations where noise impacts would likely impact residents within and adjacent to the Project site.

2. Ambient Noise Levels – Existing Condition

MGA conducted noise measurements at five sites within the Proposed Project area as depicted on Exhibit 22 – Noise Measurement Sites. The measurements were obtained on August 29, 2012 (a non-Surf City Nights event night) between the hours of 5:00 p.m. and 8:00 p.m. as shown on Table 9.

Table 9 – Ambient Noise Measurements (dBA)

| Site # | Start | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------|---------|------|------|------|------|------|
| 1 | 7:00 pm | 73.9 | 64.5 | 59.5 | 56.5 | 54.5 |
| 2 | 6:00 pm | 84.1 | 66.5 | 61.5 | 57.0 | 54.5 |
| 2 | 8:00 pm | 74.9 | 65.5 | 60.5 | 56.0 | 50.5 |
| 3 | 6:00 pm | 79.8 | 71.0 | 62.0 | 61.5 | 59.5 |
| 4 | 5:00 pm | 80.4 | 67.0 | 62.0 | 57.5 | 55.0 |
| 4 | 7:00 pm | 84.0 | 67.0 | 61.5 | 57.5 | 54.5 |
| 5 | 5:00 pm | 86.1 | 70.5 | 65.5 | 62.0 | 60.0 |
| 5 | 8:00 pm | 79.4 | 67.0 | 64.0 | 62.0 | 60.5 |



Source: Exhibit 1, Noise Measurement Survey for Surf City Nights revised May 22, 2013, prepared by Mestre Greve, Division of Landrum & Brown

Exhibit 22 – Noise Measurement Sites

The ambient noise levels at all sites measured were determined by the local traffic for the average and maximum noise levels. Generally, Lmax levels were caused by trucks, motorcycles, or cars with loud mufflers. The exception was at Site 5 during the 8:00 p.m. hour when a nearby restaurant with patrons talking and live music contributed equally to the average noise levels with traffic.

5.3.2 Regulatory Setting

1. Noise Ordinance Standards

The City of Huntington Beach Noise Ordinance standards are found in the Huntington Beach Municipal Code, Chapter 8.40 - Noise Control. A noise ordinance is designed to control unnecessary, excessive, and annoying sounds from one parcel of land impacting another parcel of land. Federal and state laws pre-empt control of mobile noise sources on public roadways; however, a noise ordinance does apply to both mobile and stationary noise sources on private lands.

The City's noise standards are presented in Table 10 below. The exterior and interior noise criteria are presented in terms of L% noise levels. The noise levels specified are those that are not to be exceeded at a residential property from noise generated at a nearby property. Noise levels are to be measured with A-weighting and a slow time response. Greater noise levels are permitted during the day (7:00 a.m. to 10:00 p.m.). Nighttime noise level standards are more restrictive between the hours of 10:00 p.m. and 7:00 a.m.

Table 10 – Noise Ordinance Standards, City of Huntington Beach

| Maximum Noise | Noise Metric | Daytime Maximum Noise Level (7:00 am to 10:00 pm) | Nighttime Maximum Noise Level (10:00 pm to 7:00 am) |
|---|--------------|--|--|
| Exterior Noise Standards - Zone 1 - All residential | | | |
| 30 minutes/hour | L50 | 55 dBA | 50 dBA |
| 10 minutes/hour | L25 | 60 dBA | 55 dBA |
| 5 minutes/hour | L8.3 | 65 dBA | 60 dBA |
| 1 minutes/hour | L1.7 | 70 dBA | 65 dBA |
| Anytime | Lmax | 75 dBA | 70 dBA |
| Interior Noise Standards | | | |
| 5 minutes/hour | L8.3 | 55 dBA | 45 dBA |
| 1 minutes/hour | L1.7 | 60 dBA | 50 dBA |
| Anytime | Lmax | 65 dBA | 55 dBA |

Huntington Beach Municipal Code §8.40.060B - Exterior Noise Levels Prohibited and §8.40.080 - Interior Levels of Noise Prohibited allow the limits to be increased if ambient noise levels are higher. The limits are then raised to the existing ambient levels. Section 8.40.050(b) of the ordinance states that if the "noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof," the limits should be reduced by 5 dB.

2. Noise Deviation Permit

The Huntington Beach Municipal Code Section 8.40.130 (Permit Process) provides that a permit may be granted to deviate from the provisions of the Municipal Code related to noise. The section states, in part:

The applicant must demonstrate, at a minimum, the need to deviate from the noise level produces a greater benefit to the community which outweighs the temporary increase in noise level above the requirements of this chapter.

The Proposed Project exceeds the Noise Ordinance limits as further discussed herein.

5.3.3 Thresholds of Significance

The state encourages local agencies to adopt their own thresholds, but it is not required. According to Appendix G of the CEQA Guidelines, the proposed Project would have a potentially significant impact with respect to noise if the project will 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
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project
- 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, exposure of persons residing or working in the project area to excessive noise levels
- f) For a project within the vicinity of a private airstrip, exposure of persons residing or working in the project area to excessive noise levels

As shown in Table 10, the City has adopted noise standards for interior and exterior residential uses. Exterior noise standards for daytime are 75 dBA and for nighttime are 70 dBA.

5.3.4 Project Impacts Prior to Mitigation

The MGA Noise Measurement Survey was based on two sets of noise measurements taken at five sites. The location of the measurements is shown on Exhibit 22 – Noise Measurement Sites (page 69). The first set of measurements was taken at or near the residences as shown on the Noise Measurement Location Map during an Event night. The second set of measurements was taken the following night at the same locations to represent ambient conditions (without Event). The ambient conditions measurements are shown in Table 9 – Ambient Noise Measurements (dBA) (page 68).

The measurements were performed using Bruel & Kjaer Model 2238 automated digital noise data acquisition systems and a sound meter mounted on a tripod. A large windscreen covered the microphone to dampen out the effect of unwanted wind-generated noise. At each site, 50 minutes of data were collected and field notes were recorded. The measurements were taken once and then repeated an hour later at most of the sites. A Bruel & Kjaer 4231 calibrator with certification traceable to the National Institute of Standards and Technology was used to calibrate the sound meter before and after the measurements were taken to ensure that the measured sound level readings were accurate. At the conclusion of each set of measurements, the Lmax, L1.7, L8.3, L25 and L50 values for the full time period were recorded on a data sheet. The noise metrics (L1.7, L8.3, L25, L50 and Lmax) correspond to the limits contained in the City's Noise Ordinance. Table 11 below depicts the results of the first set of measurements taken during Surf City Nights on August 28, 2012.

Table 11 – Event Noise Measurements (dBA)

| Site | Start Time | Lmax (75) | L1.7 (70) | L8.3 (65) | L25 (60) | L50 (55) |
|------|------------|-----------|--|-----------|----------|----------|
| 1 | 7:00 pm | 74.6 | 67.0 | 65.0 | 63.5 | 62.0 |
| 2 | 6:00 pm* | 78.6 | 69.0 | 67.5 | 65.5 | 63.5 |
| 2 | 8:00 pm | 86.2 | 67.0 | 63.0 | 59.5 | 56.5 |
| 3 | 6:00 pm | 78.9 | 70.0 | 66.5 | 64.5 | 63.0 |
| 4 | 5:00 pm | 82.1 | Equipment malfunction for other parameters | | | |
| 4 | 7:00 pm | 88.0 | 71.0 | 65.0 | 62.0 | 60.5 |
| 5 | 5:00 pm | 81.4 | 68.5 | 66.0 | 64.0 | 62.5 |
| 5 | 8:00 pm | 75.5 | 68.5 | 66.5 | 65.5 | 64.5 |

*30 minute measurement

1. Site 1 - Northwest corner of 5th Street and Walnut Avenue

This location is in front of a residence that has a front porch facing 5th Street. A rock band was playing with amplified sound near the corner of Main Street and Walnut Avenue for the entire period and was responsible for most of the noise measured at this site, with the occasional exception of a loud car or motorcycle traveling on 5th Street. The average noise level (L50) was 62.0 dBA and was the result of the band noise. The maximum sound level (Lmax) of 74.6 was due to a motorcycle on 5th Street.

2. Site 2: Near the southwest corner of 3rd Street and Walnut Avenue

This site is in front of a large multi-family residential building near the entry steps to the building. The site was measured at 6:00 pm and again at 8:00 p.m. The

6:00 pm measurement actually began at 6:26 pm because the operator had to reprogram the meter. Many of the residential units have balcony areas that look toward Walnut Avenue and the noise levels measured are representative of the levels in these balcony areas. The rock band playing near Main Street and Walnut Avenue could be heard clearly at this site and noise levels from the band were generally in the upper 50 dBA to mid 60 dBA range, with noise levels from the band as high as 69 dBA. Occasional vehicles passed on Walnut Avenue and generally their noise level was in the low 60 dBA range, increasing to the 70 dBA range for louder vehicles. The L50 noise level measured at the site was 63.5 dBA due primarily to the band. The Lmax level was due to a vehicle pass-by that reached 78.6 dBA.

3. Site 3: Midblock on Olive Avenue west of Main Street

This site is located on the north side of Olive Avenue between Main Street and 5th Street. Residential units are directly above and most have balcony areas. The measurements at the site are representative of the noise levels on the balconies. A juggler act, using a small public address (PA) system, was in progress during most of the measurement period. The PA system and the crowd noise (applause and yelling) were the primary noise sources. Both the average noise level (63.0 dBA L50) and the maximum noise level (78.90 dBA Lmax) were caused by the crowd and the act.

4. Site 4: Southeast corner of 3rd Street and Olive Avenue

The street fair noise at this site was only occasionally audible. Generator and air pump noise for bounce houses were heard around 5:00 p.m. and the levels were approximately 59 dBA. Crowd applause was heard and reached 64 dBA. Most of the noise at the site was due to cars and other vehicles. The L50 was due to neighborhood noise such as conversation, car and residence doors closing, children playing, and distant traffic. The noise level was 60.5 for the 7:00 p.m. measurement. The Lmax was 88.0 due to a motorcycle.

5. Site 5: Second floor breezeway along Main Street near Orange Avenue

The measurements for Site 5 were taken from the outdoor breezeway offices located on the second floor of the building located at the southwest corner of Main Street and Orange Avenue. However, residential units are located directly above the offices and most have outdoor balcony areas. The measurements are representative of the noise levels on those balconies. The site was measured at 5:00 p.m. and again at 8:00 p.m. The primary noise source during both measurements was due to the crowd milling on Main Street. No bands or other performers could be heard. The L50 noise levels were 62.5 dBA for the 5:00 p.m. measurement and 64.5 dBA for the 8:00 pm measurement. The Lmax noise levels were 86.1 dBA and 79 dBA for the 5:00 p.m. and 8:00 p.m. periods, respectively. The maximum noise levels were the result of trucks or motorcycles passing on Orange Avenue.

The difference between ambient and event noise levels is shown in Table 12 below. In community noise measurements, a change of less than 3dB is not considered perceptible. Noise impacts may be considered significant if they create a substantial permanent or temporary increase. The term “substantial” is not quantified in the CEQA Guidelines; however, “substantial” is generally taken to mean a level that is clearly perceptible to humans. For purposes of analysis under CEQA, a +3dB increase is considered a significant increase if it causes the most stringent thresholds to be exceeded on a permanent or temporary basis.

Table 12 – Difference in Ambient vs. Surf City Nights Noise Levels (dB)

| Site | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|------|------------|------|------|------|-----|-----|
| 1 | 7:00 pm | 0.7 | 2.5 | 5.5 | 7.0 | 7.5 |
| 2 | 6:00 pm | -5.5 | 2.5 | 6.0 | 8.5 | 9.0 |
| 2 | 8:00 pm | 11.3 | 1.5 | 2.5 | 3.5 | 6.0 |
| 3 | 6:00 pm | -0.9 | -1.0 | -0.5 | 3.0 | 3.5 |
| 4 | 5:00 pm | 1.7 | -- | -- | -- | -- |
| 4 | 7:00 pm | 4.0 | 4.0 | 3.5 | 4.5 | 6.0 |
| 5 | 5:00 pm | -4.7 | -2.0 | 0.5 | 2.0 | 2.5 |
| 5 | 8:00 pm | -3.9 | 1.5 | 2.5 | 3.5 | 4.0 |

1. Site 1 - Northwest corner of 5th Street and Walnut Avenue

The noise levels that represent more of the average noise levels (e.g. L50) increased a significant amount at this site due to the event. The increase in noise can be directly attributed to the rock band that was playing with amplified sound near the intersection of Main Street and Walnut Avenue.

2. Site 2: Near the southwest corner of 3rd Street and Walnut Avenue

Similar to Site 1, the average noise levels increased significantly for this site and can be attributed to the rock band with amplified sound. This increase was evident during the 6:00 p.m. and 8:00 p.m. hour measurements at this site. The Lmax levels increased for one hour at 8:00 p.m. and decreased for the earlier 6:00 p.m. hour. Lmax levels were attributable to vehicles on 3rd Street.

3. Site 3: Midblock on Olive Avenue west of Main Street

Average noise levels (L25 and L50) increased significantly at this site. This was due largely to a juggler act at the corner of Main Street and Olive Avenue using a public address system in addition to the crowd noise responding to the act.

4. Site 4: Southeast corner of 3rd Street and Olive Avenue

Event noise was not audible or was just barely audible with a 1.7 Lmax increase at this site and did not contribute directly to the noise levels. Significant increases in noise were measured for all noise metrics during the 7:00 p.m. hour, due to an increase of traffic on local roadways and on 3rd Street in particular. The increase in traffic could be attributed to people coming to the event or using 3rd Street as an alternate route to Main Street, which was blocked for the event.

5. Site 5: Second floor breezeway along Main Street near Orange Avenue

The event caused increases in the average noise levels at this site with increases during the 8:00 p.m. hour being significant with L25 increasing by 3.5 dB and L50 increasing by 4.0 dB. The increase was due mainly to the general crowd noise along Main Street. It should be noted that the Lmax levels were lower during the event as compared to the ambient measurement, and this was due to the absence of cars and traffic noise on Main Street during event hours, possibly due to vehicles using 3rd Street as an alternative to Main Street.

While some city Noise ordinances exempt public events from compliance, the City of Huntington Beach does not. Section 8.40.090 B does exempt “Activities otherwise lawfully conducted in public parks, public playgrounds and public or private school grounds” but the ordinance does not specify public streets or sidewalks. Therefore, the Surf City Nights project must comply with the City’s Noise Ordinance. To be considered an exceedance of the Noise Ordinance limit, the noise level must exceed the criteria in Table 10 – Noise Ordinance Standards, City of Huntington Beach (page 70). Table 13 below shows that the noise ordinance limits were exceeded at every site with the event in progress. However, at Site 4, the noise level exceedances were not directly related to the event but rather attributable to an increase in traffic noise from event vehicles and the diversion of cars down 3rd Street.

Table 13 – Noise Ordinance Limit Exceedance

| Site | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|------|------------|------|------|------|-----|-----|
| 1 | 7:00 pm | No | No | No | Yes | Yes |
| 2 | 6:00 pm | No | No | Yes | Yes | Yes |
| 2 | 8:00 pm | Yes | No | No | No | Yes |
| 3 | 6:00 pm | No | No | No | Yes | Yes |
| 4 | 5:00 pm | Yes | -- | -- | -- | -- |
| 4 | 7:00 pm | Yes | Yes | No | Yes | Yes |
| 5 | 5:00 pm | No | No | Yes | Yes | Yes |
| 5 | 8:00 pm | No | No | Yes | Yes | Yes |

As previously discussed, the City’s Municipal Code includes provisions for approval of a Noise Deviation Permit. While the approval of a Noise Deviation Permit would not eliminate the impacts identified related to noise, it would permit the deviation to occur, thereby removing the conflict that currently exists between the Noise Ordinance thresholds and requirements and the noise generated by the Project. Noise impacts would remain significant during the weekly event.

Section 8.40.130 of the Municipal Code states that the applicant must provide information in the application regarding actions taken to comply with the Noise Ordinance, reasons why compliance cannot be achieved, and a proposed method of achieving compliance, if such method exists. The applicant must also demonstrate the need to deviate from the noise level and whether the deviation produces a greater benefit to the community that outweighs the temporary increase in noise level.

Due to the nature of the Proposed Project, compliance with the Noise Ordinance thresholds is not possible while still maintaining the activities the Project has included

since 2007. The Project provides Huntington Beach residents and visitors with an opportunity to enjoy a family event that is geared towards all ages. Activities, food, farmers' market products, and area retail establishment products are available at the festival, enhanced by live entertainment. Traffic and crowd noise are natural consequences of this type of event and there is no way to achieve strict Noise Ordinance compliance while maintaining the established activities. The benefits to the community and visitors are evident from the success of the weekly festival, which provides an opportunity for local merchants to offer their services and wares to a larger audience. Therefore, the deviation does produce a greater benefit to the community that outweighs the temporary, once-a-week exceedance. While noise impacts would remain significant during the weekly event, the Noise Deviation Permit would allow the exceedance to occur.

1. Expansion of Existing Surf City Nights Event

As noted above, the expansion of Surf City Nights onto 5th Street between PCH and Walnut Avenue will not include amplified sound. However, this area will likely experience increased noise impacts from vendors and people attending the festival. The area contains mixed-use development with residential uses located on many of the upper floors above commercial uses. The Site 1 noise measurement location was just north of this area, across Walnut Avenue. Once vendors are added to this area, the resulting noise levels would be similar to those measured at Site 5, which contains residential uses in a mixed-use area directly adjacent to the event area. Site 5 measurements under existing conditions showed increases in average ambient noise levels with the 8:00 p.m. measurement showing an increase due mainly to crowd noise. The Site 5 L25 increased by 3.5 dB, and the L50 increased by 4.0 dB.

2. Vibration Levels

Operation of the Proposed Project would not increase groundborne vibration or groundborne noise within the project area above existing conditions. No construction or permanent land alternations are proposed which might create vibration impacts due to heavy ground impacts such as the operation of a pile driver or jackhammer. No activities during the event nights will cause a higher energy impact to the ground or a structure attached to the ground. Therefore, no vibration impacts are anticipated.

5.3.5 Mitigation Measures

CEQA assesses noise impact thresholds at a perceived level, but does not quantify a dBA. However, the noise impact analysis for the project used a threshold of an increase of 3dBA, which is generally acceptable for assessment purposes. Each monitored site exceeded this threshold. Additionally, the Surf City Nights event will result in noise levels that exceed the City's threshold for exterior noise levels

5.3.6 Level of Significance after Mitigation

Implementation of the Proposed Project will result in the exposure of persons to noise levels in excess of the standards established in the City's Noise Ordinance. The Proposed Project will result in a temporary and periodic increase in noise levels as compared to existing ambient noise levels. The increase in noise levels is greater than 3 dB, and will exceed the standards established in the City's Noise Ordinance. This increase will occur on a temporary but recurring basis between 5:00 pm and 9:00 pm on Tuesdays. Seasonal fluctuations in event attendance will further contribute to the temporary nature of the noise standard exceedance due to noise from crowds and traffic since peak attendance periods are during the months of June through September. Live entertainment with amplified sound will occur throughout the year. However, the project will not result in a daily permanent increase in ambient noise levels, because the event takes place one night per week and seasonal fluctuations vary the noise levels.

The Noise Measurement Survey determined that ambient noise levels at all measured sites were determined by the local traffic and currently existing commercial uses. The Lmax noise levels are already above the Noise Ordinance limits in most cases. Therefore, consistent with Municipal Code Section 8.40.060, the ambient noise levels become the noise standards. The Proposed Project will increase noise levels above the existing ambient noise levels as depicted in Table 12 – Difference in Ambient vs. Surf City Nights Noise Levels (dB) (page 74). This temporary and periodic noise increase will be perceptible and is considered a significant, unavoidable impact.

The Proposed Project will not expose people to excessive groundborne vibration or groundborne noise levels as no construction or heavy equipment use are proposed. The project is not located in the vicinity of an airport land use plan or within two miles of a public airport, public use airport, or private airstrip. The Proposed Project will not expose persons residing or working in the Project area to excessive noise levels due to airport noise.

5.3.7 Cumulative Impacts

The Proposed Project will result in a temporary and periodic increase in ambient noise levels, but there would not be a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Although infrequent, Surf City Nights occasionally coincides with other special events in the City, and combined noise increase may result in a cumulative impact. As noted above, the existing ambient noise levels are in excess of the City's noise standards outlined in the Noise Ordinance. Section 8.40.060 of the Noise Ordinance specifies that when the existing noise levels exceed the noise standards, the existing noise levels become the noise limits. The Proposed Project will result in an increase in the existing ambient noise levels, and may incrementally increase noise levels when combined with other projects. Therefore, the Proposed Project will result in a cumulative impact.

5.3.8 Unavoidable Adverse Impacts

The Proposed Project will contribute a temporary and periodic noise increase to the existing ambient noise levels which, are already in excess of the City's Noise Ordinance standards. These temporary and periodic noise level increases are projected to result in 3 dB increases and greater, which is a perceptible increase in noise levels and considered a significant, unavoidable impact for the purposes of this analysis. While this is a temporary and periodic noise impact, occurring on Tuesday nights, it is nevertheless considered significant and unavoidable.

No live entertainment is proposed for the segment of 5th Street that represents an expansion of the existing Project location and, therefore, noise related to 5th Street would be strictly from the event crowd and comparable to noise levels surveyed at monitoring site 5.

The Noise Measurement Survey (Appendix F) did not identify mitigation measures that would be capable of reducing the noise levels associated with amplified sound. However, the Noise Measurement Survey does provide an alternative to the Proposed Project, which includes a recommendation to restrict live entertainment to mid-block locations 100' from any residential units, and to eliminate amplified sound. Further analysis based on this recommendation is included herein as an Alternative to the proposed Project and can be found in Chapter 6, Alternatives Analysis (beginning on page 99).

5.4 Transportation and Traffic

The Transportation and Traffic section of this Focused EIR is based on a Traffic Analysis prepared by the City, which is included herein as Appendix G. The analysis specifically includes the existing and future conditions with and without the Proposed Project for a typical afternoon peak period. The Surf City Nights event has been taking place since 2007 and, therefore, the City has attendance information related to the event. However, the expansion to include a portion of 5th Street has been incorporated into the total Project for analysis purposes as shown on Exhibit 23 – Street Closure Areas during Surf City Nights. Exhibits 23 and 25-27 retain a figure number, as well as their assigned EIR Exhibit number, as they have been utilized directly from the Traffic Analysis.

Because the Surf City Nights event does not occur during morning peak periods, no analysis was performed for that time of the day. Afternoon peak hour traffic counts were obtained during the summer on a Surf City Nights event day and the following day. Peak hour counts generally represent the highest volume of existing traffic.

5.4.1 Existing Conditions

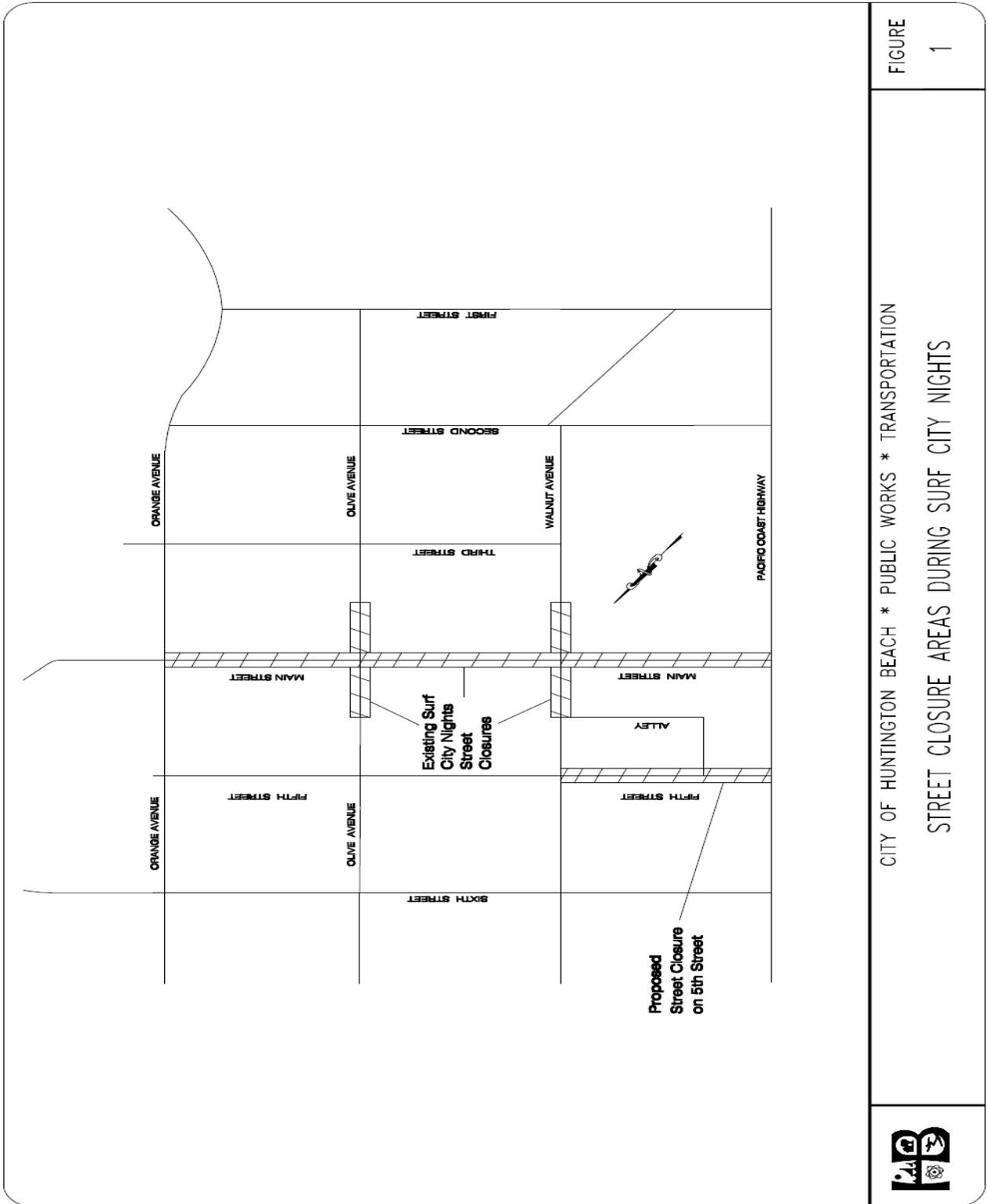
Regional access to the Project site is provided by the San Diego Freeway which is located approximately 5 miles to the north. The site can be accessed from the freeway via Beach Boulevard to Main Street. Pacific Coast Highway (PCH) runs along the south side of the Project area and is an interstate highway that traverses through and beyond the City to the north and south. Local access to the project area is provided by a number of major and local minor roadways including Atlanta Avenue, Huntington Street and 6th Street. It is recognized that there may be temporary traffic delays on PCH, especially during summer months, due to traffic generated by tourists and beach-goers. However, to the extent there are vehicle back-ups along the Project area, drivers have several alternate streets to use.

1. Traffic Analysis Study Area

The traffic analysis included the following intersections in the Project vicinity:

1. Pacific Coast Highway at 1st Street (signalized)
2. Pacific Coast Highway at Main Street (signalized)
3. Pacific Coast Highway at 6th Street (signalized)
4. Main Street at Orange Avenue (all-way stop)

The key intersections are depicted on Exhibit 24 – Key Intersection Map. Level of Service (LOS) was used to evaluate the potential traffic-related impacts associated with the Proposed Project.



CITY OF HUNTINGTON BEACH * PUBLIC WORKS * TRANSPORTATION
STREET CLOSURE AREAS DURING SURF CITY NIGHTS

FIGURE
 1



Source: Surf City Nights 5th Street Closure Traffic Analysis

Exhibit 23 – Street Closure Areas during Surf City Nights

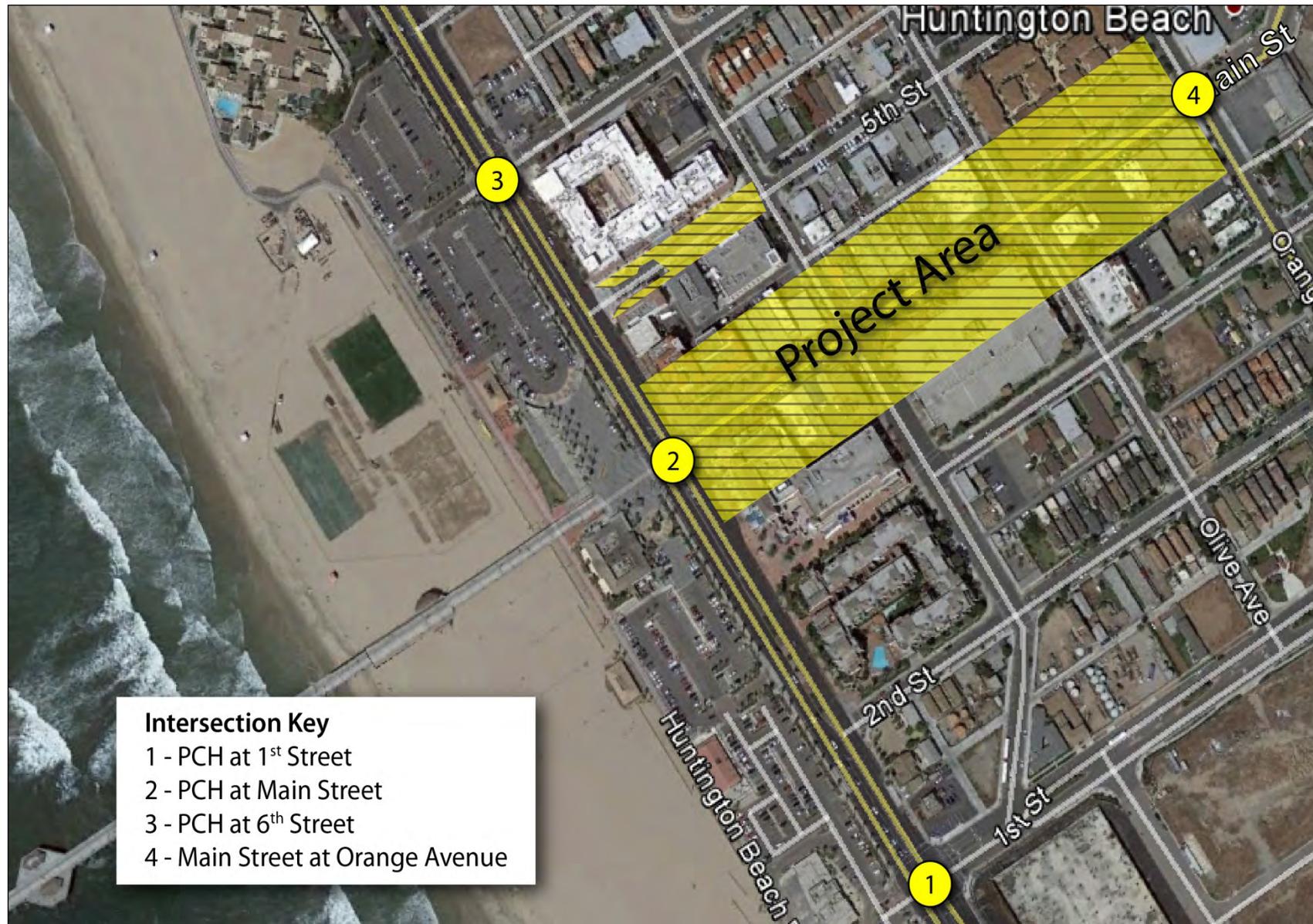


Exhibit 24 – Key Intersection Map

The existing levels of service are shown on Table 14 – Existing Intersection Level of Service below.

Table 14 – Existing Intersection Level of Service

| Intersection | Control | Wednesday, PM Peak Hour | | | |
|------------------------------|--------------|-------------------------|-----|------|-----|
| | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 PCH/1 st Street | Signal | 18.7 | B | 0.51 | A |
| 2 PCH/Main Street | Signal | 14.2 | B | 0.71 | C |
| 3 PCH/6 th Street | Signal | 13.0 | B | 0.63 | C |
| 4 Main Street/Orange Avenue | All-Way Stop | 13.8 | B | - | - |

As shown, all study area intersections currently operate at acceptable levels of service during the weekday afternoon peak hour. Traffic volumes are shown on Exhibit 25 – PM Peak Hour Traffic Volumes – Existing.

Table 15 presents the current PM intersection level of service conditions on a Surf City Nights Tuesday. Traffic volumes are shown on Exhibit 26 – PM Peak Hour Traffic Volumes.

Table 15 – Existing Intersection Level of Service on Surf City Nights Tuesdays

| Intersection | Control | Tuesdays, PM Peak Hour | | | |
|------------------------------|--------------|------------------------|-----|------|-----|
| | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 PCH/1 st Street | Signal | 24.6 | C | 0.57 | A |
| 2 PCH/Main Street | Signal | 6.1 | A | 0.67 | B |
| 3 PCH/6 th Street | Signal | 18.6 | B | 0.65 | B |
| 4 Main Street/Orange Avenue | All-Way Stop | 13.3 | B | - | - |

As shown, all intersections currently operate at acceptable levels of service during peak hours on Surf City Nights Tuesdays.

2. Existing Street System

The following brief descriptions depict the types of roadways within and adjacent to the Project area.

- Pacific Coast Highway (SR-1) (PCH)** is a State Highway, oriented in a northwest-southeast direction. PCH extends through the state and provides regional access to the Project site. In the immediate Project vicinity, PCH provides six travel lanes divided by a raised median between 6th Street and 1st Street. North of 6th Street, PCH becomes a four-lane divided roadway with metered parallel parking. PCH is a Caltrans roadway, and all study intersections along PCH are Caltrans-controlled intersections.

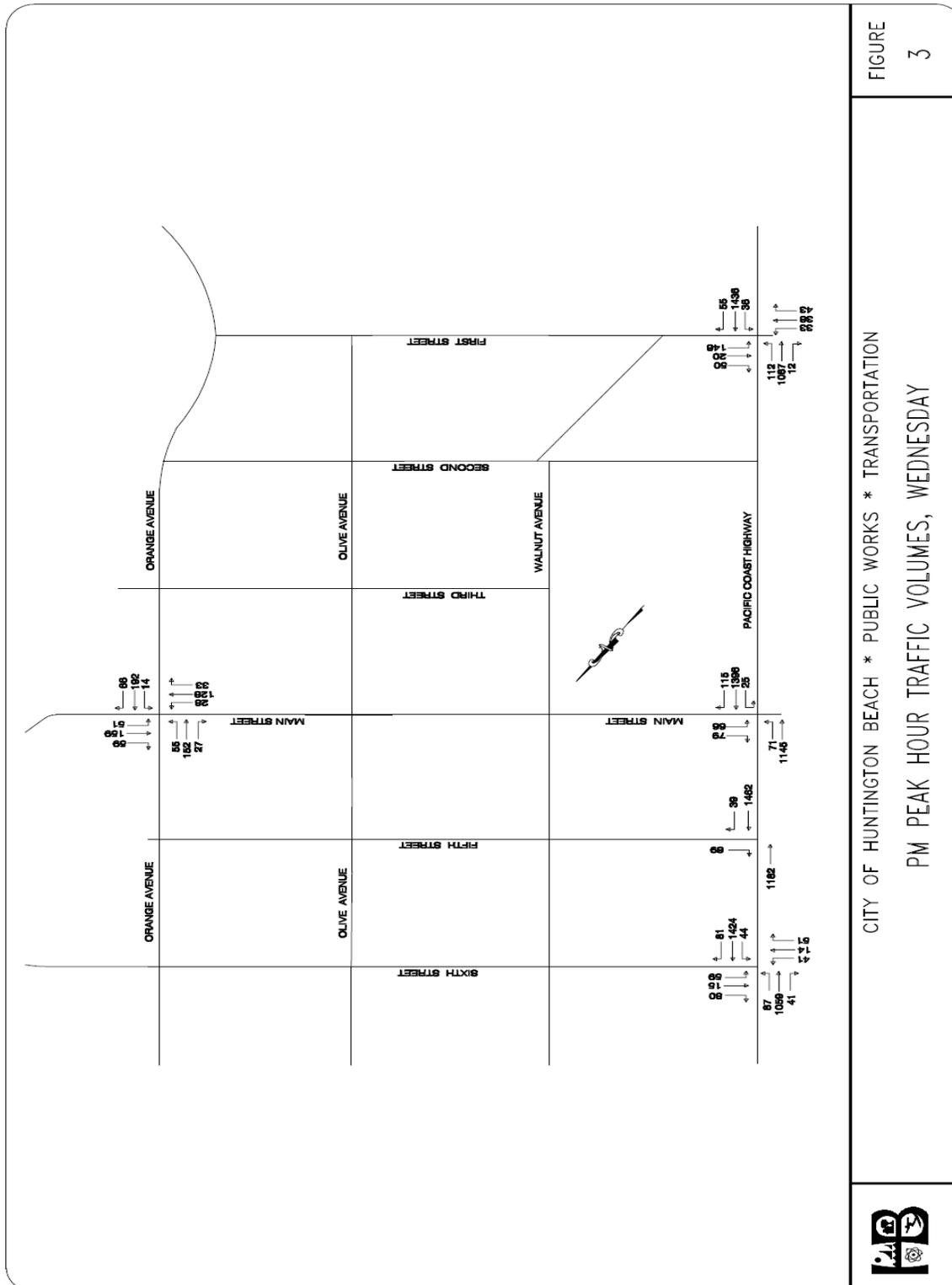


FIGURE 3

Source: Surf City Nights 5th Street Closure Traffic Analysis

Exhibit 25 – PM Peak Hour Traffic Volumes – Existing

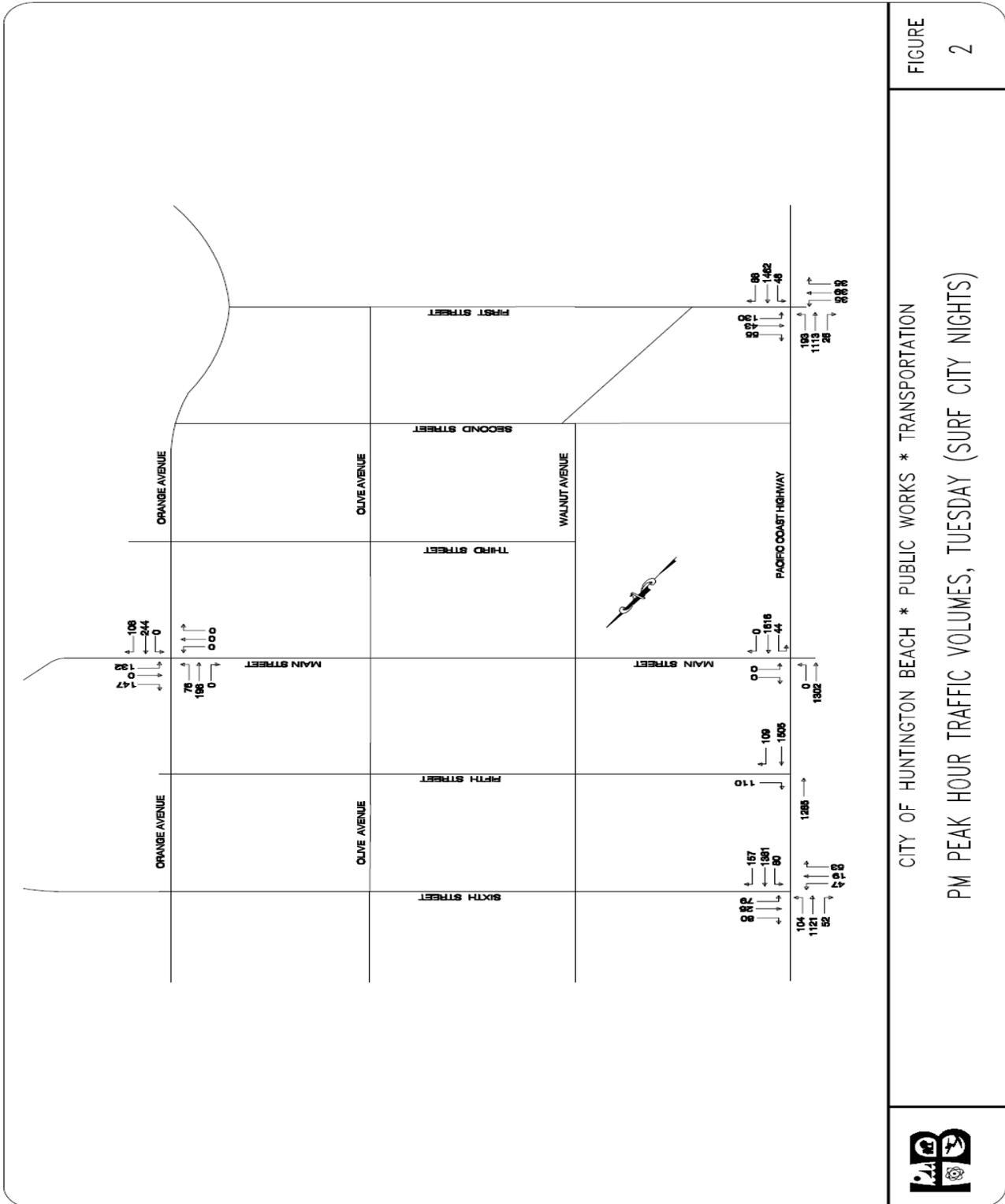


FIGURE 2

Source: Surf City Nights 5th Street Closure Traffic Analysis

Exhibit 26 – PM Peak Hour Traffic Volumes with Existing Project

- **Main Street** extends through the Project site starting at PCH and ending at Beach Boulevard. Main Street is currently a two-lane undivided road through the downtown area with a combination of diagonal and parallel metered street parking throughout downtown and unmetered street parking north of downtown. The posted speed limit on Main Street is 25 to 35 miles per hour.
- **Walnut Avenue** is a two-lane undivided road oriented in a northwest-southeast direction paralleling PCH starting at Goldenwest Street and ending at 1st Street. Parking is allowed on both sides of the street, with metered parking through the downtown portion of the road. Walnut Avenue is classified as a Secondary Roadway between 6th Street and 1st Street on the City's Circulation Plan and on the County of Orange Master Plan of Highways.
- **Olive Avenue** is a two-lane undivided road oriented in a northwest-southwest direction, starting at Goldenwest Street and ending at 1st Street. Parking is allowed on both sides of the street, with metered parking through the downtown area.
- **Orange Avenue** is a two-lane undivided road oriented in a northwest-southeast direction, from Goldenwest Street to 1st Street, and then becoming Atlanta Avenue east of 1st Street. Parking is allowed on both sides of the street. Orange Avenue is classified as a four-lane Primary Roadway on the City's Circulation Plan and on the County of Orange Master Plan of Arterial Highways through the City's downtown area.
- **5th Street** is a local street with metered parking on both sides north of Walnut Avenue to Olive Avenue.

3. Existing Intersection Conditions/Methodology

The Intersection Capacity Utilization (ICU) methodology for signalized intersections and the Highway Capacity Manual 2000 (HCM) methodology were used to evaluate the existing PM peak hour operating conditions for the key intersections. Caltrans requires signalized intersections be analyzed using HCM procedures, while the City of Huntington Beach uses ICU evaluation methods.

RTC-1. Intersection Capacity Utilization Methodology

The ICU method estimates the volume-to-capacity (V/C) relationship based on the individual V/C ratios for key conflicting traffic movements. The ICU numerical value represents the percent signal (green) time, and thus capacity, required by existing and/or future traffic. The ICU methodology assumes uniform traffic distribution per intersection approach lane and optimal signal timing.

The ICU value translates to a Level of Service (LOS) estimate, which is a relative measure of the intersection performance and is the sum of the critical V/C ratios

at an intersection and is intended to indicate the total volume rather than the LOS of each individual turning movement. The key signalized intersections are identified as Principle Intersections in the City’s Circulation Element of the General Plan with an adopted performance standard of LOS D. LOS D standard was also used at the non-signalized location (Main Street/Orange Avenue) since no adopted standard exists for non-signalized intersections. Table 16 describes the LOS values.

Table 16 – Level of Service Criteria for Signalized Intersections

| Level of Service (LOS) | Intersection Capacity Utilization Value (V/C) | Level of Service Description |
|------------------------|---|--|
| A | ≤ 0.600 | EXCELLENT. No vehicle waits longer than one red light, and no approach phase is fully used. |
| B | 0.601 – 0.700 | VERY GOOD. An occasional approach phase is fully utilized; many drivers begin to feel somewhat restricted within groups of vehicles. |
| C | 0.701 – 0.800 | GOOD. Occasionally drivers may have to wait through more than one red light; backups may develop behind turning vehicles. |
| D | 0.801 – 0.900 | FAIR. Delays may be substantial during portions of the rush hours, but enough lower volume periods occur to permit clearing of developing lines, preventing excessive backups. |
| E | 0.901 – 1.000 | POOR. Represents the most vehicles intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles. |
| F | > 1.000 | FAILURE. Backups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Potentially very long delays with continuously increasing queue lengths. |

RTC-2. Highway Capacity Manual (HCM) Method of Analysis (Signalized Intersections)

The Level of Service for signalized intersections is defined in terms of control delay, which is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Total delay is the difference between the travel time actually experienced and the reference travel time that would result during ideal conditions – in the absence of traffic control, in the absence of geometric delay, in the absence of any incidents, and when there are no other vehicles on the road.

The HCM quantifies only the portion of total delay attributed to the control facility. This is called control delay and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. LOS criteria for traffic signals are stated in terms of the average control delay per vehicle. Table 17 defines the six qualitative categories of LOS along with the corresponding HCM control delay value range for signalized intersections.

**Table 17 – Level of Service Criteria for Signalized Intersections
(HCM Methodology)**

| Level of Service (LOS) | Control Delay Per Vehicle (seconds/vehicle) | Level of Service Description |
|------------------------|---|--|
| A | ≤10.0 | This level of service occurs when progression is extremely favorable and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay. |
| B | > 10.0 and ≤20.0 | This level generally occurs with good progression, short cycle lengths, or both. More vehicles stop than with LOS A, causing higher levels of average delay. |
| C | > 20.0 and ≤35.0 | Average traffic delays. These higher delays may result from fair progression, longer cycle lengths, or both. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant at this level, though many still pass through the intersection without stopping. |
| D | > 35.0 and ≤55.0 | Long traffic delays At level D, the influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high v/c ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable. |
| E | > 55.0 and ≤80.0 | Very long traffic delays This level is considered by many agencies (i.e. SANBAG) to be the limit of acceptable delay. These high delay values generally indicate poor progression, long cycle lengths, and high v/c ratios. Individual cycle failures are frequent occurrences. |
| F | ≥80.0 | Severe congestion This level, considered to be unacceptable to most drivers, often occurs with over saturation, that is, when arrival flow rates exceed the capacity of the intersection. It may also occur at high v/c ratios below 1.0 with many individual cycle failures. Poor progression and long cycle lengths may also be major contributing factors to such delay levels. |

Source: *Highway Capacity Manual 2000*, Chapter 16 (Signalized Intersections)

RTC-3. Highway Capacity Manual (HCM) Method of Analysis (Unsignalized Intersections)

The 2000 HCM methodology for stop-controlled intersections was utilized for the analysis of unsignalized intersections. The average control delay for each of the subject movements is estimated to determine the level of service for each movement. For all-way stop-controlled intersections, the overall average control delay measured in seconds per vehicle, and level of service, is then calculated for the entire intersection. For one-way and two-way stop-controlled intersections (minor street stop-controlled), the worst side street delay, measured in seconds per vehicle, is estimated and the level of service for that approach is determined. The HCM control delay value translates to an LOS estimate, which is a relative measure of the intersection performance. Table 18 shows the LOS categories and the corresponding HCM control delay value range.

Table 18 – Level of Service Criteria for Unsignalized Intersections

| Level of Service (LOS) | Highway Capacity Manual Delay Value (sec/veh) | Level of Service Description |
|------------------------|---|------------------------------|
| A | ≤ 10.0 | Little or no delay |
| B | > 10.0 and ≤ 15.0 | Short traffic delays |
| C | > 15.0 and ≤ 25.0 | Average traffic delays |
| D | > 25.0 and ≤ 35.0 | Long traffic delays |
| E | > 35.0 and ≤ 50.0 | Very long traffic delays |
| F | > 50.0 | Severe congestion |

Source: Highway Capacity Manual 2000, Chapter 17 (Unsignalized Intersections)

RTC-4. State of California (Caltrans) Methodology

As noted, PCH is a Caltrans facility and all intersections along PCH are Caltrans-controlled intersections. Although there is no LOS threshold on State facilities, Caltrans endeavors to maintain a target LOS at the transition between LOS C and LOS D on State highway facilities but does not require LOS D be maintained. Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS.

4. Thresholds of Significance

The state encourages local agencies to adopt their own thresholds, but it is not required. The City utilizes the CEQA Guidelines checklist for the applicable thresholds to determine if a project would have a potential significant impact with respect to transportation and traffic. Appendix G of the CEQA Guidelines states: 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?
- 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?
- 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?
- d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?
- e) Result in inadequate emergency access?
- f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The City of Huntington Beach has established a threshold of LOS D as the limit of acceptable operations at the signalized intersections included in this analysis. LOS D was also used as the threshold for the unsignalized intersections analyzed in the City's study.

While the threshold is not included in the CEQA guidelines, the City of Huntington Beach utilizes the following threshold related to parking impacts. Would the project:

- Result in inadequate parking capacity?

Congestion Management Program (CMP) Compliance

The Orange County Congestion Management Program (CMP) requires that a traffic impact analysis be conducted for any project generating 2,400 or more daily trips or 1,600 or more daily trips for projects that directly access the CMP Highway System. Per the CMP guidelines, this number is based on analysis of any impacts that will be 3.0% or more of the existing CMP highway system facilities' capacity.

5.4.2 Project Impacts Prior to Mitigation

The Surf City Nights event has been in operation since May 2007 as a temporary use on Main Street between PCH and Orange Avenue only. The Proposed Project would expand the street closure to include portions (half-block) of Walnut Avenue and Olive Avenue between 3rd Street and 5th Street and between PCH and Walnut on 5th Street. The resulting street closures on Tuesdays during event operation would re-direct traffic throughout the adjacent area. The street closures are viewed by a few business owners and local residents as an inconvenience. Some business owners feel that the street closures result in their patrons having to seek parking farther from their businesses. However, the Proposed Project is supported by many business owners and local residents.

Based on existing and projected attendance, it is estimated that approximately 2,800 people will participate in the entire event from event set-up through closure. Previously, one event during the peak summer season attracted approximately 5,000 people, but the average attendance is anticipated to remain at approximately 2,800.

Due to the family-oriented nature of the event, vehicle trips would likely have a higher occupancy rate per vehicle than a typical business or shopping commute. Local attendees also walk, bike, or use City shuttle or transit services to access the event, eliminating the need for vehicle transport. Accounting for various modes of travel (15%) and internal trip capture (15%), the Project would generate approximately 1,960 vehicle trips for an average event. On the projected highest attendance event days, the Project would generate approximately 3,500 trips.

Level of Service Analysis

The traffic analysis was conducted with the closure of the first block of 5th Street during a Surf City Nights event. Traffic volumes were adjusted to account for the closure of 5th Street in addition to the regular Main Street closure. The resulting level of service based on that analysis is presented in Table 19.

Table 19 – Level of Service with Project (including 5th Street closure)

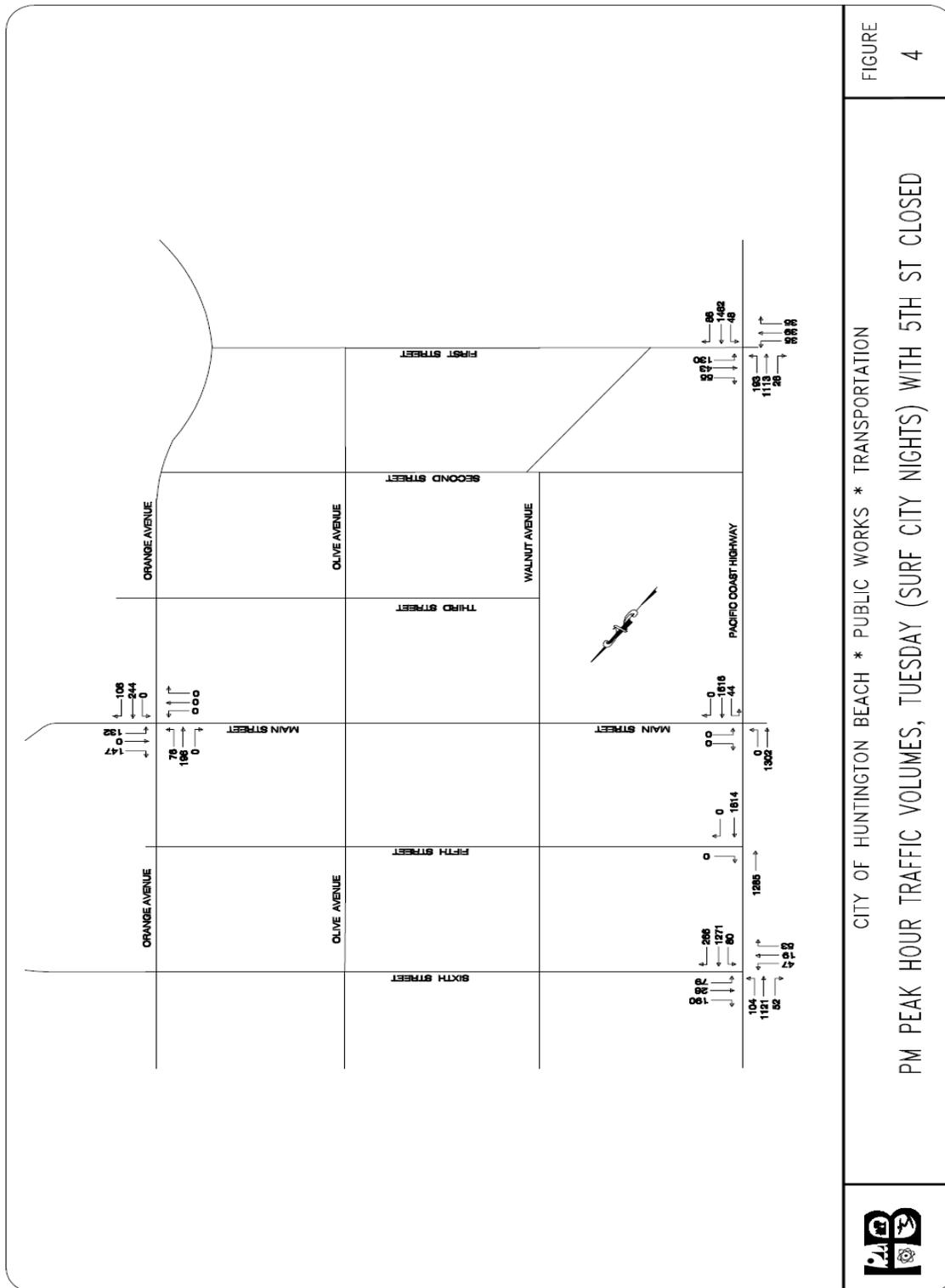
| Intersection | Control | Surf City Nights PM Peak Hour | | | |
|------------------------------|--------------|-------------------------------|-----|------|-----|
| | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 PCH// Street | Signal | 24.6 | C | 0.57 | A |
| 2 PCH/Main Street | Signal | 5.9 | A | 0.67 | B |
| 3 PCH/6 th Street | Signal | 22.8 | C | 0.76 | C |
| 4 Main Street/Orange Avenue | All-Way Stop | 13.3 | B | | - |

For purposes of analysis, traffic volumes at PCH and 5th Street were diverted to PCH and 6th Street. Exhibit 27 – PM Peak Hour Volumes with Proposed Project Conditions (5th Street Closed) shows the study area intersection traffic volumes under the Proposed Project conditions. The additional traffic at PCH and 6th Street increased the PM peak hour intersection delay by 9.8 seconds (based on HCM calculations) compared with the non-event day. The level of service also increased from LOS B to LOS C.

Using ICU methodology, the intersection LOS at PCH and 6th Street was unchanged (LOS C) with an ICU increase of 0.13. At the intersection of PCH and 1st Street, the LOS increased from LOS B to LOS C, an expected increase as traffic diverts to 1st Street due to the other street closures when Main Street and 5th Street are closed under Project conditions. Comparison of the current Surf City Nights street closures with the additional 5th Street closure increases the LOS at the intersection of PCH and 6th Street from LOS B to LOS C. However, all study intersections are projected to continue to operate at an acceptable level of service.

Internal Circulation

The entries to streets within the Project boundaries that will be closed for the Surf City Nights event will be protected with impact rated barriers. These barriers will limit the potential of a vehicle accidentally entering the portions of the streets subject to closure that will be occupied by vendors and pedestrians. Permanent signs on poles and on individual parking meters indicate that there is no parking allowed between 2:00 p.m. and 11:00 p.m. on Tuesdays. Pedestrian access is maintained through the Project area during the street closures using standard traffic control devices and procedures. The street closures may be viewed as an inconvenience, but the once-a-week, temporary nature of the closure is not considered a significant impact.



Source: Surf City Nights 5th Street Closure Traffic Analysis

Exhibit 27 – PM Peak Hour Volumes with Proposed Project Conditions (5th Street Closed)

In the event of an emergency situation such as the issuance of a tsunami warning, the event will be cancelled and no street closures will occur that could impede evacuation or emergency rescue operations. Because of currently available advance warning technology, the festival will be cancelled if tsunami or flooding warnings are issued, and no impacts will occur related to such emergencies.

County CMP Analysis

The Orange County Transportation Authority (OCTA) is the County's designated Congestion Management Agency. The OCTA is responsible for developing the Orange County Congestion Management Program (CMP). The goals of the CMP are to support regional mobility and air quality objectives by reducing traffic congestion, providing a mechanism for coordinating land use and development decisions supporting the regional economy and determining gas tax fund eligibility. The CMP notes that since 1994 the selected traffic impact analysis process has been consistently applied to all development projects meeting the adopted trip generation thresholds (i.e., 2,400 or more daily trips for projects adjacent to the CMP Highway System (CMPHS) and 1,600 or more daily trips for projects that directly access the CMPHS). There are no CMPHS intersections within the Project study area. However, PCH is a CMP facility that is directly accessed by vehicles traveling to and from the Proposed Project.

Based on event and non-event trip distribution data, approximately 15 percent of the event traffic directly accesses PCH. Using a conservative trip distribution estimate of 20 percent event traffic that would directly access PCH on the highest attendance days results in approximately 700 trips. This figure is less than the established CMP trip generation threshold for impact analysis and, therefore, no CMP traffic impact analysis is required for the Proposed Project. The Proposed Project will result in a less than significant impact under the County CMP.

Parking

The street closures associated with Surf City Nights will restrict use of 58 existing on-street parking meters and spaces in the Project area. However, this temporary restriction on parking does not constitute a "loss" of parking per the City's Coastal Element Land Use Policy C 2.4.2, as no parking spaces are being eliminated or displaced on a permanent basis. Policy C 2.4.2.f. states: "Replace any on-street parking lost in the coastal zone on a 1:1 basis within the coastal zone prior to or concurrent with the loss of any parking spaces." The parking spaces are restricted during the hours of 2:00 p.m. to 11:00 p.m. only on Tuesdays to allow for set-up and clean-up time for vendors as well as the event, which is open from 5:00 p.m. to 9:00 p.m.

Based on current attendance figures, the City has estimated that average attendance is 800 people per hour from 5:00 p.m. to 8:00 p.m. Average attendance decreases between 8:00 p.m. and 9:00 p.m. to approximately 400

people. The average length of stay is estimated at 1.5 hours. Assuming a two-person-per-vehicle occupancy rate, these attendance figures would require approximately 800 spaces to be available throughout the event. However, approximately 30% of the people walk, bike, or take other modes of transportation, or may already be present in the downtown area.

Not including the restricted parking meters noted herein, 640 on-street parking spaces are available, as well as approximately 1,700 parking spaces in public parking structures (Main Promenade, The Strand, Plaza Almeria, and Pier Plaza). The Main Promenade parking structure, which contains 830 parking spaces, is located on Main Street between Walnut Avenue and Olive Avenue at the center of the event activities. Exhibit 5 – Area Parking Structures (page 23) depicts the location of the Main Promenade parking structure, as well as the existing parking meters.

Approval of the event in 2008 included a requirement to monitor the Main Promenade parking structure to ensure that demand does not exceed the supply. At that time, the City implemented a shuttle service from the Civic Center when the Main Promenade reached capacity for two hours. In 2012, the City began operating the Surf City Downtown Shuttle on Tuesdays from 5:30 p.m. to 10:00 p.m. during the peak season to provide a no-cost opportunity to visit Surf City Nights and park near the Civic Center where the shuttle originates. There are a maximum of 350 spaces at the Civic Center for shuttle users. This service operates when the parking structures reach capacity and in compliance with the 2008 approval requirement to monitor parking. The City has also partnered with a merchant on 5th Street and Olive Avenue who provides a secure, no-cost parking area for bicyclists on Tuesdays to accommodate the Surf City Nights event, as well as on the weekends.

The City's Downtown Parking Study (2009) shows that on a typical summer weekday, during event hours approximately 59% to 64% of available public parking spaces are utilized. This amount decreases during the off-peak season months of October through May. Although the highest attendance recorded of 5,000 people was reached once, this number did not take into account the number of pedestrians, bicyclists, and shuttle users in attendance. Approximately 2,690 parking spaces exist in the Project vicinity, of which approximately 968 spaces would be available for event-goers based on the parking utilization data for the Downtown Parking Study.

There is adequate parking in the immediate vicinity, and Surf City Nights is a visitor-serving event within the Coastal Zone, which use is encouraged by the Coastal Act. Due to its proximity to PCH and the oceanfront, the event provides an opportunity for the public to visit Surf City Nights and have access to the various other coastal amenities within the City such as the beach, the pier, and various restaurant and commercial uses along PCH and within the Project boundaries. The temporary displacement of metered parking is offset by the abundance of nearby parking within the Coastal Zone and by the provision of a

free shuttle. The Coastal Act policy requiring replacement parking within the Coastal Zone is not applicable given the temporary nature of event parking meter restriction.

Emergency Access

Emergency vehicles can access the Project area as needed. The barriers used for street closure are removable to allow access from PCH. The City has a permit from Caltrans for closures on PCH, which incorporates devices and standard measures to ensure vehicle, pedestrian and bicycle safety. Portable bollards are used on Main Street to close access to the street. The bollards are strategically located and are quickly removable for emergency vehicle access. A fire lane is provided throughout the closure area.

5.4.3 Mitigation Measures

No significant impacts to study area intersections, streets, or Caltrans-controlled facilities (PCH) are anticipated with Project implementation. Adequate parking and shuttle service are provided and no impacts in this regard will occur. Therefore, no mitigation measures are required in the area of Traffic and Transportation. However, to maintain adequate parking availability, the following condition of approval is included. This condition is carried forward from the original permit for the event.

- COA-1 During peak visitor periods from Memorial Day to October 1, a free shuttle service shall be provided to encourage visitor parking at the Civic Center. The shuttle service shall operate when the parking structures reach capacity for a period of two hours, as determined by an electronic monitoring system.

5.4.4 Level of Significance After Mitigation

The Traffic Analysis concludes that the Proposed Project, including the closure of the first block of 5th Street during Surf City Nights, would not result in traffic impacts. The LOS increases from LOS B to LOS C at PCH and 6th Street (based on HCM methodology) which meets City criteria for acceptable service level. All analyzed intersections would continue to operate at acceptable levels with the additional closure of 5th Street.

The Proposed Project will not conflict with an applicable plan, ordinance, or policy regarding performance of the circulation system. The temporary closure of streets and the additional traffic due to the Surf City Nights event does not exceed the City threshold for the operation of either signalized or unsignalized intersections in the Project study area. The level of service will remain within acceptable levels on State highway facilities (PCH). Adequate alternative travel routes are available to reduce impacts on visitors and residents during the eight-hour period the streets will be restricted each Tuesday. There will be no impact to any plan ordinance or policy related to traffic and circulation with implementation of the Proposed Project.

The Proposed Project will not conflict with an applicable congestion management program. As detailed above, the projected average attendance, including consideration of highest attendance potential, would not exceed the established CMP trip generation threshold. Therefore, there would be no potential impacts or conflicts related to the CMP.

There would be no change to air traffic patterns resulting in substantial safety risks due to the Proposed Project. There are no public or private airports or airstrips within the City of Huntington Beach.

The Proposed Project will result in the closure of designated streets to vehicular traffic for one night each week, thus altering traffic patterns and parking during the time of such closure. While some business owners and residents view the closures as an inconvenience, this temporary closure is not considered a significant impact. Standard street closure procedures using standard traffic control devices will be used to accomplish the closures. Protective barriers will prevent vehicle ingress onto closed streets to protect pedestrians and vendors. Therefore, there will be no increase in hazards due to a design feature used for the weekly event.

Provision for emergency access has been included in the Proposed Project implementation. Street closure barriers are removable and are strategically located to allow emergency vehicle access. A fire lane area has been provided throughout the closure area. Therefore, the Proposed Project will not result in inadequate emergency access.

Pedestrian access is unrestricted during the time of the Proposed Project event with no sidewalk closures proposed. Class II bicycle lanes are located along PCH between 1st and 7th Street and will not be impacted by the closures. The OCTA has a bus route along PCH with stops at PCH/Main Street and PCH/6th Street. In addition, bicyclists have been provided with a secure bike parking area. The City has initiated a shuttle service during the peak season to provide transit to the site from remote parking areas when parking structure capacity is reached. There will be no impacts to adopted policies, plans, or programs related to public transit, bicycle, or pedestrian facilities.

5.4.5 Cumulative Impacts

An analysis was conducted to determine if any cumulative traffic impacts would result from the project in the year 2030. The cumulative year 2030 traffic volumes from the Downtown Specific Plan Update (DTSPU) EIR were used in the analysis. These volumes were derived from the Huntington Beach Traffic Model forecast outputs for the EIR.

Table 20 shows the LOS results at the signalized intersections with implementation of a pedestrian-only phase identified in the DTSPU at the intersections of PCH/1st Street and PCH/6th Street. A pedestrian phase exists at the intersection of PCH and Main Street. The intersection of PCH/Main Street was analyzed assuming the existing pedestrian phase would continue to operate in year 2030. No 2030 traffic model volumes were available to analyze the intersection of Main Street/Orange /Avenue.

This location is unsignalized and was not identified in the DTSP EIR with any impacts in the year 2030. Table 21 shows the LOS results without implementation of the pedestrian-only phases at PCH/1st Street and PCH/6th Street.

Table 20 – 2030 LOS Surf City Nights with 5th Street Closures with Pedestrian Phase

| Intersection | Control | Surf City Nights with 5 th Street Closure PM Peak Hour | | | |
|------------------------------|---------|---|-----|------|-----|
| | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 PCH/1 st Street | Signal | 76.9 | E | 1.05 | F |
| 2 PCH/Main Street | Signal | 14.8 | B | 0.67 | B |
| 3 PCH/6 th Street | Signal | 54.5 | D | 1.04 | F |

The results show that ICU impacts occur with the project at PCH/1st Street and PCH/6th Street with implementation of the pedestrian phase at those locations. Utilizing HCM methodology LOS impacts occur at PCH/1st Street as Caltrans endeavors to maintain a LOS D on state highway facilities.

Table 21 – 2030 LOS Surf City Nights with 5th Street Closures without Pedestrian Phase

| Intersection | Control | Surf City Nights with 5 th Street Closure PM Peak Hour | | | |
|------------------------------|---------|---|-----|------|-----|
| | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 PCH/1 st Street | Signal | 54.3 | D | 0.80 | C |
| 2 PCH/Main Street | Signal | 14.8 | B | 0.67 | B |
| 3 PCH/6 th Street | Signal | 51.5 | D | 0.79 | C |

All locations operate at acceptable LOS with the project in year 2030. No project related impacts occur without implementation of the pedestrian only phasing.

Table 22 depicts the 2030 LOS results at the signalized intersections with a Pedestrian Phase, without project. PCH/1st Street and PCH/6th Street will continue to operate at LOS F, as with the project condition. In both cases – with and without the project – the cause of the unacceptable LOS at PCH/1st Street and PCH/6th Street in 2030 is implementation of the pedestrian-only phase, which reduces the intersection capacity by approximately 30%.

Table 22 – 2030 LOS with Pedestrian Phase No Project

| Intersection | Control | Wednesday, PM Peak Hour | | | |
|------------------------------|---------|-------------------------|-----|------|-----|
| | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 PCH/1 st Street | Signal | 72.8 | E | 1.03 | F |
| 2 PCH/Main Street | Signal | 38.9 | D | 0.86 | D |
| 3 PCH/6 th Street | Signal | 25.8 | C | 1.03 | F |

Traffic and parking issues associated with the Project vicinity are seasonal in nature with significant fluctuations throughout the day, week, and year.

Average attendance during the four-hour festival varies, with a decline in attendance from 8:00 p.m. to 9:00 p.m. Based on existing attendance, attendance is approxi-

mately 800 persons between 5:00 p.m. and 8:00 p.m. The festival has been in operation since 2007 and accommodates the existing traffic and parking requirements with no significant impacts. Because the event occurs only weekly and there will not be a permanent loss of parking, there will be no cumulative impacts due to traffic and parking availability.

However, the potential future implementation of a pedestrian-only phase would result in a failing LOS at PCH/1st Street and PCH/6th Street as shown on Table 20; however, this condition is not related to Surf City Nights. Implementation of the pedestrian-only phases would require approval and coordination with Caltrans and would be implemented during peak pedestrian times only. Pedestrian-only traffic signal phases would result in longer wait times for traffic at these intersections; however, these impacts are not a result of the proposed project, and the proposed project would not exacerbate or worsen traffic wait times upon implementation of the pedestrian-only traffic signals. No cumulative impacts would occur without the addition of a pedestrian phase at the signalized intersections.

5.4.6 Unavoidable Adverse Impacts

There will be no unavoidable adverse impacts in the area of Transportation and Traffic with implementation of the Proposed Project.

6. Alternatives Analysis

6.1 Introduction

CEQA has long recognized that a rigorous evaluation of project alternatives is key to ascertaining whether major environmental impacts brought about by a Proposed Project can be avoided or significantly lessened. CEQA and its associated case law require that alternatives be evaluated that are capable of feasibly attaining most of the basic project objectives and offering substantial environmental advantages over the project proposed. CEQA does not require that an agency speculate unnecessarily or re-evaluate previously analyzed alternatives where no new significant information – i.e., in an earlier CEQA document - shows that such alternatives would now be feasible. Additionally, CEQA does not require that the agency evaluate ostensibly infeasible alternatives, or address alternatives that are independent of the goal of reducing environmental impacts.

Therefore, an adequate alternatives analysis is focused on avoiding or substantially lessening the significant environmental impacts brought on by the project as proposed taken in the context of previous environmental and policy evaluations. CEQA is not intended to be used as a means of studying alternative dispositions of a project independent of the environmental impacts that attend it. In other words, CEQA does not require the EIR to address alternatives that are unrelated to the reduction of impacts.

To allow an appropriate context for evaluating alternatives, CEQA requires that the Lead Agency enumerate the basic project objectives. This disclosure assists in developing the range of project alternatives to be investigated in this section, as well as providing a rationale for the adoption of a Statement of Overriding Considerations, if one is in fact adopted. Listed below are the main goals and objectives as stated in Section 4.5, Project Goals and Objectives (beginning on page 36).

- Create an awareness of the Downtown Huntington Beach businesses.
- Provide a community gathering place where locals and visitors can come together to enjoy food, music, and fresh certified organic fruits and vegetables.
- Serve local businesses and their families, Huntington Beach residents, neighboring cities' residents, and tourists.
- Provide a safe family entertainment atmosphere for all ages.
- Expose residents and visitors to restaurants, stores, and businesses that are often overlooked.

- Eliminate traffic on Main Street and 5th Street to create a large gathering area for festival attendees.
- Increase sales tax revenue to the City.

Although CEQA calls for the evaluation of alternatives that could feasibly attain most of the basic purposes of the Proposed Project, the central goal of the EIR alternatives analysis is to reduce or eliminate environmental effects of the Proposed Project that have been identified in the analytical portions of the EIR (CEQA Guidelines §15126.6), not to evaluate project alternatives that are not capable of reducing impacts, or that merely are variations on a theme.

It is the intent of this chapter to describe, or reference the description of, reasonable and feasible alternatives to the Proposed Project that could attain most of the basic project objectives and avoid or substantially lessen any significant effects of the Proposed Project. These alternatives appeal to a wide range of mitigation and palliative effects, and provide a strong foundation for public discussion. Sufficient information is presented herein to create variations of alternatives, if desired.

6.2 Feasibility

Section 15126.6(f)(1) of the CEQA Guidelines explains how feasibility is to be considered for alternatives capable of otherwise resolving environmental impacts resulting from the project as proposed. This section states that among the factors that may be taken into account in determining feasibility are:

- Site suitability
- Economic viability
- Availability of infrastructure
- General Plan consistency
- Other plans and regulatory limitations
- Jurisdictional boundaries (projects with a regionally significant impact should consider the regional context)
- Whether the proponent can reasonably acquire, control or otherwise have access to an alternative site or off-site areas

6.3 Alternatives Considered But Not Advanced

CEQA does not require that the discussion of alternatives be exhaustive, or demand evaluation of alternatives that are not realistically possible, given the failure to meet the basic project objectives and limitation of time, energy, and funds. The EIR does not consider alternatives that are infeasible, and the alternatives discussed in this section were rejected for the following reasons:

- The project alternative is considered infeasible due to failure to carry out the basic goals and objectives of the Proposed Project.
- The project alternative is considered infeasible because its implementation is considered remote and speculative.

The following alternative was considered but not advanced for future review. This alternative fails to carry out the goals and objectives of the Proposed Project.

- Alternative to extend up Main Street – The Proposed Project currently operates on Main Street between PCH and Orange Avenue. This alternative proposes the festival continue to operate on Main Street, but in lieu of extending the project onto 5th Street the festival would extend farther up Main Street. Further closure of Main Street is not preferred, as Orange Avenue serves as a thoroughfare for the rest of the City and surrounding areas. Reconfiguring the festival could create a greater impact on area residents, and traffic, safety and circulation. Additionally, the alternative to extend up Main Street would not lessen noise impacts, or any other impacts, it would only shift them.

6.4 Alternatives Presentation

The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines §15126.6(f)). With the historical and regulatory context as a backdrop, a review of project alternatives that minimize impacts brought about by the Proposed Project and are not addressed in other CEQA documents can proceed.

The Alternatives discussed below assume that the expansion to 5th Street between PCH and Walnut Avenue will include street vendors but no live entertainment, food vendors or children’s activities.

The reader will find four types of alternatives in this section, which in some cases may be combined.

Alternatives include:

1. **No Project Alternative** – This alternative allows decision makers to compare the impacts of approving the Proposed Project with the impacts of not approving the Proposed Project and leaving the site in its current condition.
2. **Alternate Site Location Alternative** – This alternative would move the Proposed Project to the north side of the Municipal Pier, located directly across PCH from the existing project site.
3. **No 5th Street Expansion/Reduced Traffic Alternative** – This alternative would maintain the project status quo, and negate the addition to the project of 5th Street between PCH and Walnut Avenue. The status quo

project has been in operation on Main Street and the adjacent half blocks of Walnut Avenue and Olive Avenue since 2007. The No 5th Street Alternative would lessen impacts relating to traffic circulation and parking impacts by causing 5th Street between PCH and Walnut to remain open to vehicle circulation and parking during festival hours.

4. **No Amplified Sound Alternative** – The project currently provides live entertainment at street intersections, as shown on Exhibit 12 – Street Fair Site Plan (page 32). The No Amplified Sound Alternative would place live entertainment at mid-block sites, as opposed to the intersection locations and would not allow for amplified sound. This alternative would serve to reduce the noise impacts experienced by area residents and businesses by placing live entertainment in a location where natural attenuation and intervening topography would have a substantial effect on the effective perceived noise levels.

Table 23 compares potential impacts from the Proposed Project with proposed alternatives.

Table 23 – Summary Matrix of Impacts of Alternatives in Relation to the Proposed Project as Mitigated

| Alternative | GHG | Land Use | Noise | Traffic |
|---|-----|----------|-------|---------|
| Alternative 1 – No Project | – | – | – | – |
| Alternative 2 – Alternate Site Location | + | * | * | + |
| Alternative 3 – No 5th Street Expansion | * | * | * | * |
| Alternative 4 – No Amplified Sound | * | * | – | * |

+ = Potential impacts are greater than Proposed Project

- = Potential impacts are less than Proposed Project

* = Potential impacts are substantially the same as the Proposed Project (i.e., level of significance is not changed)

6.5 Project Alternative 1 – No Project

6.5.1 Description of Alternative

A review of the No Project Alternative must be included in every EIR pursuant to state law. The No Project Alternative assumes that Surf City Nights would cease operation. Because the Project is located in a built-out area of downtown Huntington Beach, existing uses would remain the same. The Project area includes commercial, retail, office, and residential uses. The No Project Alternative would not involve any new environmental impacts.

1. Greenhouse Gas Emissions

There is an existing level of greenhouse gas emissions that is present in the project area caused by operation of existing businesses and residents. The Greenhouse Gas Assessment (Appendix E) concludes that under the recommended Tier 3 analysis of GHG emissions, the Proposed Project would not exceed the threshold of 3,000 MTCO₂e per year. No mitigation measures are required. However, the Proposed

Project would result in a nominal incremental increase when added to the existing GHG emissions in the area. However, the amount of cumulative contribution is less than significant. The No Project Alternative would result in a modest reduction of existing GHG emissions from Surf City Nights, and impacts would be slightly less than the GHG emissions of the Proposed Project.

2. Land Use

The Proposed Project is subject to compliance with the City's General Plan, the Specific Plan, the Noise Ordinance, and the LCP. The Proposed Project requires a CDP and a CUP, which are processed for approval by the City under Zoning Code Sections 245 and 241, respectively. Approval of a CDP and a CUP would not be necessary for the "No Project Alternative." However, there are no impacts in the area of land use and planning, and the "No Project" alternative will remain similar to the Proposed Project.

3. Noise

The Downtown Huntington Beach area is designated as a mixed use area, with a variety of commercial, retail, visitor-serving, and residential uses. As proposed, approval of the project would require a Noise Deviation Permit to allow live entertainment to exceed the threshold of 65 dBA set forth in the Municipal Code. The No Project Alternative would discontinue the festival and any live entertainment associated with Surf City Nights; consequently, this would alleviate noise effects from live entertainment, would maintain the area's ambient noise level, and would not require a Noise Deviation Permit.

4. Transportation and Traffic

Under the No Project Alternative the need for the closure of Main Street between PCH and Orange Avenue, adjoining half blocks of Walnut and Olive Avenue, and 5th Street between PCH and Walnut Avenue would not be necessary. City streets and sidewalks, and a total of 58 parking stalls in the project area would remain open for use during the project hours. The No Project Alternative would make parking and traffic circulation slightly less inconvenient for businesses and residents; however, as analyzed in Section 5.4, Transportation and Traffic (page 79), intersection LOS and adequate parking are maintained in the area surrounding the project.

5. Attainment of Project Goals and Objectives

The No Project Alternative would mean that Surf City Nights, an existing weekly street festival, would be discontinued, and environmental conditions would remain at baseline levels. The No Project Alternative would fail to attain the project goals and objectives.

6.6 Project Alternative 2 – Alternate Site Location

6.6.1 Description of Alternative

The Proposed Project is an existing street festival in Downtown Huntington Beach. The goal of the project is to create an awareness of the Downtown businesses, provide a safe, family-friendly Street Fair and Certified Farmers' Market in the heart of Huntington Beach, and bring attention to businesses that may otherwise be overlooked. A comment letter on the MND suggested that the project be relocated to the north side of the Municipal Pier, across PCH from the existing project site, which hosts special events throughout the year and a weekly art walk. The Surf City Nights street fair is far greater in size than the weekly art fair, and would necessitate the use of the adjacent pier parking lot as the existing paved area at the pier is less than one-half block in size, as shown on Exhibit 28 – Pier Area Map. The utilization of the adjacent parking lot would require the loss of a considerable amount of parking spaces to accommodate vendors, performers, activities, and the farmers' market.

1. Greenhouse Gas Emissions

Project impacts due to operational greenhouse gas emissions include emissions from the two generators used by the festival food carts for food preparation, as well as vehicle emissions. The existing site has wired power in addition to the use of two generators. Due to potential limited electrical access, relocation of the Proposed Project to the Pier could create slightly greater greenhouse gas emissions if there is the need for additional generators, since all festival activities would remain the same.

2. Land Use

The Proposed Project utilizes the available amenities provided by local retailers and restaurants, and public facilities. The alternate site successfully hosts an art walk with similar uses and impacts, but is not a large enough area to support the festival activities and may not be equipped with necessary amenities, as provided at the existing location. Nevertheless, land use impacts would be similar to the Proposed Project.

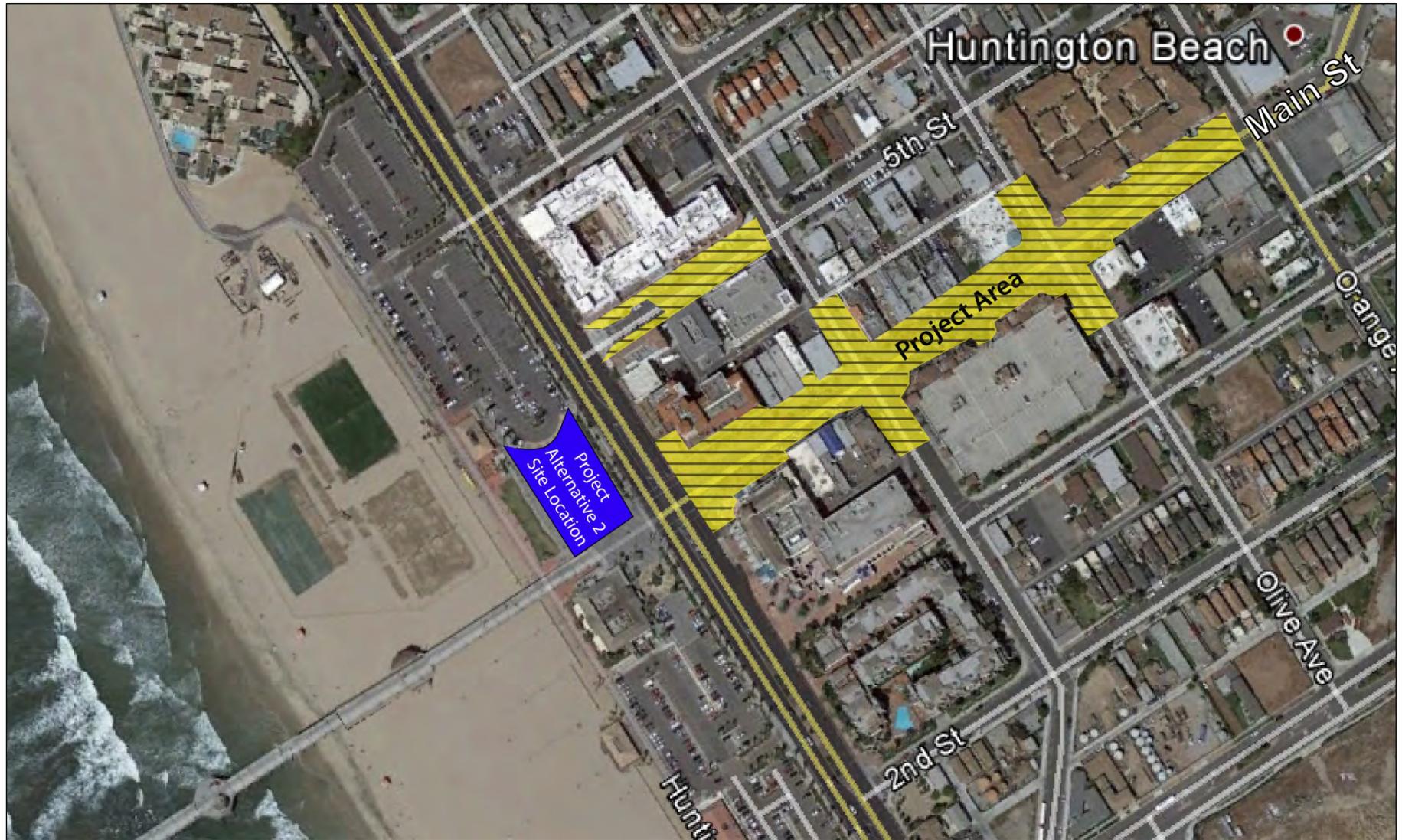


Exhibit 28 – Pier Area Map

3. Noise

The Proposed Project includes live entertainment. The Alternate Site Location Alternative would move crowd noise and amplified music farther away from residences. However, there would be no benefit of intervening topography. The project would still exceed the City's threshold of 65 dBA, and a Noise Deviation Permit would still be required. Traffic noise on local roads would continue, as access would be similar to the Proposed Project. Noise impacts would be substantially the same as the Proposed Project.

4. Transportation and Traffic

The Alternate Site Location Alternative would not involve the closure of streets or temporary displacement of on-street parking. This location would require use of existing pier parking, in addition to the existing available staging area, in order to accommodate the entire Surf City Nights street fair. The displacement of pier-side parking would be greater than the temporary loss of 58 on-street parking spaces associated with the Proposed Project. Traffic in the project area would continue due to festival attendees and their vehicles. It is likely that the same streets would be utilized for access along PCH and local arterials. There would be no substantive change to traffic impacts, but inconvenience to local residents and businesses would be lessened because streets would not be closed. However, the alternate location would result in the displacement of significantly more parking spaces as compared to the Proposed Project, and would therefore result in greater impacts in the area of transportation and traffic.

5. Attainment of Project Goals and Objectives

Relocation of the project to the north side of the Municipal Pier would fail to meet the project's main goal of drawing attention to businesses located in the Downtown area, and it would not create the cohesive environment that the festival seeks, as it would require the participating retail shops to be segmented from the festival and potentially not be included. In addition, the festival could not be accommodated within the existing staging area; therefore, this alternative would result in greater impacts in the area of traffic because of parking loss.

6.7 Project Alternative 3 – No 5th Street Expansion

6.7.1 Description of Alternative

Surf City Nights has been in operation on Main Street and the adjoining half blocks of Walnut Avenue and Olive Avenue since 2007. As proposed, the street festival would be expanded to include the first block of 5th Street from PCH to Walnut Avenue. The No 5th Street Expansion Alternative would require that the project remain as status quo, and only utilize Main Street and the adjoining half blocks of Walnut Avenue and Olive Avenue.

1. Greenhouse Gas Emissions

A Greenhouse Gas Emissions Study, attached as Appendix E, determined that the Proposed Project would result in greenhouse emissions; however, these emissions would be well below the threshold and considered less than significant. Emissions would result from the use of generators and additional vehicle emissions. The generators necessary for the Proposed Project are Honda 2000 IE Ultra Quiet Generators, which are used by food carts. Because the Project currently generates greenhouse gas emissions well below the recommended thresholds, the No 5th Street Expansion Alternative would not result in a significant impact related to greenhouse gas emissions.

2. Land Use

The project area is governed by the City's General Plan, the Specific Plan, the Zoning Ordinance, and the LCP. The Proposed Project is in compliance with goals, objectives, and policies set forth, and no changes relating to Land Use or its associated policies are required for project implementation. The Proposed Project requires a CDP and a CUP, which is processed for approval by the City under Zoning Code Section 245 and 241, respectively. The No 5th Street Expansion Alternative would not serve to alleviate any land use impacts, as both the project and the "No 5th Street Alternative" are consistent with specified land use designations, and require the same discretionary permitting.

3. Noise

The project area is identified in the Downtown Specific Plan as core mixed-use. The area developments include various commercial, retail, visitor serving, and residential uses. A Noise Measurement Survey (Appendix F) conducted by Mestre Greve indicated that existing ambient noise levels exceed the City's Noise Ordinance threshold. The Proposed Project increases the noise level due to amplified sound, crowd noise, and additional traffic. This alternative would not likely reduce the identified noise impacts from amplified sound and crowd noise. The Proposed Project would require a Noise Deviation Permit to exceed the City's threshold of 65 dBA for live entertainment during project hours. There is no live entertainment/amplified sound proposed for the 5th Street segment of the project. This Alternative would not reduce noise impacts resulting from project implementation. A Noise Deviation Permit would be required to allow the noise levels to continue as they currently exist.

4. Transportation and Traffic

This alternative proposes the elimination of 5th Street as an expanded festival area from currently existing conditions. Traffic would be restricted on 5th Street between PCH and Walnut Avenue, requiring area access via other adjacent streets and through the existing alley.

As analyzed in Section 5.4, Transportation and Traffic (beginning on page 79) of this Focused EIR, the traffic impacts with the Proposed Project are less than significant with

all study intersections experiencing acceptable LOS levels and adequate parking to accommodate the festival attendees. Per the traffic analysis of 5th Street closure, the traffic diverted to alternate routes resulted in an increase in PM peak hour intersection delay by 9.8 seconds at PCH and 6th Street based on HCM calculations. The level of service at 6th Street increased from LOS B to LOS C, an expected increase as traffic diverts to other streets. The increase in level of service is not considered a significant impact, as LOS C is still considered acceptable by the City.

5th Street is a local street with metered parking on both sides north of Walnut Avenue to Olive Avenue. There is no metered on-street parking between PCH and Walnut on 5th Street, and there are no residences located on this portion of 5th Street. With the availability of the alley between Walnut and 5th Street for local businesses and alternate travel routes for area residents, there would be no significant impact due to traffic circulation patterns. As identified by the Traffic Analysis, intersections would remain within acceptable thresholds and standards regarding levels of service. The inclusion of 5th Street would not result in a significant impact to the level of service; therefore, this alternative would be substantially the same as the Proposed Project.

5. Attainment of Project Goals and Objectives

The No 5th Street Expansion Alternative would allow the existing Surf City Nights to remain operating at status quo, without the inclusion of 5th Street. While a majority of project goals would be fulfilled, the inclusion of 5th Street more completely fulfills the goal of bringing awareness to the downtown businesses, and exposing residents and visitors to restaurants, stores, and businesses that are often overlooked. The inclusion of 5th Street provides a larger festival area for attendees and additional opportunities for exposure to local retailers, restaurants, and merchant vendors. The No 5th Street Expansion Alternative would cause a reduction in the measure to which project objectives are attained, and not significantly reduce the level of traffic impacts to the area surrounding the project site.

6.8 Project Alternative 4 – No Amplified Sound

6.8.1 Description of Alternative

This alternative would retain the Proposed Project footprint and uses, but would require live entertainment to be placed only at mid-block locations and would prohibit the use of amplified sound.

1. Greenhouse Gas Emissions

Emissions relating to the Proposed Project are associated with the use of two generators, which are necessary for the utilization of the food carts provided at the festival, and vehicle emissions. A Greenhouse Gas Emissions Analysis (Appendix E) determined that the Project, as proposed, would result in a less than significant impact utilizing the recommended SCAQMD Tier 3 Option for analysis. No greenhouse gas

emissions result from amplifiers or the placement of live entertainment; therefore, the No Amplified Sound Alternative would neither reduce nor increase GHG emissions. Therefore, this Alternative would be substantially the same as the Proposed Project with regard to GHG emissions.

2. Land Use

The Proposed Project is in compliance with Land Use designations provided in the City's General Plan, the Specific Plan, the Zoning Code, and the LCP, and no changes relating to Land Use or its associated policies are required for project implementation. The Proposed Project requires a CDP and a CUP, which is processed for approval by the City under Zoning Code Sections 245 and 241, respectively. The "No Amplified Sound" Alternative would not serve to alleviate any land use impacts, as both the project and the "No Amplified Sound Alternative" are consistent with specified land use designations, and require the same discretionary permitting.

3. Noise

The Noise Measurement Survey concluded that the Proposed Project will result in a temporary and periodic increase in noise levels as compared to the existing ambient noise levels. Noise levels during Surf City Nights exceed the City's Noise Ordinance thresholds and result in a perceptible noise increase of +3db. This Alternative would reduce the significant impacts of a temporary and periodic increase in noise with the elimination of amplified sound and the relocation of live performances to mid-block locations, thus providing additional sound attenuation through distance and existing structures acting as buffers for residential uses in the area. This alternative is therefore superior to the Proposed Project with respect to noise impacts.

4. Transportation and Traffic

Both the Proposed Project and the No Amplified Sound Alternative include the closure of roads and the restriction of 58 parking stalls on Main Street and 5th Street (between Walnut Avenue and Olive Avenue) during the hours of 2:00 p.m. and 10:00 p.m. every Tuesday. The No Amplified Sound Alternative would not result in additional traffic or parking impacts. Therefore, this alternative would be identical to the Proposed Project with regard to traffic impacts.

5. Attainment of Project Goals and Objectives

The No Amplified Sound Alternative would meet the majority of the project goals; however, it could reduce the atmosphere and energy of the street fair, making Surf City Nights a less popular event. It is arguable that a draw of the event is bringing the public in from the beach or area residents. The allowance of amplified music would promote the event and its goals. The No Amplified Sound Alternative could have a negative impact on the event, causing a reduction in festival interest and decreasing attendees, at which point the project goals would not be met to their full potential.

6.9 Environmentally Superior Alternative

The No Project Alternative is the environmentally superior alternative. However, this Alternative does not meet any project goals and objectives.

The No Amplified Sound Alternative is conceivably a superior alternative, meeting most but not all project objectives, and may have a detrimental effect on the success of Surf City Nights.

7. Summary of Cumulative Impacts

CEQA requires the consideration of cumulative impacts. Defined, these impacts are “two or more individual effects, which when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines §15355).

There are several development projects at various stages of planning, approval, and construction in Huntington Beach. These projects have the potential to have a significant impact on the environment. A list of related projects was provided by the City to assess the cumulative impacts the Proposed Project may have in conjunction with surrounding area projects. The projects considered for this analysis are shown in Table 24 – Description of Related Projects. The project numbers in the table correspond to numbered locations on Exhibit 29 – Location of Related Projects.

Five known projects have been approved or are pending regulatory review, and one project has been completed within the immediate project vicinity. The five approved or pending projects are Pierside Pavilion Expansion, Forever View, The Coral, the Hilton Waterfront Resort Expansion, and Pacific City, as shown on Table 24– Description of Related Projects. There is a possibility that construction efforts from these projects could incrementally contribute traffic congestion and noise, resulting in a cumulative impact.

The project closest to the project site is the Pierside Pavilion expansion, which consists of the expansion of a current building to a total of 80,992 square feet of mixed use, visitor-serving, retail, and restaurant uses, including outdoor dining. Pierside Pavilion was approved in three phases, and is currently in its second phase of construction, which includes the demolition of the existing tower and stairs and the placement of steel columns and beams. Phase II is expected to last seven months. Phase III is scheduled to commence upon the completion of Phase II, and includes renovation of the walkways along PCH and the alleyway adjacent to Pier Colony, and the renovation of the stairwell at Main Street.

The Strand is a major development located on the block within 5th Street and 6th Street, bordered by PCH and Walnut Avenue. The Strand has been in operation since May 2009, and is host to several events each year. The City received a comment letter on the MND that included a reference to and copy of the Master Conditional Use Permit application for The Strand to permit alcohol and live entertainment. The Strand project CUP application has since been withdrawn and is not considered herein.

Table 24 – Description of Related Projects

| No. | Related Project | Land Use | Complete by | |
|-----|--|--|-------------|-------|
| | | | 2014? | 2020? |
| 1 | Poseidon Desalination Facility 21730 Newland Street (off Pacific Coast Highway) | A 50-million-gallon per day seawater desalination facility, including potential water distribution line along Hamilton Avenue north of Ascon Landfill Site. | no | yes |
| 2 | Plains All American Pipeline Tanks (Removal) West of Magnolia, south of Ascon site | Removal of three above-ground crude oil storage tanks. | yes | – |
| 3 | Beach Promenade Southeast corner of Beach Boulevard and Atlanta Avenue | Maximum development square footage approved for this project is 38,634 sf to the existing 85,107 sf commercial center. The project includes a 2.07-acre frontage road and 0.61 acre adjacent to the westerly property to enlarge site from 6.24 acres to 9.42 acres. | no | yes |
| 4 | Hilton Waterfront Beach Resort Expansion 21100 Pacific Coast Highway (bounded on the north by Pacific Avenue, on the east by Twin Dolphin Drive, on the south by Pacific Coast Highway, and on the west by the existing Hilton Waterfront Beach Resort) | The project consists of an additional 156 new guestrooms and related facilities. | no | yes |
| 5 | Pacific City Along Pacific Coast Highway, between Huntington Street and First Street | The project consists of 516 residential apartment units, 191,000 sf of commercial, retail, restaurant, entertainment, office, and hotel development. The hotel would be a 250-room, luxury boutique hotel, spa and health club, with 12,000 sf of restaurant. | no | yes |
| 6 | Atlanta Avenue Widening Project South side of Atlanta Avenue, between Huntington Street and Delaware Street | Widen the south side of Atlanta Avenue, between Huntington Street and Delaware Street. | yes | – |
| 7 | Pierside Pavilion Expansion 300 Pacific Coast Highway (northeast corner of Pacific Coast Highway and Main Street) | The project consists of 27,772 sf of mixed use, visitor serving office building, 9,401 sf of infill expansion by extending existing storefronts, 10,527 sf of retail, 5,705 sf of restaurant, 21,441 sf of office, 6,146 sf of outdoor dining. | yes | – |
| 8 | Beach Walk 19891 and 19895 Beach Boulevard (west side of Beach Boulevard between Utica and Adams Avenue - across from Newland Shopping Center) | The project consists of 173 multi-family apartment units. | yes | – |
| 9 | Hoag Medical Building 19582 Beach Boulevard (east side of Beach Boulevard, south of Yorktown Avenue) | The project involves the construction of an approximately 52,775-square-foot, three-story addition to an existing 52,177-square-foot medical office building and a 486-space parking structure. | yes | yes |
| 10 | Beach & Ellis – Elan Apartments 18502 and 18508-18552 Beach Boulevard (southeast corner of Beach Boulevard and Ellis Avenue) | The project consists of 274 residential units, 8,500 sf of commercial, 17,540 sf of public open space, and 31,006 sf of residential private open space. | no | yes |
| 11 | Oceana Apartments 18151 Beach Boulevard (west side of Beach Boulevard) | The project consists of 78 units/77 affordable housing units. | no | yes |
| 12 | Gun Range Central Park (proximate to Gothard Street and Talbert Avenue) | Clean-up and re-use of the site. | no | yes |
| 13 | Huntington Beach Senior Center Central Park (southwest of intersection of Goldenwest Street and Talbert Avenue) | The project consists of a 38,000 sf of senior center. | no | yes |

| No. | Related Project | Land Use | Complete by | |
|-----|--|---|-------------|-------|
| | | | 2014? | 2020? |
| 14 | Warner Nichols Warner Avenue and Nichols Lane | General Plan and Zoning Map Amendments from residential to commercial on approximately 1.1 gross acres and industrial on approximately 3.3 gross acres and demolition or removal of existing historic structures. | yes | - |
| 15 | Edinger Hotel Southeast corner of Edinger Avenue and Parkside Lane | The proposed Edinger Hotel project consists of a 200-room, 115,000-square-foot, six-story hotel on a 84,829-square-foot lot in the Town Center Boulevard area of the Beach and Edinger Corridors Specific Plan (BECSP). | no | yes |
| 16 | The Village at Bella Terra West of Bella Terra Mall between Edinger Avenue and Center Avenue | Mixed-use project with 467 residential units with 13,500 sf of residential amenities, 17,500 sf of mixed-used retail and restaurant uses on ground floor of the residential building, 12,000 sf of freestanding retail and restaurants as well as 1,920 sf of pavilion building within a landscaped greenbelt area. | yes | - |
| 17 | Archstone II Southwest corner of Edinger Avenue and Gothard Street | The project consists of a 510-unit apartment complex (approximately 466,230 square feet). | no | yes |
| 18 | Furniture Store 6912 Edinger Avenue (southwest corner of Edinger Avenue and Goldenwest Street) | The project involves the re-use of a vacant 100,865-square-foot retail building for a furniture store. | yes | - |
| 19 | The Boardwalk Northeast corner of Gothard Street and Center Avenue | The project consists of 487 dwelling units and 14,500 sf of commercial area with a ½ acre public park. | no | yes |
| 20 | Skate Park Project 7461 Center Avenue (east of Gothard Street) | The project consists of 15,900 sf of skate plaza area, 11,850 sf of skate bowl area, and 3,500 sf of skate shop/concession building. | yes | - |
| 21 | Amstar / Red Oak Project (formerly known as The Ripcurl) Southeast corner of Gothard Street and Center Avenue | A mixed-use project consists of 10,000 sf of commercial uses on the ground floor and 384 residential units above the ground floor (five stories) | no | yes |
| 22 | Forever View 612-620 PCH | 15 units, 6,700 retail, 55 sub-parking spaces, 33,736 total sf | no | yes |
| 23 | The Coral 602 PCH | 14 units, 5,300 retail, 1,095 outdoor dining, 54 sub-parking, 56,992 total sf | no | yes |
| 24 | Lamb School Site | The project involves the subdivision of the 11.64-acre former Lamb School site to accommodate 80 lots for new detached single-family homes. | no | yes |
| 25 | Wardlow School Site | The project involves demolition of all existing structure and the subdivision of the 8.35-acre former Wardlow School site to accommodate 49 lots for new detached single-family homes. | no | yes |

Source: City of Huntington Beach, RAP EIR – Ascon Landfill Site

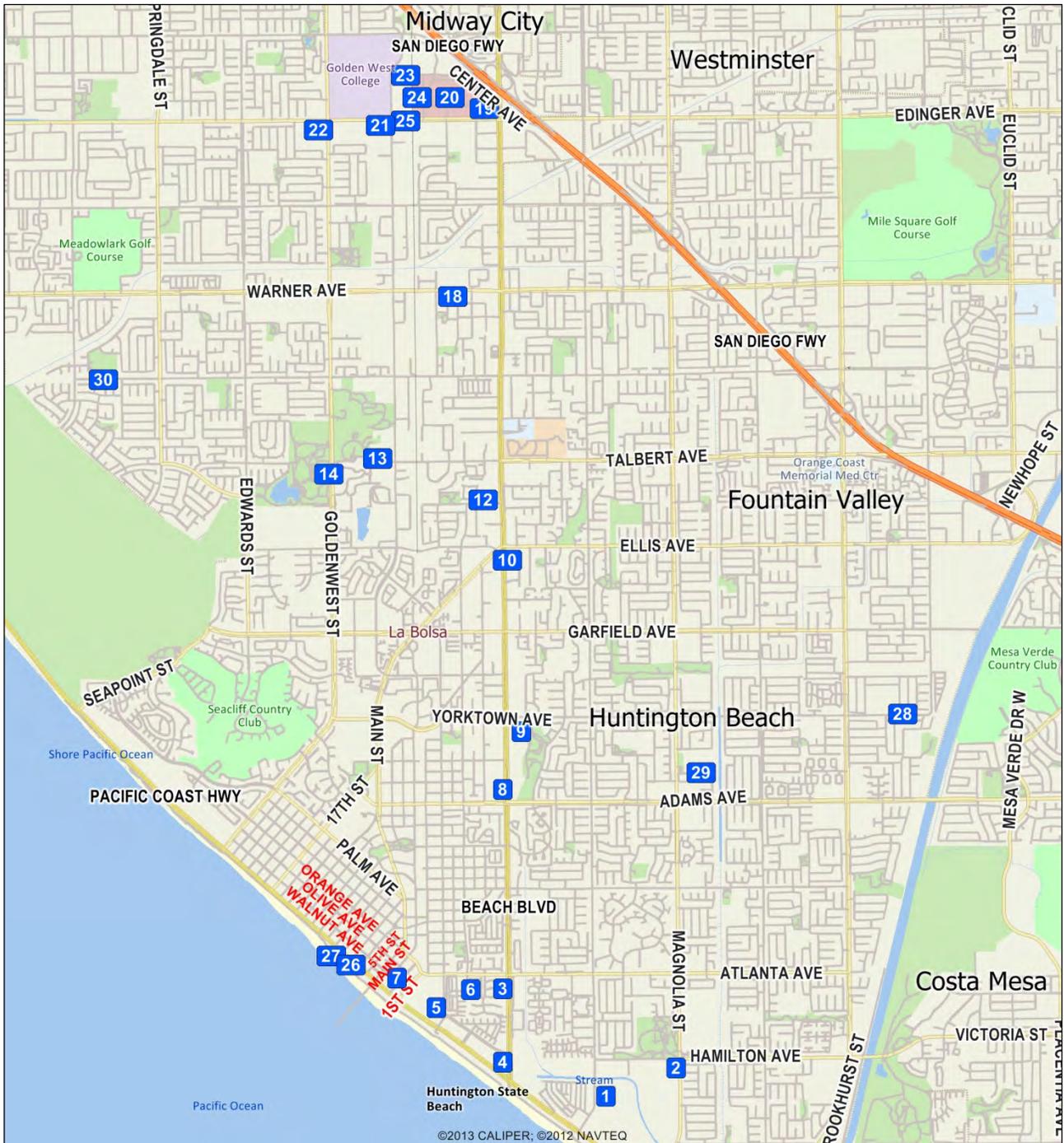


Exhibit 29 – Location of Related Projects Identified on Table 24

Consideration of project impacts due to GHG, Land Use, Noise, and Transportation and Traffic, which could have a cumulative impact, is shown on Table 26 – Cumulative Impacts Summary (page 116). The data and summary provided identifies environmental issues and project-specific impacts that may be brought forth, cumulatively, by the Proposed Project and other permitted or proposed projects within the immediate vicinity, as identified in Table 23 – Summary Matrix of Impacts of Alternatives in Relation to the Proposed Project as Mitigated (page 102). Conclusions regarding cumulative impacts determine that the project would result in a nominal increase in GHG, no cumulative impacts with regard to Land Use, a less than significant impact on traffic, and no impact on parking. Additionally, the project results in a temporary and periodic increase in ambient noise levels, and when combined with past, present, and known future projects this temporary noise impact will be cumulatively considerable.

Table 25 – Description of Vicinity-Related Projects

| No. | Related Project | Land Use | Complete by | |
|-----|--|---|-------------|-------|
| | | | 2014? | 2020? |
| 1 | Hilton Waterfront Beach Resort Expansion 21100 Pacific Coast Highway (bounded on the north by Pacific Avenue, on the east by Twin Dolphin Drive, on the south by Pacific Coast Highway, and on the west by the existing Hilton Waterfront Beach Resort) | The project consists of an additional 156 new guestrooms and related facilities. | no | yes |
| 2 | Pacific City Along Pacific Coast Highway, between Huntington Street and First Street | The project consists of 516 residential apartment units, 191,000 sf of commercial, retail, restaurant, entertainment, office, and hotel development. The hotel would be a 250-room, luxury boutique hotel, spa and health club, with 12,000 sf of restaurant. | no | yes |
| 3 | Pierside Pavilion Expansion 300 Pacific Coast Highway (northeast corner of Pacific Coast Highway and Main Street) | The project consists of 27,772 sf of mixed use, visitor serving office building, 9,401 sf of infill expansion by extending existing storefronts, 10,527 sf of retail, 5,705 sf of restaurant, 21,441 sf of office, 6,146 sf of outdoor dining. | yes | – |
| 4 | Forever View 612-620 PCH | 15 units, 6,700 retail, 55 sub-parking spaces, 33,736 total sf | no | yes |
| 5 | The Coral 602 PCH | 14 units, 5,300 retail, 1,095 outdoor dining, 54 sub-parking, 56,992 total sf | no | yes |

Source: City of Huntington Beach, RAP EIR – Ascon Landfill Site

Table 26 – Cumulative Impacts Summary

| Environmental Issue/Topic | Project Specific Impact | Conclusion Regarding Cumulative Impacts |
|----------------------------|---|--|
| Greenhouse Gas Emissions | The Proposed Project results in a less than significant impact, as GHG emissions are anticipated to be approximately 474.138 MTCO ₂ e which is well below the 3,000 MTCO ₂ e threshold. A minor incremental increase in cumulative GHG emissions will result from Project implementation. | The Project will result in a minor incremental increase in GHG emissions occurring on a per week basis, and the impact is not considered to be cumulatively considerable. |
| Land Use and Planning | The Proposed Project is consistent with the City's General Plan Land Use Element, the Specific Plan, and the LCP and will require a Noise Deviation Permit. Several other projects are pending or approved within the project vicinity. However, there are no unavoidable significant impacts with the Proposed Project. | The Proposed Project, combined with other development and future development in the surrounding area, will not result in a cumulative impact regarding land use and planning. As an urban downtown area, future projects will be considered redevelopment, and the Proposed Project does not include construction or an increase in intensity to land uses. No cumulative impacts will result related to implementation of the Proposed Project. |
| Noise | The Proposed Project will result in a temporary and periodic increase in ambient noise levels and requires a Noise Deviation Permit for amplified sound. The existing ambient noise levels are in excess of the City's noise standards. The Proposed Project will incrementally increase noise levels when combined with other projects. | The Proposed Project will result in a temporary and periodic increase to ambient noise levels. This increase is caused by amplified sound and general crowd noise and, when combined with noise from other projects, may be cumulatively considerable. |
| Transportation and Traffic | The Proposed Project will result in the closure of streets between 2:00 p.m. and 10:00 p.m. on Tuesdays only. Existing on-street parking will be blocked during that period. A shuttle service will be available when the Main Street parking structure is full. The street closure is viewed as an inconvenience by a few business owners and local residents, and is supported by many business owners and local residents. With the street closures, the level of service at study intersections remains acceptable, and no project impacts occur in the area of Transportation and Traffic. A pedestrian-only phase has been considered at the intersections of PCH/1 st Street and PCH/6 th Street. Analysis shows that a cumulative impact would occur with implementation. | Adequate parking is provided in the Project vicinity to accommodate the existing and expanded project, including through an off-site shuttle program. Loss of on-street parking spaces is temporary, occurring only on Tuesdays from 2:00 p.m. to 10:00 p.m. Traffic impacts assessed cumulatively with other projects in the area are determined to be less than significant. |

8. Growth-Inducing Impacts

CEQA requires the consideration of growth-inducing impacts. Pursuant to CEQA Guidelines §15126.2(d), such impacts are ways in which the Proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove obstacles to growth. In addition, growth-inducing impacts could be realized if the project would encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Potential growth inducing impacts are brought to focus under this section. The Downtown Specific Plan area, of which the Proposed Project is part, is nearly built-out, but redevelopment projects are ongoing. Project impacts would be considered growth-inducing if they result in one of the following.

- Extension of urban services or infrastructure into a previously unserved area
- Removal of a major obstacle to development and growth
- Establishment of a precedent setting action

The project site is located with an urban setting. While the project goals and objectives are to bring people into the downtown area, this effort is aimed to strengthen existing businesses and the Downtown area. The Proposed Project will not extend utilities and/or infrastructure into a previously unserved area. Furthermore, the Proposed Project will not remove a major obstacle to development and growth.

The Proposed Project will not establish a precedent-setting action, inducing future growth or redevelopment trends. No construction or development is included in the Project. The weekly festival will utilize existing infrastructure, streets, and sidewalks for vendors and event attendees. No additional development is required for the operation of the festival, and the festival is not precedent-setting, as the City is host to a variety of similar functions. Therefore, the Proposed Project will not result in Growth-Inducing Impacts.

9. Inventory of Mitigation Measures

None.

Conditions of Approval

COA-1 During peak visitor periods from Memorial Day to October 1, a free shuttle service shall be provided to encourage visitor parking at the Civic Center. The shuttle service shall operate when the parking structures reach capacity for a period of two hours, as determined by an electronic monitoring system.

10. Inventory of Unavoidable Adverse Impacts

Noise

The Proposed Project will contribute a temporary and periodic noise increase to the existing ambient noise levels, which are already in excess of the City's Noise Ordinance standards. These temporary and periodic noise level increases are projected to result in 3 dB increases and greater, which is a perceptible increase in noise levels and considered a significant, unavoidable impact for the purposes of this analysis. While this is a temporary and periodic noise impact, occurring on Tuesday nights, it is nevertheless considered significant and unavoidable.

11. Organizations Affiliated with the Project

The City of Huntington Beach is the Lead Agency for the Proposed Project. Contact persons for the project are:

City of Huntington Beach

Ethan Edwards, Associate Planner
2000 Main Street
Huntington Beach, CA 92648
(714) 536-5561

Environmental Consultant

CAA Planning, Inc.
Shawna Schaffner, Chief Executive Officer
65 Enterprise, Suite 130
Aliso Viejo, CA 92656
(949) 581-2888

Project Applicant

City of Huntington Beach
Downtown Business Improvement District

Other Organizations Affiliated with the Project

Greenhouse Gas (GHG) Assessment
KPC EHS Consultants
Kevin Carr, Principal
915 Doyle Road, Suite 303-151
Deltona, FL 32725
(951) 294-0822

Noise Measurement Survey
Mestre Greve Associates
Fred Greve P.E.
27812 El Lazo Road
Laguna Niguel, CA 92677
(949) 349-0671

Appendix A – Notice of Preparation



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING & BUILDING

POSTED

DEC 18 2013

HUGH NGUYEN, CLERK-RECORDER

BY:  DEPUTY

Notice of Preparation

To: Agencies, Organizations, and Interested Parties

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency:

Agency Name City of Huntington Beach,
Planning and Building Department
Street Address 2000 Main Street
City/State/Zip Huntington Beach, CA 92648
Contact Mr. Ethan Edwards, AICP
Associate Planner

Consulting Firm:

Firm Name: CAA Planning, Inc.
Street Address: 65 Enterprise, Suite 130
City/State/Zip: Aliso Viejo, CA 92656
Contact: Shawna Schaffner

The City of Huntington Beach will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The City of Huntington Beach, as Lead Agency, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the proposed project in May 2013. Comments received on the MND revealed the need to prepare a focused EIR for the proposed project. A copy of the Initial Study (is is not) attached. The prior IS/MND remains available for review at the City of Huntington Beach website under the current planning activity page at:

<http://www.huntingtonbeachca.gov/government/departments/Planning/Environmentalreports.cfm>.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but *not later than 37 days* after receipt of this notice.

Starting Date: December 19, 2013

Ending Date: January 24, 2014

Please send your response to Ethan Edwards, AICP, Associate Planner, at the address shown above. We will need the name for a contact person in your agency.

Project Title: Surf City Nights

Project Location: The Project is located within the City of Huntington Beach, County of Orange. The Project site is comprised of public streets, and their adjoining public and private sidewalks including Main Street, between Pacific Coast Highway and Orange Avenue and extending onto the adjoining half blocks of Walnut Avenue and Olive Avenue, continuing onto the first block of 5th Street, bound by Pacific Coast Highway and Walnut Avenue (see project area map attached).

Project Description: Surf City Nights is an existing downtown street festival which occurs every Tuesday night. Surf City Nights includes a Certified Farmer's Market, live entertainment consisting of amplified music, street performances, children's games and activities, local merchant displays, sidewalk sales, a food-court, and the sale of prepackaged food and hand-crafted items. The festival runs weekly on Tuesday nights from 5:00 p.m. until 9:00 p.m., but is cancelled in the event of heavy rain or showers. This event was established in 2007 and run by the City of Huntington Beach (City) for the first two years, and is now run by the Downtown Business Improvement District (DTBID), which took over management and operations of the festival in 2009.

The City's Office of Business Development and the DTBID are co-applicants for the proposed Project, which includes renewed discretionary permits for 1) the current operation; and 2) the expansion of Surf City Nights from its current location on Main Street between Pacific Coast Highway and Orange Avenue, onto 5th Street, between Pacific Coast Highway and Walnut Avenue. The Project requires the temporary closure of downtown streets, including Main Street and 5th Street (see project area map) of Huntington Beach every Tuesday from 2:00 p.m. until 10:00 p.m. The street closures are facilitated by the use of metal bollards and other similar barricades, placed to divert traffic and promote pedestrian safety, however all blockades are removable, and the site is fully accessible to emergency vehicles at all times. The event requires that parking meters within the festival area of Main Street and 5th Street be bagged and labeled with No Parking signs, indicating that

vehicles must be moved by 2:00 p.m. Parking for the event is available on surrounding streets and within an 850 stall parking structure located on Main Street in addition to other available publically accessible parking areas. Peak attendance is observed during the summer months, when the City accommodates additional off-site parking with a free shuttle to and from the event site. The shuttle has operating hours of 5:30 p.m. to 10:00 p.m., and is initiated once the Main Street Parking structure is full. The project includes amplified music on Main Street. No amplified music is proposed for 5th Street.

Potential Environmental Effects: A focused EIR will be prepared to analyze potential environmental impacts associated with the Project, including Land Use and Planning, Noise, Traffic/Parking, Greenhouse Gas Emissions, Alternatives to the proposed project and Growth Inducing and Cumulative Impacts.

Discretionary Permitting: The Project requires the approval of Coastal Development Permit (CDP) No. 12-001, Conditional Use Permit (CUP) No. 12-026, and Noise Deviation Permit No. 13-009, which have been applied for and will be processed concurrently with the EIR, pursuant to CEQA Guidelines §15004(c).

Document Availability: The NOP and prior IS/MND are available for public review at the locations listed below during regular business hours:

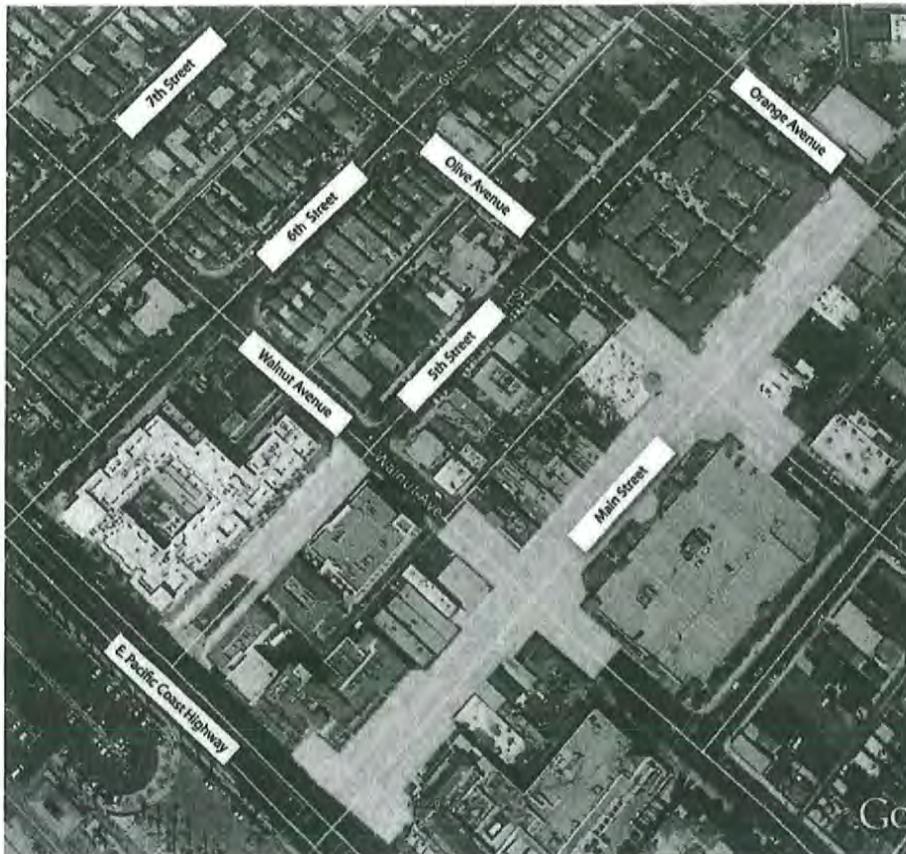
- City of Huntington Beach Planning and Building Department, 2000 Main Street, Huntington Beach, 92648 California;
- Huntington Beach Central Library, 7111 Talbert Avenue, Huntington Beach, 92648, California;
- Main Street Branch Library, 525 Main Street, Huntington Beach, 92648, California; and
- <http://www.huntingtonbeachca.gov/Government/departments/planning/environmentalreports.cfm>

As stated above, the City will receive your written comments regarding this NOP from Thursday, December 19, 2013 through Friday, January 24, 2014. All written comments must be received by the City by January 24, 2014 at 5:00 p.m. If you require additional information please contact Mr. Ethan Edwards, AICP, Associate Planner, at (714) 536-5561.

Date: December 19, 2013

Signature: 
Title: Associate Planner
Contact: (714) 536-5561
Email: Ethan.Edwards@surfcity-hb.org

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.



BY:  DEPUTY

HUGH NGUYEN, CLERK-RECORDER

DEC 18 2013

POSTED

Appendix B – Notice of Preparation Comment Letters

**CAPITAL
INVESTMENT
NETWORK INC.**

INVESTMENT / DEVELOPMENT

RECEIVED

JAN 03 2014

Dept. of Planning
& Building

January 2, 2014

Ethan Edwards, Associate Planner
City of Huntington Beach
P.O. Box 190
Huntington Beach, CA 92648

Re: EIR/Street Festival

Dear Mr. Edwards,

I'm writing to express our enthusiastic support for the Street Fair. Our business is located in the B.I.D. We enjoy the flavor and color that the festival has generated for the downtown area.

It's great to hear the different musicians while picking up organic fruit or tamales on the way home. I even met a vendor for at-home SCUBA certification that my family has used. More importantly, it's great to see people coming downtown for a stroll to experience this 'happening'.

I appreciate the work that the founders and current merchants have done to create this quality experience.

Sincerely,



Steve Wise
President
Capital Investment Network, Inc.

RECEIVED

JAN 02 2014

Dept. of Planning
& Building

24 Dec 2013

MR EDWARD :

I FULLY Support The
Tuesday NIGHT Festival and
ENCOURAGE its Involvement
into FIFTH STREET.

IT MAKES A Neighborhood
AND Community.

IT MAKES it A GREAT
PLACE to LIVE!!

Ed Rohaly

714 745 1248

EDWARD G ROHALY

111 SIXTH STREET

HD. # 92648

William K. Vogt
201 2nd Street
2108 PCH
Huntington Beach, CA 92648

RECEIVED

DEC 26 2013

Dept. of Planning
& Building

City of H. B.
PO Box 190
Huntington Beach, CA 92648

Dec. 22, 2013

Dear Mr. Edwards,

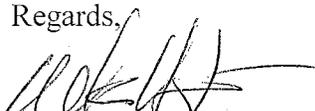
I am the owner of a lot located at the corner of 2nd and Walnut Streets. After the Tuesday Street fair an unusual amount of trash ends up on my lot, on the sidewalk adjacent to my property and in the gutter along the border of my property. Although Rainbow does clean the streets to the corner of 3rd and Walnut, the majority of the trash from the fair is thrown on the ground beyond the fair per se.

My concern isn't over how the street fair is handled but only how the resultant trash from the fair is handled. Within the boundaries of the fair there are plenty of trash receptacles, however, those who purchase the food and walk out of the area tend to throw their trash on my lot or around it as there is no provision for their trash.

For this reason I think the city should provide a trash clean-up around the fair streets as this is not only my problem but also of many other residents in the area of the fair. Perhaps a special street sweeping from 1st street to 5th street bounded by Orange and PCH would be appropriate. Optionally, Rainbow could expand the area of clean-up post fair days.

I hope you will consider this as it is not only a nuisance but a black eye for the city and the street fair.

Regards,


William K. Vogt
714 969-0740

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net
e-mail: ds_nahc@pacbell.net



December 24, 2013

RECEIVED

Mr. Ethan Edwards, Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

DEC 30 2013**Dept. of Planning
& Building**

RE: SCH#2013051088; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the **"Surf City Nights Project;"** located in the City of Huntington Beach; Orange, California

Dear Mr. Edwards:

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface

evidence of archeological resources does not preclude their subsurface existence.

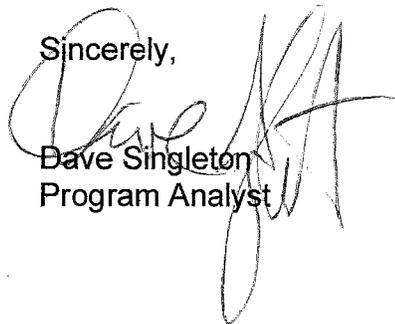
California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies" and Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,



Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

Happy Holidays!

**Native American Contacts
Orange County California
December 24, 2013**

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino /Tongva Nation
Sandonne Goad, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
sgoad@gabrielino-tongva.com
951-845-0443

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Juaneno Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.
714-323-8312
714-998-0721

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013051088; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Surf City Nights Project; located in the City of Huntington Beach; Orange County, California

Native American Contacts
Orange County California
December 24, 2013

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
gabrielenoindians@yahoo.
(626) 926-4131

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
(619) 294-6660-work
(310) 428-5690 - cell
(760) 636-0854- FAX
bacuna1@gabrielinotribe.org

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall , CA 92003

760-636-0854 - FAX

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
kaamalam@gmail.com
949-293-8522

Gabrielino /Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net
909-262-9351

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013051088; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Surf City Nights Project; located in the City of Huntington Beach; Orange County, California

JEFFREY HANSLER
213 SECOND STREET
HUNTINGTON BEACH, CA 92648-5103
(714) 9607461 ♦ FAX (714) 960-5107 ♦ CELL (714) 225-7461

January 13, 2014

Ethan Edwards
Associate Planner
City of Huntington Beach
Planning and Building Department
PO Box 190
Huntington Beach, CA 92648

RECEIVED

JAN 22 2014

Dept. of Planning
& Building

Thank you for the opportunity to be involved with the land use and planning regarding Surf City Nights.

Because of the importance of Surf City Nights as a branding opportunity in addition to an event, the actions incorporated into the plan should include:

- 1) Removing parking meters from adjacent streets 1st – 7th and post Residential Parking Only. More than any of the numbered streets, these streets are impacted the severest by downtown activities. This action compensates near residents for city revenue generating events, and will encourage pedestrian and cycle travel in the downtown courtyard.
- 2) Limit the hours of alcohol service to 11pm in the downtown area except for hotels. This will encourage bars heavily promoting alcohol as their primary revenue generation to target a group of broader interests. If you review tax revenues from liquor sales from Hurricanes, Black Bull, and Sharkeez, you will find they are not supporting the costs the city incurs.
- 3) Incorporate an art directive into Surf City Nights by establishing and generously funding a Cultural Board (Surf City Nights Cultural Board) with a free hand to establish art themes to be incorporated throughout the downtown and boardwalk areas. With autonomy, this board will have the opportunity to establish something uniquely Huntington Beach. A monthly or quarterly theme regularly provides something new to experience in the downtown.

JEFFREY HANSLER

These are opportunities that will bring profitable revenue and contentment to all parties concerned in the long-run. There may be resistance to change by a few that strongly object. They often find in the end though the benefits of change far outweigh the initial pain.


Jeffrey Hansler

1/16
Date

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

3347 MICHELSON DRIVE, SUITE 100

IRVINE, CA 92612-8894

PHONE (949) 724-2000

FAX (949) 724-2019

TTY 711

www.dot.ca.gov

**RECEIVED**

JAN 21 2014

Dept. of Planning
& Building*Flex your power!
Be energy efficient!***January 16, 2014**

Ethan Edwards
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92628

File: IGR/CEQA
SCH#: 2013051088
Log #: 3288A
SR-1

Subject: Surf City Nights

Dear Mr. Edwards,

Thank you for the opportunity to review and comment on the **Notice of Preparation (NOP) for the Surf Streets Nights Project**. Surf City Nights is an existing downtown street festival which occurs every Tuesday night from 5:00pm until 9:00pm. The festival includes live entertainment, local merchant displays, sidewalk sales and a food court. The proposed project includes the renewing of discretionary permits and the expansion of Surf City Nights from its current location on Main Street between Pacific Coast Highway and Orange Avenue onto 5th street between Pacific Coast Highway and Walnut Avenue. This project also requires the temporary closure of downtown streets including Main Street and 5th street of Huntington Beach every Tuesday from 2:00 p.m. until 10:00 p.m. The nearest State Highway located near the project site is SR-1.

The Department of Transportation (Department) is a commenting agency on this project and we have the following comments:

1. Any project work proposed in the vicinity of the State right of way would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet the Department's requirements, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State right of way. All entities other than the Department working within State right of way must obtain an Encroachment Permit prior to commencement of work. A fee may apply. If the cost of work within the State right of way is below one Million Dollars, the Encroachment Permit process will be handled by our Permits Branch; otherwise the permit should be authorized through the Department's Project Development. Allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, R/W certification and all relevant design details including design exception approvals. For specific details Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual. The latest edition of the manual

Mr. Edwards
January 16, 2014
Page 2

is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

2. In addition to the temporary closure of Main and 5th streets via placing metal bollards and/or barricades, please consider the following:
 - Provide traffic enforcement by Huntington Beach Police Department for all related issues.
 - Place two sets of barricades (type II, or III) with flashing amber lights on NB PCH right turn only lane onto Main Street to divert vehicular traffic from entering the right turn pocket.
 - Place two sets of barricades (type II, or III) with flashing amber lights on SB PCH left turn lane onto Main Street to divert vehicular traffic from entering the left turn pocket.

Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Miya Edmonson at (949) 724-2228.

Sincerely,



Maureen El Harake, Branch Chief
Regional-Community-Transit Planning

C: Scott Morgan, Office of Planning and Research

January 19, 2014

Ethan Edwards
Associate Planner
City of Huntington Beach
PO box 190
Huntington Beach CA 92648

RECEIVED

JAN 23 2014
Dept. of Planning
& Building

RE: Permit Renewal & Expansion of Surf City Nights

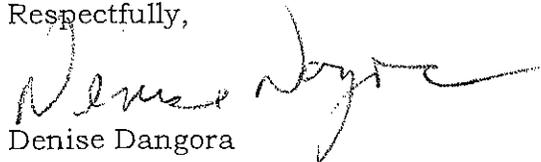
Dear Mr. Edwards.

Surf City Nights impacts local residents surrounding the area every single week—fifty two times per year. I've supported the event in the past as good for local business and our City. However, I am strongly opposed to the expansion of Surf City Nights physical location and operating hours. If the Office had even one iota of concern for the interests of local residents, a request for permit renewal, without extending operating hours and location, would have been appropriate.

Based on experiences with summer events held in the proposed extension area, we have had enough intrusion into our residential area. Fifth Street serves as a buffer for residents. Please do not take that away. Our area of 6th & Walnut is busy and noisy enough during the summer; let us continue to have some peace in the off season. Why not extend Tuesday Night vendors and entertainment up Main Street? The businesses there I'm sure would appreciate the shopper traffic.

I am incensed that the City's Office of Business Development plans to double operation time to an eight-hour event, ending at 10 pm. Why, as a feeder into the bars???? Extend operating hours to earlier in the day, but please not after nine pm--- it's a work night.

Respectfully,



Denise Dangora
205 6th Street
Huntington Beach 92648

1-20-14

RECEIVED
JAN 23 2014
Dept. of Planning
& Building

TO: Ethan Edwards Associate Planner
Planning Division
City of Huntington Beach
2000 Main Street
H.B., CA 92648

FROM: Susan Worthy and Guy Guzzardo
128 Sixth Street
H.B. CA 92648
(714)960-1902 (Helme Antique Store)

RE: Response Commentary to Legal Advertisement Notice:
Notice of Preparation of a Draft Focused EIR No.13-003 and;
Initial Study Mitigated Negative Declaration and;
Coastal Development Permit No.12-001 and;
Conditional Use Permit NO.12-026 and;
Noise Deviation Permit No.13-009

Dear Planning Division and Ethan,

My husband Guy and I have not had the time to review the above Legal Advertisement regarding the above named documents. Sending this letter right before Christmas (Dec 19, 2013) and over New Years Day Holidays and the beginning of a new year month is really ill timed for public involvement and commentary.

We are submitting again the letter we wrote to you dated June 24, 2013 in continued protest of the expansion of the "Surf City Nights" to include 5th Street for all the reasons stated in our prior letter to you. Our position on this matter has not changed.

We will continue to hold the position of relocating "Surf City Nights" to the North Side of the pier.

EVENT ENCROACHMENT to residential: on the corner of 5th and Walnut Ave. Apartments (Woods Apartment complex) and the rest of residents on the 2nd block of 5th street. Guy and I have residential apartments and our home ½ block away off of 5th street. There is also the residential on 3rd and 2nd streets as well.

CLOSURE OF STREETS AND CIRCULATION: from 2:00p.m. to 10:00p.m. Creates mass confusion with traffic flow/cars are backed up on Walnut and jammed in front of my store which results in preventing my customer access.

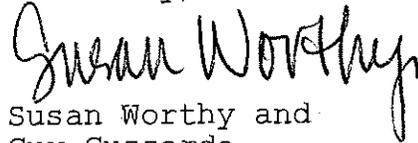
EVENT PARKING: CLOSING 4 BLOCKS OF STREETS THAT PROVIDE PARKING ON A USUAL BASIS IMPACTS PARKING PERIOD FOR THIS AREA. THE METERED PARKING IS ALSO IMPACTED FISCALLY AS WELL, BAGGING THE METERS DURING THAT TIME IS A STUPID LOSS TO THE CITY. I WOULD LIKE TO KNOW HOW MUCH REVENUE HAS BEEN LOST IN HOSTING THIS EVENT ON EVERY TUESDAY FROM 2 TO 10 (8 HOURS) WHICH IS 384 HOURS IN A YEAR OF LOST REVENUE.

NOISE: ABSOLUTELY NO MITIGATION OF ANY ESTABLISHED CITY NOISE ORDINANCE PERIOD. AMPLIFIED MUSIC SHOULD NOT BE ALLOWED NOW ON MAIN STREET IT NEEDS TO BE ELIMINATED. I HEAR IT EVERY TUESDAY UNTIL 9:00P.M. ITS TOO LOUD!

In conclusion; the residents have the legal right for "peaceful" "quiet" "enjoyment" of their property. Our "right" for for this is and has been violated for years by the continual events that are permitted on Main Street and the 1st block of 5th street.

Why do the residential areas continually have to be put in the position of tolerating all of the noise and property damage for the sake of the Main Street Business Owners. This has to stop.

Sincerely,

A handwritten signature in cursive script that reads "Susan Worthy". The signature is written in dark ink and is positioned above the typed names.

Susan Worthy and
Guy Guzzardo

6-24-13

*Helme
copy
hand delivered
9:45 AM
6-28-13*

TO: Ethan Edwards Associate Planner
Planning Division
City of Huntington Beach
2000 Main Street
H.B., CA 92648

FROM: Susan Worthy and Guy Guzzardo
128 Sixth Street
H.B., CA 92648
(714)960-1902(Helme Antique Store)

RE: Notice of Intent to Adopt A Mitigated Negative Declaration
For The Surf City Nights Project

Dear Planning Division and Ethan,

We received your public notice regarding the Surf City nights and your plans to make this a permanent event indefinitely. Guy and I are ABSOLUTELY OPPOSED TO THE CITY'S INTENT TO ADOPTING A MITIGATED NEGATIVE DECLARATION FOR SURF CITY NIGHTS. For the reasons listed below;

1. The City Council, the City Staff, the City Administrator, the Police Department ALL KNOW THAT THERE ARE "HUGE" MAJOR PROBLEMS IN THE DOWNTOWN AREA OF H.B. WITH;
ALCOHOL AND DRUG USE
CRIME(DRUG DEALING, PEOPLE ON DRUGS, ROBBERY, RAPE, DUI'S, DESTRUCTION OF PRIVATE AND PUBLIC PROPERTY, ETC.
SKATEBOARDING(MAJOR DAMAGE TO PUBLIC AND PRIVATE SIDEWALKS, CURBS, HANDRAILS & SCREECHING NOISE)& BICYCLES OUT OF CONTROL URINATION AND MASSIVE LITTERING
GRAFFITI
EXCESSIVE NOISE EVERY NIGHT(YELLING, SCREAMING, LOUD MUSIC, CAR ALARMS, SIGN SLAMMING, LOUD MOTORCYCLES, ETC.)
LAWS CANNOT BE ENFORCED AND CANNOT BE MITIGATED.
2. WE ARE AGAINST; the time scheduled. Surf City Nights should end at 8:00p.m. not 9.00p.m. or 10:00p.m., it runs to late and vendors stay until 11:00p.m. loading trucks and leaving the area. TOO MUCH NOISE. My husband Guy gets up for work at 5:30a.m., he goes to bed at 9:00p.m. and this event with all the NOISE(and people that linger around creating a nuisance and problems) goes on from 10:00p.m. to 3:00p.m..CURFEWS NOT ENFORCED CANNOT BE MITIGATED.
3. WE ARE AGAINST; the closure of(and have always been)of all the streets which provides circulation to our business. Surf City Nights(and any other event requested by The Strand or on Main Street, i.e.; recent Chili Cook-Off)takes up all the parking in the area and around our business on Walnut and Sixth Street. Our customers cannot find parking to access our store and they leave. We DO NOT DO GOOD BUSINESS ON THESE DAYS. TRAFFIC AND PARKING

CONGESTION CANNOT BE MITIGATED AND TO SUGGEST THAT SHUTTling PEOPLE FROM CITY HALL MITIGATES THE PARKING CONGESTION DOWNTOWN IS RIDICULOUS AND STUPID! CLOSURE OF THE STREETS REDIRECTS TRAFFIC TO RESIDENTIAL NEIGHBORHOODS AND CAUSES MAJOR CONGESTION ON STREETS THAT ARE ALREADY PACKED.

4. WE ARE AGAINST; Surf City Nights Expanding to 5th Street. It is too close to residential apartments and homes. There are apartments on 5th Street and Walnut Ave. And I have apartments ½ block down from 5th Street. This is "ENCROACHMENT INSANITY" TO THE RESIDENTIAL AREA ON 6TH Street.

5. WE ARE AGAINST; The application for a permit to deviate from the provisions of the Noise Ordinance. It should be DENIED PERIOD. The NOISE PROBLEMS IN DOWNTOWN AREA IS HORRENDOUS AND UNBEARABLE AND GETTING WORSE. THIS NEEDS TO CHANGE. I can hear the amplified music every Tuesday in my home in my kitchen and I am two blocks away. NO AMPLIFIED MUSIC SHOULD BE CONTINUED PERIOD! ITS TOO LOUD!!! AND CANNOT BE MITIGATED!

REMEDY:

THE CITY OF H.B. HAS SPENT MILLIONS OF DOLLARS RENOVATING THE AREA AROUND THE PIER. IT WAS DESIGNED TO HANDLE ALL OF THE EVENTS SCHEDULED FOR THE DOWNTOWN AREA THROUGHOUT THE YEAR.

MOVE SURF CITY NIGHTS TO THE EVENT AREA ON THE NORTH SIDE OF THE PIER. GET IT OFF MAIN STREET! CURRENTLY 65 VENDORS? THIS IS NOT THE ORANGE COUNTY FAIR! THIS IS TOO BIG FOR MAIN STREET! RE-LOCATE IT AT THE BEACH.

RESIDENTIAL WOULD NOT HEAR AMPLIFIED MUSIC.
LOTS OF BEACH PARKING AND METERED.
STREET CLOSURES WOULD NOT BE NECESSARY.
THIS WILL BE A BETTER SOLUTION FOR ALL OF US RESIDENTS WHO LIVE IN THE AREA. (Less Noise and Crime around our properties) BETTER FOR THE POLICE TO CONTROL.
"THE BUSINESS DISTRICT" SHOULD BE RESTRICTED TO HAVE ONLY FOUR EVENTS PER YEAR WITH NO STREET CLOSURES ALLOWED; i.e., Halloween party, Christmas Tree and Pier lighting, and maybe two in the summer.

In closing, the negative impact on residential and businesses far outweighs anything positive that could come from it; AND CANNOT BE MITIGATED and anybody who thinks it can is a liar and is mentally living in absurdity.

Sincerely,

Susan Worthy

Guy Guzzardo

January 23, 2014

Mr. Ethan Edwards
Associate Planner
Planning Division
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RECEIVED
JAN 23 2014
Dept. of Planning
& Building

James A. Aul
122 1/2 6th Street
Huntington Beach, CA 92648
714-536-4652

Subject: Response Commentary to Legal Advertisement Notice: Notice of Preparation of a Draft Focused Environmental Impact Report and an Initial Study (IS) Mitigated Negative Declaration that was prepared for CDP No. 12-001.

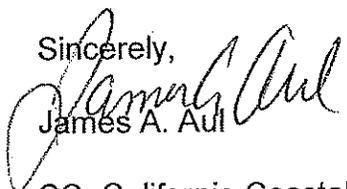
Sir,

I received the subject advertisement right before Christmas. I was out of town and could not reply immediately. The mailing of the document was very ill-timed. However, I choose not to ignore it. Here is my response. In summary, I am against the Tuesday Surf City Nights. If it must be, the vendors should be setting up/selling their wares across Pacific Coast Highway, in the parking lot(s). Main Street should NOT be closed.

EVENT ENCROACHMENT: There are just too many loud people as it is. Why increase this number? It seems ridiculous to me.

NOISE: I believe the current (as of this date and prior to) should **NOT** be mitigated under any circumstances; for any reason. This would only benefit the BARS main street. I have lived downtown since October 1986 and can only say that more/louder noise from *whatever* source is NOT necessary – AT ALL! Have you any idea how loud it is down here already on Tuesday nights? If anything, it needs to be made LESS noisy! I am firmly against this.

In conclusion, I, and other residents, have the right to, legally, enjoy peace AND quiet. We should not be subjected to the whims of bar owners so they can increase their profits. It seems criminal to want to change the City Code for even one (1) night. Why do the residents always have to fight this type of stuff? Why are we the ones who have to suffer just for the sake of the Main Street Business owners (mostly bar owners)?

Sincerely,

James A. Aul

CC: California Coastal Commission

Appendix C – Initial Study/Mitigated Negative Declaration

CITY OF HUNTINGTON BEACH
PLANNING & RECREATION DEPARTMENT
DRIVE IMPROVEMENT NEGATIVE DECLARATION NO. 13-09

1. **PROJECT TITLE:** Surf City Nights

Concurrent Entitlements: Coastal Development Permit No. 12-001, Conditional Use Permit No. 12-026; Noise Deviation Permit No. 13-009

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

Contact: Ethan Edwards, Associate Planner
Phone: (714) 536-5561

3. **PROJECT LOCATION:** The closure will be between Pacific Coast Highway and Orange Avenue on Main Street including portions (half-block) of Walnut Avenue and Olive Avenue (between 3rd Street and 5th Street) and between Pacific Coast Highway and Walnut on 5th Street.

4. **PROJECT PROPONENT:** Same as Lead Agency

5. **GENERAL PLAN DESIGNATION:** M->30-sp-pd (Mixed Use – specific plan overlay – design overlay – pedestrian overlay)

6. **ZONING:** SP5-CZ (Specific Plan No. 5 – District 1 – Coastal Zone)

7. **PROJECT DESCRIPTION:** To review the potential environmental impacts associated with the closure of Main Street and 5th Street every Tuesday night between 2:00 PM and 10:00 PM to allow for an outdoor street festival (Surf City Nights) between 5:00 PM and 9:00 PM for an indefinite period of time. The festival will consist of various activities including sidewalk sales, farmer's market, live entertainment, food preparation and tasting, and children's activities (bounce house and train). A shuttle program will be provided via a remote parking lot located at 2000 Main Street (City Hall) with a free shuttle service to/from the festival to accommodate overflow parking year round. The Surf City Nights street festival has been operating on Main Street only as a temporary use since May 14, 2008. An application for a permit to deviate from the provisions of the Noise Ordinance is requested as part of the proposed project and is being processed concurrently with the request. No development or construction is proposed as part of the project.

8. **SURROUNDING LAND USES AND SETTING:** The project area includes the public right-of-ways (streets) between Pacific Coast Highway and Orange Avenue on Main Street including portions of (half-block) of Walnut Avenue and Olive Avenue (between 3rd Street and 5th Street) and between

Pacific Coast Highway and Walnut on 5th Street. A mix of uses is located adjacent to the project area including: retail, restaurant, parking structures, multi-family residential, office, municipal pier, beach, and other visitor-serving uses.

8. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:

None.

10. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED):

None.

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

5-23-13
Date

ETHAN T. EDWARDS
Printed Name

ASSOCIATE PLANNER
Title

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>Potentially Significant Less Than Significant Impact</i> | <i>No Impact</i> |
|---|---------------------------------------|---|---|------------------|
|---|---------------------------------------|---|---|------------------|

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"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

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 |
|--------------------------------|--|------------------------------|-----------|

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:1,2)

Discussion: The project is to permit the closure of Main Street and 5th Street every Tuesday night to allow for an outdoor festival for an indefinite period of time. The festival will consist of various activities including sidewalk sales, farmer’s market, live entertainment, food preparation and tasting, and children’s activities (bounce house and train). The closure will be between Pacific Coast Highway and Orange Avenue on Main Street including portions (half-block) of Walnut Avenue and Olive Avenue (between 3rd Street and 5th Street) and between Pacific Coast Highway and Walnut on 5th Street. The project is permitted subject to the review and approval of a conditional use permit pursuant to Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance. In addition, the project includes a deviation permit to exceed standards established by the City’s Noise Ordinance of the Municipal Code. However, the Municipal Code allows such deviations pursuant to the provision of the Noise Ordinance. As discussed in Section X(a) below, none of the impacts associated with the noise deviation would be significant.

Additionally, the project conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following Coastal Element Land Use Policies:

- Policy C 1.1.6: Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Coastal Commission’s guidelines adopted by the Commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities.
- Policy C 2.4.2: Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:
 - Monitor parking programs to make the most effective use of parking resources, and
 - Replace any on-street parking lost in the coastal zone on a 1:1 basis within the coastal zone prior to or concurrent with the loss of any parking spaces.
- Policy C 3.2.1: Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.
- Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity.

The proposed outdoor street festival will attract tourists and Huntington Beach residents to Main Street and 5th Street and the Municipal Pier reinforcing Downtown Huntington Beach as a “hub” of community activity. The weekly event increases and enhances recreational opportunities in the coastal zone by providing public recreational and community activities with adequate parking and parking facilities within the downtown and satellite facilities. The proposed closure of Main Street and 5th Street (and associated side streets) every Tuesday night to allow for an outdoor festival will not conflict with any land use plan in the City of Huntington Beach including the Municipal Code (with the exception of the Noise Ordinance), the Downtown Specific Plan, the General Plan and the Local Coastal Program. Less than significant impacts are anticipated.

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan as none exists in the City. No impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Physically divide an established community? (Sources:3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would not disrupt or physically divide an established community. Although the project would temporarily close access to Pacific Coast Highway from Main Street and 5th Street on Tuesday nights, alternate routes to Pacific Coast Highway are available on adjacent streets. In addition, access to and through the downtown area from Pacific Coast Highway would be available on adjacent side streets. The project would not impact access to surrounding development. No impacts are anticipated.

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:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources:4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources:4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: a) – c) The project area consists of public right-of-ways (streets). No residential uses exist and no new homes or businesses are proposed. Therefore, the project will not displace existing people or housing and no impacts are anticipated.

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: | | | | |
| 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:1,12) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ISSUES (and Supporting Information Sources):

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

Discussion: The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazards of subsurface faulting and fault rupture to build structures. Active earthquake faults are faults where surface rupture has occurred within the last 11,000 years. Fault rupture generally occurs within 50 feet of an active fault line and is limited to the immediate area of the fault zone where the fault breaks along the surface. The project does not propose to build any new buildings and is not known to be traversed by an active fault and is not located within the Alquist-Priolo Earthquake Fault Zone for surface fault rupture hazards. The nearest active fault is the Newport-Inglewood fault located approximately 1.5 miles northeast of the project site. Therefore, impacts are anticipated to be less than significant.

ii) Strong seismic ground shaking? (Sources:1,12)

Discussion: The project site is located in a seismically active region of South California. Therefore, the site could be subjected to strong ground shaking in the event of an earthquake. The project does not propose permanent structures. Although people will congregate in the area as part of the event, surrounding development is built pursuant to Uniform Building Code regulations and designed to withstand an earthquake or seismic event. Impacts are anticipated to be less than significant.

iii) Seismic-related ground failure, including liquefaction? (Sources:1,12)

Discussion: Although the site is located within an area identified by the City's General Plan as having a very high potential for liquefaction, the project is not located within a liquefaction zone, according to Seismic Hazard Zones maps of California Division of Mines and Geology (CDMG). The project includes a weekly event within a developed area and does not propose construction or ground disturbance. Therefore, liquefaction impacts associated with seismic related ground failure to people and structures on-site would be less than significant.

iv) Landslides? (Sources:1,6)

Discussion: According to the City of Huntington Beach General Plan, the site is not in an area susceptible to slope instability. The project site is located on flat land and no slopes or other landforms susceptible to landslides exist in the vicinity of the property. Moreover, the California Division of Mines and Geology has not mapped any earthquake-induced landslides at or in the vicinity of the site that would be indicative of the potential for slope instability. The project includes a weekly event within a developed area and does not propose construction or ground disturbance. No impacts from landslides are anticipated.

b) Result in substantial soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources:1,6)

Discussion: The project site and vicinity are urbanized and have relatively flat topography. Implementation of the proposed project would not require alteration of the existing topography of the project site. Therefore, no impacts are anticipated.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project,

ISSUES (and Supporting Information Sources):

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| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
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and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
(Sources:1,6)

Discussion: Refer to Responses III (a) (iii) and III (a) (iv) for discussion of liquefaction and landslides, respectively. Subsidence is large-scale settlement of the ground surface generally caused by withdrawal of groundwater or oil in sufficient quantities such that the surrounding ground surface sinks over a broad area. The project site has not been identified as an area with potential for subsidence. The project includes a weekly event within a developed area and does not propose construction or ground disturbance. In addition, withdrawal of groundwater, oil, or other mineral resources would not occur as part of the proposed project and, therefore, subsidence is not anticipated to occur. No impacts are anticipated

- 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)

Discussion: Although the project site is located in an area known to have moderately expansive soils, the proposed project does not include any grading, construction or building activities that would be subject to the CBC and/or implementation of measures for expansive soils. Therefore, potential risks to life and property associated with expansive soil are 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:1)

Discussion: The project site is located in an urbanized area in which wastewater infrastructure is currently in place. Therefore, the capability of the soils to support septic tanks or alternative wastewater systems is not relevant to the proposed project. No impact would occur related to septic tanks or alternative wastewater disposal systems.

IV. HYDROLOGY AND WATER QUALITY. Would the project:

- a) Violate any water quality standards or waste discharge requirements? (Sources:1,14)

Discussion: The project does not propose any construction activities or ground disturbance and thus does not need to comply with the water quality requirements of the National Pollutant Discharge Elimination System (NPDES) for preparation of a SWPPP or WQMP. However, the project may potentially impact the downstream water quality if trash, debris and spills are not cleaned immediately after each event. In order to minimize the potential for water quality issues: a) all vendors are required to self contain their waste by bringing their own trash containers and carrying it off-site after each event; b) The project proponent has arranged with Rainbow Disposal to empty the commercial trash bins serving the site immediately before and after the event so that sufficient room is provided within the bins for trash and debris; c) The project proponent has arranged with Rainbow Disposal to deliver an ample supply of plastic lined cardboard disposable trash bins that are installed throughout the site; d) The project proponent has arranged with a private contractor to sweep and pickup trash, clean up spills and deliver the cardboard trash bins to Rainbow for disposal prior to the re-opening of the event site. Furthermore, the event will be canceled during rain events, so that runoff does not carry pollutants from

ISSUES (and Supporting Information Sources):

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| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
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the event to the storm drain prior to cleanup of the site. Additionally, the project site discharges to a public storm drain system that ultimately flows through existing water quality BMPs, which capture trash and pollutants prior to runoff discharging to the ocean. The implementation of these control measures will ensure compliance with water quality standards and waste discharge requirements. Less than significant impacts would occur.

- 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:1,14)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: No direct use of groundwater supplies is proposed and no adverse impact to groundwater recharge will occur. Any potable water to be used by vendors will be minimal, and temporary. The project will not impact the level of local groundwater. Wells supporting existing or planned land uses will continue at the same level of production as without the proposed project. Therefore, no impact is anticipated to groundwater supplies or groundwater recharge systems.

- 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:1,14)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The proposed project will not alter the existing drainage pattern of the site or area, nor alter the course of a stream or river, which would result in substantial erosion or siltation on- or off-site. The project is an event and will not change existing grades nor add new impervious surface areas that would create additional runoff. Therefore, the proposed project will result in no impact to existing drainage patterns or result in erosion or siltation.

- 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 of surface runoff in a manner which would result in flooding on or off-site? (Sources:1,14)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The proposed project will not alter the existing drainage pattern of the site or area, nor alter the course of a stream or river, nor substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. The project will not increase the amount of impervious surfaces, involve construction, nor would it create additional runoff. Additionally, the project site is adequately served by existing public storm drain systems designed to City standards. Thus, project operation will not cause flooding on- or off site. Therefore, the proposed project will result in no impact due to flooding.

- e) Create or contribute runoff water which would exceed

| ISSUES (and Supporting Information Sources): | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
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the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources:1,14)

Discussion: The project will not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. As described in IV(d), above, the proposed project will not generate additional stormwater runoff. Therefore, there would be no impact due to runoff.

f) Otherwise substantially degrade water quality? (Sources:1,14)

Discussion: See discussion under Sections IV (a).

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:1,7)

Discussion: The proposed project is an event, no residential uses are proposed. Regardless, the subject site of the event is designated as Flood Zone X, a 500-year flood hazard area, on the Flood Insurance Rate Map (FIRM), which is not subject to federal flood development restrictions. Therefore, no impacts are anticipated.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources:1,7)

Discussion: The proposed project site is designated as Flood Zone X on the Flood Insurance Rate Map (FIRM), which is not subject to federal flood development restrictions. The project site and vicinity are not situated within the 100-year flood hazard area as mapped in the FIRM. Therefore, no impacts are anticipated.

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:1,7)

Discussion: The project site is not located within a flood hazard zone. In addition, the site is not in the immediate vicinity of a levee or dam. Therefore, no impacts are anticipated.

j) Inundation by seiche, tsunami, or mudflow? (Sources:1)

Discussion: According to the Moderate Tsunami Run-up Area map in the City of Huntington Beach General Plan/Local Coastal Program, the project site is not located in an identified moderate tsunami run-up area. Due to the lack of land-locked bodies of water (i.e., ponds or lakes) in proximity to the project site, the potential for seiches is considered to be non-existent. The project site and vicinity are urbanized and have relatively flat topography. The project site and vicinity are not identified as areas with the potential for mudflows. Therefore, no impacts are anticipated.

| ISSUES (and Supporting Information Sources): | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| k) Potentially impact stormwater runoff from construction activities? (Sources:1,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: The project does not propose construction activities or ground disturbances. Therefore, no impacts are anticipated. | | | | <input checked="" type="checkbox"/> |
| l) Potentially impact stormwater runoff from post-construction activities? (Sources:1,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Discussion: See discussion under Sections IV (a). | | | | |
| 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:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: Pollutants caused from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance, waste handling, hazardous materials handling or storage, and other such outdoor work areas are not proposed or expected and therefore no impact is anticipated. | | | | |
| n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? (Sources:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Discussion: See discussion under Sections IV (a). | | | | |
| o) Create or contribute significant increases in the flow velocity or volume of stormwater runoff to cause environmental harm? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: See discussion under Section IV (a)(e). | | | | |
| p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources:1,6,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: See discussion under Section III (b). | | | | |

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:8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

| ISSUES (and Supporting Information Sources): | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| b) Expose sensitive receptors to substantial pollutant concentrations? (Sources:8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Create objectionable odors affecting a substantial number of people? (Sources:8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources:8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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:8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ISSUES (and Supporting Information Sources):

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

Discussion: a) – e) The City of Huntington Beach is located within the South Coast Air Basin, which is regulated by the South Coast Air Quality Management District (SCAQMD). The entire Basin is designated as a state and national-level nonattainment area for Ozone, respirable particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}).

The proposed operation is not anticipated to produce objectionable odors and potential odors (if any) would be limited to general cooking odors and typical refuse containers, which will be emptied and removed after each event. As such, impacts from odors would be less than significant.

The 2007 Air Quality Management Plan (AQMP) is the region's applicable air quality plan prepared to accommodate growth, to reduce the high levels of pollutants within the areas under jurisdiction of the SCAQMD, to return clean air to the region, and minimize the impact on the economy. Projects that are considered to be consistent with the General Plan are considered to be consistent with the AQMP. When the Downtown Specific Plan Update was adopted in 2010, it was determined that the new land use designations and proposed build-out of the specific plan would not conflict with the 2007 AQMP. Therefore, the proposed project, which is consistent with the Specific Plan, would not conflict with the AQMP and impacts would be less than significant.

Generally, a project's potential air quality impacts are based on a quantified assessment of the project's criteria pollutant emissions compared to significance thresholds prescribed by the SCAQMD. If project emissions do not exceed the significance thresholds, impacts would be considered less than significant. Existing air quality models do not include an appropriate land use type for events such as the proposed project. The SCAQMD does not recommend use of modeling software for the proposed project since an accurate emissions estimate could not be achieved. However, per the SCAQMD, the project would not generate emissions that would exceed regional significance thresholds nor would it expose sensitive receptors to substantial pollutant concentrations beyond established thresholds. Therefore, a less than significant impact is anticipated.

ISSUES (and Supporting Information Sources):

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| | Potentially Significant Impact | Potentially Significant Mitigation Incorporated | Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
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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: 15)
-

Discussion: A traffic analysis was completed for the proposed Surf City Nights project to determine if the weekly event would cause any significant traffic impacts. The analysis examined the existing traffic conditions for a typical afternoon peak period weekday without Surf City Nights, along with the conditions during Surf City Nights including the closure of the first block of 5th Street. The analysis examined the PM peak hour traffic conditions for the proposed project on the intersections in the project vicinity. Since Surf City Nights begins in the afternoon, the AM peak hour was not examined. The level of service at the following intersections were analyzed:

- Pacific Coast Highway @ 1st Street (signalized)pd
- Pacific Coast Highway @ Main Street (signalized)pd
- Pacific Coast Highway @ 6th Street (signalized)pd
- Main Street @ Orange Avenue (all-way stop)

Turning movement counts were collected during the summer on a Tuesday (Surf City Nights) and on the following day during the PM peak hour when all streets are open to traffic and functioning normally. With the traffic count information an analysis was conducted to estimate the diversion of traffic associated with the proposed weekly event. The levels of service at the study intersections were calculated to determine if the entire event resulted in any traffic impacts at those locations.

Traffic operating conditions on roadway facilities are described by the "Level of Service" (LOS). LOS is a qualitative description of traffic flow defined in terms of vehicle delay and ranges from LOS A (free-flow conditions) to LOS F (excessive delays). Delay represents a measure of driver discomfort, frustration, fuel consumption, and lost time. The City of Huntington Beach has adopted LOS D as the limit of acceptable operations at the signalized intersections studied in this analysis. LOS D was also used as the threshold for the unsignalized intersections analyzed in this study. Although no LOS threshold is indicated on State facilities, Caltrans "endeavors to maintain a target LOS at the transition between LOS C and LOS D on State highway facilities".

Two methodologies were used to determine the level of service at the signalized intersections, Intersection Capacity Utilization (ICU), and the Highway Capacity Manual (HCM) published by the Transportation Research Board. To determine intersection level of service, ICU analysis compares the traffic volumes to the intersection capacity, while HCM analysis is based on the average vehicle delay. Caltrans requires signalized intersections be analyzed using HCM procedures while the City of Huntington Beach uses ICU evaluation methods. The unsignalized intersections were evaluated using HCM methodology. The level of service of all-way stop controlled intersections is determined based on the average vehicle delay of all the vehicular movements.

ISSUES (and Supporting Information Sources):

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

The existing intersection levels of service are shown in Table 1 below.

Table 1. Existing Intersection Level of Service

| Int. # | Intersection | Control | Wednesday, PM Peak Hour | | | |
|--------|------------------------|--------------|-------------------------|-----|------|-----|
| | | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 | PCH/1st St | Signal | 18.7 | B | 0.51 | A |
| 2 | PCH/Main St | Signal | 14.2 | B | 0.71 | C |
| 3 | PCH/6 th St | Signal | 13.0 | B | 0.63 | C |
| 4 | Main St/Orange Av | All-Way Stop | 13.8 | B | - | - |

As shown in Table 1 all of the study area intersections currently operate at acceptable levels of service during the weekday afternoon peak hour.

Project Traffic Conditions

Traffic analysis was conducted with the closure of the first block of 5th Street during Surf City Nights. Traffic volumes were adjusted to account for the closure of 5th Street in addition to the regular Main Street closure. The level of service analysis is summarized on Table 2.

Table 2. Intersection Level of Service with Project

| Int. # | Intersection | Control | Surf City Nights with 5 th Street Closure PM Peak Hour | | | |
|--------|------------------------|--------------|---|-----|------|-----|
| | | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 | PCH/1st St | Signal | 24.6 | C | 0.57 | A |
| 2 | PCH/Main St | Signal | 5.9 | A | 0.67 | B |
| 3 | PCH/6 th St | Signal | 22.8 | C | 0.76 | C |
| 4 | Main St/Orange Av | All-Way Stop | 13.3 | B | - | - |

The results of the analysis indicate that all intersections would operate at an acceptable level of service with the Project. A level of service decrease from LOS B to LOS C occurs at the intersections of Pacific Coast Highway/6th Street and Pacific Coast Highway/1st Street as traffic is diverted to these intersections when Main Street and 5th Street are closed during project conditions.

Pedestrian access is maintained through the project area while the street closures are accomplished using standard traffic control devices and procedures. Potential vehicle entry areas within the roadway are protected with impact rated barriers to limit the potential of a vehicle accidentally entering the street closure areas when

ISSUES (and Supporting Information Sources):

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| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
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occupied by pedestrians and vendors.

Emergency vehicle access is maintained throughout the event area by limiting the closure areas, providing emergency vehicle accessible entry points and maintenance of clear passageways for emergency vehicles within the closure areas.

Therefore, impacts are anticipated to be less than significant.

- 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:16)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The Orange County Transportation Authority (OCTA) is the County's designated Congestion Management Agency. The OCTA is responsible for developing the Orange County Congestion Management Program (CMP). The goals of Orange County's CMP are to support regional mobility and air quality objectives by reducing traffic congestion; to provide a mechanism for coordinating land use and development decisions that support the regional economy; and to determine gas tax fund eligibility. The Orange County CMP states that since 1994, the selected traffic impact analysis process has been consistently applied to all development projects meeting the adopted trip generation thresholds (i.e. 2,400 or more daily trips for project adjacent to the Congestion Management Program Highway System (CMPHS), and 1,600 or more daily trips for projects that directly access the CMPHS. No CMP intersections are located within the study area. However, Pacific Coast Highway is a CMP facility that is directly accessed by vehicles traveling to and from the proposed project.

Average attendance for the proposed project is estimated to be approximately 2,800 people for an entire event. However, during the peak season, the event has drawn up to 5,000 people, but this occurred only once. Vehicle trips to the project would be expected to have a higher occupancy rate, estimated at two persons per vehicle, than a regular commuting vehicle given that the event is a community, family oriented venue. Additionally, local participants walk and bike, while others use the City shuttle service, transit, or are internal trips to the event. Accounting for the various modes of travel (15%) and internal trip capture (15%), the project would generate approximately 1,960 vehicle trips for an average event. For the highest attendance event days, the project would generate approximately 3,500 trips.

Based on event and non-event trip distribution data, approximately 15 percent of the event traffic directly accesses Pacific Coast Highway, a CMP facility. Using a conservative trip distribution estimate of 20 percent, event traffic that would directly access Pacific Coast Highway on the highest attendance days would generate approximately 700 trips, which is less than the established CMP trip generation threshold for impact analysis. No CMP traffic impact analysis would be required for the proposed project, and therefore, a less than significant impact is anticipated.

- 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:17)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: As detailed on AirNav.com no airports or airstrips exist in the City of Huntington Beach. The proposed project involves street closures for one night a week in downtown Huntington Beach that would not

ISSUES (and Supporting Information Sources):

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| Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
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impact air traffic patterns.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources:15)

Discussion: The project consists of temporarily closing several blocks of roadways for Surf City Nights to vehicles. No changes to the existing streets are proposed. These closures are accomplished through the use of standard street closure procedures including the use of standard traffic control devices. Protective barriers are used to reduce the opportunity of vehicles entering into the street closure area to help protect pedestrians and vendors in the event. Devices and closures within the State Highway (Pacific Coast Highway) are accomplished under permit with Caltrans and incorporate standard measures to ensure public safety (vehicle, pedestrian and bicycle). Therefore, impacts are anticipated to be less than significant.

- e) Result in inadequate emergency access? (Sources:1)

Discussion: Emergency access to the project streets are provided and maintained. The closures will consist of removable barriers for emergency vehicle access from Pacific Coast Highway. On Main Street portable bollards are used to close access to the street including strategically located bollards that are quickly removable for emergency vehicle access and a fire lane area is provided throughout the closure area. As a result, the impacts are expected to be less than significant.

- f) Result in inadequate parking capacity? (Sources:18,19)

ISSUES (and Supporting Information Sources):

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

Discussion: As stated, the average attendance for the event is approximately 2,800 people. From 5 pm to 8 pm average attendance is 800 people per hour and from 8 pm to 9 pm average attendance decreases to 400 people. The average length of stay is 1.5 hours. Based on average attendance numbers for the event, average length of stay, and accounting for vehicle occupancy of two persons per vehicle, the project would require availability of approximately 800 spaces throughout the event. This is a conservative estimate as this does not consider people that walk, bike or take other modes of transit or people that may already be in the downtown area, which likely makes up approximately 30% of the attendees.

The existing on street parking along the closed street segments of Main Street, 5th Street and portions of Walnut Avenue and Olive Avenue totaling fifty eight (58) metered spaces are not available for public parking during the event. Remaining on-street parking provides a total of approximately 640 spaces. Additionally, off-street parking totaling approximately 1,700 spaces would remain available in the public parking structures downtown: Main Promenade, The Strand, Plaza Almeria, and Pier Plaza.

As a condition of the 2008 project approval as a temporary use on Main Street, parking availability in the Main Promenade parking structure is required to be monitored to ensure that parking demand does not exceed available supply. The condition requires implementation of a free shuttle service from City Hall to the event when the City determines there is a parking deficiency or if downtown parking facilities reach full capacity for two hours. During the five-year period that the event has been operating, implementation of the shuttle pursuant to the condition was triggered one time. Currently, the shuttle operates every Tuesday during the peak season regardless of whether its operation is triggered by the condition. The number of available parking spaces for the downtown shuttle users is a maximum of 350 parking spaces. The project proposes to continue operating the shuttle as it currently does.

The Downtown Parking Study (2009) indicates that approximately 59 to 64 percent of the available public parking spaces are utilized during the event hours on a typical summer weekday. Utilization would be less from October through May outside of the peak summer season. Although the highest attendance days (5,000 people) would result in increased parking demand, it is likely that the other factors such as the number of people that bike or walk to the event and that are already in the downtown area or at the beach also increase. In any case, the highest attendance days do not represent the typical scenario and have only occurred one time during the five year history of the event. Given that there are approximately 2,690 parking spaces in the downtown for which approximately 968 spaces would be available for use by event goers (more in the non-peak season) throughout the event, the existing parking supply would accommodate the proposed project. Therefore, the proposed project would not result in an inadequate parking demand and a less than significant impact would occur.

- 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:1,20)

Discussion: No sidewalk closures are proposed and pedestrian access to all streets will remain available at all times on the existing facilities with the project. Existing facilities consist of Class II bicycle lanes located along Pacific Coast Highway between south of 1st Street to 7th Street. The project is located near the Orange County Transportation Authority (OCTA) bus route 1 along Pacific Coast Highway with bus stops located at PCH/Main Street and PCH/6th Street. As pedestrian access would be available and the project would not interfere with public transit, bicycle facilities, or conflict with adopted policies, no impact is anticipated.

ISSUES (and Supporting Information Sources):

| | | | |
|--------------------------------------|--|------------------------------------|-----------|
| Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
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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:1,9)
-

Discussion: The proposed project area is currently developed as public streets. The project site does not support any unique, sensitive, or endangered species, is not shown in the General Plan as a generalized habitat area, and is not in the vicinity of any sensitive habitat. Therefore, no impacts to any habitat or wildlife area are anticipated.

- 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 Wildlife or US Fish and Wildlife Service? (Sources:1,9)
-

Discussion: The project site does not contain any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. The project will not result in any loss to endangered or sensitive animal or bird species and does not conflict with any habitat conservation plans.

- 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:1,9)
-

Discussion: The project does not contain any wetlands; therefore, no impacts are anticipated.

- 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:1,9)
-

Discussion: The project area is surrounded by mixed use, commercial and residential developments. The site does not support any fish or wildlife and would not interfere with the movement of any fish or wildlife species nor impede the use of native wildlife nursery sites. No impacts are anticipated.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources:1,9)
-

Discussion: The project area includes the temporary closure of public streets for festival purposes only and no development is proposed; therefore, no impacts are anticipated.

ISSUES (and Supporting Information Sources):

| Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No 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:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project area includes the temporary closure of public streets for festival purposes only and no development is proposed. It does not support any unique or endangered plant or animal species and is not a part of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan; therefore, no impacts are anticipated.

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:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: a) – b) The project site is not designated as an important mineral resource recovery site in the General Plan or any other land use plan. No current onsite oil drilling or extraction operations presently exist or are proposed for the project site. Temporary closure of Main Street and 5th Street for the purposes of a weekly festival is not anticipated to have any impact on any other mineral resources. No impacts are anticipated.

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:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The temporary closure of public streets for festival purposes will not involve the routine transport, use or disposal of hazardous materials other than use of typical commercial cleaning products which would not pose a significant threat to public or environmental health. The project will not provide on-site fuel dispensing, underground or outdoor storage of hazardous materials. Therefore, impacts are anticipated to be less than significant.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Hazardous materials during operation would be limited to use of commercial cleaning products typical for outdoor vendors. Less than significant impacts are anticipated.

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

- 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:1,9)
-

Discussion: The proposed project is not intending to operate in a way that would generate hazardous materials. Temporary activities conducted within the project area will consist of vendors, street performers and live entertainment. These types of uses are not likely to involve hazardous materials on a daily basis. In addition, the nearest school is approximately 1/2 mile from the project site. No impacts are anticipated.

- 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:1,9,13)
-

Discussion: The location of the proposed project is not listed on the State's Hazardous Waste and Substance Site List. No impacts would occur.

- 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:1,9,11)
-

Discussion: The City of Huntington Beach is included in the Orange County Airport Environs Land Use Plan due to the Los Alamitos Armed Forces Reserve Center. However, the site is located such that it would not be impacted by flight activity from the center. Also, the site is not within 2 miles of a public airport. No impacts are anticipated.

- 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:1,9)
-

Discussion: The project site is not near any private airstrips. No impacts are anticipated.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources:1)
-

Discussion: The proposed project will not significantly impede access to the surrounding area and impact implementation or physically interfere with any adopted emergency response plan or evacuation plan. Therefore, impacts are anticipated to be less than significant.

- 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? (Sources:1)
-

ISSUES (and Supporting Information Sources):

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

Discussion: The project is located in an urbanized area and is not near any wildlands. No impacts would occur.

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:1,2,14,21)

Discussion: The project is required to comply with the City Noise Ordinance (Huntington Beach Municipal Code Chapter 8.40 Noise Control). Table 1 below presents the City of Huntington Beach Noise Ordinance standards and exterior and interior noise criteria are given in terms of L% noise levels. The noise levels specified are those that are not to be exceeded at a residential property from noise generated at a nearby property (Table 1). Noise levels are to be measured with A-weighting and a slow time response.

Table 1 – City Of Huntington Beach Noise Ordinance Standards

| Maximum Noise Exposure | Noise Metric | Noise Level Not To Be Exceeded | |
|---------------------------------|--------------|--------------------------------|-------------------------------|
| | | 7 a.m. to 10 p.m. (Daytime) | 10 p.m. to 7 a.m. (Nighttime) |
| <i>Zone 1 – All residential</i> | | | |
| EXTERIOR NOISE STANDARDS | | | |
| 30 Minutes/Hour | L50 | 55 dBA | 50 dBA |
| 15 Minutes/Hour | L25 | 60 dBA | 55 dBA |
| 5 Minutes/Hour | L8.3 | 65 dBA | 60 dBA |
| 1 Minutes/Hour | L1.7 | 70 dBA | 65 dBA |
| Anytime | Lmax | 75 dBA | 70 dBA |
| INTERIOR NOISE STANDARDS | | | |
| 5 Minutes/Hour | L8.3 | 55 dBA | 45 dBA |
| 1 Minutes/Hour | L1.7 | 60 dBA | 50 dBA |
| Anytime | Lmax | 65 dBA | 55 dBA |

NOTE: In the event the ambient noise level exceeds any of the noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level.

A Noise Impact Analysis was prepared by Mestre Greve Associates to evaluate the noise impacts associated with the proposed project. Noise measurements were performed at 5 sites. At the conclusion of each set of measurements, the Lmax, L1.7, L8.3, L25 and L50 values for the full time period were recorded. These noise metrics correspond to the limits contained in the noise ordinance.

The extent to which the event complies with the City's Noise Ordinance is shown below in Table 2. To be an exceedance of the noise ordinance limit, the noise level must exceed the criteria presented in Table 1 and exceed ambient noise levels. Table 2 shows that the noise ordinance limits were exceeded at every site with the event in progress for at least one of the noise metrics.

ISSUES (and Supporting Information Sources):

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

Table 2 – Noise Measurement and Compliance

| Site | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------|------------|------|------|------|-----|-----|
| Site 1 | 7:00 p.m. | No | No | No | Yes | Yes |
| Site 2 | 6:00 p.m. | No | No | Yes | Yes | Yes |
| Site 2 | 8:00 p.m. | Yes | No | No | No | Yes |
| Site 3 | 6:00 p.m. | No | No | No | Yes | Yes |
| Site 4 | 5:00 p.m. | Yes | -- | -- | -- | -- |
| Site 4 | 7:00 p.m. | Yes | Yes | No | Yes | Yes |
| Site 5 | 5:00 p.m. | No | No | Yes | Yes | Yes |
| Site 5 | 8:00 p.m. | No | No | Yes | Yes | Yes |

HBMC Section 8.40.090(k) exempts noise sources associated with temporary public or private events located on private or public property provided a permit has been obtained from the City. HBMC Section 8.40.130 provides a process to permit a deviation from the provisions of the Noise Ordinance. Approval of a permit to deviate would not eliminate the noise impacts associated with the project; however it would eliminate the conflict that currently exists between the Noise Ordinance requirements and the noise generated by the proposed events. An application for a permit to deviate from the provisions of the Noise Ordinance is requested as part of the proposed project and is being processed concurrently with the request.

Implementation of one of the recommended mitigation measures below would ensure that noise levels would not exceed standards established by the City's Noise Ordinance.

NOI-1 The applicant shall implement one of the following mitigation measures:

- Obtain approval of a Noise Deviation Permit pursuant to HBMC Section 8.40.090(k). (This would exempt the project from the Noise Standards specified in the Noise Ordinance.)
- Live entertainment (including bands) shall not use sound amplifying equipment and shall only perform at midblock locations at a minimum of 100 feet from any residential units.
- Prohibit live entertainment.

Implementation of a mitigation measure pursuant to Mitigation Measure NOI-1 would reduce the impact to a less than significant level.

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- (Sources: 1,2,21)

Discussion: Operation of the project would not increase groundborne vibration or groundborne noise within the project area above existing conditions. Therefore, no impacts are anticipated.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1,2,21)

ISSUES (and Supporting Information Sources):

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

Discussion: The weekly street fair would be a source of periodic increases in existing noise levels (refer to item d). Although the proposed project would be a permanent weekly event, it would not contribute a permanent continuous noise source in the area that could occur with new development. During the event, the type of noise generated by the project (with the exception of live entertainment/bands – refer to item d) would be similar to that generated by the existing conditions and other commercial uses in the downtown area and would not substantially increase permanent ambient noise levels. Therefore, less than significant impacts are anticipated.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources:1,2,21)

Discussion: As discussed in the Noise Study, the proposed project would temporarily result in increased ambient noise levels that exceed the City's Noise Ordinance. The increased ambient noise levels from the project would be periodic (once a week) and temporary (from 5 p.m. to 9 p.m.) in nature.

For typical development projects, an increase over existing noise levels of 3 dBA or greater is considered significant. Although the project would result in an increase greater than 3 dBA, the increase is only attributable to the live entertainment/bands and does not occur throughout the entire four hour event. Bands/live entertainment acts perform for a total of approximately two hours during the event on an intermittent basis. When considered in this context, the proposed project's contribution to periodic noise increases (live entertainment/bands) over existing levels would not necessarily be significant. However, because the Noise Analysis identified that the noise ordinance limits were exceeded, recommended mitigation measure options are recommended to ensure that noise levels would not exceed standards established by the City's Noise Ordinance (refer to discussion under (a)).

Additionally, a survey of area residents located near the noise monitoring locations was conducted. Although the sample size was small, the survey indicated that residents living near the project area had a positive outlook on the event and did not consider noise from the event an issue. Given that there is no history of noise complaints for the event and based on the positive attitudes expressed in the resident survey, impacts from periodic increases in noise levels as a result of the project with recommended mitigation would reduce the impact to a less than significant level.

- 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 expose people residing or working in the project area to excessive noise levels? (Sources:1,2,21)

Discussion: The City of Huntington Beach is included in the Planning Area for the Joint Forces Training Center in Los Alamitos. However, the site is located a considerable distance from the Training Center, such that the project would not be impacted by flight activity and noise generation from the Center. No impacts are anticipated.

- 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:1,2,21)

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

ISSUES (and Supporting Information Sources):

Discussion: The project is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

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:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police Protection? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion: a)-b) The proposed project has been reviewed by the Huntington Beach Fire Department and Police Department staff. The project site is located within approximately 1/2 mile from Lake Fire Station and within 1-1/2 miles of the Main Police Station and approximately 1/4 mile from the Downtown Police Substation. Estimated emergency first response times from the Lake Fire Station are within the 80 percent/ 5 minute response time objective established in the City's Growth Management Element. Estimated emergency first response times from the Police Main Station are within acceptable service levels. According to input from the Police and Fire Departments, the proposed development can be adequately served by existing Fire and Police protection service levels. Therefore, impacts are anticipated to be less than significant.

- | | | | | |
|-------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Schools? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project does not include new development and will not directly result in new residents. No impacts are anticipated.

- | | | | | |
|-----------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Parks? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion under XI (e) below.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) Other public facilities or governmental services? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed project has been reviewed by responsible City departments, including Public Works, Fire, and Community Services, each of which determined that any potential impacts to public services are adequately addressed via standard code requirements and conditions of approval. Additionally, the impacts to public libraries are anticipated to be less than significant because the project does not include any new development. Therefore, impacts are anticipated to be less than significant.

XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

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

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources:1)

Discussion: The proposed project will not result in the construction of new housing or businesses, which could otherwise induce population growth. The project is a weekly event and will not generate additional wastewater that could exceed wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board. No impacts would occur.

- 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:1,4)

Discussion: As previously discussed in XII a), the proposed project will not induce population growth that would affect water facilities and will not generate additional wastewater that would otherwise require additional wastewater treatment facilities. No impacts would occur.

- 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:1,4)

Discussion: The proposed project will not create impermeable surfaces that would create additional runoff which would require additional stormwater drainage facilities. Any stormwater generated within the project area will drain into existing facilities that adequately serve the site. Therefore, the project will not require the construction or expansion of stormwater drainage facilities. No impacts would occur.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources:1,14)

Discussion: The proposed project will not induce population growth, which may otherwise require additional water supplies. Any potable water to be used by vendors will be minimal and temporary and water supplies will continue at the same level of production as without the proposed project. The project is adequately served by existing entitlements, and will not require new or expanded entitlements for water supplies. Therefore, no impacts are anticipated.

- 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:1,5)

Discussion: The proposed project will not induce population growth, which may otherwise affect wastewater treatment capacity. The City of Huntington Beach is served by two wastewater treatment plants, whose current operating capacity exceeds existing operations. Therefore, no impacts are anticipated.

- f) Be served by a landfill with sufficient permitted capacity

ISSUES (and Supporting Information Sources):

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

to accommodate the project's solid waste disposal needs? (Sources:1)

| | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Solid waste generated within the City of Huntington Beach is transported to the Frank R. Bowerman Landfill in the City of Irvine. As of 2000, the remaining estimated capacity is 59,411,872 cubic yards, and the landfill is anticipated to close in 2022. Solid waste generated by the project is collected by the City's contracted trash hauler and accommodated by existing landfills with sufficient capacity. Therefore, impacts are anticipated to be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources:1)

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project is required to comply with federal, state and local statutes and regulations related to solid waste, which can be accommodated by local landfills. During the events, plastic lined cardboard trash bins are provided throughout the site in addition to the existing permanent trash bins along Main Street and 5th Street. After each event, the trash bins are picked up and delivered to Rainbow Disposal for disposal and recycling. No impacts would occur.

h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources:1)

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project will not change existing stormwater treatment systems or include or modify BMPs. No impacts would occur.

XIII. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista? (Sources:1,3,4)

| | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed project area includes the temporary closure of public streets for festival purposes only and no development is proposed. The proposed project area will be located on Main Street and 5th Street, on the north side of PCH, and will not have a substantial adverse effect on the scenic resource of the coast; therefore, less than significant impacts are anticipated.

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

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project area includes the temporary closure of public streets for festival purposes only and no development is proposed. The closure will be between Pacific Coast Highway and Orange Avenue on Main Street including portions of (half-block) of Walnut Avenue and Olive Avenue (between 3rd Street and 5th Street) and between Pacific Coast Highway and Walnut on 5th Street. The State of California Department of Transportation designates scenic highway corridors. The project area is visible from an eligible state scenic highway, Pacific Coast Highway. However, the project includes the temporary closure of public streets for festival purposes only and no development is proposed; therefore, no impacts are anticipated.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources:1,9)

| | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

ISSUES (and Supporting Information Sources):

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

Discussion: The proposed project area includes the temporary closure of public streets for festival purposes only and no permanent development is proposed. During the event, vendors erect temporary structures such as canopies and booths, which may not be visually appealing to some people. However, the structures are removed every week and no permanent development would result. Therefore, less than significant impacts are anticipated.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources:1,3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed project area includes the temporary closure of public streets for festival purposes only and no development is proposed. The closure will be between Pacific Coast Highway and Orange Avenue on Main Street including portions of (half-block) of Walnut Avenue and Olive Avenue (between 3rd Street and 5th Street) and between Pacific Coast Highway and Walnut on 5th Street. Existing sources of light and glare in the project area include street lights and storefront lighting. Temporary sources of light include street-level vendor lighting. However, because the project includes temporary lighting only and no development is proposed, less than significant impacts are anticipated.

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:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Sources:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: a) – d): The project area includes the temporary closure of public streets for festival purposes only and does not include any development or alterations of physical sites or structures. The project would not result in substantial adverse changes in the significance of a historical or archaeological resource, directly or indirectly destroy a unique paleontological resource or geologic feature, nor disturb any human remains. No impacts are anticipated.

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 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

deterioration of the facility would occur or be accelerated? (Sources:1)

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Affect existing recreational opportunities? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion: a) – c): The project may temporarily impact existing opportunities by increasing beach activity and utilizing existing parking during the event. However, any indirect increase of beach usage or decrease of available parking as result of the project would be negligible. The project does not include any permanent development and would not substantially increase the use of existing recreational facilities nor result in physical deterioration of such facilities. Additionally, the project would not require the construction or expansion of recreational facilities. Therefore, impacts are anticipated to 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:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: a) – c): The subject site is presently zoned SP5 (DTSP), which does not permit agricultural uses. In addition, the project does not include any development and would not result in the conversion of Farmland to non-agricultural use, changes in the existing environment which would result in conversion of Farmland to non-agricultural use, nor conflict with existing agricultural zoning or a Williamson Act contract. No impacts would occur.

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

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed project includes the closure of a relatively small segment of public right-of-ways (streets) for the purpose of a weekly street fair. No development or construction is proposed. The event includes the temporary location of approximately 65 street vendors and 2,125 attendees. There would be no construction GHG emissions. Operational GHG emissions could result from increases in electricity and solid waste production, all of which would occur with the proposed project. However, the total annual project GHG emissions would be negligible and well below the 3,000 ton annual threshold proposed by the SCAQMD. Therefore, operational emissions are expected to result in less than significant impacts.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project is required to comply with all applicable City codes. Statewide GHG emissions are regulated through AB 32, which targets statewide GHG emissions to 1990 levels by 2020. The proposed project's negligible impacts on greenhouse gases emissions are described in item (a) above.

Because the proposed project's emissions would be less than the interim SCAQMD threshold for annual GHG emissions, the project would not conflict with adopted plans to reduce GHG emissions and carry out AB 32. Less than significant impacts are anticipated.

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:1,3,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is currently developed. It is not located within any wildlife or biological resource area and therefore will not impact any fish, wildlife, or plant community. The site does not contain any historic resource. Based on discussions in Sections I to XVII above, the project is anticipated to have no impact on the quality of the environment.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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:1,2,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

Discussion: As discussed above in Sections I to XVII, the project is anticipated to have less than significant impacts and would not result in any cumulatively considerable impacts.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources:1,2,9)

Discussion: As discussed in Sections I to XVII, the project with implementation of the recommended Mitigation Measure NOI-1, will have a less than significant impact on human beings, either directly or indirectly.

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:

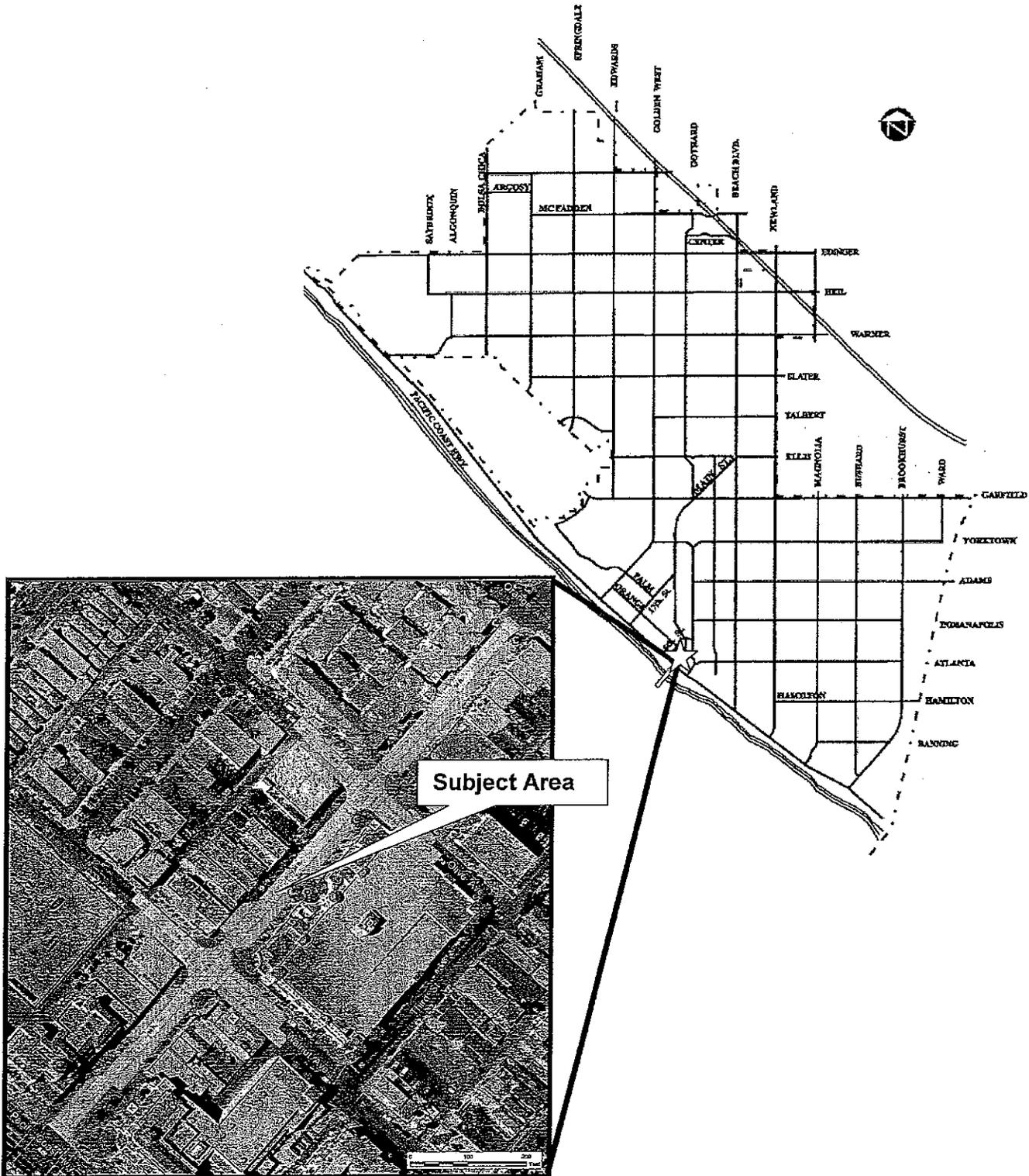
Earlier Documents Prepared and Utilized in this Analysis:

| <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 | Reduced Site Plan | See Attachment #2 |
| 5 | Project Narrative | See Attachment #3 |
| 6 | City of Huntington Beach Geotechnical Inputs Report | City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach |
| 7 | FEMA Flood Insurance Rate Map (December 3, 2009) | " |
| 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 |

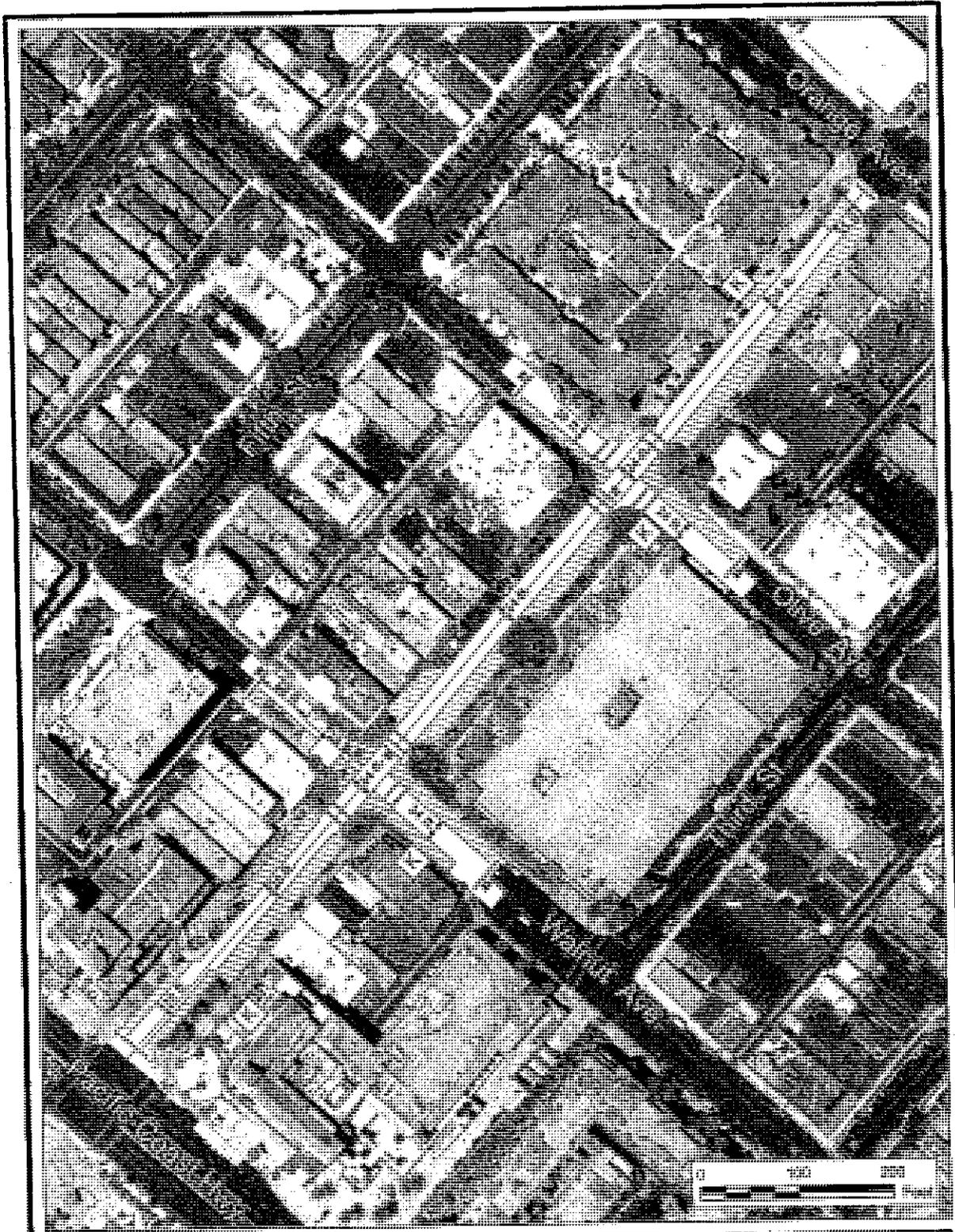
| | | |
|----|---|---|
| | | and at |
| | | http://www.huntingtonbeachca.gov/government/charter_codes/municipal_code.cfm |
| 15 | Surf City Nights 5 th Street Closure Traffic Analysis | City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach |
| 16 | Orange County Transportation Authority (OCTA) CMP, 2011. 2011 Congestion Management Program | http://www.octa.net/cmp/ |
| 17 | Air Nav Website | http://www.airnav.com/airports/ |
| 18 | Huntington Beach Business Improvement District Webpage | http://www.hb-downtown.com/SURF_CITY_NIGHTS.html |
| 19 | City of Huntington Beach Website – Information on Shuttle Program | http://www.huntingtonbeachca.gov/visitors/parking/shuttle_parking/ |
| 20 | Orange County Transportation Authority Website | http://www.octa.net/bus-routes-and-schedules.aspx |
| 21 | Noise Analysis prepared by Mestre Greve Associates | City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach |

Summary of Mitigation Measures

| <u>Description of Impact</u> | <u>Mitigation Measure</u> |
|---|---|
| Periodic increases of noise associated with bands and live entertainment that exceed the City's Noise Ordinance | <p>NOI-1 The applicant shall implement one of the following mitigation measures:</p> <ol style="list-style-type: none">Obtain approval of a Noise Deviation Permit pursuant to HBMC Section 8.40.090(k). (This would exempt the project from the Noise Standards specified in the Noise Ordinance.)Live entertainment (including bands) shall not use sound amplifying equipment and shall only perform at midblock locations at a minimum of 100 feet from any residential units.Prohibit live entertainment. |



VICINITY MAP
 (Surf City Nights)
 Environmental Assessment No. 13-003



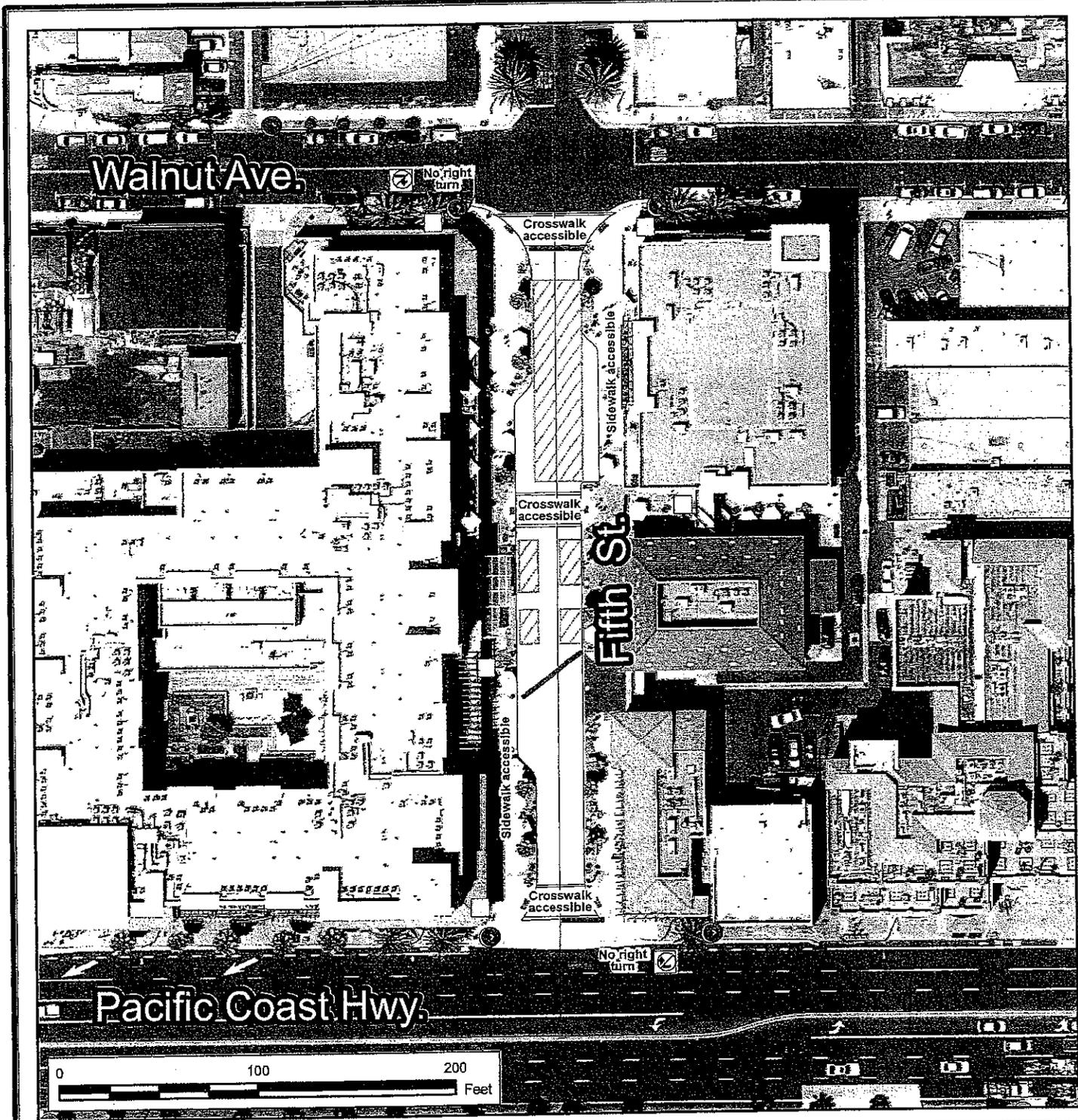
-  Emergency Access
-  Programmable Space
-  Entertainment Space
-  Main St. Centerline
-  Crosswalk
-  Fire Hydrant  Bollard
-  Fire Access Unlocked Bollard
-  Knox Box for Bollard Key

Main Street Events Closure

- PCH to Orange -

City of Huntington Beach



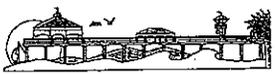


-  Emergency Access
-  Programmable Space
-  5th St. Centerline
-  Crosswalk
-  Barrier
-  Fire Hydrant
-  Signage

5th Street Events Closure - PCH to Walnut - *City of Huntington Beach*



Information Services Department



HB GIS
April 2013

Project\EconomicDevelopment\SMS\EventsClosure_8_5x11_2013.mxd

**SURF CITY NIGHT NARRATIVE
CONDITIONAL USE APPLICATION NARRATIVE**

RECEIVED
FEB 07 2012
Dept. of Planning
& Building

The applicant requests to permit the temporary closure of Main Street every Tuesday Night, between Pacific Coast Highway and Orange Avenue, including a half block of Olive Avenue and Walnut Avenue on either side of Main Street and the temporary closure of 5th Street between Pacific Coast Highway and Walnut. This application is submitted to renew CDP # 2007-002 and TUP # 2007-002.

APPLICANT/OWNER

This application is submitted to by the Huntington Beach Downtown Business Improvement District and the Huntington Beach Economic Development Department.

PROJECT LOCATION

The street fair location shall include Main Street, from Pacific Coast Highway to Orange Avenue, the adjoining half blocks of Walnut Avenue and Olive Avenue and the first block of 5th Street (Pacific Coast Highway to Walnut Avenue).

POPULATION SERVED

The street fair shall serve local residents, neighboring cities' residents and tourist.

PROJECT DESCRIPTION

Surf City Nights is a downtown street festival and Certified Farmers' Market that takes place on Main Street every Tuesday night. Street Fair services include a Certified Famers' Market, hand crafted items, prepackaged foods, food-court, merchant displays, designated children's section and live entertainment.

DATES OF OPERATION

The street fair shall take place weekly, on Tuesdays nights from 5 PM to 9PM. In the event of showers and heavy rain the event will be cancelled by 11 AM. The street closure will begin at 2 PM. Metal bollards and other such barricades shall be placed to divert traffic and enhance pedestrian safety. Emergency vehicle access will be maintained. The closure shall lifted and fully accessible to traffic by 11 PM.

PARKING REQUIREMENTS

Parking for the street fair shall be provided at private and public parking facilities within the downtown area.

RECEIVED
MAY 22 2013
Dept. of Planning
& Building

Noise Measurement Survey
For
SURF CITY NIGHTS
CITY OF HUNTINGTON BEACH

Prepared For:

Huntington Beach Downtown Business District

315 3rd Street, Suite E
Huntington Beach, CA 92648

Submitted By:

Mestre Greve Associates
Division of Landrum & Brown

Fred Greve P.E.
Mike Holritz
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Laguna Niguel, CA 92677
949•349•0671

September 14, 2012
Revised May 22, 2013
Project #534701

ATTACHMENT NO. 5.1

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1.0 EXISTING SETTING

1.1 Project Description

Surf City Nights is a weekly street fair and farmers market. It is located on Main Street between Pacific Coast Highway and Orange Street. Main Street is closed to all vehicular traffic. The event occurs every Tuesday from 5 p.m. to 9 p.m. In addition to the farmers market, food vendors, and merchant vendors; live entertainment acts are provided. The entertainment acts range from single person jugglers to full rock bands. The City, as part of their permit process, has requested that noise levels be measured in the surrounding residential areas during an event, and for comparison purposes during an evening without an event.

Noise measurements were taken at five residential sites while an event was underway on August 28, 2012. The sites measured are shown on Exhibit 1. The following night, ambient noise measurements at the same sites and times were repeated. This report presents the methodology and results of the noise measurement survey. Noise levels for the two nights are contrasted and compared to the City's Noise Ordinance.

Surf City Nights will be expanded to include other areas. Specifically the following additional streets will be closed; Olive Avenue from 5th Street to 3rd Street, Walnut Avenue from 5th Street to 3rd Street, and 5th Street from Pacific Coast Highway to Walnut Avenue. Potential noise impacts from expanding events into these areas are also discussed.

1.2 Background Information on Noise

1.2.1 Noise Criteria Background

Sound is technically described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dB higher than another is judged to be twice as loud; and 20 dB higher four times as loud; and so forth. Everyday sounds normally range from 30 dB (very quiet) to 100 dB (very loud).

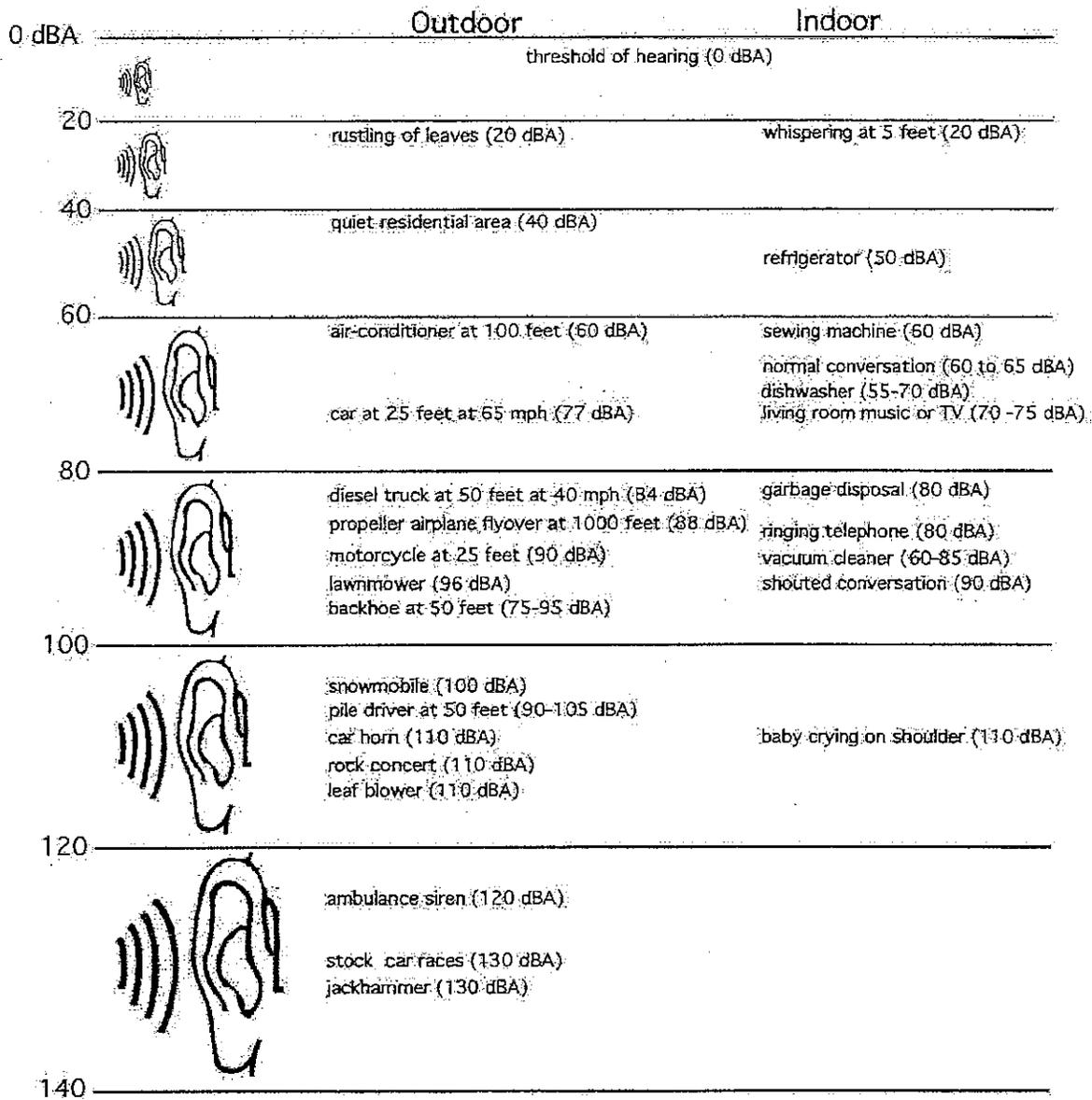
Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. Community noise levels are measured in terms of the "A-weighted decibel," abbreviated dBA. Exhibit 2 provides examples of various noises and their typical A-weighted noise level.



Mestre Greve Associates
Division of Landrum & Brown

Exhibit 1
Monitoring Sites

ATTACHMENT NO. 5.4



Sources: League For The Hard Of Hearing, www.lhh.org
 Handbook of Noise Control, McGraw Hill, Edited by Cyril Harris, 1979
 Measurements by Mestre Greve Associates

Sound levels decrease as a function of distance from the source as a result of wave divergence, atmospheric absorption and ground attenuation. As the sound wave form travels away from the source, the sound energy is dispersed over a greater area, thereby dispersing the sound power of the wave. Atmospheric absorption also influences the levels that are received by the observer. The greater the distance traveled, the greater the influence and the resultant fluctuations. The degree of absorption is a function of the frequency of the sound as well as the humidity and temperature of the air. Turbulence and gradients of wind, temperature and humidity also play a significant role in determining the degree of attenuation. Intervening topography can also have a substantial effect on the effective perceived noise levels.

Noise has been defined as unwanted sound and it is known to have several adverse effects on people. From these known effects of noise, criteria have been established to help protect the public health and safety and prevent disruption of certain human activities. This criteria is based on such known impacts of noise on people as hearing loss, speech interference, sleep interference, physiological responses and annoyance. Each of these potential noise impacts on people are briefly discussed in the following narratives:

HEARING LOSS is not a concern in community noise situations of this type. The potential for noise induced hearing loss is more commonly associated with occupational noise exposures in heavy industry or very noisy work environments. Noise levels in neighborhoods, even in very noisy airport environs, are not sufficiently loud to cause hearing loss.

SPEECH INTERFERENCE is one of the primary concerns in environmental noise problems. Normal conversational speech is in the range of 60 to 65 dBA and any noise in this range or louder may interfere with speech. There are specific methods of describing speech interference as a function of distance between speaker and listener and voice level.

SLEEP INTERFERENCE is a major noise concern for traffic noise. Sleep disturbance studies have identified interior noise levels that have the potential to cause sleep disturbance. Note that sleep disturbance does not necessarily mean awakening from sleep, but can refer to altering the pattern and stages of sleep.

PHYSIOLOGICAL RESPONSES are those measurable effects of noise on people that are realized as changes in pulse rate, blood pressure, etc. While such effects can be induced and observed, the extent is not known to which these physiological responses cause harm or are sign of harm.

ANNOYANCE is the most difficult of all noise responses to describe. Annoyance is a very individual characteristic and can vary widely from person to person. What one person considers tolerable can be quite unbearable to another of equal hearing capability.

1.3 Noise Criteria

A noise ordinance is designed to control unnecessary, excessive and annoying sounds from one parcel of land impacting another parcel of land. Noise ordinance requirements cannot be applied to mobile noise sources when traveling on public roadways, because Federal and state laws preempt their control. However, a noise ordinance does apply to both mobile and stationary noise sources on private lands. Huntington Beach Ordinance Chapter 8.40 -- Noise Control comprises the City's Noise Ordinance.

Table 1 presents the City of Huntington Beach Noise Ordinance standards. The City of Huntington Beach exterior and interior noise criteria are given in terms of L% noise levels. The noise levels specified are those that are not to be exceeded at a residential property from noise generated at a nearby property (Table 1). Noise levels are to be measured with A-weighting and a slow time response. Greater noise levels are permitted during the day (7 a.m. to 10 p.m.) as compared to the nighttime period (10 p.m. to 7 a.m.). These limits are increased if ambient noise levels are higher. The limits are essentially raised to the ambient levels.

Table 1 City Of Huntington Beach Noise Ordinance Standards

| Maximum Noise Exposure | Noise Metric | Noise Level Not To Be Exceeded | |
|---------------------------------|--------------|--------------------------------|-------------------------------|
| | | 7 a.m. to 10 p.m. (Daytime) | 10 p.m. to 7 a.m. (Nighttime) |
| <i>Zone 1 - All residential</i> | | | |
| EXTERIOR NOISE STANDARDS | | | |
| 30 Minutes/Hour | L50 | 55 dBA | 50 dBA |
| 15 Minutes/Hour | L25 | 60 dBA | 55 dBA |
| 5 Minutes/Hour | L8.3 | 65 dBA | 60 dBA |
| 1 Minutes/Hour | L1.7 | 70 dBA | 65 dBA |
| Anytime | Lmax | 75 dBA | 70 dBA |
| INTERIOR NOISE STANDARDS | | | |
| 5 Minutes/Hour | L8.3 | 55 dBA | 45 dBA |
| 1 Minutes/Hour | L1.7 | 60 dBA | 50 dBA |
| Anytime | Lmax | 65 dBA | 55 dBA |

NOTE: In the event the ambient noise level exceeds any of the noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level.

Section 8.40.050(b) of the ordinance indicates that if the "noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof," the limits should be reduced by 5 dB.

1.4 Noise Measurements

The noise levels were determined on the basis of two sets of measurements. The first set of noise levels were measured at five locations at or near residential uses, as previously shown on

Exhibit 1, to determine event noise levels. The second set of noise measurements was made the following evening at the same locations and represent ambient conditions.

1.4.1 Event Noise Measurements

Noise measurements at all sites were performed using Brüel & Kjær Model 2238 automated digital noise data acquisition system and sound meter mounted on a tripod. During the measurements a large windscreen covered the microphone to dampen out the effect of unwanted wind-generated noise. For each measurement site, 50 minutes of data were collected and field notes were made. Most of the sites were measured once and then repeated an hour later. Before and after the measurements were taken, a Brüel & Kjær 4231 calibrator with certification traceable to the National Institute of Standards and Technology was used to calibrate the sound meter to ensure that the measured sound level readings were accurate. At the conclusion of each set of measurements, the Lmax, L1.7, L8.3, L25 and L50 values for the full time period were written down on a data sheet. These noise metrics correspond to the limits contained in the noise ordinance. Table 1 shows the results of the measurements.

Table 2 Event Noise Measurements (dBA) *15 20 45 60 65*

| Site | Date | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------|--------|------------|------|---|------|------|------|
| Site 1 | 28-Aug | 7:00 p.m. | 74.6 | 67.0 | 65.0 | 63.5 | 62.0 |
| Site 2 | 28-Aug | 6:00 p.m.* | 78.6 | 69.0 | 67.5 | 65.5 | 63.5 |
| Site 2 | 28-Aug | 8:00 p.m. | 86.2 | 67.0 | 63.0 | 59.5 | 56.5 |
| Site 3 | 28-Aug | 6:00 p.m. | 78.9 | 70.0 | 66.5 | 64.5 | 63.0 |
| Site 4 | 28-Aug | 5:00 p.m. | 82.1 | Equipment malfunction for other parameters. | | | |
| Site 4 | 28-Aug | 7:00 p.m. | 88.0 | 71.0 | 65.0 | 62.0 | 60.5 |
| Site 5 | 28-Aug | 5:00 p.m. | 81.4 | 68.5 | 66.0 | 64.0 | 62.5 |
| Site 5 | 28-Aug | 8:00 p.m. | 75.5 | 68.5 | 66.5 | 65.5 | 64.5 |

*30 minute measurement

Site 1: Northwest corner of 5th Street and Walnut Avenue.

This monitoring location was in front of a residence at the northwest corner of 5th Street and Walnut Avenue. The residence does have a front porch facing 5th Street. A rock band was playing near the corner of Main Street and Walnut Avenue for the entire period and was responsible for most of the noise measured at this site, with the occasional exception of a loud car or motorcycle traveling on 5th Street. The average noise level (L50) was 62.0 dBA and was driven by the band noise. The maximum sound level (Lmax) of 74.6 dBA was due to a motorcycle on 5th Street. Anecdotally, several local residents stopped and talked while we were making noise measurements. All residents indicated that they liked the event and the noise was not an issue with them.

Site 2: Near the southwest corner of 3rd Street and Walnut Avenue.

The monitoring site was directly in front of a large multi-family building near the entry steps on Walnut Avenue near 3rd Street. This site was measured at 6:00 p.m. and again at 8:00 p.m. The 6:00 p.m. measurement actually started at 6:26 p.m., because the operator had to reprogram the meter. Many of the residential units have balcony areas that look toward Walnut Avenue, and the noise levels measured are representative of the levels in these balcony areas. The rock band playing near Main Street and Walnut Avenue could be heard clearly at this site, and noise levels from the band were generally in the upper 50 dBA to mid 60 dBA range, with noise levels from the band as high as 69 dBA. Occasional vehicles would pass by on Walnut Avenue and generally their noise level was in the low 60 dBA range, but could be in the 70 dBA range for louder vehicles. The L50 noise level measured at the site was 63.5 dBA and was due primarily to the band. The Lmax level was due to a vehicle pass by that reach 78.6 dBA.

Site 3: Midblock on Olive Avenue west of Main Street.

Site 3 was located on the north side of Olive Avenue midblock between Main Street and 5th Street. Residential units were directly above and most have balcony areas. The measurements at this site are representative of the noise levels on those balconies. A juggler act was in progress during most of the measurement period. He used a small PA (public address) system. The PA system and the crowd noise (e.g., applause and yelling) were the primary noise sources at this site. Both the average noise level (63.0 dBA L50) and the maximum noise level (78.9 dBA Lmax) were caused by the crowd and act.

Site 4: Southeast corner of 3rd Street and Olive Avenue.

Site 4 was located at a residence near the southeast corner of 3rd Street and Olive Avenue. The street fair noise was only occasionally audible at this site. Generator and air pump noise for bounce houses were heard around 5:00 p.m. and were around 59 dBA. Crowd applause was heard and reached 64 dBA. But most of the noise at the site was due to cars and other vehicles. The L50 was due to neighborhood noise and distant traffic and was 60.5 dBA for the 7:00 p.m. measurement. The Lmax was 88.0 dBA and was due to a motorcycle.

Site 5: Second floor breezeway along Main Street near Orange Avenue.

Site 5 was located on the second floor breezeway along Main Street. Only offices are located on this floor, however, residential units were directly above and most have balcony areas. The measurements at this site are representative of the noise levels on those balconies. This site was measured twice; once starting at 5:00 p.m. and again at 8:00 p.m. During both periods the crowd noise on Main Street was the primary noise source. No band or other acts could be heard. The noise was simply generated by the crowd milling around on Main Street. However, the maximum sound levels were caused by trucks or motorcycles on Orange Avenue. The L50 noise levels were 62.5 dBA for the 5:00 p.m. measurement and 64.5 dBA for the 8:00 p.m. measurement. The Lmax noise levels were 86.1 dBA and 79.4 dBA for the 5:00 p.m. and 8:00 p.m. periods, respectively.

1.4.2 Ambient Noise Measurements

The noise measurements were repeated on the following evening (August 29, 2012) at the same time and locations. The results of the measurements are presented in Table 3.

Table 3 Ambient Noise Measurements (dBA)

| Site | Date | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------------------------|--------|------------|-----------|-----------|-----------|-----------|-----------|
| Site 1 | 29-Aug | 7:00 p.m. | 73.9 | 64.5 | 59.5 | 56.5 | 54.5 |
| Site 2 | 29-Aug | 6:00 p.m. | 84.1 | 66.5 | 61.5 | 57.0 | 54.5 |
| Site 2 | 29-Aug | 8:00 p.m. | 74.9 | 65.5 | 60.5 | 56.0 | 50.5 |
| Site 3 | 29-Aug | 6:00 p.m. | 79.8 | 71.0 | 67.0 | 61.5 | 59.5 |
| Site 4 | 29-Aug | 5:00 p.m. | 80.4 | 67.0 | 62.0 | 57.5 | 55.0 |
| Site 4 | 29-Aug | 7:00 p.m. | 84.0 | 67.0 | 61.5 | 57.5 | 54.5 |
| Site 5 | 29-Aug | 5:00 p.m. | 86.1 | 70.5 | 65.5 | 62.0 | 60.0 |
| Site 5 | 29-Aug | 8:00 p.m. | 79.4 | 67.0 | 64.0 | 62.0 | 60.5 |
| Noise Ordinance Criteria | | | 75 | 70 | 65 | 60 | 55 |

The ambient noise levels at all of the sites were determined by the local traffic. The local traffic was responsible for the average and maximum noise levels. Generally, the Lmax was caused by a truck, motorcycle, or car with a loud muffler. The only exception was Site 5 during the 8:00 p.m. hour. During this time a nearby restaurant with patrons talking and a singer contributed about equally to the average noise levels as did the traffic.

The noise ordinance criteria levels are also presented in Table 3. Ambient levels that are already above the ordinance limits are highlighted in orange. Per the ordinance, when the ambient levels are above the criteria limits, the ambient levels become the new ordinance limits.

The difference in noise level between the event measurements and the ambient levels is presented below in Table 4. In community noise measurements, a change of less than 3 dB is not considered significant. A 3 dB difference in a community noise environment would probably not be noticeable. Noise measurements where the event noise was greater than ambient noise levels by more than 3 dB are highlighted in yellow. When noise levels decreased by more than 3 dB, they are highlighted in blue.

Table 4 Difference in Noise Levels (dB)

| Site | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------|------------|------|------|------|-----|-----|
| Site 1 | 7:00 p.m. | 0.7 | 2.5 | 5.5 | 7.0 | 7.5 |
| Site 2 | 6:00 p.m. | -5.5 | 2.5 | 6.0 | 8.5 | 9.0 |
| Site 2 | 8:00 p.m. | 11.3 | 1.5 | 2.5 | 3.5 | 6.0 |
| Site 3 | 6:00 p.m. | -0.9 | -1.0 | -0.5 | 3.0 | 3.5 |
| Site 4 | 5:00 p.m. | 1.7 | -- | -- | -- | -- |
| Site 4 | 7:00 p.m. | 4.0 | 4.0 | 3.5 | 4.5 | 6.0 |
| Site 5 | 5:00 p.m. | -4.7 | -2.0 | 0.5 | 2.0 | 2.5 |
| Site 5 | 8:00 p.m. | -3.9 | 1.5 | 2.5 | 3.5 | 4.0 |

Site 1: Northwest corner of 5th Street and Walnut Avenue.

The noise levels that represent more of the average noise levels (e.g., L50) increased a significant amount at this site due to the event. The increase in noise can be directly attributed to the rock band that was playing near the intersection of Main Street and Walnut Avenue.

Site 2: Near the southwest corner of 3rd Street and Walnut Avenue.

Similar to Site 1, the average noise levels increased significantly for this site and can be attributed to the the rock band. This increase was evident in both of the hours that were monitored at this site. The Lmax levels increased for one hour and decreased for the other hour. Lmax levels were attributable to vehicles on 3rd Street and had nothing to do with the event.

Site 3: Midblock on Olive Avenue west of Main Street.

Average noise levels (e.g., L25 and L50) increased significantly at Site 3 with the event. Specifically, a juggler at the corner of Main Street and Olive Avenue was responsible for the noise. The PA system that the juggler used and the crowd watching the act were primarily responsible for the noise.

Site 4: Southeast corner of 3rd Street and Olive Avenue.

Event noise was not audible, or from time to time was barely audible at this site. Event noise did not contribute directly to the noise levels measured at this site. However, significant increases in noise were measured for all noise metrics during the 7:00 p.m. hour. We believe that this is attributable to an increase of traffic on the local roadways, most notably 3rd Street when the event was in progress. The increase in traffic could be due to people coming to the event, or using 3rd Street as an alternative route to Main Street, which was blocked off.

Site 5: Second floor breezeway along Main Street near Orange Avenue.

Surf City Nights caused increases in average noise levels at Site 5 with the increases during the 8:00 p.m. hour being significant. The increase in noise with the event was due to the general crowd noise along Main Street. It should also be noted that the Lmax noise levels were lower during the event, and this was no doubt due to the absence of cars on Main Street during the event.

Compliance with the City's Noise Ordinance is shown in Table 5. Some noise ordinances exempt public events from compliance. The Huntington Beach ordinance does not. However, Section 8.40.080(b) does exempt "Activities otherwise lawfully conducted in public parks, public playgrounds and pump or private school grounds..." This section could be amended to include events on public property (i.e., roadways) and then Surf City Nights would be exempt. To be an exceedance of the noise ordinance limit, the noise level must exceed the criteria presented previously in Table 1, and exceed ambient noise levels. Table 5 shows that the noise ordinance limits were exceeded at every site with the event in progress. However, it should be noted that at Site 4, the noise levels were not caused directly by the event, but rather by an increase in traffic noise.

Table 5 Exceeds Noise Ordinance Limit?

| Site | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------|------------|------|------|------|-----|-----|
| Site 1 | 7:00 p.m. | No | No | No | Yes | Yes |
| Site 2 | 6:00 p.m. | No | No | Yes | Yes | Yes |
| Site 2 | 8:00 p.m. | Yes | No | No | No | Yes |
| Site 3 | 6:00 p.m. | No | No | No | Yes | Yes |
| Site 4 | 5:00 p.m. | Yes | -- | -- | -- | -- |
| Site 4 | 7:00 p.m. | Yes | Yes | No | Yes | Yes |
| Site 5 | 5:00 p.m. | No | No | Yes | Yes | Yes |
| Site 5 | 8:00 p.m. | No | No | Yes | Yes | Yes |

1.5 Expanded Event Area

Surf City Nights will be expanded to include Olive Avenue from 5th Street to 3rd Street, Walnut Avenue from 5th Street to 3rd Street, and 5th Street from Pacific Coast Highway to Walnut Avenue. Each of these additional event areas is discussed below.

Olive Avenue from 5th Street to 3rd Street. Two noise monitoring sites were located in this area. Site 3 is located mid-block on Olive Avenue between Main Street and 5th Street. The north side of this street is a three story mixed used development with residential on the second and third floors. Noise ordinance levels were exceeded at Site 3. Site 4 is located at the east end of the expanded area and noise levels also exceeded the ordinance limits at this site also. Noise levels at these sites may not increase at all with the expanded event area or may increase by up to

5 dB. This is based on a comparison of noise levels measured at Site 5, which is within the current event area. Other residential areas near to the expanded event area will also experience noise increases that may range up to 5 dB.

Walnut Avenue from 5th Street to 3rd Street. Residential areas do not exist along these roadway segments, however, residents are located near both the west and east ends of this expanded event area. These residential areas are represented by noise monitoring Sites 1 and 2. Both of these sites experienced noise levels that exceeded the noise ordinance limits. The noise levels at these two sites were very close to the noise levels at Site 5, which was directly adjacent to the event area. Therefore, the noise levels at these two sites would be expected to increase little or not at all with the expanded event area along Walnut Avenue. The exception to this conclusion would be if a major event activity (e.g., band or other performance act) was located near these sites.

5th Street from Pacific Coast Highway to Walnut Avenue. This area contains mixed-use development with residential uses located on many of the upper floors. Site 1 is located just north of this area. Again once events are added to this area, the resultant noise levels would be similar to those measured at Site 5. Site 5 contains residential uses in a mixed-use area that is directly adjacent to an event area. The noise levels at Site 5 were similar to those measured at Site 1, and so the noise levels during an event would not be expected to increase substantially from current event levels.

1.6 Vibration Impacts

Operation of the project would not increase groundborne vibration or groundborne noise within the project area above existing conditions. To generate groundborne noise and/or vibration a heavy weight, such as a pile driver, must impact the ground. No activities during Surf City Nights cause a higher energy impact to the ground or a structure attached to the ground. Therefore, no vibration impacts are anticipated.

1.7 Summary and Recommendations

The Surf City Nights events do increase the noise levels at residential areas that border the activity area. The noise levels are inconsistent with the limits contained in the City's Noise Ordinance. Three options exist for the City to go forward.

Option A – Approval of a Noise Deviation Permit. The Director has the authority to issue a noise deviation permit that would allow Surf City Nights to continue as is. Any exceedances of the Noise Ordinance would be moot and not subject to any additional control. Strictly speaking, this option would not eliminate the noise impacts associated with the performance events associated with Surf City Nights, but it would eliminate the conflict that currently exists between the Noise Ordinance requirements and the noise generated by the events. The applicant for Surf City Nights must demonstrate, at a minimum, the need to deviate from the noise level criteria produces a greater benefit to the community which outweighs the temporary increase in noise level above the requirements of the Noise Ordinance.

Option B – Apply Mitigation Measures to Project. The second option would be to apply reasonable and feasible mitigation measures to the project that would result in substantial compliance with the Noise Ordinance. The following measure is recommended:

Live entertainment (including bands) shall not use sound amplifying equipment and shall only perform at midblock locations at a minimum of 100 feet from any residential units.

Based on the noise measurements made by our firm for this assessment, the above measure would result in compliance with the Huntington Beach Noise Ordinance and noise impacts are anticipated to be less than significant based on the type of events currently being staged.

Option C – Prohibit Live Acts. This option would eliminate all live acts from Surf City Nights. Since the live acts, which are the main source of noise would be eliminated, it would guarantee that the Surf City Nights would comply with the Noise Ordinance. If this measure is imposed any noise impacts are anticipated to be less than significant.

Appendix D – Initial Study/Mitigated Negative Declaration Comment Letters

James A. Aul
122 ½ 6th Street
Huntington Beach, CA 92648
714-536-4652
June 25, 2013

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JUN 28 2013

Dept. of Planning
& Building

Ethan Edwards
Associate Planner, City of Huntington Beach
Planning and Building Department
PO BOX 190 Huntington Beach, CA 92648
REFERENCE: DRAFT MITIGATED NEGATIVE DECLARATION No. 13-003 (Surf City Nights)

Dear Mr. Edwards,

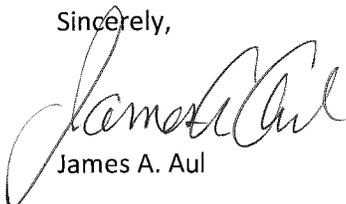
As a resident of the "downtown" area for over 25 years, I strongly object to 13-003. If there is to be a "Surf City Nights" then keep it the way it is now. It's bad enough this way. The hours 5:00 PM through 9:00 PM are enough. I have personally seen the results of this "family" night. I have nothing against families having a good time. However, as with any good thing, bad things happen. Will the bars close? Will the drinking (partying) stop at 9:00 PM? I think not. I've lived here long enough to know that this is just another excuse for many – not families – to come downtown to have a good time (party = getting drunk, urinating in the alley's, vomiting all over the place, smoking marijuana (pot) and other stuff). Most of the drinking and other "stuff" begins around 8:00 PM and doesn't stop till after 2 AM. We then get the "partiers" walking (?) to their vehicles being rowdy, loud and very discourteous/rude. I see this every Tuesday night. I've seen the urinating, vomiting and even witnessed drug deals sometimes when I've had to walk across Main Street(on Walnut) to get home. I request you leave it the way it is or, even better, get rid of the City Nights entirely. I don't believe Huntington Beach needs to be or should be known as Party City.

As for deviating from the Noise Ordinance, please, reject that at all costs. It is already loud enough. TOO LOUD! Rejecting this request should not even be discussed. Common sense should be prevailing here. We definitely do not need more bands and/or noise coming from the bars.

In summary, I request that you think of the residents and deny this request. If there has to be a "Surf City Nights" keep it as is and make sure it is shut down no later than 10 PM as required. And, let's try to keep it some peace in the neighborhood.

Thank you,

Sincerely,



James A. Aul

June 28, 2013

City of Huntington Beach
Planning & Building Department
ATTN: Ethan Edwards
2000 Main St
Huntington Beach, CA 92648

Re: Surf City Nights Draft Mitigated Negative Declaration No.13-03

Dear Mr. Edwards,

I am writing to express the following concerns with the Surf City Nights Draft Mitigated Negative Declaration (DMND) No. 13-03.

Land Use and Planning

Page 5 of the DMND selectively quotes a subset of the parking management options of Coastal Element Land Use Policy C 2.4.2 without indicating to the reader that only two out of the six options are being quoted. While the omitted options are either not relevant or do not change the conclusions of the DMND, it would have been better to have maintained the original lettered designation of the options as specified in the Coastal Element, and to have used ellipses (...) to indicate omissions as a signal to the reader that a partial quote is being used.

Page 5 states that the project is consistent with the Policy C 2.4.2 option to "Replace any on-street parking lost in the coastal zone on a 1:1 basis within the coastal zone prior to or concurrent with the loss of any parking spaces" (emphasis added). However, later discussion in the Transportation/Traffic section regarding parking capacity states that 58 metered parking spaces along the affected streets will be unavailable during the event and goes on to conclude that replacement parking within the Coastal Zone will come from either the city parking structure on Main St or the surrounding neighborhoods. This seems inconsistent with the intent of the quoted C 2.4.2 option (and associated implementation language in HBZSO 231.28) to require no net loss of parking within the Coastal Zone since there will be 58 fewer Coastal Zone parking spaces during the event.

City staff previously asserted during the Russo-Steele car auction entitlement process that temporary uses in the Coastal Zone were not obligated to replace parking on a 1:1 basis. However, Surf City Nights is being processed as a permanent use ("for an indefinite period of

time”), so please explain why this project is not being required to meet the no net loss of parking provisions of C 2.4.2 and HBZSO 231.28.

Transportation/Traffic

Page 18 of the DMND discusses impacts to parking capacity. The Surf City Downtown Shuttle is used to provide access to up to 350 parking spaces outside of the Coastal Zone at city hall. Street closures for the event begin at 2:00PM and result in the loss of 58 parking spaces, but the shuttle only runs during 5:30-10:00PM according to recent postings on the shuttle’s Facebook page. The analysis should add discussion about whether there will be any parking capacity impacts during the hours of 2:00-5:30PM when the shuttle is not running.

Hazards and Hazardous Materials

The Hydrology section accurately notes that the project site is not located in an identified moderate tsunami run-up area as depicted in the Coastal Element. However, the tsunami evacuation map at <http://www.huntingtonbeachca.gov/about/maps/tsunami-evacuation.pdf> shows that a substantial portion of the project site is within the identified tsunami evacuation area.

DMND section IX(g) on page 21 states that “The proposed project will not significantly impede access to the surrounding area and impact implementation or physically interfere with any adopted emergency response plan or evacuation plan”. Street closures have the potential to interfere with tsunami evacuation during event hours, and that scenario is not analyzed by the DMND.

Noise

DMND section X(d) on page 24 refers to a small survey of area residents who did not find the current event noise to be objectionable. There is no reference to any resident survey in the full noise study, other than anecdotal mention of passersby during noise measuring being in favor of the event. Any such observations from event attendees are likely to be biased in favor of event noise levels and not a representative sampling that included people living in the area who do not attend the event because it is too noisy. Please describe the methodology and sample size of the survey mentioned on page 24.

The noise analysis concludes that the event as currently conducted results in significant impacts that exceed most metrics of the city noise ordinance by more than 3dB at the measured locations. The DMND has proposed mitigation measure NOI-1 which requires the applicant to follow any one of the following options to reduce the impact to a less than significant level:

- a) Obtain approval of a Noise Deviation Permit pursuant to the Noise Ordinance.
- b) Live entertainment shall not use any amplification and shall only perform at midblock locations.
- c) Prohibit live entertainment.

I will stipulate that denial of amplification or all live entertainment will reduce noise impacts to less than significant levels. However, DMND page 25 notes that:

"Approval of a permit to deviate would not eliminate the noise impacts associated with the project; however it would eliminate the conflict that currently exists between the Noise Ordinance requirements and the noise generated by the proposed events."

In other words, the environmental impacts of acoustic energy impinging upon sensitive receptors would NOT be eliminated, rather only the land use conflict between the project and the Noise Ordinance would be eliminated. Thus this DMND does not appear to eliminate all significant environmental impacts.

This project seems better suited for EIR-level analysis since fair argument exists (stated as fact by DMND page 25 which is a roll-up of noise study attachment page 5.13) that unmitigated environmental noise impacts remain under the Option A Noise Deviation Permit scenario. Please explain why this project was not analyzed as an EIR with alternatives where the Noise Deviation Permit alternative would require a CEQA Statement of Overriding Considerations.

Sincerely,

Mark D. Bixby

Mark D. Bixby (HB Planning Commission Chairperson)
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
phone: 714-625-0876
email: mark@bixby.org

City of Huntington Beach
Department of Planning and Building
13-003 (Surf City Nights)

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JUN 26 2013

Dept. of Planning
& Building

Please do not extend the hours

It is already a nuisance and a negative impact on the surrounding residents with trash and loitering that goes on. The drinking, drugs that take place while hidden with the crowd would need more foot patrol by the police.

Let's clean up Main St not add more problems. Why does Surf City Nights have so much power that they are allowed every week to close ~~our~~ streets down. Why is it that they can't have it at the Pier like Farmer's Market?

How much does Surf City Nights pay the city to have this granted to them?

Who pays for the shuttle program via remote parking lot? And do the car owners pay to park there?

Keep it at the Pier not on Main Street and absolutely not on longer hours.

Resident / J. Ferris
415 Townsquare #313
H.B., CA 92648

Huntington Beach, California, at the Central Library, 7111 Talbert Avenue, Huntington Beach, California and Main Street Library, 525 Main Street, Huntington Beach, California, the City Clerk's Office, 2000 Main Street, Huntington Beach, California, and via the City's website (<http://www.huntingtonbeachca.gov/government/departments/Planning/Environmentalreports.cfm>). Any person wishing to comment on the Draft Mitigated Negative Declaration may do so in writing within the thirty (30) day comment period by providing written comments to Ethan Edwards, Associate Planner, City of Huntington Beach, Planning and Building Department, P.O. Box 190, Huntington Beach, CA 92648.

I am opposed to the Noise exemption request because the ~~the~~ "music" I have heard is 1) outdated, 2) "corny" and 3) without any merit, skill, or quality!

RECEIVED

JUN 12 2013

Dept. of Planning
& Building

Dean Fether, PhD
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Huntington Beach
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MAURIELLO LAW FIRM, APC

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JUL 01 2013

Dept. of Planning
& Building

June 27, 2013

VIA FACSIMILE AND EMAIL

Mr. Ethan Edwards, Associate Planner
Department of Planning and Building
City of Huntington Beach
2000 Main Street
Huntington Beach, CA. 92648

Re: Comments to Environmental Assessment 2013-003 and Proposed Mitigated Negative Declaration (Surf City Nights Project)

Dear Sirs and Madams:

My firm represents Ms. Merrilee Madrigal, the principal of Merrilee's, Inc. doing business as Merrilee's Swimwear, located at 120 Fifth Street, Suite 110 in Huntington Beach. I am writing on behalf of Ms. Madrigal to provide comments on Environmental Assessment 2013-003 for the expansion and renewal of the Surf City Nights project.

The Planning Department has determined that the Project does not require an Environmental Impact Report ("EIR") under the California Environmental Quality Act ("CEQA") but instead has determined that the Project may be approved under a Mitigated Negative Declaration (the "MND") under CEQA and has circulated a Draft of the MND for public comment.

The Project involves the closure of Fifth Street between Pacific Coast Highway and Walnut Avenue and Main Street between Pacific Coast Highway and Orange Avenue, every Tuesday between 2:00 PM and 10:00 PM. It would include an outdoor street festival between 5:00 Pm and 9:00 PM on those days, including at least 65 street vendors and live entertainment, sidewalk sales, farmers markets, children's activities, and food preparation and tasting. (Average attendance is expected to be 2,500 people, and the project has drawn up to 5,000 people during peak season. See MND at Page 16.) The project applicants are the Huntington Beach Downtown Business Improvement District and Huntington Beach Economic Development Department. Part of the project involves making permanent what was permitted as a temporary use on Main Street since 2008.

Ms. Madrigal has the following concerns about and objections to the project and the Draft MND:

A. Improper and Inadequate Public Notice

It appears that members of the public have not received required notice under CEQA. Ms. Madrigal did not receive a Public Notice in the mail from the City of Huntington Beach regarding its intent to approve the Draft Mitigated Negative Declaration. Nor did the

Mr. Ethan Edwards

Re: *Environmental Assessment 2013-003 and
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principals/owners of the following local businesses: Johnny Rockets, Vargas, Pristine Porsche, Maleesa Salon, Model Citizen and CIM (the property owner of The Strand on 5th Street). The Project has potential impacts to everyone located in the Downtown Huntington Beach area. Since Ms. Madrigal's business and these other businesses did not receive written notice, we have reason to believe that other Downtown businesses and residents may not have received written notice, either.

When Ms. Madrigal brought this lack of notice issue to the City's attention, the response was that the City may consider late comments if the person who did not receive notice contacted the planner assigned to the Project. This response fails to address the obvious problem that people who are not aware of the Project will not have the ability or opportunity to submit comments, whether within the comment period or beyond it. Although Ms. Madrigal has been aware of the Project for some time, the City apparently has assumed the same with respect to other residents who may not have received notice, which is an unfounded assumption.

The City should promptly investigate its records including any proofs of service and/or delivery to assess whether it *actually sent* written notice to the affected residents as required under CEQA. If it did not, the city should extend the notice and comment period, and provide legally adequate notice of the new comment period.

B. Inaccurate Statement Regarding Previous Related Environmental Documentation

The MND states, at Page 2, Item 8: "Other Previous Related Environmental Documentation: None." We believe that this statement is materially inaccurate. In 2012, the City proposed a related project involving renewal of C.D.P. No. 2007-002 and T.U.P. No. 2007-02 to extend, for five years, the temporary closure of Main Street for a weekly street fair and an extension of the street closure to Fifth Street between Pacific Coast Highway and Walnut Avenue. The project applicants were Huntington Beach Downtown Business Improvement District and Huntington Beach Economic Development Department. The street fairs were to take place every Tuesday from 5:00 PM to 9:00 PM, and the street closures were to begin at 2:00 PM. That project was effectively the precursor to the current Project.

The Planning Department had not prepared an Initial Study under CEQA for that precursor project but instead determined that the project fits the CEQA "categorical exemption" contained in Section 15304(e) ("Minor Alterations to Land"), which provides: "Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc [. . .]" After receiving comments from Ms. Madrigal and possibly others pointing out that this categorical exemption was not applicable, the City reversed course and determined to subject the revised Project to CEQA review. Although the prior incarnation did not involve any environmental analysis, it did involve a CEQA review for assessment and applications of a CEQA exemption. Therefore, we believe that it would be an inadequate Project description and would be misleading to the public, to the City decision makers, and to any reviewing body to suggest that there was no other previous related environmental

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documentation.

C. The Project May Cause Significant Impacts

Under the circumstances, it is impossible conclude that the Project might not cause potentially significant impacts, especially with respect to traffic, parking, and noise. Certainty or even likelihood of impacts is not required to mandate preparation of an EIR, but merely existence of substantial evidence to support a “fair argument” that the Project may cause significant impacts.¹

i. Traffic

Traffic impacts are a significant concern. When residents, shoppers, business people, or visitors travel through Huntington Beach they often do so along Pacific Coast Highway, intending to turn onto Main Street or 5th Street. The closure of these streets thus certainly may impact traffic patterns, traffic safety, and air quality. This comes against the backdrop of existing traffic congestion on Pacific Coast Highway, which currently often backs up during the summer months into Newport Beach, causing traffic delays on California 101.

In the analysis of potential traffic impacts, the MND concludes that no significant impacts are possible. Yet it states that the traffic analysis indicates that the “level of service” will decrease from a “B” to a “C” at the intersection of PCH and 1st Street and from a “B” to a “C” at the intersection of PCH and 6th Street. *See* MND at Page 15.² The MND notes that the City has adopted LOS D as “the limit of acceptable operations at the signalized intersections studied in this analysis.” *See* MND at Page 15. For CEQA purposes, the admitted decreases in levels of service for at least two of the affected intersections establishes a fair argument that the project may cause potential significant impacts to traffic.

This is true regardless of the fact that a decrease in the level of service is stated to be within the City’s “limit of acceptable operations,” a standard which the MND does not define and which is not established to be the same as the standard required for CEQA compliance. Put

¹ An environmental impact report (“EIR”) is required under CEQA where substantial evidence supports a “fair argument” that the Project may cause significant environmental impacts. *See, e.g. No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75 (“if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect”); *Communities for a Better Environment*, 103 Cal.App.4th at 106–107 (footnotes omitted)(“CEQA requires public agencies to prepare an EIR for any project they intend to carry out or approve whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental effect”). The fair argument standard presents a “low threshold” for requiring preparation of an EIR. *See, e.g., Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3rd 296, 310.

² “Level of Service” is a qualitative description of traffic flow defined in terms of vehicle delay and ranges from LOS A (free flow conditions) to LOS F (excessive delays).

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another way, it is not clear that an impact to LOS that is "acceptable" under the City's standard is also one that may not cause impacts that are "significant," or, if so, what the analytical route is to this conclusion. There is simply no way to tell under the City's analysis. Therefore, the conclusion that the degradation in traffic will not to significant impacts is not supported by substantial evidence.

ii. Parking

The MND concludes that the Project would not result in inadequate parking. No parking study was performed for the Project. The MND's parking analysis is flawed. It admits that "the highest attendance days (5,000 people) would result in increased parking demand," it concludes that "it is likely that other factors such as the number of people that bike or walk to the event and that are already in the downtown area or at the beach also increase." (See MND at Page 18.) But this assumption does not appear to be based on any concrete evidence and appears to be speculation. Moreover, even if it is likely or true that some of the increased visitors in the area due to attending the event were to walk or bike rather than drive, we do not know the percentage or even a reliable estimate. There is no analysis of bike lanes, space for bike-riding on sidewalks or on streets (which would be closed in the Project area), or the number of bicycle parking structures in the Project area. The lack of analysis of these issues further undermines confidence in the unsubstantiated assumption that the purported increased number of persons traveling to the Project by bike would alleviate traffic impacts.

The MND then concludes: "In any case, the highest attendance days do not represent the typical scenario and have only occurred one time during the five year history of the event." (See MND at Page 18.) This is an admission that the MND is *assuming* that the "worst case" population scenario will not happen-- even though it has been documented to have occurred in the past. In fact, it *could* happen. In addition, that level of population may be achieved in the area of the Project in combination with other "special events" that may occur simultaneously, including seasonal events and with summer crowds in general. Certainly this does not negate the "fair argument" that significant impacts "may" occur. In fact, it *supports* that fair argument.

iii. Noise

The MND concludes that the Project without mitigation will cause significant noise impacts but proposes to remedy that by a permit to allow the Project to deviate from the standards allowed in the City's Noise Ordinance. The MND treats this "solution" as a mitigation measure. But it would not actually mitigate the environmental (i.e., noise) impacts. It would only mitigate the illegality of the Project that would otherwise be in violation of the Noise Ordinance. CEQA requires actual analysis of a project's physical impacts on the environment, not merely compliance of those impacts with -- or as here, exemption or variance from -- legal requirements of another statute. Simply put, this mitigation measure does not mitigate the actual noise impacts of the Project. Thus the MND as to mitigation of noise impacts is not supported by substantial evidence. See *Berkeley Keep Jets Over the Bay v. Board of Port Commissioners* (2002) 111 Cal.Rptr.2nd 595 (compliance with noise policies does not necessarily assure less-than-significant noise impacts).

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June 27, 2013

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E. Improper Segmentation and Failure to Consider Cumulative Impacts

The project also has not been evaluated in conjunction with other ongoing projects that, cumulatively, may result in significant environmental impacts, and also the project may have been improperly segmented for purposes of environmental review.

The most notable project that may combine to create cumulative impacts with the Project is the nearby Pierside Pavilion Expansion project (Environmental Assessment 11-007), which was approved by the City on September 19, 2012, which is located at 300 Pacific Coast Highway, on the northeast corner of Pacific Coast Highway and Main Street. In an Environmental Assessment Committee Agenda dated June 6, 2012, that project was described as follows:

[C]onstruct[ion of] a connecting four-story, 90 foot high, approximately 27,772 square foot mixed-use, visitor serving/office building and 9,401 sq. ft. infill expansion by extending existing storefronts. The site is currently developed with a 4-story, 90 foot high, mixed use building consisting of approximately 89,415 sq. ft. of retail, restaurant and office uses; and 296 parking spaces within two subterranean levels with access from Walnut Avenue.

The project proposes to expand the allowable uses within the Pierside Pavilion development from the previously approved limits . . . by adding 10,527 sq. ft. of retail, 5,705 sq. ft. of restaurant, and 21,441 sq. ft. of office. . . . Approximately 3,069 sq. ft. of outdoor terraces are proposed on the second and third levels; and approximately 6,146 sq. ft. of outdoor dining is proposed on the second floor and rooftop deck. Parking will be provided within an existing two-level subterranean parking garage including 296 parking spaces on-site and share up to 234 parking spaces in the Municipal parking structure located at 200 Main Street.

The MND does not study whether the Surf City Nights project will have cumulative impacts along with the Pierside Pavilion Expansion project, despite the fact that they are located very near each other and both will significantly increase foot traffic, auto traffic, and commercial uses downtown. Potential cumulative impacts on traffic, parking, air quality, noise, and other potential impacts should be studied. An EIR would study those impacts.

In addition, the MND does not consider the cumulative impacts of the Project along with the nearby Strand Shopping Center. The Strand project's application for a Master CUP is on the City's Planning Log as CUP 12-036/CUP12-037/CDP 12-018/DR 12-024/AP 12-016 (The Strand Alcohol & Live Entertainment). That project involves street closures (including 5th Street), live entertainment, and various other activities in the vicinity of the Project. It is very likely to have cumulative impacts along with the Project including potential cumulative impacts on traffic, parking, air quality, and noise. Those impacts should be examined in an EIR. Enclosed herewith for your reference is a Master CUP Submittal for the Strand (that we understand was prepared by or for the application/owner of that project) and that contains a detailed description of that project.

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F. The Need For An Alternatives Analysis That Will Only Be Provided in an EIR

An EIR would contain a mandatory analysis of project alternatives, including a baseline “no project” alternative and also potential variations on the Project that might mitigate the Project’s impacts. CEQA Guidelines Section 15126. The range of alternatives to be studied in an EIR must meet most of the project objectives and avoid or substantially lessen one or more of the project’s significant impacts (CEQA Guidelines Section 15124). An alternatives analysis would be useful here. No alternatives were included in the discussion of the Project or were evaluated in detail or subjected to notice and public comment. A robust, meaningful alternatives analysis could lead to a viable project that complies with CEQA.

Thank you very much for your consideration of our comments contained in this letter.

Very truly yours,



Thomas D. Mauriello

Enclosure

cc: Planning Commission Members (via email care of: KDeCoite@surfcity-hb.org)
Luis Gomez, Project Manager, EDD (via email at Luis.Gomez@surfcity-hb.org)
Kellee Fritzal, Director, EDD (via email at KFritzal@surfcity-hb.org)
Merrilee Madrigal

The Strand – Master CUP Submittal² 11

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The Strand – Master Conditional Use Permit Narrative

A. Master Conditional Use Permit for Alcoholic Sales and Live Entertainment.

Description: This grants a general discretionary approval for a master conditional use for alcoholic sales at the Strand property limits. This approval shall provide the by right entitlement necessary for tenancy that will operate with alcohol sales. The alcoholic licensure shall be subject to final applications by the operator of the establishment with the City of Huntington Beach Police Department and the State of California Alcoholic Beverage Control.

This grants a general discretionary approval for a master conditional use for live entertainment at the Strand property limits. This approval shall provide the by right entitlement necessary for tenancy that will operate with live entertainment. The alcoholic licensing shall be subject to final application by the operator of the establishment with the City of Huntington Beach Police Department.

Rational: To safeguard and expedite the approvals for future tenancies.

Suggested Requirements:

1. The quarterly sales of alcoholic beverages shall not exceed the gross sales of food for the same period in the restaurant facilities. The establishment shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available upon reasonable notice. The restaurant/nightclub shall only comply with this requirement in the restaurant portion of the business.
2. The conditional use authorization granted herein for the indoor sale and dispensing for consideration of alcoholic beverages for consumption on the premises and offsite sales shall be limited to a total of 30,000 SF premises as follows:
 - a. Six (6) licenses, each in conjunction with a restaurant use, (3) with live entertainment and dancing. No more than 10 percent of the total restaurant square footage in aggregate shall be devoted to bar area, and in no event shall such area include more than 20 seats plus 10% dance floor.
 - b. Two (2) additional, on-site licenses shall be authorized limited to the sale or dispensing for consideration of alcoholic beverages for consumption on the premises and authorized establishment of offsite sales, each in conjunction with a stand alone bar use.
3. The conditional use authorization granted herein for the outdoor sale and dispensing for consideration of alcoholic beverages for consumption on the premises shall be limited to a total of 5,000 SF premises as follows:
 - a. Six (6) licenses, each in conjunction with a restaurant use. No more than 10 percent of the total restaurant square footage in aggregate shall be devoted to bar area, and in no event shall such area include more than 20 seats.
 - b. Two (2) additional, on-site licenses shall be authorized limited to the sale or dispensing for consideration of alcoholic beverages for consumption on the premises, each in conjunction with a stand alone bar use (both with live entertainment and dancing).
4. Note of Clarification, the Hotel Parcel has three (3) existing liquor licenses (Zinzala, Lounge and Room Service) and is entitled to maintain those three pursuant. The Strand Property shall be permitted a maximum of eleven (11) licenses, pursuant to the staff administrative determination without public notices and planning and council hearings. The Hotel licenses will be maintained exclusively for the Hotel Use and Restaurant and Commercial licenses shall be maintained exclusively for the Restaurant and Commercial

Uses. The licenses allocated to the Restaurant and Commercial Uses shall not be transferred to the Hotel Use and the licenses allocated to the Hotel Use shall not be transferred to the Restaurant and Commercial Uses. In addition to previously authorized uses on the subject property, this new conditional use authorization granted herein for the sale or dispensing for consideration of alcoholic beverages for consumption on the premises and offsite sales shall be limited to a total of three (3) additional premises as follows:

- a. Two (2) licenses, each in conjunction with a restaurant use
 - b. One (1) license in conjunction with a drugstore
5. The owners, operators, managers, and all employees selling and serving alcohol to patrons shall enroll in and complete a certified training program that is recognized by the State Department of Alcoholic Beverage Control for the responsible service of alcohol. This training shall be completed by new employees within four weeks of employment and shall be completed by all employees serving alcoholic beverages every 24 months.
6. A "Designated Driver Program" shall be operated to provide an alternative driver for restaurant patrons unable to safely operate a motor vehicle. Each restaurant operator shall submit the details of the program for review and approval prior to the opening of any restaurant offering alcoholic beverages.
7. All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all establishments of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.
8. The sales of prepackaged drink mixes or fortified wines, such as low and fortified wine 15% alcohol content, etc. is prohibited except as follows:
- a. Wine coolers, beer coolers or pre-mixed distilled spirit cocktails must be sold in manufacturer-pre-packaged multi-unit quantities.
 - b. No wine shall be sold with an alcoholic content greater than 16% by volume, except for "dessert wines."
 - c. Beer and malt beverages in containers of 16 oz. or less cannot be sold by single container, but they must be sold in manufacturer-pre-packaged multiunit quantities.
 - d. No alcohol shall be sold in bottles or containers smaller than 350 ml.
 - e. No single cigarettes shall be sold.
 - f. No coin-operated games maintained upon the premises at any time.
 - g. No disposable cups or containers will be sold on the premises.
 - h. Management and sales staff will be required and trained to check identification when selling alcoholic beverages.
 - i. Location of alcoholic beverages shall be away from the entrance to the premises.
9. The conditions of this permit shall be retained on the premises at all times and be immediately produced upon the request of any peace officer.
10. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

11. No group seating shall be installed which completely prohibits observation of the occupants.
12. There shall be no cover charge or pre-payment fee for food and/or beverage service required for admission to the location.
13. A phone number to a responsible representative of the owner shall be available for each establishment for the purposes of allowing residents to report an emergency or a complaint of any facility serving alcoholic beverages.
14. Each establishment shall retain full control of all events within the subject premises. No premises may be subject to an independent promoter for any purpose.
15. Amplified music shall not be audible outside the premises north of Walnut Avenue. The noise level shall not cause a disruption above the ambient urban noise levels along 5th Street and Walnut Avenue.
16. No pool or billiard tables, dart games, or any coin operated amusement devices shall be maintained in any of the stand-alone lounges, bars or the restaurant/nightclub authorized for the sale of alcoholic beverages.
17. Adult entertainment activities including, but not limited to "hostess" type activities, shall not be permitted anywhere within the proposed site.
18. The establishment shall be responsible for maintaining free of litter the premises over which they have control.
19. The project site managers, individual business owners and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew/tolerating laws concerning all minors within the grounds of the Center site without a parent or adult guardian.
20. The hours of operation will be between 7 a.m. and 2 a.m. which is consistent with the hours of operations of the Strand Hotel, Restaurant and Commercial Uses.
21. The individual establishment shall discourage and prevent loitering on the subject site by individuals at the location in connection with the uses thereon, 1:00 A.M., at least one trained security guard shall be posted at the entrance and maintain order and control.
22. Each individual establishment of an alcoholic beverage license shall file an application for site specific conditional use "ABC approval" for each alcohol sales use at the facility in order to implement and utilize the permit at each of the proposed alcohol sale sites. The application must be accompanied by a payment of appropriate fees and must be accepted as complete by the Planning Department. The purpose of the administrative determination is to review the proposed Restaurants and Commercial Uses permitted under this authorization in greater detail for such matters as individual premises, security, signs, parking arrangements such as valet service, hours of operation, etc. under the grant without public notices, planning and council hearings. Variances from these Master Conditions of Approval may not be granted under the administrative review and approval but subject to formal Planning Commission and City Council Hearings.
23. Six months review from the issuance of the Certificate of Occupancy (temporary or final) for each of the alcohol sales license in the establishment shall be conducted for compliance.

B. Master Conditional Use Permit for Outdoor Dining / Alcohol / Entertainment

Description:

This grants a general discretionary approval for a master conditional use for dining, alcohol sales and live entertainment outdoors at the Strand property limits. This approval shall provide the by right entitlement necessary for tenancy that will have outdoor services. The alcoholic licensing shall be subject to final applications by the operator of the establishment with the City of Huntington Beach Police Department and the State of California Alcoholic Beverage Control.

This approval shall be limited to outdoor services along 5th Street between Pacific Coast Highway and Walnut Avenue.

Rational: To safeguard and expedite the approvals for future tenancies that are supplemented with dining, alcohol sales and live entertainment outdoors.

Suggested Requirements:

1. 5th Street outdoor dining must be directly adjacent to the indoor eating establishment.
2. Establishments seeking alcohol sales for outdoor dining shall submit a conditional use permit application for Zoning Administrator review and approval under the provisions of Section A.3.
3. Establishments seeking live entertainment with outdoor dining shall submit a conditional use permit application for Zoning Administrator review and approval under the provisions of Section A.3
 - a. Music - Single Performer
 - b. Music - Group Performance
 - c. Music - Karaoke
 - d. Non Music - Comedy
 - e. Non Music - Magician
4. Establishments seeking alcohol sales for outdoor dining shall provide 36" high barricades. The 5th Street barricades shall not be permanently anchored into the sidewalk for structural and waterproofing conflict. Rather, flexible barrier options such as landscape planters are encouraged. Barricades should be self supporting structurally. Establishment shall submit barricade and installation technical specifications for Strand Property Management approval.
5. At all times, the establishment shall maintain 6' to 8' clear pedestrian path for circulation. The path of circulation shall meander through the 5th Street streetscape including outdoor dining areas where certain points may reduce to ADA minimum width of 4.5' to 5'
6. Outdoor dining may have accessory structures and not to exceed 15' in height.
7. Outdoor dining may also install AVV equipment such as flat screen monitors and speakers for patrons.
8. Outdoor lights and heat lamps should not interfere with the Strand streetscape and impede pedestrian traffic.
9. Each establishment shall file with the Owner current public liability insurance coverage to operate outdoors.
10. Parking provisions for outdoor dining are one stall per 125sf of outdoor dining area or provisions waived if the following occur:
 - a. Outdoor dining area is less than 20% of the total indoor restaurant space, and/or
 - b. Outdoor dining area is less than 400sf.

11. Each establishment shall retain full control of all events within the subject premises. No premises may be subject to an independent promoter for any purpose.
12. Amplified music shall not be audible outside the premises north of Walnut Avenue. The noise level shall not cause a disruption above the ambient urban noise levels along 5th Street and Walnut Avenue.
13. The establishment shall be responsible for maintaining free of litter the premises over which they have control.
14. The project site managers, individual business owners and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew/littering laws concerning all minors within the grounds of the Center site without a parent or adult guardian.
15. The hours of operation will be between 7 a.m. and 11 p.m. which is consistent with the hours of operations of the Strand Hotel, Restaurant and Commercial Uses.

C. Master Conditional Use Permit for Special Events for 5th Street Closures

Description: This grants a general discretionary approval for a master conditional use for planned 5th Street closures for scheduled activities and special events at the Strand property limits. This approval shall provide the by right entitlement necessary for the Strand to program and manage activities and events that require street closures.

Rational: To safeguard and expedite the approvals for future activities and events in an effort to increase community involvement, patronage and presence.

Suggested Requirements:

1. Strand establishment shall submit a Special Permit application for closures on 5th Street for Strand scheduled special events.

Street Closures - Strand Sponsored Special Low / Medium Impact Events

ACTIVITIES LISTED BELOW REPRESENT THE TYPES OF ACTIVITIES THAT WOULD BE PLANNED. IT IS NOT INTENDED THAT ALL ACTIVITIES WOULD TAKE PLACE AT THE SAME TIME OR ON THE SAME DATE.

- Spring break period - Friday, Saturday & Sunday prior to Easter & Friday, Saturday & Sunday after Easter
- May
- June
- July
- August
- September - Labor Day weekend (3 Days)
- October - Weekend prior to Halloween
- Winter Holiday - Week beginning the Monday after Thanksgiving through December 24th

Low Impact - less 500 patrons and visitors

- a. Yoga Fridays
- b. 5th Street at the Strand Quarterly Movie Nights
- c. Family Craft Events
- d. Winter Holiday Events
- e. Live Art Shows
- f. Media Art Shows
- g. Showcasing Artists and Artisans

Medium Impact - greater than 500 patrons and visitors

- a. Spring Break Splash
- b. US Open Surfing Championship Event

Spring break

- o Live music (small local bands, local school choirs or bands)
- o Live entertainment (street performers, dance groups, local theatre groups, sports exhibitions)
- o Activity booths (games, giveaways, art and craft demonstrations, contests)
- o Radio Station booth (prize giveaways, music, live call-ins)
- o Art and craft displays (featuring local artisans)
- o Children's activities (arts and crafts, storytime, puppet theater etc.)
- o Food Trucks (commercial vehicles serving a variety of food products)
- o Vendor trucks (for product demonstrations, consumer activity and giveaways)

Summer (May – August)

- o Live music (small local bands, local school choirs or bands)
- o Live entertainment (street performers, dance groups, local theatre groups, sports exhibitions etc.)
- o Activity booths (games, giveaways, art and craft demonstrations, contests)
- o Radio Station booth (prize giveaways, music, live call-ins)
- o Art and craft displays (featuring local artisans)
- o Children's activities (arts and crafts, storytime, puppet theater etc.)
- o Food Trucks (commercial vehicles serving a variety of food products)
- o Vendor trucks (for product demonstrations, consumer activity and giveaways)
- o Bicycle valet
- o Yoga classes (Fridays only)

Labor Day weekend

- o Live music (small local bands, local school choirs or bands)
- o Live entertainment (street performers, dance groups, local theatre groups, sports exhibitions etc.)
- o Activity booths (games, giveaways, art and craft demonstrations, contests)
- o Radio Station booth (prize giveaways, music, live call-ins)
- o Art and craft displays (featuring local artisans)
- o Children's activities (arts and crafts, storytime, puppet theater etc.)
- o Food Trucks (commercial vehicles serving a variety of food products)
- o Vendor trucks (for product demonstrations, consumer activity and giveaways)
- o Bicycle valet

Weekend prior to Halloween

- o Live music
- o Live entertainment (Halloween characters)
- o Radio Station booth
- o Children's activities (costume contest, pumpkin decorating etc.)

Winter Holiday (Monday after Thanksgiving through December 24th)

- o Community ice skating rink (family-focused, proceeds benefit local charity)
- o Hot cocoa and cider served (profits benefit local charity)
- o Appearances by skating Santa on select dates

2. At all times, the establishment shall maintain 6' to 8' clear pedestrian path for circulation. The path of circulation shall meander through the 5th Street streetscape including outdoor dining areas where certain points may reduce to ADA minimum width of 4.5' to 5'.
3. At all times, the establishment shall maintain secure and clear pedestrian path for circulation.
4. Each establishment shall retain full control of all events within the subject premises.
5. Amplified music shall not be audible outside the premises north of Walnut Avenue. The noise level shall not cause a disruption above the ambient urban noise levels along 5th Street and Walnut Avenue.
6. The establishment shall be responsible for maintaining free of litter the premises over which they have control.
7. The project site managers, individual business owners and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew/loitering laws concerning all minors within the grounds of the Center site without a parent or adult guardian.
8. The hours of operation will be between 7 a.m. and 11 p.m. which is consistent with the hours of operations of the Strand Hotel, Restaurant and Commercial Uses.
9. Strand shall make provisions for 24/7 security detail at the events.

D. Master Conditional Use Permit for 5th Sidewalk Closures

Description: This grants a general discretionary approval for a master conditional use for planned 5th Street sidewalk closures for scheduled activities at the Strand property limits. This approval shall provide the by right entitlement necessary for the Strand to program and manage activities and events that require street closures.

Rationale: To safeguard and expedite the approvals for future activities in an effort to increase community involvement, patronage and presence.

Suggested Requirements:

1. Strand establishment shall submit a Special Permit application for sidewalk closures on 5th Street for onsite retailers and promotional special events.
2. Up to 50 dates per year for product promotion events to be positioned in the Art Walk, sidewalks or in one of the parking lanes. These events typically consist of a small booth or structure (approx. 12' X 12') or a promotional vehicle in which product is demonstrated and/or sampled.
3. At all times, the establishment shall maintain 6' to 8' clear pedestrian path for circulation. The path of circulation shall meander through the 5th Street streetscape including outdoor dining areas where certain points may reduce to ADA minimum width of 4.5' to 5'.
4. At all times, the establishment shall maintain secure and clear pedestrian path for circulation.
5. Each establishment shall retain full control of all events within the subject premises.
6. Amplified music shall not be audible outside the premises north of Walnut Avenue. The noise level shall not cause a disruption above the ambient urban noise levels along 5th Street and Walnut Avenue.
7. The establishment shall be responsible for maintaining free of litter the premises over which they have control.
8. The project site managers, individual business owners and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew/littering laws concerning all minors within the grounds of the Center site without a parent or adult guardian.
9. The hours of operation will be between 7 a.m. and 11 p.m. which is consistent with the hours of operations of the Strand Hotel, Restaurant and Commercial Uses.

E. Master Conditional Use Permit for Carts / Kiosks and ATM

Description: This grants a general discretionary approval for a master conditional use for planned 5th Street operations of carts, kiosks and ATM at the Strand property limits. This approval shall provide the by right entitlement necessary for the Strand to program and manage placement of carts, kiosks and ATM.

Rational: To expedite the approvals for future revenue generating tenancies in an effort to increase Strand presence with pedestrian traffic and activities.

Suggested Requirements:

1. Strand establishment shall submit Administrative Permit application and DRB review and approvals including Coffee and Non-Alcoholic Sales (onsite and offsite), Services and Consumption.
2. Maintaining the previously DRB approved court with added flexibility to relocate within 5th Street and Art Alley
3. At all times, the establishment shall maintain 6' to 8' clear pedestrian path for circulation. The path of circulation shall meander through the 5th Street streetscape including outdoor dining areas where certain points may reduce to ADA minimum width of 4.5' to 5'.
4. Each establishment shall retain full control of all events within the subject premises.
5. Amplified music shall not be audible outside the premises north of Walnut Avenue. The noise level shall not cause a disruption above the ambient urban noise levels along 5th Street and Walnut Avenue.
6. The establishment shall be responsible for maintaining free of litter the premises over which they have control.
7. The project site managers, individual business owners and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew/littering laws concerning all minors within the grounds of the Center site without a parent or adult guardian.
8. The hours of operation will be between 7 a.m. and 11 p.m. which is consistent with the hours of operations of the Strand Hotel, Restaurant and Commercial Uses.
9. Strand shall make provisions for 24/7 security detail at the events.

LEGAL DESCRIPTION
EXHIBIT "A"

LOT 1 OF TRACT NO. 16406, IN THE CITY OF HUNTINGTON BEACH, AS SHOWN ON A MAP RECORDED IN BOOK 870 PAGES 47 THROUGH 50, INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

EXCEPTING THEREFROM ALL THAT PORTION OF SAID LAND LYING BELOW A DEPTH OF 500 FEET MEASURED VERTICALLY FROM THE PRESENT SURFACE OF THE GROUND.

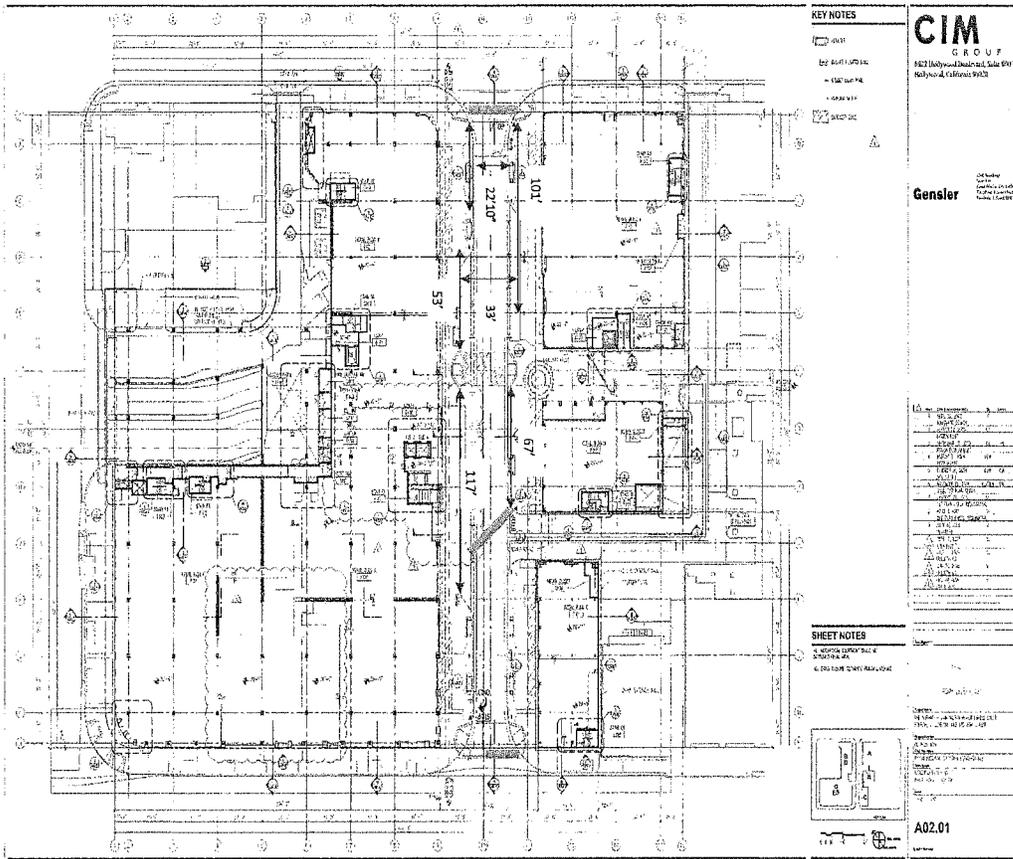
ALSO EXCEPTING FROM A PORTION OF THE LAND, ALL PETROLEUM, GAS, ASPHALTUM AND OTHER HYDROCARBONS AND OTHER MINERALS BELOW A DEPTH OF 500 FEET, WITHOUT THE RIGHT OF SURFACE ENTRY THEREOF, AS RESERVED IN THE DEED FROM R. W. HILDEBRANDT AND WIFE, RECORDED NOVEMBER 9, 1966, IN BOOK 8099, PAGE 202 OF OFFICIAL RECORDS.

ALSO EXCEPTING FROM A PORTION OF THE LAND, ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AND MINERALS LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY AT ANY TIME UPON SAID LAND OR WITHIN THE TOP 500 FEET THEREOF, FOR THE PURPOSE OF EXPLOITING FOR, DEVELOPING, PRODUCING, REMOVING AND MARKETING SAID SUBSTANCES, AS EXCEPTED IN THE DEED FROM Gwendolyn R. Talbert, Thomas V. Talbert and Gordon Walker, Co-trustees, RECORDED JUNE 28, 1971 IN BOOK 9695, PAGE 846 OF OFFICIAL RECORDS.

ALSO EXCEPTING FROM A PORTION OF THE LAND, ALL OIL, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN 500 FEET BELOW THE SURFACE OF SAID LAND, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF SAID LAND LYING MORE THAN 500 FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID LANDS BUT WITHOUT, HOWEVER, THE RIGHT OF SURFACE ENTRY FOR ANY PURPOSE OR PURPOSES WHATSOEVER, AS RESERVED IN THE DEED RECORDED OCTOBER 11, 1968 AS INSTRUMENT NO. 89-518517 OF OFFICIAL RECORDS.

ALSO EXCEPTING FROM A PORTION OF THE LAND, ALL OIL, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN 500 FEET BELOW THE SURFACE OF SAID LAND, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF SAID LAND LYING MORE THAN 500 FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID LANDS BUT WITHOUT, HOWEVER, THE RIGHT TO USE EITHER THE SURFACE OF SAID LAND OR ANY PORTION OF SAID LAND WITHIN 500 FEET OF THE SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER, AS RESERVED IN THE DEED RECORDED NOVEMBER 20, 1989 AS INSTRUMENT NO. 88-624067 OF OFFICIAL RECORDS.

ALSO EXCEPTING FROM A PORTION OF THE LAND, ALL OIL, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN 500 FEET BELOW THE SURFACE OF SAID LAND, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF SAID LAND LYING MORE THAN 500 FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID LANDS BUT WITHOUT, HOWEVER, THE RIGHT TO USE EITHER THE SURFACE OF SAID LAND OR ANY PORTION OF SAID LAND WITHIN 500 FEET OF THE SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER, AS RESERVED IN THE DEED RECORDED JUNE 2, 1989 AS INSTRUMENT NO. 89-293437 OF OFFICIAL RECORDS.



KEY NOTES

- 1. FINISH
- 2. FINISH
- 3. FINISH
- 4. FINISH
- 5. FINISH

CIM
GROUP

1821 Broadway, Suite 600
New York, NY 10019

Gensler

| NO. | DESCRIPTION | DATE |
|-----|-------------------|----------|
| 1 | ISSUED FOR PERMIT | 08/11/09 |
| 2 | ISSUED FOR PERMIT | 08/11/09 |
| 3 | ISSUED FOR PERMIT | 08/11/09 |
| 4 | ISSUED FOR PERMIT | 08/11/09 |
| 5 | ISSUED FOR PERMIT | 08/11/09 |
| 6 | ISSUED FOR PERMIT | 08/11/09 |
| 7 | ISSUED FOR PERMIT | 08/11/09 |
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| 10 | ISSUED FOR PERMIT | 08/11/09 |
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| 18 | ISSUED FOR PERMIT | 08/11/09 |
| 19 | ISSUED FOR PERMIT | 08/11/09 |
| 20 | ISSUED FOR PERMIT | 08/11/09 |

DIET NOTES

- 1. FINISH
- 2. FINISH
- 3. FINISH



A02.01

The Strand - 5th Street Dimensions

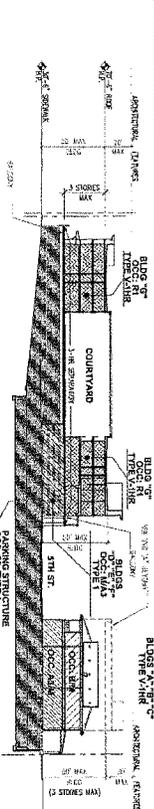
PROJECT DESCRIPTION

| BUILDING | FLOOR | USE | OCCUPANCY TYPE | CONTRACT | CONSTRUCTION | MAX ALLOWED HI | MAX ALLOWABLE AREA | TYPE | SUB AREA | STRUCTURE | FLOOR AREA | OPENING AREA | TOTAL FLOOR AREA |
|----------|-------|--------|------------------|------------------|------------------|----------------|--------------------|------|----------|-----------|------------|--------------|------------------|
| 1 | 1 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |
| 2 | 2 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |
| 3 | 3 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |
| 4 | 4 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |
| 5 | 5 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |
| 6 | 6 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |
| 7 | 7 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |
| 8 | 8 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |
| 9 | 9 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |
| 10 | 10 | RETAIL | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | GROUP 1 (RETAIL) | 100 | 100 | 1-1 | 100 | 100 | 100 | 100 | 100 |

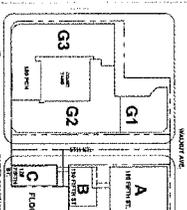
PARKING SCHEDULE

| TYPE | NO. | AREA | NO. | AREA | NO. | AREA |
|------|-----|------|-----|------|-----|------|
| 1 | 1 | 100 | 2 | 200 | 3 | 300 |
| 2 | 2 | 100 | 4 | 400 | 5 | 500 |
| 3 | 3 | 100 | 6 | 600 | 7 | 700 |
| 4 | 4 | 100 | 8 | 800 | 9 | 900 |
| 5 | 5 | 100 | 10 | 1000 | 11 | 1100 |

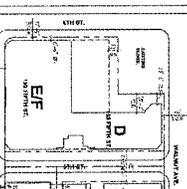
KEY SECTION



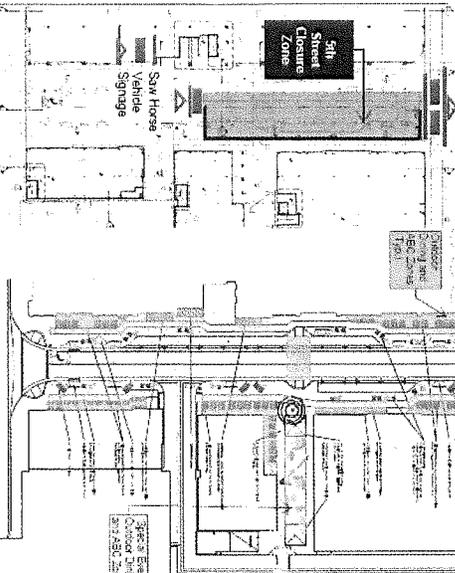
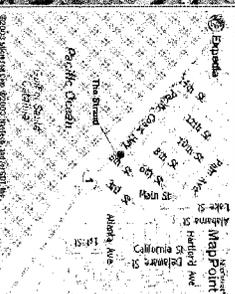
KEY PLAN - SECOND FLOOR



KEY PLAN - FIRST FLOOR



VICINITY MAP



KEY NOTES

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND THE CALIFORNIA MECHANICAL CODE (CMC).
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE (CEC) AND THE CALIFORNIA PLUMBING CODE (CPC).
- 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FIRE CODE (FC) AND THE CALIFORNIA SAFETY CODE (SC).
- 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENVIRONMENTAL CODE (EC) AND THE CALIFORNIA LAND USE CODE (LUC).
- 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA TRANSPORTATION CODE (TC) AND THE CALIFORNIA UTILITIES CODE (UC).
- 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA WATER CODE (WC) AND THE CALIFORNIA WASTE CODE (WC).
- 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA AIR CODE (AC) AND THE CALIFORNIA SOIL CODE (SC).
- 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA TREE CODE (TC) AND THE CALIFORNIA VEGETATION CODE (VC).
- 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HISTORIC PRESERVATION CODE (HPC) AND THE CALIFORNIA MONUMENTS CODE (MC).
- 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-CORRUPTION CODE (ACC) AND THE CALIFORNIA CAMPAIGN FINANCE CODE (CFC).

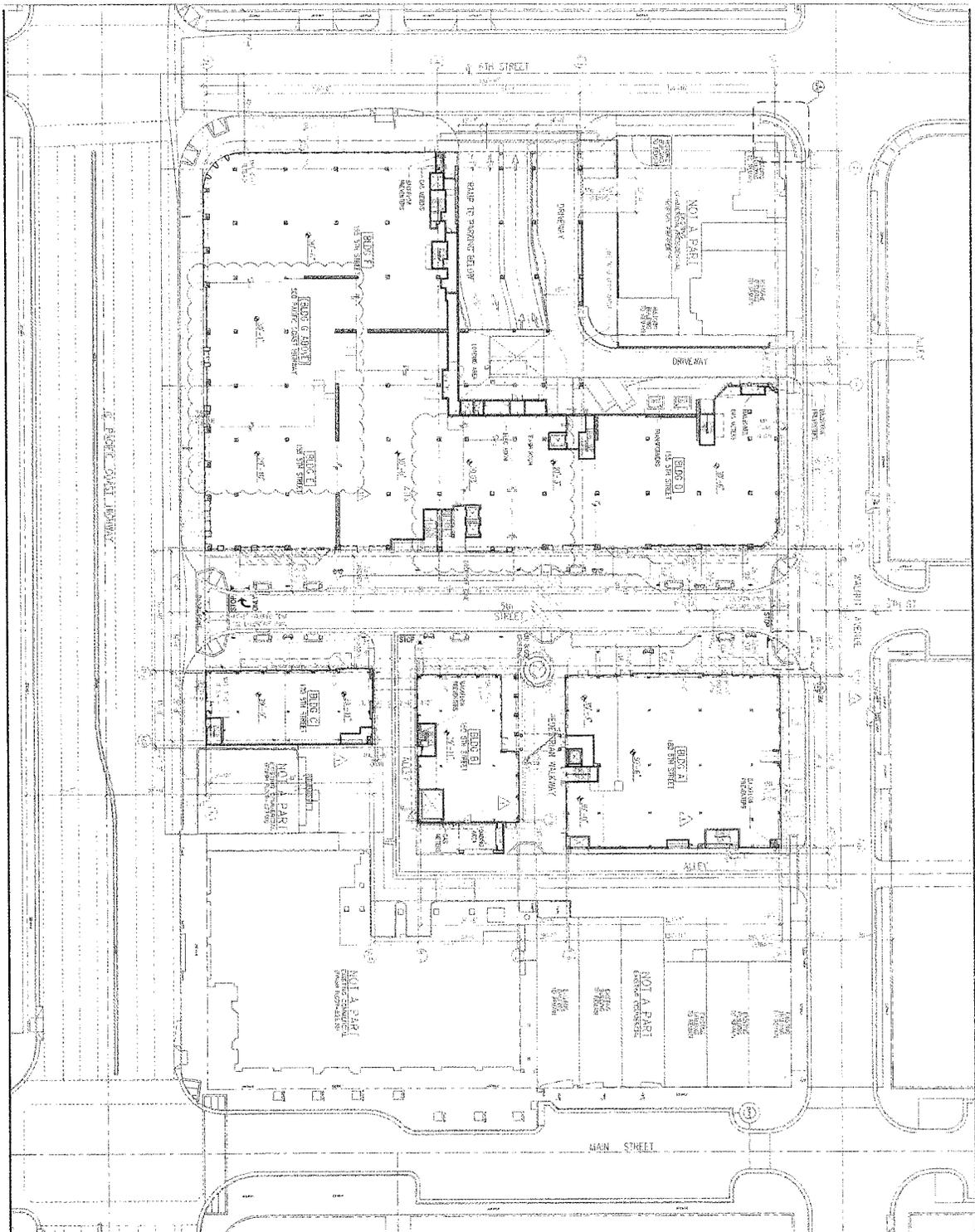
SHEET NOTES

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND THE CALIFORNIA MECHANICAL CODE (CMC).
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE (CEC) AND THE CALIFORNIA PLUMBING CODE (CPC).
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- 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA TREE CODE (TC) AND THE CALIFORNIA VEGETATION CODE (VC).
- 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HISTORIC PRESERVATION CODE (HPC) AND THE CALIFORNIA MONUMENTS CODE (MC).
- 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-CORRUPTION CODE (ACC) AND THE CALIFORNIA CAMPAIGN FINANCE CODE (CFC).

Exhibit D

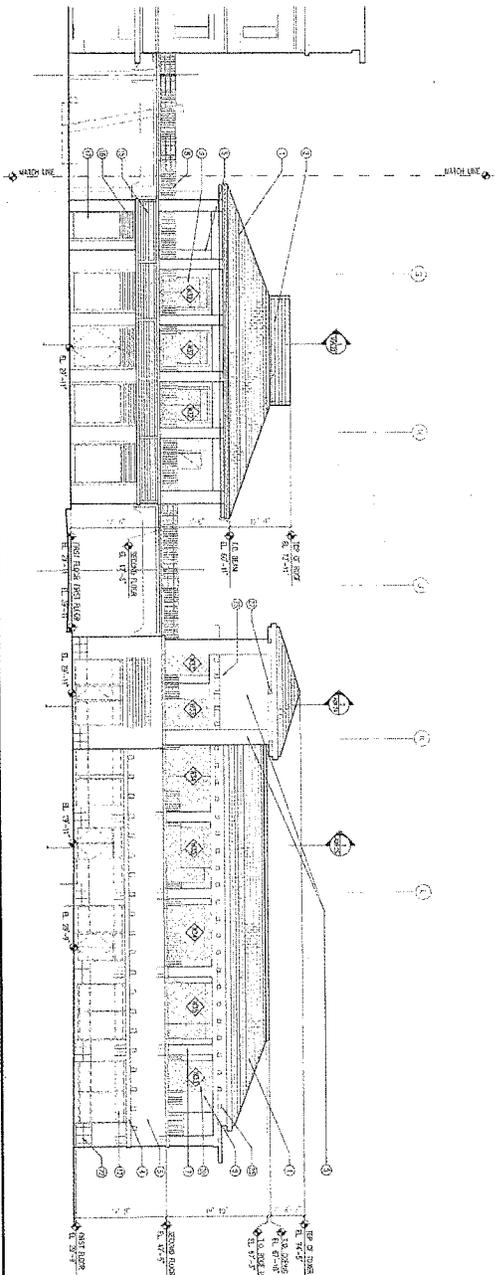
CIM
 GROUP
 6922 Hollywood Boulevard, Suite 900
 Hollywood, California 90228

Gensler

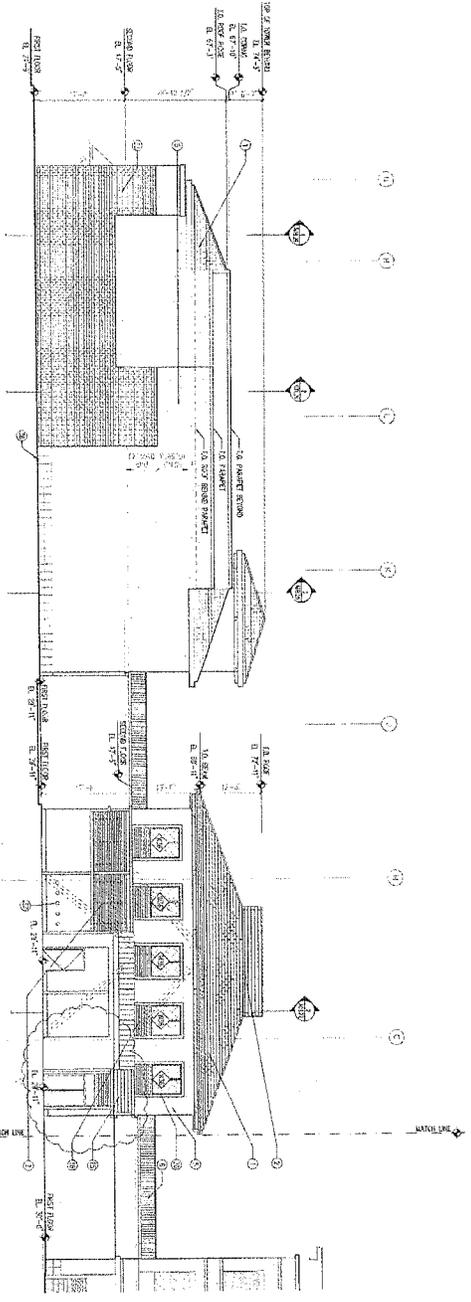


KEY NOTES

- 1. 2" = 1' SCALE
- 2. 3/4" = 1' SCALE
- 3. 1/4" = 1' SCALE
- 4. 1/8" = 1' SCALE
- 5. 1/16" = 1' SCALE
- 6. 1/32" = 1' SCALE
- 7. 1/64" = 1' SCALE
- 8. 1/128" = 1' SCALE
- 9. 1/256" = 1' SCALE
- 10. 1/512" = 1' SCALE
- 11. 1/1024" = 1' SCALE
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- 14. 1/8192" = 1' SCALE
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BUILDING B & C WEST ELEVATION



BUILDING B & C EAST ELEVATION

KEY NOTES

- 1 FINISH FLOOR
- 2 FINISH CEILING
- 3 FINISH ROOF
- 4 FINISH WALL
- 5 FINISH DOOR
- 6 FINISH WINDOW
- 7 FINISH STAIR
- 8 FINISH ELEVATOR
- 9 FINISH MECHANICAL
- 10 FINISH ELECTRICAL
- 11 FINISH PLUMBING
- 12 FINISH HEATING
- 13 FINISH COOLING
- 14 FINISH VENTILATION
- 15 FINISH EXHAUST
- 16 FINISH CONDENSATE
- 17 FINISH RAIN
- 18 FINISH WIND
- 19 FINISH SUN
- 20 FINISH SOUND
- 21 FINISH LIGHT
- 22 FINISH TV
- 23 FINISH PHONE
- 24 FINISH DATA
- 25 FINISH FIRE
- 26 FINISH SECURITY
- 27 FINISH ACCESS
- 28 FINISH SIGNAGE
- 29 FINISH FURNITURE
- 30 FINISH EQUIPMENT

SHEET NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.

2. FINISH FLOOR FINISH TO BE DETERMINED BY ARCHITECT.

3. FINISH CEILING FINISH TO BE DETERMINED BY ARCHITECT.

4. FINISH ROOF FINISH TO BE DETERMINED BY ARCHITECT.

5. FINISH WALL FINISH TO BE DETERMINED BY ARCHITECT.

6. FINISH DOOR FINISH TO BE DETERMINED BY ARCHITECT.

7. FINISH WINDOW FINISH TO BE DETERMINED BY ARCHITECT.

8. FINISH STAIR FINISH TO BE DETERMINED BY ARCHITECT.

9. FINISH ELEVATOR FINISH TO BE DETERMINED BY ARCHITECT.

10. FINISH MECHANICAL FINISH TO BE DETERMINED BY ARCHITECT.

11. FINISH ELECTRICAL FINISH TO BE DETERMINED BY ARCHITECT.

12. FINISH PLUMBING FINISH TO BE DETERMINED BY ARCHITECT.

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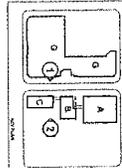
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30. FINISH EQUIPMENT FINISH TO BE DETERMINED BY ARCHITECT.



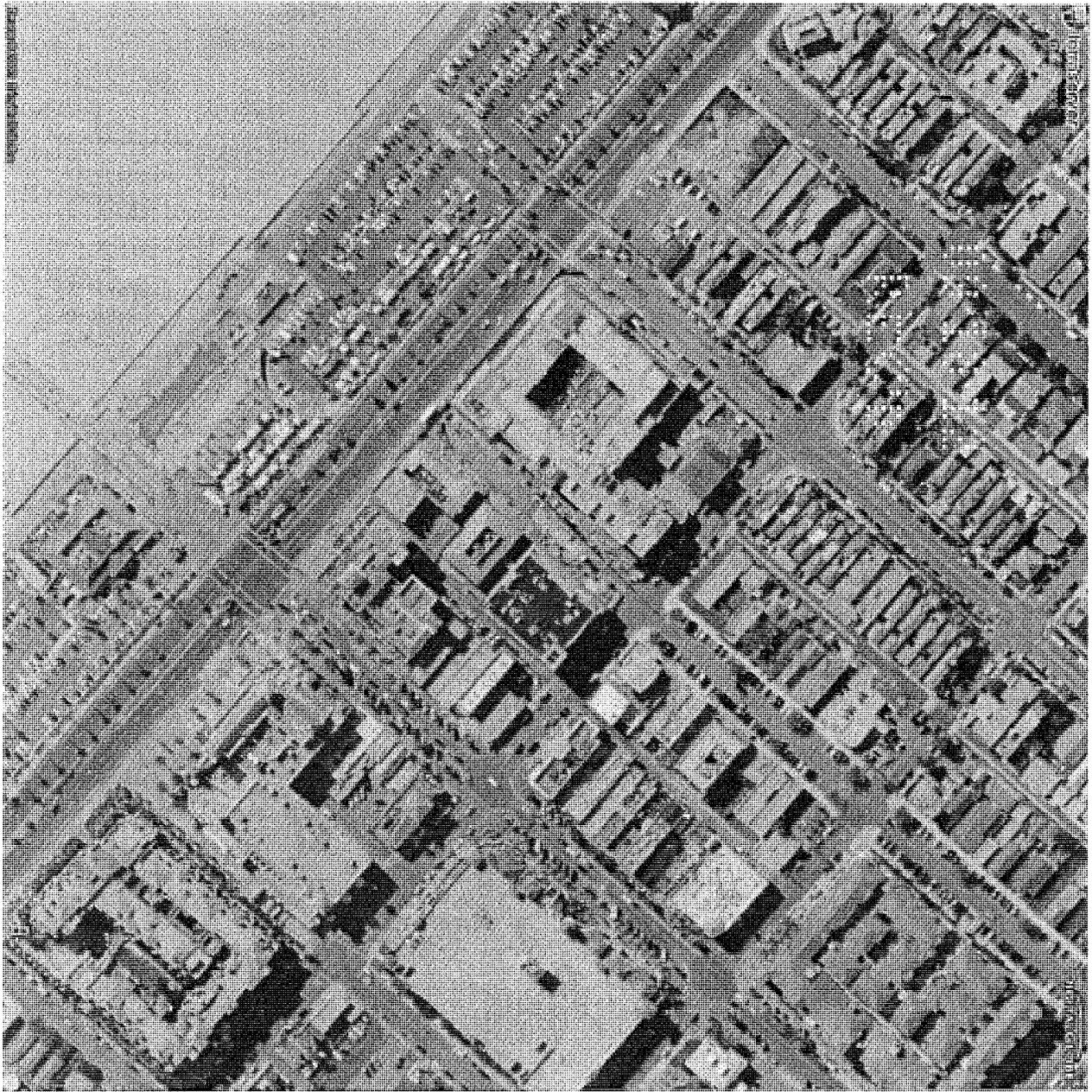
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CIM
 S R O U P
 6923 Hollywood Boulevard, Suite 900
 Hollywood, California 90028

Gensler

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MERRILEE'S SWIMWEAR

Merrilee's Swimwear
120 5th Street #110
Huntington Beach, CA 92648
(714) 960-8433
company@merrileeswimwear.com

www.merrileeswimwear.com

June 28, 2013

City of Huntington Beach
Planning and Building Department
Mr. Ethan Edwards, Associate Planner
2000 Main Street
Huntington Beach, CA. 92648

RE: Traffic Impact Comment to Environmental Assessment 2013-003 and Proposed Mitigated Negative Declaration (Surf City Nights Project)

Dear City Planners,

Please observe the traffic impacts of closing Main Street at Pacific Coast Highway, and recognize that closing Main Street at 2 PM every Tuesday during the summer season does impact vehicular traffic to and through Downtown Huntington Beach on Pacific Coast Highway.

Here is a photograph taken Tuesday June 18, 2013 at 2:30 PM of traffic backed up on Pacific Coast Highway at Main Street, shortly after closing Main Street for the Surf City Night event.



Tuesday, June 18 2013, 2:30 PM

My vehicle (not shown) was only one of many vehicles completely stopped on PCH. I waited for 5 red lights before I could pass through this intersection on PCH at Main Street.

Summer had not yet begun, and there were no other special events occurring on this day.

This traffic problem gets worse during the summer season, and in combination with other special events.

While the City has a traffic study indicating an intersection Level of Service of C, whereby D is unacceptable, I'm not sure what any of that means to me and others who sit in traffic for 5 red lights, a very long time, before they are able to travel on Highway 101 past Main Street's traffic signal.

Please consider this comment in making your environmental assessment for the proposed Project, and explain why the number of red lights it takes for standing traffic to pass through the Main Street intersection, is less than significant.

If you would at least acknowledge that closing Main Street and 5th Street for Surf City Night Street Festivals during the summer season, and concurrently with other special events, may cause impacts in traffic delays on Pacific Coast Highway at Main Street, then we could begin to mitigate some of the impacts.

Thank You Very Much,

Merrilee Madrigal/Principal Owner
Merrilee's Swimwear

CC: Thomas Mauriello

SCN Traffic Comment Letter.doc

6-24-13

RECEIVED

JUN 28 2013

Dept. of Planning
& Building

TO: Ethan Edwards Associate Planner
Planning Division
City of Huntington Beach
2000 Main Street
H.B., CA 92648

FROM: Susan Worthy and Guy Guzzardo
128 Sixth Street
H.B., CA 92648
(714)960-1902 (Helme Antique Store)

RE: Notice of Intent to Adopt A Mitigated Negative Declaration
For The Surf City Nights Project

Dear Planning Division and Ethan,

We received your public notice regarding the Surf City nights and your plans to make this a permanent event indefinitely. Guy and I are ABSOLUTELY OPPOSED TO THE CITY'S INTENT TO ADOPTING A MITIGATED NEGATIVE DECLARATION FOR SURF CITY NIGHTS. For the reasons listed below;

1. The City Council, the City Staff, the City Administrator, the Police Department ALL KNOW THAT THERE ARE "HUGE" MAJOR PROBLEMS IN THE DOWNTOWN AREA OF H.B. WITH;

ALCOHOL AND DRUG USE

CRIME (DRUG DEALING, PEOPLE ON DRUGS, ROBBERY, RAPE, DUI'S, DESTRUCTION OF PRIVATE AND PUBLIC PROPERTY, ETC.)

SKATEBOARDING (MAJOR DAMAGE TO PUBLIC AND PRIVATE SIDEWALKS, CURBS, HANDRAILS & SCREECHING NOISE) & BICYCLES OUT OF CONTROL URINATION AND MASSIVE LITTERING

GRAFFITI

EXCESSIVE NOISE EVERY NIGHT (YELLING, SCREAMING, LOUD MUSIC, CAR ALARMS, SIGN SLAMMING, LOUD MOTORCYCLES, ETC.)

LAWS CANNOT BE ENFORCED AND CANNOT BE MITIGATED.

2. WE ARE AGAINST; the time scheduled. Surf City Nights should end at 8:00p.m. not 9:00p.m. or 10:00p.m., it runs to late and vendors stay until 11:00p.m. loading trucks and leaving the area. TOO MUCH NOISE. My husband Guy gets up for work at 5:30a.m., he goes to bed at 9:00p.m. and this event with all the NOISE (and people that linger around creating a nuisance and problems) goes on from 10:00p.m. to 3:00p.m.. CURFEWS NOT ENFORCED CANNOT BE MITIGATED.

3. WE ARE AGAINST; the closure of (and have always been) of all the streets which provides circulation to our business. Surf City Nights (and any other event requested by The Strand or on Main Street, i.e.; recent Chili Cook-Off) takes up all the parking in the area and around our business on Walnut and Sixth Street. Our customers cannot find parking to access our store and they leave. We DO NOT DO GOOD BUSINESS ON THESE DAYS. TRAFFIC AND PARKING

CONGESTION CANNOT BE MITIGATED AND TO SUGGEST THAT SHUTTLE PEOPLE FROM CITY HALL MITIGATES THE PARKING CONGESTION DOWNTOWN IS RIDICULOUS AND STUPID! CLOSURE OF THE STREETS REDIRECTS TRAFFIC TO RESIDENTIAL NEIGHBORHOODS AND CAUSES MAJOR CONGESTION ON STREETS THAT ARE ALREADY PACKED.

4. WE ARE AGAINST; Surf City Nights Expanding to 5th Street. It is too close to residential apartments and homes. There are apartments on 5th Street and Walnut Ave. And I have apartments 1/2 block down from 5th Street. This is "ENCROACHMENT INSANITY" TO THE RESIDENTIAL AREA ON 6TH Street.

5. WE ARE AGAINST; The application for a permit to deviate from the provisions of the Noise Ordinance. It should be DENIED PERIOD. THE NOISE PROBLEMS IN DOWNTOWN AREA IS HORRENDOUS AND UNBEARABLE AND GETTING WORSE. THIS NEEDS TO CHANGE. I can hear the amplified music every Tuesday in my home in my kitchen and I am two blocks away. NO AMPLIFIED MUSIC SHOULD BE CONTINUED PERIOD! ITS TOO LOUD!!! AND CANNOT BE MITIGATED!

REMEDY:

THE CITY OF H.B. HAS SPENT MILLIONS OF DOLLARS RENOVATING THE AREA AROUND THE PIER. IT WAS DESIGNED TO HANDLE ALL OF THE EVENTS SCHEDULED FOR THE DOWNTOWN AREA THROUGHOUT THE YEAR.

MOVE SURF CITY NIGHTS TO THE EVENT AREA ON THE NORTH SIDE OF THE PIER. GET IT OFF MAIN STREET! CURRENTLY 65 VENDORS? THIS IS NOT THE ORANGE COUNTY FAIR! THIS IS TOO BIG FOR MAIN STREET! RE-LOCATE IT AT THE BEACH.

RESIDENTIAL WOULD NOT HEAR AMPLIFIED MUSIC.

LOTS OF BEACH PARKING AND METERED.

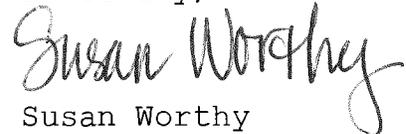
STREET CLOSURES WOULD NOT BE NECESSARY.

THIS WILL BE A BETTER SOLUTION FOR ALL OF US RESIDENTS WHO LIVE IN THE AREA. (Less Noise and Crime around our properties) BETTER FOR THE POLICE TO CONTROL.

"THE BUSINESS DISTRICT" SHOULD BE RESTRICTED TO HAVE ONLY FOUR EVENTS PER YEAR WITH NO STREET CLOSURES ALLOWED; i.e., Halloween party, Christmas Tree and Pier lighting, and maybe two in the summer.

In closing, the negative impact on residential and businesses far outweighs anything positive that could come from it; AND CANNOT BE MITIGATED and anybody who thinks it can is a liar and is mentally living in absurdity.

Sincerely,


Susan Worthy



Guy Guzzardo

Appendix E – Greenhouse Gas Emissions Analysis



KPC EHS Consultants

GREENHOUSE GAS (GHG) ASSESSMENT

Surf City Nights Project Huntington Beach, California

January 2014

PREPARED FOR:

**CAA Planning, Inc.
65 Enterprise, Suite 130
Aliso Viejo, CA. 92656**

PREPARED BY:

**KPC EHS Consultants
915 Doyle Road, Suite 303-151
Deltona, FL. 32725
Contact Person:
Kevin Carr
Principal
(951)294-0822**

Project Description

The proposed project is known as Surf City Nights an outdoor street festival occurring every Tuesday night between the hours of 5:00 PM and 9:00 PM. Street closures to accommodate the set up and take down of the vendor equipment are between the hours of 2:00 PM and 10:00 PM. Vendor activity will include a farmer’s market, live entertainment, food preparation and tasting, children’s activities, and sidewalk sales. The proposed project will not include construction or new development.

Project Location

The proposed project is located in the City of Huntington Beach, Orange County, California. The project street closures will be between Pacific Coast Highway and Orange Avenue on Main Street including portions of Walnut Avenue and Olive Avenue (between 3rd Street and 5th Street) and between Pacific Coast Highway and Walnut on 5th Street.

The City of Huntington Beach is located in an air quality region known as the South Coast Air Basin (SCAB) under the jurisdiction of the South Coast Air Quality Management District (SCAQMD) for air quality administration.

Assessment Description

This assessment is based on guidance contained in the United States Environmental Protection Agency (USEPA) resources on Greenhouse Gas Emissions, the South Coast Air Quality Management Districts CEQA Air Quality Handbook, California Air Resources Board (CARB) resources, and acceptable environmental practices. The emissions estimates represent a “worst-case,” because they incorporate the assumption that activities occur at the peak emissions levels throughout the entire 8-hours of setup, operations, and teardown of the street festival. Data utilized to forecast emissions was obtained from available project data, the previously approved CEQA Mitigated Negative Declaration (MND), and resource material where indicated.

1. Greenhouse Gases (GHG):

1.1 Background

The green house gas effect is a natural process in which energy is trapped in the earth’s atmosphere. Greenhouse gases (GHGs) essentially act as a blanket causing a warming of the earth. The greenhouse effect is necessary for life on earth; however excessive heat captured as a result of a buildup of GHGs may result in changes in the earth’s climate, which ultimately could affect human health and ecosystems.

GHGs are the six gases identified in the Kyoto Protocol: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydro fluorocarbons (HFCs), per fluorocarbons (PFCs), and sulfur hexafluoride (SF₆). GHGs are expressed in metric tons (MT) of CO₂e (carbon dioxide equivalents). CO₂e is calculated by the various individual GHGs and multiplying by their global warming potential (GWP). The global warming potential is a ratio of a gas’ atmospheric heat trapping characteristics as compared to CO₂, which is represented by a GWP of 1. The CO₂e estimated values were calculated using calculations from the

EPA (2012) Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010, and 2006 IPCC Guidelines for National Greenhouse Gas Inventories.

The GHGs associated with the proposed project include CO₂, CH₄, and N₂O, which are emitted as a result of internal combustion sources and activities. The other gases listed as part of the overall GHG makeup generally are related to industrial activities.

Presently there are no federal regulations on the reduction of GHG or to reduce their effects on global climate changes.

1.1.2 State GHG Regulatory Setting

The following discussion is a brief summary of the regulatory setting regarding Greenhouse Gases (GHGs) and resulting CEQA changes. Detailed discussion on these rules and regulations can be found on the California Air Resources Board (CARB) website on Climate Change at <http://www.arb.ca.gov/cc/cc.htm>.

Assembly Bill 32 (AB32)

In the State of California Assembly Bill 32 (AB32), known as the Global Warming Solutions Act was passed by the state legislature in August of 2006. AB32 requires that levels of GHG be reduced to 1990 levels by the year 2020 and by 80 percent of the 1990 levels by the year 2050.

Under the requirements of AB32 The California Air Resources Board (CARB), approved the 1990 greenhouse gas emissions inventory, which established the emissions limits for the year 2020. The 2020 emission limit was established at 427 million MTCO_{2e}. The inventory breakdown of GHG sources for 1990 indicated transportation accounted for 35%; industrial emissions, 24%; imported electricity generation, 14%; local electricity generation, 11%; residential usage, 7%; agriculture, 5%; commercial usage, 3%; and forestry emissions, 1%. Reducing GHG's to 427 MMTCO_{2e} would require a reduction of approximately 173 MMTCO_{2e}. Compliance with AB32 does not require that each individual sector meet or lower their 1990 GHG inventory percentage, the law instead requires the total inventory be reduced to 1990 levels by 2020.

As part of the requirements of AB32 in December of 2008, CARB adopted an initial scoping plan to reduce GHG to 1990's levels. The scoping plan included recommendation to reduce GHG's to 1990 levels by 2020 through the use of green building policies, recycling and solid waste reduction, and a cap-and-trade program.

Senate Bill 97 (SB97)

In order to address GHG emissions and comply with AB32 in General Plans and CEQA documents Senate Bill 97 (SB97) required the State's Governor's Office of Planning and Research (OPR) to develop guidelines for CEQA compliance on how to address GHG emissions along with mitigation measures to reduce project GHG emissions.

CEQA Guidelines

Guidelines for CEQA 15064.4 Determining the Significance of Greenhouse Gas Emissions encourages lead agencies to quantify GHG emissions of proposed projects

where possible and recommends that lead agencies consider several other qualitative factors in determining significance including: 1) the extent to which a project may increase or reduce GHG as compared to the existing environmental setting; 2) whether the project emissions exceed a threshold of significance that the lead agency determines is applicable to the project; and 3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

1.1.3 Local GHG Regulations

The South Coast Air Quality Management District (SCAQMD) in 2008 provided guidance to lead agencies to on determine significance of GHG project emissions. As part of the process the SCAQMD organized the GHG Significance Threshold Working Group with the goal to develop and reach a consensus on acceptable significance thresholds to be used in CEQA determination. The working group developed and presented significance threshold for various project types (e.g.: residential, industrial, and commercial), however as of 2012 only the threshold approved by the SCAQMD Board is for industrial projects with a significance threshold of 10,000 MTCO_{2e}/year.

The SCAQMD is considering a tiered approach in determining the significance of residential and commercial projects as indicated in the draft issued in 2012 which includes:

- **Tier 1:** If the project is exempt under existing statutory or categorical exemptions? There is a presumption of “less-than-significant” impacts with respect to climate change.
- **Tier 2:** If the project’s GHG emissions are within the GHG budgets in an approved regional plan (plans consistent with CEQA sections 15064(h)(3), 15125(d), or 15152(s))? There is a presumption of “less-than-significant” impacts with respect to climate change.
- **Tier 3:** Is the projects incremental increase in GHG emissions below or mitigated to less than the significance screening level (10,000 MTCO_{2e}/year for industrial projects; 3,500 MTCO_{2e}/year for residential projects; 1,400 MTCO_{2e}/year for commercial projects; and 3,000 MTCO_{2e}/year for mixed-use or other land use projects)? If yes, there is a presumption of “less-than-significant” impacts with respect to climate change.
- **Tier 4:** Does the project meet one of the following performance standards? If yes, there is a presumption of “less-than-significant” impacts with respect to climate change.
 - o Option 1: Achieve some percentage reduction of GHG emissions from a base case scenario, including land use sector reductions from AB32 (e.g., 28% reduction as recommended by the San Joaquin Valley Air Pollution Control District)
 - o Option 2: For individual projects, achieve a project-level efficiency target of 4.6 MTCO_{2e} per service population by 2020 or a target of 3.0 MTCO_{2e} per service population by 2035. For plans, which achieve a plan-level efficiency target of 6.6 MTCO_{2e} per service population by 2020.

- **Tier 5:** Projects should obtain GHG emissions offsets to reduce significant impacts. Offsets in combination with any mitigation measures should achieve the target thresholds for any of the above Tiers. Otherwise, project impacts would remain significant.

The SCAQMD has not finalized or presented the final version of the threshold guidelines to the SCAQMD Governing Board, however local agencies have been using the guidelines, specifically Tier 3 for determining the significance of a project based on GHG and climate change impacts.

2.0 Greenhouse Gas Emissions

Under SCAQMD recommendations the CalEEMod program is used for calculating estimated Greenhouse gas emissions, however as noted in Surf City Nights Mitigated Negative Declaration Air Quality Section this project does not conform to standard modeling criteria and CalEEMod would not produce accurate estimates. Since CalEEMod could not be used for modeling and estimating project emissions GHG estimated emissions represented by Carbon Dioxide Equivalent (CO₂e) emissions were estimated for this project using EPA recognized calculations along with a set of project assumptions such as the number of vendors, generator fuel use, electrical use, solid waste production, catering truck use, and attendee vehicle trips.

2.1 Impacts of Greenhouse Gas Emissions

2.1.1 Tier 3 Approach Proposed Threshold Level

Using the SCAQMD’s proposed Tier 3 option for determining the significance of a projects GHG impacts the proposed projects operational emissions will be 474.138 MTCO₂e/year as presented in table 2-1. The estimated 474.138 MTCO₂e/year is less than the guidance for mixed use/other land use projects at 3,000 MTCO₂e/year and there is a presumption of “less-than-significant” impacts with respect to climate change.

Table 2-1. Project Greenhouse Gas Emissions (Unmitigated)

| Source | MTCO ₂ e/yr |
|--------------------------|------------------------|
| Mobile Sources (Traffic) | 360.62 |
| Energy (Food Court) | 99.01 |
| Energy (Street Vendors) | 3.328 |
| Solid Waste | 11.18 |
| | |
| TOTAL | 474.138 |
| SCAQMD Threshold | 3,000 |
| Exceed Threshold? | NO |

2.1.2 Tier 4 Business As Usual (BAU) Approach

The California Air Resources Board (CARB) defines business-as-usual (BAU) to mean, “the normal course of business or activities for an entity or a project before the imposition of greenhouse gas emission reduction requirements or incentives.” (ARB: “Preliminary Draft Regulation for a California Cap-and-Trade Program,” Section 95802(a)(18), Dec., 2009)

The BAU approach relates to the consistency of the project with GHG plans and policies and is evaluated relative to AB32 goal of a 28.9 percent reduction in statewide GHG emissions compared to the BAU scenario. Statewide programs are in place that will achieve a large percentage of the GHG reductions, which the SCAQMD and other regional AQMD’s have calculated. These reductions are indicated in Table 2-2 and include the following mandatory regulatory requirements imposed by the state to directly and/or indirectly reduce GHG emissions:

- Global Warming Solutions Act of 2006 (AB32)
- Regional GHG Emissions Reduction Targets/Sustainable Communities Strategies (SB 375)
- Pavely Fuel Efficiency Standards (AB1493). Establishes fuel efficiency ratings for new vehicles.
- Title 24 California Code of Regulations (California Building Code). Establishes energy efficiency requirements for new construction. Title 24 will become even more stringent beginning January 1, 2014.
- Title 20 California Code of Regulations (Appliance Energy Efficiency Standards). Establishes energy efficiency requirements for appliances.
- Title 17 California Code of Regulations (Low Carbon Fuel Standard). Requires carbon content of fuel sold in California to be 10% less by 2020.
- California Water Conservation in Landscaping Act of 2006 (AB1881). Requires local agencies to adopt the Department of Water Resources updated Water Efficient Landscape Ordinance or equivalent to ensure efficient landscapes in new development and reduced water waste in existing landscapes.
- Statewide Retail Provider Emissions Performance Standards (SB 1368). Requires energy generators to achieve performance standards for GHG emissions.
- Renewable Portfolio Standards (SB 1078). Requires electric corporations to increase the amount of energy obtained from eligible renewable energy resources to 20 percent by 2010 and 33 percent by 2020.

Table 2-2 GHG Emissions Reduction from State Regulations and AB32 Measures

| Affected Emissions Source | California Legislation | %Reduction from 2020 GHG Inventory | Scaled % Emissions Reduction (credit) |
|---|---|------------------------------------|---------------------------------------|
| Mobile | AB1493 (Pavley) | 19.7% | 8.9% |
| | LCFS (auto/light truck) | 7.2% | 3.2% |
| | LCFS (Heavy/Med) | 7.2% | 0.4% |
| | Heavy/Med Duty Efficiency | 2.9% | 0.2% |
| | Passenger Vehicle Efficiency | 2.8% | 1.3% |
| Area | Energy-Efficiency Measures (Res-gas) | 9.5% | 1.0% |
| | Energy-Efficiency Measures (Nonres-gas) | 9.5% | 1.0% |
| Indirect | Renewable Portfolio Standard | 21.0% | 3.5% |
| | Energy-Efficiency Measures (Elec) | 15.7% | 4.0% |
| | Solar Roofs | 1.5% | 0.2% |
| Total Credits from Scoping Plan Measures | | | 23.9% |

These statewide reductions are estimated to provide 23.9% of the AB32 required reductions of 28.9% from the 2020 BAU emissions. Local and project level initiatives and mitigation measures can achieve the remaining 5% of the GHG reductions mandated by AB32.

The BAU emissions approach would include the unmitigated operational emissions for area, energy, mobile sources, water/wastewater, and solid waste without the added emissions from the proposed Surf City Nights project. In order to meet the requirements of reducing emissions 5% below BAU for the downtown area the reductions would also need to include reducing current emissions by an additional 474.138 MTCO_{2e}/year to compensate for the proposed Surf City Nights project.

Since the emissions of the proposed Surf City Nights project are not part of the business as usual (BAU), GHG emissions associated with the downtown area the emissions from the proposed Surf City Nights project would therefore be considered emissions above the normal BAU. The emissions of the Surf City project would therefore be considered significant and unavoidable under the BAU Approach.

The 5% reduction can be achieved through specific mitigation measures. The California Air Pollution Control Officers Association (CAPCOA) “CEQA and Climate Change” (Dec.2008) and in the CAPCOA “Quantifying Greenhouse Gas Mitigation Measures” White Paper are detailed presentations of quantified mitigation measures. The SCAQMD indicated in GHG Guidance that this document provides a comprehensive discussion on GHG reduction strategies with specific mitigation measures. Several of these measures are presented here in table 2-3 as an example of measures that can be selected to reduce a project’s GHG emissions below BAU by 5%. These measures however are suited for new construction or renovation projects and the proposed project would not provide for easily quantified or enforced mitigation measures that would have a significant effect on reducing the project’s GHG emissions. Mitigation measures to reduce the BAU on existing business in the downtown area would only be applied during future construction or renovations.

TABLE 2-3 CAPCOA GHG Reduction Strategy Example.

| Affected Emissions Source | Mitigation Measure | Effectiveness |
|----------------------------------|--------------------------------------|----------------------|
| Energy | Energy Star & Cool Roofs | 0.5% |
| | On-site solar panels on flat roofs | 2.0% |
| | Low Energy Cooling | 0.5% |
| | Energy Star Appliances | 0.5% |
| | High Efficiency Lighting | 0.5% |
| Water | Low Flow Fixtures | 0.5% |
| Solid Waste | Enhanced Recycling/Recovery Programs | 10.0% |

Conclusion

The project under the proposed Tier 3 approach would result in a conclusion of a “less than significant impact” for Greenhouse Gas emissions. However, under the Business As Usual (BAU) Tier 4 approach the project would result in an increase of 474.138 MTCO₂e/year above the current BAU conditions for the downtown area and thus be considered significant.

Calculations:

Emissions from generators per gallon of gas:

$0.125 \text{ mmbtu/gallon} \times 71.35 \text{ kg CO}_2/\text{mmbtu} \times 1 \text{ metric ton}/1,000 \text{ kg} = 8.92 \times 10^{-3} \text{ metric tons CO}_2e/\text{gallon of gasoline}.$

Two (2) Honda 2000 ie Ultra Quite Generators are used to provide power to vendors in block 1. According to Honda America Specification sheet for the Honda 2000 Generator the output of the unit is 1600 watts, with a 0.95-gallon gasoline tank. Run time of each unit is estimated in the specification sheet as 4hrs. @ rated load, and 9.6 hrs. @ ¼ load. To present the worst-case emissions scenario it is assumed the units will be at rated load for the entire 8-hour period including the setup, festival time, and tear down.

$8.92 \times 10^{-3} \text{ metric tons CO}_2e/\text{gallon of gasoline} = 0.00892$

Gallons of gasoline used per unit during operations = 1.9 – gallons or 3.8 gallons for two units.

$0.00892 \times 3.8 = 0.033896 \text{ metric tons CO}_2e$

52 weeks x 0.034 = **1.768 metric tons CO₂e/yr.** (MT CO₂e).

Electricity Emissions:

$XX \text{ kWh} \times 1,216 \text{ lbs CO}_2 \text{ per megawatt-hour generated} \times 1.075 \text{ MWh delivered/MWh generated} \times 1 \text{ MWh}/1,000 \text{ kWh} \times 1 \text{ metric ton}/2,204.6 \text{ lb} = XX \text{ metric tons CO}_2e$

Blocks 2 and 3 of the street festival utilize local power sources. The total kW of power used in block 1 is 3.2 kW over the 8-hour period the total kWh per block is estimated at 25.6 kWh. Blocks 2 and 3 are therefore estimated at requiring 51.2 kWh of power. This estimate again is a worst-case scenario as it assumes power is being provided at 3.2kW over the entire 8-hour period.

$51.2 \text{ kWh} \times 1,216 \text{ lbs CO}_2 \text{ per megawatt-hour generated} \times 1.075 \text{ MWh delivered/MWh generated} \times 1 \text{ MWh}/1,000 \text{ kWh} \times 1 \text{ metric ton}/2,204.6 \text{ lb} = 0.03 \text{ metric tons CO}_2e$

52 weeks x 0.03 = **1.56 metric tons CO₂e** (MTCO₂e).

Vehicle Emissions:

$$8.92 \times 10^{-3} \text{ metric tons CO}_2/\text{gallon gasoline} \times \text{VMT}_{\text{car/truck average}} \times 1/21.5 \text{ miles per gallon}_{\text{car/truck average}} \times 1 \text{ CO}_2, \text{ CH}_4, \text{ and N}_2\text{O}/0.985 \text{ CO}_2 = \text{XX metric tons CO}_2\text{e /vehicle/year}$$

Average vehicle trips for event = 1,960.

Vehicle miles traveled per trip = 8.4-miles

Total vehicle miles traveled (VMT) = 1960 trips x 8.4 miles = 16,464 VMT

$$8.92 \times 10^{-3} \text{ metric tons CO}_2/\text{gallon gasoline} \times 16,464 \text{ VMT}_{\text{car/truck average}} \times 1/21.5 \text{ miles per gallon}_{\text{car/truck average}} \times 1 \text{ CO}_2, \text{ CH}_4, \text{ and N}_2\text{O}/0.985 \text{ CO}_2 = \text{XX metric tons CO}_2\text{e}$$

$$0.00892 \times 16,464 \times 1 / 21.5 \times 1 / 0.985 = 6.935 \text{ metric tons CO}_2\text{e (MTCO}_2\text{e)}$$

$$52 \times 6.935 = \mathbf{360.62 \text{ metric tons CO}_2\text{e/yr. (MTCO}_2\text{e/yr.)}$$

Propane Cylinder Emissions:

$$100 \text{ pounds propane/1 cylinder} \times 0.817 \text{ pound C/pound propane} \times 0.4536 \text{ kilograms/pound} \times 44 \text{ kg CO}_2/12 \text{ kg C} \times 1 \text{ metric ton}/1,000 \text{ kg} = 0.136 \text{ metric tons CO}_2\text{e /cylinder}$$

14 – vendors providing hot/cold food preparation during the event.

Food catering trucks industry standard include 1 to 2 100 lb. propane cylinders to provide fuel for hot food preparation and fuel for onboard generator for unit power for lighting and cold food storage. Typical generator industry standard is an Onan 7kW unit or similar.

The Onan 7 kW unit requires 5.3 lbs. of propane per hour at 50% load and 2.2 lbs. of propane per hour at no load. Over an 8-hour period at 50% load the generator would require 42.4 lbs. of propane.

To present the worst-case scenario it is assumed that each of the 14 units would require 100 lbs. of propane over each 8-hour event for both preparing hot foods and electrical needs.

0.136 metric tons CO₂e / 100 lb. cylinder

14 cylinders per event

52 weeks per year.

$$\mathbf{0.136 \times 14 \times 52 = 99.01 \text{ metric tons CO}_2\text{e/yr (MTCO}_2\text{e/yr)}$$

Solid Waste Emissions:

Tons of solid waste landfilled per year x Emissions Factor (EF) = XX MTCO_{2e}/yr

Emissions factor for general solid waste to a landfill per USEPA Waste Reduction Model (WARM) Emissions Factors, (2012) is 0.04 metric tons CO_{2e} (MTCO_{2e}).

Rainbow Environmental Services indicates that the total tons of trash removed from the downtown and pier area for 2013 was 1,962 tons. This total represents all trash and includes all events held in 2013. For estimating solid waste emission from the proposed project the total tons per year was divided by 365 to obtain an average daily tonnage of waste produced in the downtown and pier areas and that average was used to estimate the GHG produced from solid waste for the proposed project.

1,962 tons / 365 = 5.375 tons per day (average)

52 x 5.375 = 279.5 tons/year

Tons of solid waste landfilled per year x Emissions Factor (EF) = XX MTCO_{2e}/yr

279.5 x 0.04 = **11.18 metric tons CO_{2e}/yr. (MTCO_{2e}/yr.).**

References:

City of Huntington Beach (2013) Surf City Nights CEQA Mitigated Negative Declaration.

CumminsOnan (2013) Onan RV QG6500LP Generator Specifications.

Honda America (2013) EU2000i Generator Specifications.

IPCC (2006) IPCC Guidelines for National Greenhouse Gas Inventories.

Rainbow Environmental Services (2014) Annual Huntington Beach & Pier solid waste disposal quantities. (per phone conversation)

USEPA (2012) Inventory of U.S. Greenhouse Gas Emissions and Sinks.

Appendix F – Noise Measurement Survey

Noise Measurement Survey
For
SURF CITY NIGHTS
CITY OF HUNTINGTON BEACH

Prepared For:

Huntington Beach Downtown Business District

315 3rd Street, Suite E
Huntington Beach, CA 92648

Submitted By:

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1.0 EXISTING SETTING

1.1 Project Description

Surf City Nights is a weekly street fair and farmers market. It is located on Main Street between Pacific Coast Highway and Orange Street. Main Street is closed to all vehicular traffic. The event occurs every Tuesday from 5 p.m. to 9 p.m. In addition to the farmers market, food vendors, and merchant vendors; live entertainment acts are provided. The entertainment acts range from single person jugglers to full rock bands. The City, as part of their permit process, has requested that noise levels be measured in the surrounding residential areas during an event, and for comparison purposes during an evening without an event.

Noise measurements were taken at five residential sites while an event was underway on August 28, 2012. The sites measured are shown on Exhibit 1. The following night, ambient noise measurements at the same sites and times were repeated. This report presents the methodology and results of the noise measurement survey. Noise levels for the two nights are contrasted and compared to the City's Noise Ordinance.

Surf City Nights will be expanded to include other areas. Specifically the following additional streets will be closed; Olive Avenue from 5th Street to 3rd Street, Walnut Avenue from 5th Street to 3rd Street, and 5th Street from Pacific Coast Highway to Walnut Avenue. Potential noise impacts from expanding events into these areas are also discussed.

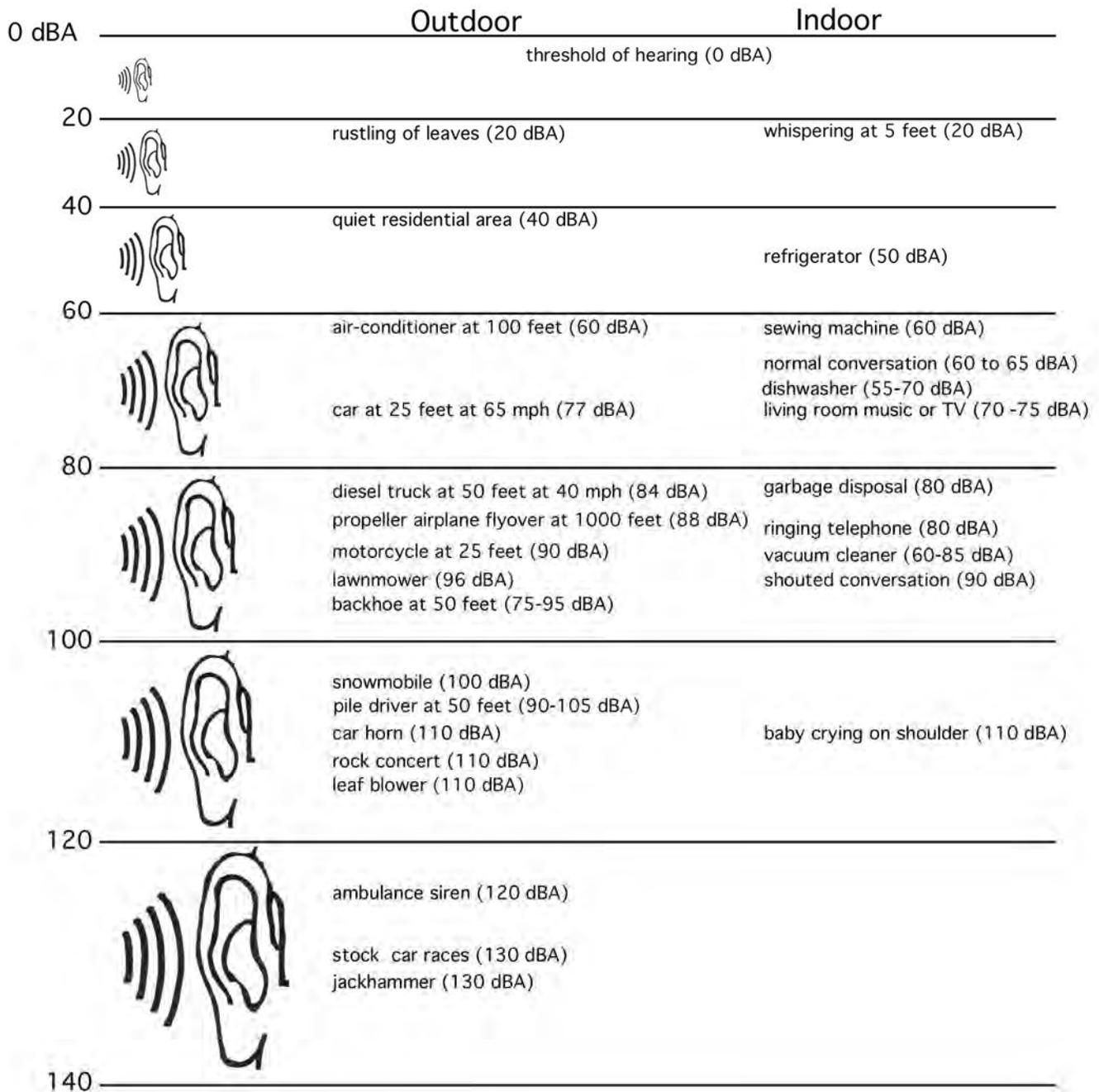
1.2 Background Information on Noise

1.2.1 Noise Criteria Background

Sound is technically described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dB higher than another is judged to be twice as loud; and 20 dB higher four times as loud; and so forth. Everyday sounds normally range from 30 dB (very quiet) to 100 dB (very loud).

Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. Community noise levels are measured in terms of the "A-weighted decibel," abbreviated dBA. Exhibit 2 provides examples of various noises and their typical A-weighted noise level.





Sources: League For The Hard Of Hearing, www.lhh.org
 Handbook of Noise Control, McGraw Hill, Edited by Cyril Harris, 1979
 Measurements by Mestrel Greve Associates

Sound levels decrease as a function of distance from the source as a result of wave divergence, atmospheric absorption and ground attenuation. As the sound wave form travels away from the source, the sound energy is dispersed over a greater area, thereby dispersing the sound power of the wave. Atmospheric absorption also influences the levels that are received by the observer. The greater the distance traveled, the greater the influence and the resultant fluctuations. The degree of absorption is a function of the frequency of the sound as well as the humidity and temperature of the air. Turbulence and gradients of wind, temperature and humidity also play a significant role in determining the degree of attenuation. Intervening topography can also have a substantial effect on the effective perceived noise levels.

Noise has been defined as unwanted sound and it is known to have several adverse effects on people. From these known effects of noise, criteria have been established to help protect the public health and safety and prevent disruption of certain human activities. This criteria is based on such known impacts of noise on people as hearing loss, speech interference, sleep interference, physiological responses and annoyance. Each of these potential noise impacts on people are briefly discussed in the following narratives:

HEARING LOSS is not a concern in community noise situations of this type. The potential for noise induced hearing loss is more commonly associated with occupational noise exposures in heavy industry or very noisy work environments. Noise levels in neighborhoods, even in very noisy airport environs, are not sufficiently loud to cause hearing loss.

SPEECH INTERFERENCE is one of the primary concerns in environmental noise problems. Normal conversational speech is in the range of 60 to 65 dBA and any noise in this range or louder may interfere with speech. There are specific methods of describing speech interference as a function of distance between speaker and listener and voice level.

SLEEP INTERFERENCE is a major noise concern for traffic noise. Sleep disturbance studies have identified interior noise levels that have the potential to cause sleep disturbance. Note that sleep disturbance does not necessarily mean awakening from sleep, but can refer to altering the pattern and stages of sleep.

PHYSIOLOGICAL RESPONSES are those measurable effects of noise on people that are realized as changes in pulse rate, blood pressure, etc. While such effects can be induced and observed, the extent is not known to which these physiological responses cause harm or are sign of harm.

ANNOYANCE is the most difficult of all noise responses to describe. Annoyance is a very individual characteristic and can vary widely from person to person. What one person considers tolerable can be quite unbearable to another of equal hearing capability.

1.3 Noise Criteria

A noise ordinance is designed to control unnecessary, excessive and annoying sounds from one parcel of land impacting another parcel of land. Noise ordinance requirements cannot be applied to mobile noise sources when traveling on public roadways, because Federal and state laws preempt their control. However, a noise ordinance does apply to both mobile and stationary noise sources on private lands. Huntington Beach Ordinance Chapter 8.40 – Noise Control comprises the City's Noise Ordinance.

Table 1 presents the City of Huntington Beach Noise Ordinance standards. The City of Huntington Beach exterior and interior noise criteria are given in terms of L% noise levels. The noise levels specified are those that are not to be exceeded at a residential property from noise generated at a nearby property (Table 1). Noise levels are to be measured with A-weighting and a slow time response. Greater noise levels are permitted during the day (7 a.m. to 10 p.m.) as compared to the nighttime period (10 p.m. to 7 a.m.). These limits are increased if ambient noise levels are higher. The limits are essentially raised to the ambient levels.

Table 1 City Of Huntington Beach Noise Ordinance Standards

| Maximum Noise Exposure | Noise Metric | Noise Level Not To Be Exceeded | |
|---------------------------------|--------------|--------------------------------|-------------------------------|
| | | 7 a.m. to 10 p.m. (Daytime) | 10 p.m. to 7 a.m. (Nighttime) |
| <i>Zone 1 – All residential</i> | | | |
| EXTERIOR NOISE STANDARDS | | | |
| 30 Minutes/Hour | L50 | 55 dBA | 50 dBA |
| 15 Minutes/Hour | L25 | 60 dBA | 55 dBA |
| 5 Minutes/Hour | L8.3 | 65 dBA | 60 dBA |
| 1 Minutes/Hour | L1.7 | 70 dBA | 65 dBA |
| Anytime | Lmax | 75 dBA | 70 dBA |
| INTERIOR NOISE STANDARDS | | | |
| 5 Minutes/Hour | L8.3 | 55 dBA | 45 dBA |
| 1 Minutes/Hour | L1.7 | 60 dBA | 50 dBA |
| Anytime | Lmax | 65 dBA | 55 dBA |

NOTE: In the event the ambient noise level exceeds any of the noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level.

Section 8.40.050(b) of the ordinance indicates that if the “noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof,” the limits should be reduced by 5 dB.

1.4 Noise Measurements

The noise levels were determined on the basis of two sets of measurements. The first set of noise levels were measured at five locations at or near residential uses, as previously shown on

Exhibit 1, to determine event noise levels. The second set of noise measurements was made the following evening at the same locations and represent ambient conditions.

1.4.1 Event Noise Measurements

Noise measurements at all sites were performed using Brüel & Kjær Model 2238 automated digital noise data acquisition system and sound meter mounted on a tripod. During the measurements a large windscreen covered the microphone to dampen out the effect of unwanted wind-generated noise. For each measurement site, 50 minutes of data were collected and field notes were made. Most of the sites were measured once and then repeated an hour later. Before and after the measurements were taken, a Brüel & Kjær 4231 calibrator with certification traceable to the National Institute of Standards and Technology was used to calibrate the sound meter to ensure that the measured sound level readings were accurate. At the conclusion of each set of measurements, the Lmax, L1.7, L8.3, L25 and L50 values for the full time period were written down on a data sheet. These noise metrics correspond to the limits contained in the noise ordinance. Table 1 shows the results of the measurements.

Table 2 Event Noise Measurements (dBA)

| Site | Date | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------|--------|------------|------|---|------|------|------|
| Site 1 | 28-Aug | 7:00 p.m. | 74.6 | 67.0 | 65.0 | 63.5 | 62.0 |
| Site 2 | 28-Aug | 6:00 p.m.* | 78.6 | 69.0 | 67.5 | 65.5 | 63.5 |
| Site 2 | 28-Aug | 8:00 p.m. | 86.2 | 67.0 | 63.0 | 59.5 | 56.5 |
| Site 3 | 28-Aug | 6:00 p.m. | 78.9 | 70.0 | 66.5 | 64.5 | 63.0 |
| Site 4 | 28-Aug | 5:00 p.m. | 82.1 | Equipment malfunction for other parameters. | | | |
| Site 4 | 28-Aug | 7:00 p.m. | 88.0 | 71.0 | 65.0 | 62.0 | 60.5 |
| Site 5 | 28-Aug | 5:00 p.m. | 81.4 | 68.5 | 66.0 | 64.0 | 62.5 |
| Site 5 | 28-Aug | 8:00 p.m. | 75.5 | 68.5 | 66.5 | 65.5 | 64.5 |

*30 minute measurement

Site 1: Northwest corner of 5th Street and Walnut Avenue.

This monitoring location was in front of a residence at the northwest corner of 5th Street and Walnut Avenue. The residence does have a front porch facing 5th Street. A rock band was playing near the corner of Main Street and Walnut Avenue for the entire period and was responsible for most of the noise measured at this site, with the occasional exception of a loud car or motorcycle traveling on 5th Street. The average noise level (L50) was 62.0 dBA and was driven by the band noise. The maximum sound level (Lmax) of 74.6 dBA was due to a motorcycle on 5th Street. Anecdotally, several local residents stopped and talked while we were making noise measurements. All residents indicated that they liked the event and the noise was not an issue with them.

Site 2: Near the southwest corner of 3rd Street and Walnut Avenue.

The monitoring site was directly in front of a large multi-family building near the entry steps on Walnut Avenue near 3rd Street. This site was measured at 6:00 p.m. and again at 8:00 p.m. The 6:00 p.m. measurement actually started at 6:26 p.m., because the operator had to reprogram the meter. Many of the residential units have balcony areas that look toward Walnut Avenue, and the noise levels measured are representative of the levels in these balcony areas. The rock band playing near Main Street and Walnut Avenue could be heard clearly at this site, and noise levels from the band were generally in the upper 50 dBA to mid 60 dBA range, with noise levels from the band as high as 69 dBA. Occasional vehicles would pass by on Walnut Avenue and generally their noise level was in the low 60 dBA range, but could be in the 70 dBA range for louder vehicles. The L50 noise level measured at the site was 63.5 dBA and was due primarily to the band. The Lmax level was due to a vehicle pass by that reach 78.6 dBA.

Site 3: Midblock on Olive Avenue west of Main Street.

Site 3 was located on the north side of Olive Avenue midblock between Main Street and 5th Street. Residential units were directly above and most have balcony areas. The measurements at this site are representative of the noise levels on those balconies. A juggler act was in progress during most of the measurement period. He used a small PA (public address) system. The PA system and the crowd noise (e.g., applause and yelling) were the primary noise sources at this site. Both the average noise level (63.0 dBA L50) and the maximum noise level (78.9 dBA Lmax) were caused by the crowd and act.

Site 4: Southeast corner of 3rd Street and Olive Avenue.

Site 4 was located at a residence near the southeast corner of 3rd Street and Olive Avenue. The street fair noise was only occasionally audible at this site. Generator and air pump noise for bounce houses were heard around 5:00 p.m. and were around 59 dBA. Crowd applause was heard and reached 64 dBA. But most of the noise at the site was due to cars and other vehicles. The L50 was due to neighborhood noise and distant traffic and was 60.5 dBA for the 7:00 p.m. measurement. The Lmax was 88.0 dBA and was due to a motorcycle.

Site 5: Second floor breezeway along Main Street near Orange Avenue.

Site 5 was located on the second floor breezeway along Main Street. Only offices are located on this floor, however, residential units were directly above and most have balcony areas. The measurements at this site are representative of the noise levels on those balconies. This site was measured twice; once starting at 5:00 p.m. and again at 8:00 p.m. During both periods the crowd noise on Main Street was the primary noise source. No band or other acts could be heard. The noise was simply generated by the crowd milling around on Main Street. However, the maximum sound levels were caused by trucks or motorcycles on Orange Avenue. The L50 noise levels were 62.5 dBA for the 5:00 p.m. measurement and 64.5 dBA for the 8:00 p.m. measurement. The Lmax noise levels were 86.1 dBA and 79.4 dBA for the 5:00 p.m. and 8:00 p.m. periods, respectively.

1.4.2 Ambient Noise Measurements

The noise measurements were repeated on the following evening (August 29, 2012) at the same time and locations. The results of the measurements are presented in Table 3.

Table 3 Ambient Noise Measurements (dBA)

| Site | Date | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------------------------|--------|------------|-----------|-----------|-----------|-----------|-----------|
| Site 1 | 29-Aug | 7:00 p.m. | 73.9 | 64.5 | 59.5 | 56.5 | 54.5 |
| Site 2 | 29-Aug | 6:00 p.m. | 84.1 | 66.5 | 61.5 | 57.0 | 54.5 |
| Site 2 | 29-Aug | 8:00 p.m. | 74.9 | 65.5 | 60.5 | 56.0 | 50.5 |
| Site 3 | 29-Aug | 6:00 p.m. | 79.8 | 71.0 | 67.0 | 61.5 | 59.5 |
| Site 4 | 29-Aug | 5:00 p.m. | 80.4 | 67.0 | 62.0 | 57.5 | 55.0 |
| Site 4 | 29-Aug | 7:00 p.m. | 84.0 | 67.0 | 61.5 | 57.5 | 54.5 |
| Site 5 | 29-Aug | 5:00 p.m. | 86.1 | 70.5 | 65.5 | 62.0 | 60.0 |
| Site 5 | 29-Aug | 8:00 p.m. | 79.4 | 67.0 | 64.0 | 62.0 | 60.5 |
| Noise Ordinance Criteria | | | 75 | 70 | 65 | 60 | 55 |

The ambient noise levels at all of the sites were determined by the local traffic. The local traffic was responsible for the average and maximum noise levels. Generally, the Lmax was caused by a truck, motorcycle, or car with a loud muffler. The only exception was Site 5 during the 8:00 p.m. hour. During this time a nearby restaurant with patrons talking and a singer contributed about equally to the average noise levels as did the traffic.

The noise ordinance criteria levels are also presented in Table 3. Ambient levels that are already above the ordinance limits are highlighted in orange. Per the ordinance, when the ambient levels are above the criteria limits, the ambient levels become the new ordinance limits.

The difference in noise level between the event measurements and the ambient levels is presented below in Table 4. In community noise measurements, a change of less than 3 dB is not considered significant. A 3 dB difference in a community noise environment would probably not be noticeable. Noise measurements where the event noise was greater than ambient noise levels by more than 3 dB are highlighted in yellow. When noise levels decreased by more than 3 dB, they are highlighted in blue.

Table 4 Difference in Noise Levels (dB)

| Site | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------|------------|------|------|------|-----|-----|
| Site 1 | 7:00 p.m. | 0.7 | 2.5 | 5.5 | 7.0 | 7.5 |
| Site 2 | 6:00 p.m. | -5.5 | 2.5 | 6.0 | 8.5 | 9.0 |
| Site 2 | 8:00 p.m. | 11.3 | 1.5 | 2.5 | 3.5 | 6.0 |
| Site 3 | 6:00 p.m. | -0.9 | -1.0 | -0.5 | 3.0 | 3.5 |
| Site 4 | 5:00 p.m. | 1.7 | -- | -- | -- | -- |
| Site 4 | 7:00 p.m. | 4.0 | 4.0 | 3.5 | 4.5 | 6.0 |
| Site 5 | 5:00 p.m. | -4.7 | -2.0 | 0.5 | 2.0 | 2.5 |
| Site 5 | 8:00 p.m. | -3.9 | 1.5 | 2.5 | 3.5 | 4.0 |

Site 1: Northwest corner of 5th Street and Walnut Avenue.

The noise levels that represent more of the average noise levels (e.g., L50) increased a significant amount at this site due to the event. The increase in noise can be directly attributed to the rock band that was playing near the intersection of Main Street and Walnut Avenue.

Site 2: Near the southwest corner of 3rd Street and Walnut Avenue.

Similar to Site 1, the average noise levels increased significantly for this site and can be attributed to the the rock band. This increase was evident in both of the hours that were monitored at this site. The Lmax levels increased for one hour and decreased for the other hour. Lmax levels were attributable to vehicles on 3rd Street and had nothing to do with the event.

Site 3: Midblock on Olive Avenue west of Main Street.

Average noise levels (e.g., L25 and L50) increased significantly at Site 3 with the event. Specifically, a juggler at the corner of Main Street and Olive Avenue was responsible for the noise. The PA system that the juggler used and the crowd watching the act were primarily responsible for the noise.

Site 4: Southeast corner of 3rd Street and Olive Avenue.

Event noise was not audible, or from time to time was barely audible at this site. Event noise did not contribute directly to the noise levels measured at this site. However, significant increases in noise were measured for all noise metrics during the 7:00 p.m. hour. We believe that this is attributable to an increase of traffic on the local roadways, most notably 3rd Street when the event was in progress. The increase in traffic could be due to people coming to the event, or using 3rd Street as an alternative route to Main Street, which was blocked off.

Site 5: Second floor breezeway along Main Street near Orange Avenue.

Surf City Nights caused increases in average noise levels at Site 5 with the increases during the 8:00 p.m. hour being significant. The increase in noise with the event was due to the general crowd noise along Main Street. It should also be noted that the Lmax noise levels were lower during the event, and this was no doubt due to the absence of cars on Main Street during the event.

Compliance with the City’s Noise Ordinance is shown in Table 5. Some noise ordinances exempt public events from compliance. The Huntington Beach ordinance does not. However, Section 8.40.080(b) does exempt “Activities otherwise lawfully conducted in public parks, public playgrounds and pump or private school grounds...” This section could be amended to include events on public property (i.e., roadways) and then Surf City Nights would be exempt. To be an exceedance of the noise ordinance limit, the noise level must exceed the criteria presented previously in Table 1, and exceed ambient noise levels. Table 5 shows that the noise ordinance limits were exceeded at every site with the event in progress. However, it should be noted that at Site 4, the noise levels were not caused directly by the event, but rather by an increase in traffic noise.

Table 5 Exceeds Noise Ordinance Limit?

| Site | Start Time | Lmax | L1.7 | L8.3 | L25 | L50 |
|--------|------------|------|------|------|-----|-----|
| Site 1 | 7:00 p.m. | No | No | No | Yes | Yes |
| Site 2 | 6:00 p.m. | No | No | Yes | Yes | Yes |
| Site 2 | 8:00 p.m. | Yes | No | No | No | Yes |
| Site 3 | 6:00 p.m. | No | No | No | Yes | Yes |
| Site 4 | 5:00 p.m. | Yes | -- | -- | -- | -- |
| Site 4 | 7:00 p.m. | Yes | Yes | No | Yes | Yes |
| Site 5 | 5:00 p.m. | No | No | Yes | Yes | Yes |
| Site 5 | 8:00 p.m. | No | No | Yes | Yes | Yes |

1.5 Expanded Event Area

Surf City Nights will be expanded to include Olive Avenue from 5th Street to 3rd Street, Walnut Avenue from 5th Street to 3rd Street, and 5th Street from Pacific Coast Highway to Walnut Avenue. Each of these additional event areas is discussed below.

Olive Avenue from 5th Street to 3rd Street. Two noise monitoring sites were located in this area. Site 3 is located mid-block on Olive Avenue between Main Street and 5th Street. The north side of this street is a three story mixed used development with residential on the second and third floors. Noise ordinance levels were exceeded at Site 3. Site 4 is located at the east end of the expanded area and noise levels also exceeded the ordinance limits at this site also. Noise levels at these sites may not increase at all with the expanded event area or may increase by up to

5 dB. This is based on a comparison of noise levels measured at Site 5, which is within the current event area. Other residential areas near to the expanded event area will also experience noise increases that may range up to 5 dB.

Walnut Avenue from 5th Street to 3rd Street. Residential areas do not exist along these roadway segments, however, residents are located near both the west and east ends of this expanded event area. These residential areas are represented by noise monitoring Sites 1 and 2. Both of these sites experienced noise levels that exceeded the noise ordinance limits. The noise levels at these two sites were very close to the noise levels at Site 5, which was directly adjacent to the event area. Therefore, the noise levels at these two sites would be expected to increase little or not at all with the expanded event area along Walnut Avenue. The exception to this conclusion would be if a major event activity (e.g., band or other performance act) was located near these sites.

5th Street from Pacific Coast Highway to Walnut Avenue. This area contains mixed-use development with residential uses located on many of the upper floors. Site 1 is located just north of this area. Again once events are added to this area, the resultant noise levels would be similar to those measured at Site 5. Site 5 contains residential uses in a mixed-use area that is directly adjacent to an event area. The noise levels at Site 5 were similar to those measured at Site 1, and so the noise levels during an event would not be expected to increase substantially from current event levels.

1.6 Vibration Impacts

Operation of the project would not increase groundborne vibration or groundborne noise within the project area above existing conditions. To generate groundborne noise and/or vibration a heavy weight, such as a pile driver, must impact the ground. No activities during Surf City Nights cause a higher energy impact to the ground or a structure attached to the ground. Therefore, no vibration impacts are anticipated.

1.7 Summary and Recommendations

The Surf City Nights events do increase the noise levels at residential areas that border the activity area. The noise levels are inconsistent with the limits contained in the City's Noise Ordinance. Three options exist for the City to go forward.

Option A – Approval of a Noise Deviation Permit. The Director has the authority to issue a noise deviation permit that would allow Surf City Nights to continue as is. Any exceedances of the Noise Ordinance would be moot and not subject to any additional control. Strictly speaking, this option would not eliminate the noise impacts associated with the performance events associated with Surf City Nights, but it would eliminate the conflict that currently exists between the Noise Ordinance requirements and the noise generated by the events. The applicant for Surf City Nights must demonstrate, at a minimum, the need to deviate from the noise level criteria produces a greater benefit to the community which outweighs the temporary increase in noise level above the requirements of the Noise Ordinance.

Option B – Apply Mitigation Measures to Project. The second option would be to apply reasonable and feasible mitigation measures to the project that would result in substantial compliance with the Noise Ordinance. The following measure is recommended:

Live entertainment (including bands) shall not use sound amplifying equipment and shall only perform at midblock locations at a minimum of 100 feet from any residential units.

Based on the noise measurements made by our firm for this assessment, the above measure would result in compliance with the Huntington Beach Noise Ordinance and noise impacts are anticipated to be less than significant based on the type of events currently being staged.

Option C – Prohibit Live Acts. This option would eliminate all live acts from Surf City Nights. Since the live acts, which are the main source of noise would be eliminated, it would guarantee that the Surf City Nights would comply with the Noise Ordinance. If this measure is imposed any noise impacts are anticipated to be less than significant.

Appendix G – Surf City Nights 5th Street Closure Traffic Analysis

Surf City Nights 5th Street Closure Traffic Analysis

Introduction

The following presents the traffic analysis for the closure of 5th Street between Pacific Coast Highway and Walnut Avenue during Surf City Nights on Tuesdays. The closure of 5th Street will be in addition to the current street closure of Main Street between Pacific Coast Highway and Orange Avenue. The analysis will determine if any traffic impacts result from the closure of 5th Street. Figure 1 shows the existing and proposed street closure locations during Surf City Nights.

Analysis Methodology

Afternoon peak hour traffic counts were collected during the summer on a Surf City Nights event and on the following day, Wednesday, to compare the event and non-event traffic volumes during the PM peak hour. Given the existing event and non-event traffic volumes an analysis was conducted with the first block of 5th Street closed in addition to the regular Main Street closure on Surf City Nights. Traffic would be allowed to exit the alley intersecting 5th Street and proceed westbound towards Pacific Coast Highway; however, this traffic was considered minimal and not included in the analysis. The level of service at the study intersections was calculated to determine if the 5th Street closure resulted in any traffic impacts at those locations. The intersection of Pacific Coast Highway and 5th Street was not included in the analysis because the northbound traffic movements at 5th Street from and to Pacific Coast Highway are right in and right out, typically with low volumes, minimal delays, and operating at better than acceptable level of service at all times. Level of service worksheets are shown in Appendix A.

Study Area Intersections

The study area intersections analyzed were:

1. Pacific Coast Highway @ 1st Street
2. Pacific Coast Highway @ Main Street
3. Pacific Coast Highway @ 6th Street
4. Main Street @ Orange Avenue

The Tuesday (Surf City Nights) and Wednesday PM peak hour volumes are shown on Figure 2 and Figure 3, respectively.

Traffic operating conditions on roadway facilities are described by the “Level of Service” (LOS). LOS is a qualitative description of traffic flow defined in terms of vehicle delay and ranges from LOS A (free-flow conditions) to LOS F (excessive delays). Delay represents a measure of driver discomfort, frustration, fuel consumption, and lost time. The City of Huntington Beach has adopted LOS D as the limit of acceptable operations at signalized intersections. LOS D was also used as the threshold for the unsignalized intersections analyzed in this study. Although no LOS threshold

are indicated on State facilities, Caltrans “endeavors to maintain a target LOS at the transition between LOS C and LOS D on State highway facilities”.

Two methodologies were used to determine the level of service at the signalized intersections, Intersection Capacity Utilization (ICU), and the Highway Capacity Manual (HCM) published by the Transportation Research Board. To determine intersection level of service, ICU analysis compares the traffic volumes to the intersection capacity, while HCM analysis is based on the average vehicle delay. Table 1 presents signalized intersection LOS based on the methodology described in the Highway Capacity Manual (HCM). Table 2 shows the LOS corresponding to the ranges of calculated ICU. Caltrans requires signalized intersections be analyzed using HCM procedures while the City of Huntington Beach uses ICU evaluation methods.

Table 1. HCM Signalized Intersection LOS

| Level of Service | Delay, (sec/veh) |
|------------------|------------------|
| A | 0 to 10 |
| B | > 10 to 20 |
| C | >20 to 35 |
| D | >35 to 55 |
| E | >55 to 80 |
| F | >80 |

Source: HCM 2000

Table 2. ICU Signalized Intersection LOS

| Level of Service | ICU |
|------------------|-------------|
| A | 0.00 - 0.60 |
| B | 0.61 – 0.70 |
| C | 0.71 – 0.80 |
| D | 0.81 – 0.90 |
| E | 0.91 – 1.00 |
| F | > 1.00 |

Unsignalized intersections were evaluated using HCM methodology. The level of service of all-way stop controlled intersections is determined based on the average vehicle delay of all the vehicular movements. Table 3 shows LOS criteria for unsignalized intersections-

Table 3. HCM Unsignalized Intersection LOS

| Level of Service | Delay, (sec/veh) |
|------------------|------------------|
| A | 0 to 10 |
| B | > 10 to 15 |
| C | >15 to 25 |
| D | >25 to 35 |
| E | >35 to 50 |
| F | >50 |

Source: HCM 2000

Table 4 shows the existing level of service for the study intersections on Wednesday, a typical summer weekday without Surf City Nights. All intersections are operating at an acceptable level of service during the PM peak hour.

Table 4. Existing PM Peak Hour LOS (Wednesday)

| Int. # | Intersection | Control | Wednesday, PM Peak Hour | | | |
|--------|------------------------|--------------|-------------------------|-----|------|-----|
| | | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 | PCH/1st St | Signal | 18.7 | B | 0.51 | A |
| 2 | PCH/Main St | Signal | 14.2 | B | 0.71 | C |
| 3 | PCH/6 th St | Signal | 13.0 | B | 0.63 | C |
| 4 | Main St/Orange Av | All-Way Stop | 13.8 | B | - | - |

5th Street Closure between Pacific Coast Highway and Walnut Avenue

Traffic analysis was conducted with the closure of the first block of 5th Street during Surf City Nights. Traffic volumes at Pacific Coast Highway and 5th Street were diverted to Pacific Coast

Highway and 6th Street. Figure 4 shows the study area intersection traffic volumes with the first block of 5th Street closed. The additional traffic at Pacific Coast Highway and 6th Street increased the PM peak hour intersection delay by 9.8 seconds (based on HCM calculations) compared with the non-event day. The level of service also increased from LOS B to LOS C. Using ICU methodology, the intersection level of service at Pacific Coast Highway and 6th Street was unchanged (LOS C) with an ICU increase of 0.13. At the intersection of Pacific Coast Highway and 1st Street the level of service increased from LOS B to LOS C, an expected increase as traffic diverts to 1st Street due to the other street closures. Table 5 summarizes the level of service analysis with the first block of 5th Street closed during Surf City Nights. Table 6 presents the current PM intersection level of service conditions on a Surf City Nights, Tuesday. Comparison of the current Surf City Nights street closures with the additional 5th Street closure would increase the level of service at the intersection of Pacific Coast Highway and 6th Street from LOS B to LOS C.

Table 5. LOS Surf City Nights (Tuesday) with 5th Street Closure

| Int. # | Intersection | Control | Surf City Nights with 5 th Street Closure PM Peak Hour | | | |
|--------|------------------------|--------------|---|-----|------|-----|
| | | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 | PCH/1st St | Signal | 24.6 | C | 0.57 | A |
| 2 | PCH/Main St | Signal | 5.9 | A | 0.67 | B |
| 3 | PCH/6 th St | Signal | 22.8 | C | 0.76 | C |
| 4 | Main St/Orange Av | All-Way Stop | 13.3 | B | - | - |

Table 6. Existing LOS Surf City Nights (Tuesday)

| Int. # | Intersection | Control | Surf City Nights PM Peak Hour | | | |
|--------|------------------------|--------------|-------------------------------|-----|------|-----|
| | | | Delay (sec/veh) | LOS | ICU | LOS |
| 1 | PCH/1st St | Signal | 24.6 | C | 0.57 | A |
| 2 | PCH/Main St | Signal | 6.1 | A | 0.67 | B |
| 3 | PCH/6 th St | Signal | 18.6 | B | 0.65 | B |
| 4 | Main St/Orange Av | All-Way Stop | 13.3 | B | - | - |

Summary

Based on the results of the traffic analysis, the proposal to include the closure of the first block of 5th Street during Surf City Nights would not result in traffic impacts. The level of service increases from LOS B to LOS C at Pacific Coast Highway and 6th Street (based on HCM methodology) which meets City criteria. During Tuesday's Surf City Nights the analyzed intersections would continue to operate at acceptable levels with the additional closure of the first block of 5th Street.

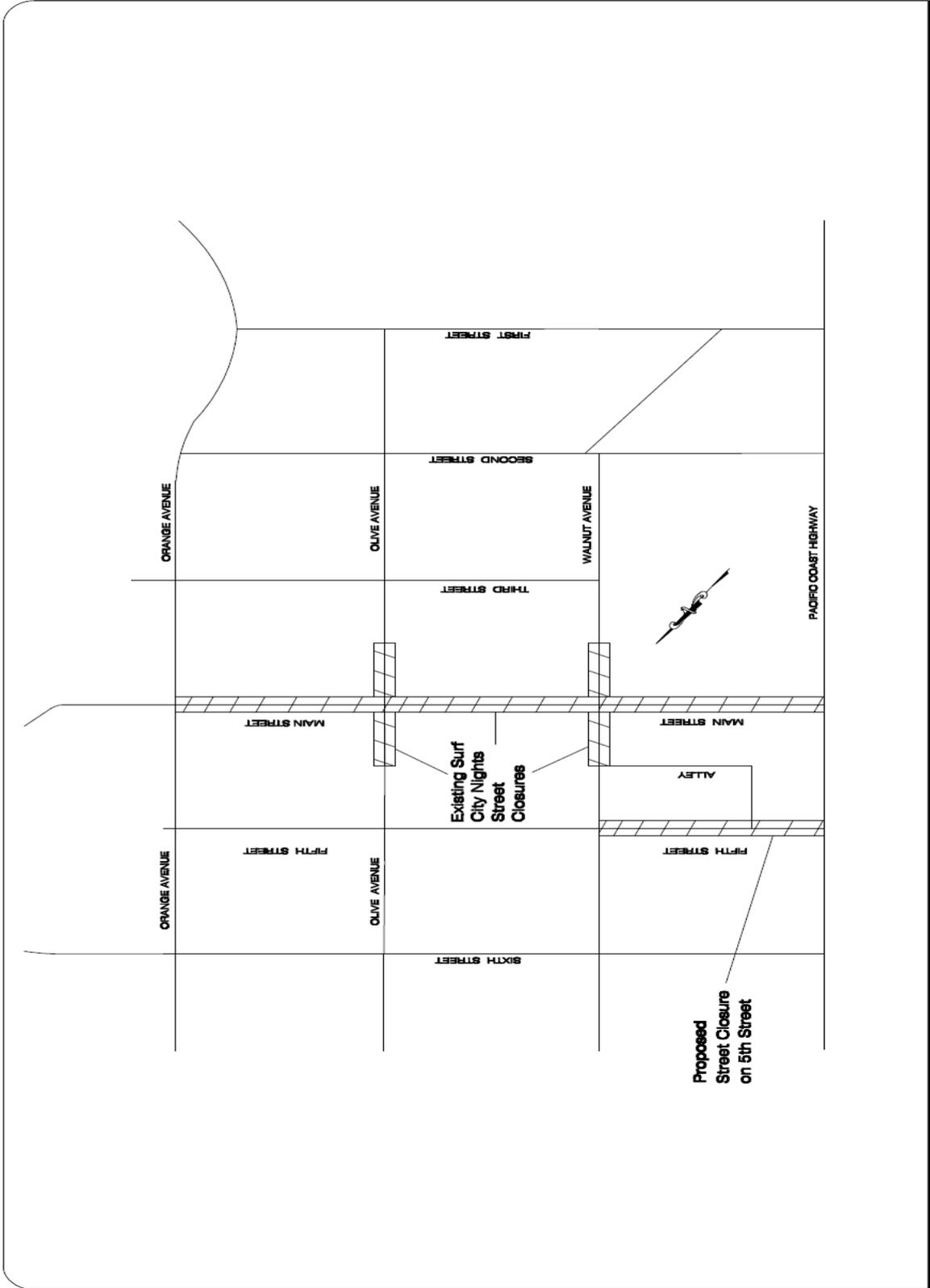


FIGURE
1

CITY OF HUNTINGTON BEACH * PUBLIC WORKS * TRANSPORTATION
STREET CLOSURE AREAS DURING SURF CITY NIGHTS



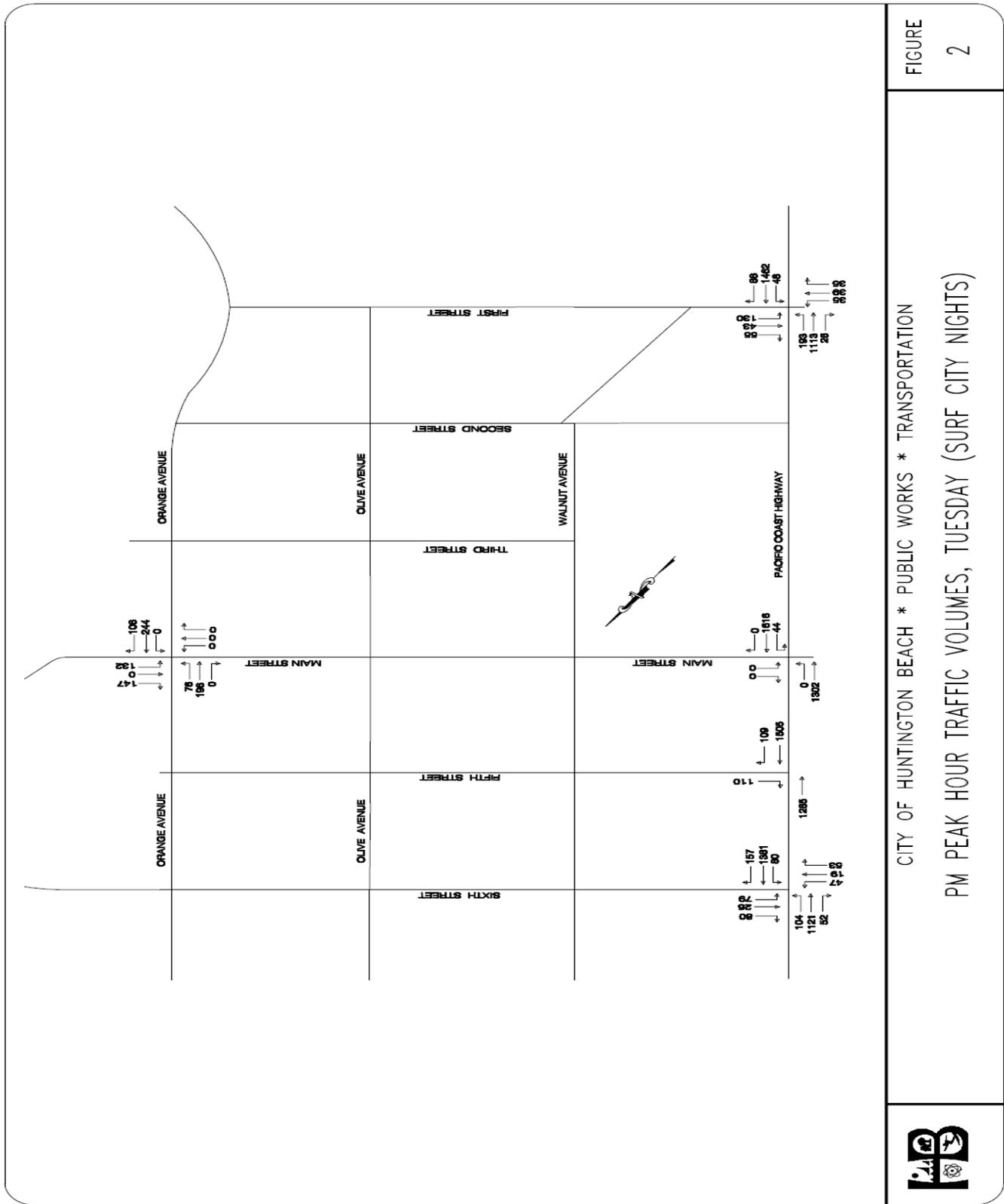


FIGURE 2

CITY OF HUNTINGTON BEACH * PUBLIC WORKS * TRANSPORTATION
 PM PEAK HOUR TRAFFIC VOLUMES, TUESDAY (SURF CITY NIGHTS)

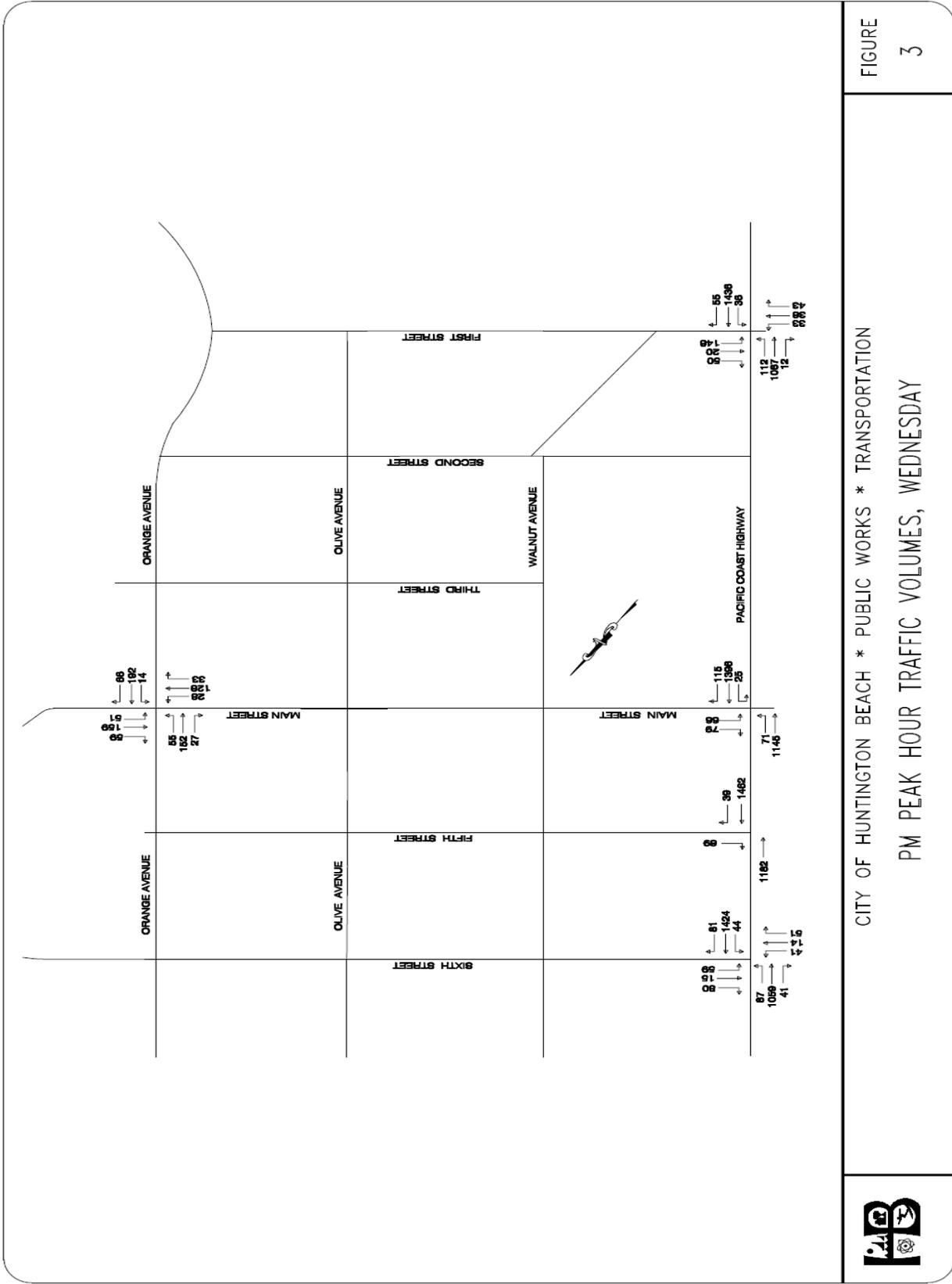


FIGURE 3



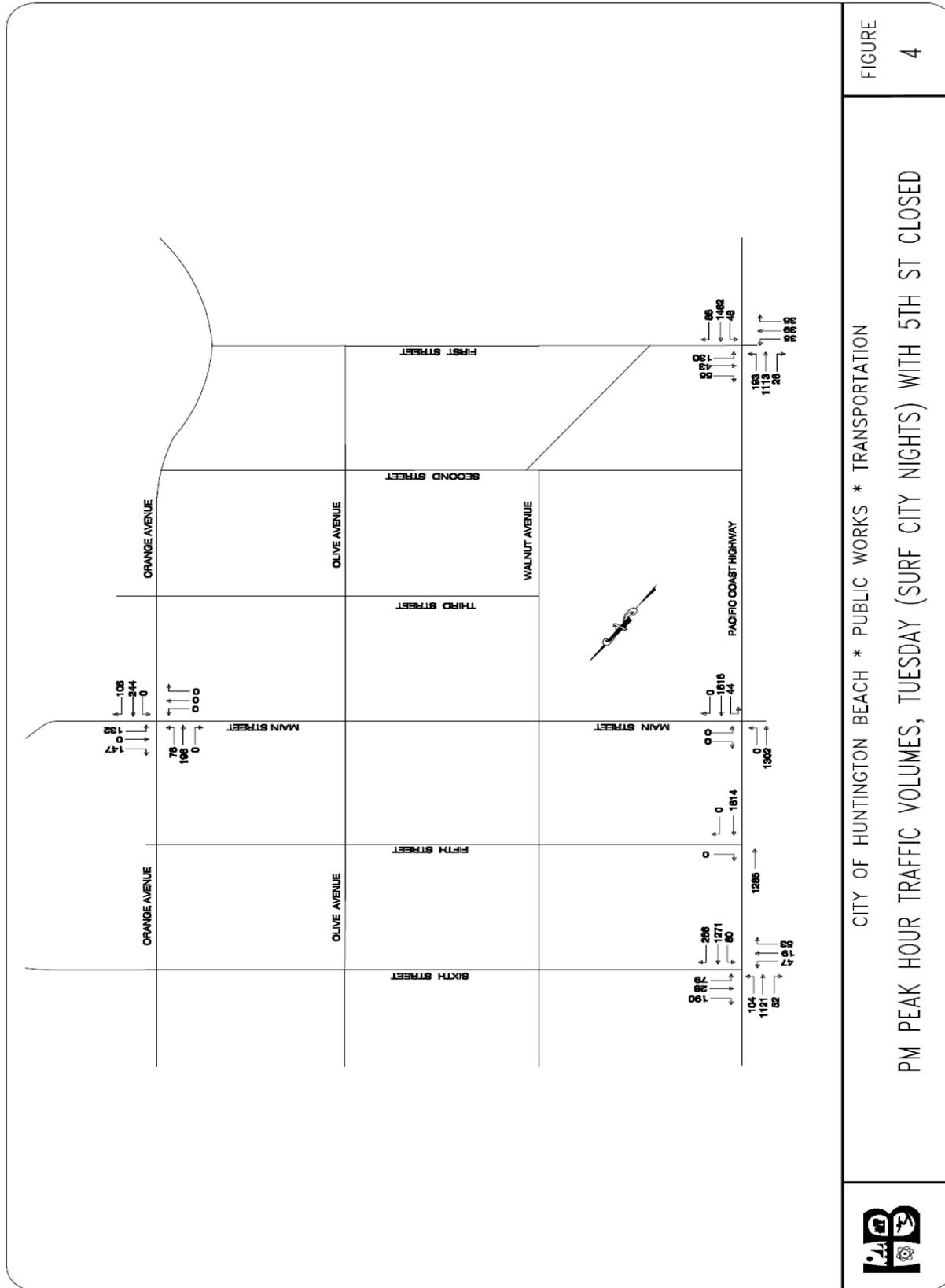


FIGURE 4





Responses to Comments
Surf City Nights
Final Focused Environmental
Impact Report No. 13-003
SCN: 2013051088

Prepared For:

Lead Agency
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Contact Person: Ethan Edwards
(714) 536-5561



Prepared By:

CAA Planning, Inc.
65 Enterprise, Suite 130
Aliso Viejo, CA 92656
Contact Person: Shawna L. Schaffner
(949) 581-2888

June 2014

Contents

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| | Ferris, Janet..... | 12 |

1. Introduction

This Responses to Comments document has been prepared to respond to public comments received on the Draft Focused Environmental Impact Report (DEIR) for the proposed Surf City Nights project. The DEIR was available for a 45-day public review period commencing March 20, 2014 and ending on May 5, 2014. The California Environmental Quality Act (CEQA) Guidelines §15105(a) states that the Lead Agency shall provide a public review period of not less than 45 days for a proposed Environmental Impact Report when review by state agencies is required.

Distribution of the DEIR and Notice of Availability for review and comment included the following state agencies and organizations:

California State Clearinghouse
Native American Heritage Commission
California Department of Transportation – Caltrans District 12

In addition, the Notice of Completion and Availability of a Draft Environmental Impact Report was posted on the City's website. Copies of the DEIR were made available for public review on the City's website and at:

- City of Huntington Beach Planning and Building Department, 200 Main Street, Huntington Beach, CA
- City Clerk, 2nd Floor, 2000 Main Street, Huntington Beach, CA
- Huntington Beach Central Library, 7111 Talbert Avenue, Huntington Beach, CA
- Main Street Branch Library, 525 Main Street, Huntington Beach, CA

In accordance with CEQA Guidelines §15088, the City, as Lead Agency for the Project, has reviewed and evaluated written comments submitted during the public review period regarding the Surf City Nights project.

The CEQA Guidelines, §15088, "Evaluation of Response to Comments," states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- c) The written response shall describe the disposition of significant environmental issues raised (e.g. revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

- d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:
 - 1) Revise the text in the body of the EIR, or
 - 2) Include marginal notes showing that the information is revised in the response to comments.

No changes to the data and analysis contained in the Draft EIR have been required as a result of the comments received during this response process. The responses provided herein clarify, amplify, and elaborate upon the analysis in the Draft EIR. The Draft EIR remains adequate and complete; therefore, recirculation per CEQA §15088.5 is not required. This Responses to Comments document has been prepared and constitutes a separate section of the Draft EIR and will be incorporated as part of the Final EIR as presented to the Huntington Beach Planning Commission for certification.

CEQA Guidelines §15088 addresses a Lead Agency's responsibilities in responding to comments. The Guidelines require, among other things, that the Lead Agency provide a good faith, reasoned analysis in response to significant environmental issues raised, particularly when the Lead Agency's position is at variance with the objections and recommendations raised by commenters. §15088 does not require an individuated, personalized response to each comment letter, and does not prevent the Lead Agency from responding to comments by way of a summary or comprehensive response that may apply to several individual remarks in comment letters. The City has provided individual responses to each remark in letters received on the DEIR, and where appropriate has referred the reader to sections in the DEIR for information.

Public Resources Code §21091(d)(1) requires that the City, as Lead Agency, consider any comments on the proposed DEIR that are received within the public review period. The City received 2 comment letters on the DEIR from public agencies, organizations, and individuals during the public review period.

CEQA Guidelines §15204(a) provides that:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and need not provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

CEQA Guidelines §15204(c) further advises:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts or expert opinion supported by facts in

support of the comments. Pursuant to §15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines §15204(d) states:

Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility.

CEQA Guidelines §15024(e) states:

This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or the lead agency to reject comments not focused as recommended by this section.

CEQA does not require the preparation of responses to comments received after the close of the public review period, which was May 5, 2014. No late comments were received from members of the public. However, the State Clearinghouse provided a transmittal dated May 6, 2014 regarding receipt of state agency comments. The transmittal has been included herein. Each letter containing comments on the DEIR is followed by responses corresponding to comments submitted in the letter. No new significant environmental impacts are raised by the submitted comment letters.

2. Comment Letters

Comment letters and responses are provided in this section.

State Agencies

State Clearinghouse and Planning Unit

Local Agencies

City of Huntington Beach, Environmental Board

Individuals/Interested Parties

Janet Ferris

Comment Letter 1
State Clearinghouse and Planning Unit
May 6, 2014



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
RECEIVED DIRECTOR

May 6, 2014

MAY 12 2014

Dept. of Planning
& Building

Ethan Edwards
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Subject: Surf City Nights
SCH#: 2013051088

Dear Ethan Edwards:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 5, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

1-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Response to Letter 1
State Clearinghouse and Planning Unit
March 6, 2014

- 1-1 The City acknowledges receipt of a letter from the State Clearinghouse dated May 6, 2014, which was after the close of the public review period. The State Clearinghouse acknowledged that no state agencies submitted comments prior to the May 5, 2014 comment period deadline.

**Document Details Report
 State Clearinghouse Data Base**

SCH# 2013051088
Project Title Surf City Nights
Lead Agency Huntington Beach, City of

Type EIR Draft EIR
Description Surf City Nights

Surf City Nights is an existing downtown street festival which occurs every Tuesday night. Surf City Nights includes a Certified Farmer's Market, live entertainment consisting of amplified music, street performances, children's games and activities, local merchant displays, sidewalk sales, a food-court, and the sale of prepackaged food and hand-crafted items. The festival runs weekly on Tuesday nights from 5:00 p.m. until 9:00 p.m., but is cancelled in the event of heavy rain or showers. The proposed Project includes renewed discretionary permits for 1) the current operation; and 2) the expansion of Surf City Nights from its current location on the Main Street between Pacific Coast Highway and Orange Avenue, onto 5th Street, between Pacific Coast Highway and Walnut Avenue. The project includes amplified music on Main Street. No amplified music is proposed for 5th St.

Lead Agency Contact

Name Elhan Edwards
Agency City of Huntington Beach
Phone 714 536 5561 **Fax**
email
Address 2000 Main Street
City Huntington Beach **State** CA **Zip** 92648

Project Location

County Orange
City Huntington Beach
Region
Lat / Long
Cross Streets Pacific Coast Highway / Main Street
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

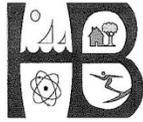
Highways Hwy 1
Airports No
Railways No
Waterways Pacific Ocean
Schools No
Land Use LU - Huntington Beach LCP Land Use Plan, GP - Mixed Use, ZC - Downtown Specific Plan

Project Issues Noise; Traffic/Circulation; Other Issues; Cumulative Effects; Air Quality; Coastal Zone; Landuse

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Air Resources Board; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

Date Received 03/21/2014 **Start of Review** 03/21/2014 **End of Review** 05/05/2014

Comment Letter 2
City of Huntington Beach, Environmental Board
April 11, 2014



CITY OF HUNTINGTON BEACH
ENVIRONMENTAL BOARD

April 11, 2014

TO: Ethan Edwards, AICP, Associate Planner
FROM: Environmental Board

SUBJECT: Draft Environmental Impact Report – Surf City Nights

The Huntington Beach Environmental Board (HBEB) discussed this project on Friday, June 28th, 2013 and received additional information from representatives of the Business Improvement District (BID) and the HB Office of Business Development at the HBEB's meeting held on Thursday, July 11, 2013. The HBEB also discussed the project at its meeting on April 10, 2014.

2-1

The primary issue for this DEIR is noise. Music, whether acoustic or amplified, enhances the visitors' experience. Although some amplified music may sometimes exceed the City's noise ordinance, the BID representatives stated they have had no noise complaints in the seven years Surf City Nights has operated and that some of noise level exceedences were as a result of motorcycles and other vehicles, not music. We agree with the FEIR findings not to expand the music to 5th Street.

2-2

The BID has made good faith efforts to assess any Surf City Night impacts and concerns that businesses might have by conducting three separate surveys. Surveys were sent to the approximately 240 businesses located in the district but less than 5% of the surveys were returned. One of the BID representatives stated more surveys would have been returned if the businesses had concerns.

2-3

Based on the information contained in the DEIR, the Mitigated Negative Declaration and the information received from the aforementioned BID representatives and HB Office of Business Development the HBEB recommends the following:

2-4

- 1) The City issue a Noise Deviation Permit to allow both acoustic and amplified music at Surf City Nights;
- 2) The Planning Commission approves the expansion of Surf City Nights to 5th Street;
- 3) The City continues to operate Surf City Nights on Tuesdays from 5:00pm to 8:45pm; and
- 4) The Planning Commission approves the FEIR.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Jeff Coffman', written over the typed name.

Jeff Coffman, Chair

RECEIVED
MAY 05 2014
Dept. of Planning
& Building

Response to Comment Letter 2
City of Huntington Beach, Environmental Board
April 11, 2014

- 2-1 The City acknowledges receipt of a letter dated April 11, 2014 from the City Environmental Board (HBEB) detailing the three meetings at which the proposed Project was discussed.
- 2-2 The HBEB correctly identifies that the primary environmental issue relates to noise generated by amplified music provided during the Surf City Nights events, which sometimes exceeds the City's noise ordinance. As noted in Chapter 5.3 (Noise) in the DEIR (page 70), the ambient noise levels at all measured locations were caused by trucks, motorcycles, or cars with loud mufflers. Currently existing business operations also contributed to the ambient noise levels. The amplified and acoustic music at the once-a-week Surf City Nights event contributed to an increase in noise levels at three of the five measurement sites. However, as noted by the commenters, no noise complaints have been reported to the Business Improvement District (BID) representatives during the years that the Surf City Nights event has been in operation. The HBEB concurs with the findings in the DEIR related to noise. As noted on page 77 of the FEIR, the Project will result in a temporary and periodic increase in ambient noise levels, but would not result in a permanent increase in noise in the Project vicinity above levels existing without the project.
- 2-3 The City notes that the BID has conducted surveys related to business owners' concerns about the Surf City Nights event. Less than 5% of the surveys were returned. No significant concerns were expressed in the survey responses. This comment is not related to the adequacy of the DEIR. Comment acknowledged.
- 2-4 The City acknowledges support from the HBEB and the BID and their recommendation that the City issue a Noise Deviation Permit to allow amplified and acoustic music at the Surf City Nights event, approve the expansion of Surf City Nights to 5th Street, the operation of the event on Tuesdays from 5:00 p.m. to 8:45 p.m., and approval of the FEIR. It should be noted that the Project, as discussed in Section 2.2, Project Description, operates from 5:00 p.m. to 9:00 p.m. on Tuesday evenings and not 5:00 p.m. to 8:45 p.m. as stated in the comment letter from the HBEB. There is no intent to change the existing hours of operation. Comment acknowledged.

Comment Letter 3
Ferris, Janet
March 24, 2014

3/24/14

RECEIVED
MAR 26 2014
Dept. of Planning
& Building

Disagree with expansion. We already
have enough. If anyone is on the board
or committee that makes the decision,
I would like to know if they live
within this radius?
This is not conducive for my
neighborhood. Attracts too many
hooligans, too much trash left
behind on sidewalks, lawns and
streets. And are you going to
have extra police force to do foot
patrol?
I am against it.

Janet Ferris
415 Gounsquare Lane #313
Huntington Beach, Ca
92648

3-1
3-2
3-3
3-4

Response to Letter 3
Ferris, Janet
March 24, 2014

- 3-1 The City acknowledges receipt of a letter from Janet Ferris dated March 24, 2014. The FEIR provides adequate analysis and information regarding the Proposed Project to inform the decision-makers of all potential environmental impacts, regardless of whether they reside within the Project boundaries. This comment is not related to the adequacy of the DEIR. Comment acknowledged.
- 3-2 As stated on page 15 of the FEIR, Project History and Background, the Surf City Nights event has been operating since 2007 and is one of several events in the downtown area that occur throughout the year. These events serve beachgoers and tourists as well as residents from the community. The City provides trash collection services for the downtown area, including the festival site, through Rainbow Environmental Services (RES) as noted on page 19 of the FEIR. As noted in Appendix C, Initial Study/Mitigated Negative Declaration (page 27), RES transports solid waste to the Frank R. Bowerman landfill, which has sufficient capacity to accommodate the waste generated by the Proposed Project.
- Regarding the commenter's statement that the festival is not conducive to the neighborhood, the downtown events have been occurring successfully for many years and are a benefit to the City and the business operations. The comment is not related to the adequacy of the DEIR and raises no environmental issues.
- 3-3 As noted on page 19 of the FEIR, a police substation is located at the boundary of the Project site at 5th Street and Walnut Avenue. The close proximity of law enforcement personnel will provide the opportunity for a quick response if the need for police presence occurs.
- 3-4 Commenter's objection to the Project is noted. As noted on page 15 of the FEIR, the City received 76 comment letters when the Initial Study/Mitigated Negative Declaration was released for public review. Of that total, 69 letters were in support of the Project and 7 were opposed. In addition, as noted in Response to Comment 1-3, the Downtown Business Improvement District conducted surveys regarding the Proposed Project. No significant concerns were identified in the survey responses, and no complaints have been received by the BID during the seven years of operation of the Surf City Nights event. The comment is not related to the adequacy of the DEIR. Comment acknowledged.