

18531 Bentley Lane  
Huntington Beach, CA 92648  
December 8, 2007

City of Huntington Beach

DEC 10 2007

City of Huntington Beach  
Planning Department  
John Scandura , Chairperson  
2000 Main Street  
Huntington Beach, CA 92648

Dear Commissioners Scandura, Livengood, Dwyer, Farley, Shaw, Shier-Burnett,  
Speaker;

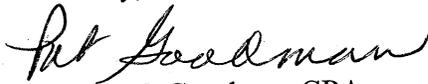
I am unable to attend the Planning Commission's December 11, 2007 meeting due to recurring commitments on the second Tuesday of the month. The best I can do is write a letter to you to request that you reject the Final EIR for the proposed Senior Center located on the Westside of Golden West at Talbert streets, .

The more I study the Senior Center EIR transaction the more I understand how enmeshed it is with the Pacific City project. It is difficult for me to understand why such a complicated transaction would be put forward by the city and expose the city to legal and financial problems related to this transaction. Rather than adding 5 acres of parks and recreation, 5 acres are being taken away by imposing this building on open park land. Another issue is that future Pacific City homeowners are going to be assessed a Mello Roos fee for a project which will not benefit them.

We need new senior center(s) just not at that location. Many residents are in favor of other sites throughout the city: across the street from the proposed site, Kettler School, upgrading and enhancing existing park sites for seniors' facilities.

I thank you for your time and consideration and all you do for our community.

Sincerely,



Patricia M. Goodman, CPA  
714-847-6617  
patgoodman@yahoo.com

LATE COMMUNICATION #B-1a (#1)

DEC 06 2007

**DATE:** 28 November 2007  
**TO:** Jennifer Villasenor – Associate Planner  
City of Huntington Beach – Planning Department  
2000 Main Street Huntington Beach, CA 92648  
P: 714.374.1661 E: jvillasenor@surfcity-hb.org

**RE:** New Senior Center – Removal of Mitigation Measure 4.12-2

Please take note of our concern regarding Mitigation Measure 4.12-2 – “The project shall provide an additional northbound lane at the intersection of Goldenwest Street and Slater Avenue. This will be provided by restriping the existing northbound right turn lane, without any physical roadway widening. In addition, approximately 300 feet of existing on-street parking from Ford Drive to Betty Drive will need to be removed in order to allow three through lanes northbound.”

We have read through most of the studies and documents prepared for the Transportation Impact of the project and the effect it will have on the traffic congestion concerning the northbound intersection of Goldenwest Street and Slater Avenue. Though we understand the technical projected level of service, we feel the safety and security issues of removing the on-street parking would outweigh the benefits of the third northbound lane. It is undeniable that a third lane northbound lane on Goldenwest Street would help with traffic congestion of the area but we are troubled that the safety issues which will arise from this were not considered in any study. The following are reasons why we believe it would be in the best interest of the Department of City Planning to consider removal of Mitigation Measure 4.12-2.

The removal of the on-street parking between Ford Drive and Betty Drive would remove the small amount of space that currently exists as a buffer zone between the sidewalk and traffic traveling at speeds between 45 – 50 MPH. The small amount of space that does exist between the traffic and the sidewalk provides much needed safety and security for those pedestrians who travel that sidewalk. In addition, many of the families that occupy the six houses being directly affected do have young children who use this sidewalk as a means to get to each other's homes. Other young children use this sidewalk to get to and from school as well. By the addition of a third northbound lane, traffic traveling at excessive speeds will be only a few mere feet from the young kids of these families, however, we can not find where any of this was taken into consideration.

It was also stated in one study that “On-street parking is typically used by guests. Alternate on-street parking within acceptable walking distance (less than 500 feet) is available on nearby local streets, including Ford Drive, Mill Circle, and Betty Drive.” This does not seem to be an acceptable solution for the general welfare of the six families. The alternative on-street parking on Ford Drive, Mills Circle, and Betty Drive are a good distance from the homes and also presents a problem with the safety of the families. For example, the residents have young children who in the near future will be driving and will need a place to park their car. This measure would cause them to have to park nearly a block away for some and then have to walk to their home, possibly in the dark, on a primary arterial street. The safety issues presented by this idea are obvious. This could also present a problem with the driveway off of Goldenwest Street. There will be no room to reverse and merge into oncoming traffic causing that driveway to be a major safety issue.

We understand that the intersection of Goldenwest Street/Slater Avenue is projected in 2012 to operate at LOS E during the AM peak hour with the proposed Senior Center, but we feel the safety and general welfare of those being directly affected by MM 4.12-2 were not taken into consideration. The safety issues of having traffic travel at that great of a speed and that close to the sidewalk, the front yard of the properties and the young children, are obvious. We hope that this measure is reviewed with the safety and general welfare of the six directly impacted residents in mind before being approved by the Planning Commission.

We have also each provided our signature in support of the removal of Mitigation Measure 4.12-2 due to the findings and justification provided in this letter. If there are any questions or any additional information is required from any of the residents of the six homes affected, please feel free to contact us.

PROPERTY #1: Owner/s: Candy Cox Richardson  
Address: 17292 Goldenwest Street  
Huntington Beach, CA. 92647  
Phone: (714) 843-1934  
Signature: Candy Cox Richardson

PROPERTY #2: Owner/s: Pedro and Amparo Buitrago  
Address: 17302 Goldenwest St.  
Huntington Beach, CA 92647  
Phone: 714-843-2697 (714) 394-0731  
Signature: Pedro Buitrago

PROPERTY #3: Owner/s: John & Theresa Morello  
Address: 17322 Goldenwest St  
HB CA 92647  
Phone: 714) 842-0545  
Signature: John Morello

PROPERTY #4: Owner/s: MICHAEL AND GERALD AMES  
Address: 17332 GOLDENWEST ST.  
HUNTINGTON BEACH, CA  
Phone: (714) 842-6979  
Signature: Michael Ames

PROPERTY #5: Owner/s: Scott Retana  
Address: 17342 Golden west  
Hunt. Beach CA 92642  
Phone: 714 842 9138  
Signature: Scott Retana

PROPERTY #6: Owner/s: John and Martha Bergman  
Address: 17352 Golden west  
Huntington Beach, ca. 92647  
Phone: (714) 848-2180  
Signature: Martha H. Bergman

DEC 10 2007

LAQUER, URBAN, CLIFFORD & HODGE LLP

ATTORNEYS

MARK C. ALLEN III\*  
SUSAN GRAHAM LOVELACE

6700 E. PACIFIC COAST HIGHWAY, SUITE 287

LONG BEACH, CALIFORNIA 90803

(562) 430-4944

FAX (562) 684-4548

www.luch.com

PASADENA, CALIFORNIA  
LAS VEGAS, NEVADA  
BELLEVUE, WASHINGTON

FILE NO: 1122.0000

December 10, 2007

Sent via email only to [jvillasenor@surfcity-hb.org](mailto:jvillasenor@surfcity-hb.org)  
Planning Commission  
c/o Project Planner, Jennifer Villasenor,  
Huntington Beach City Hall, 3rd Floor  
2000 Main Street  
Huntington Beach, CA 92648

RE: Agenda Item A-1 - December 11, 2007/Conditional Use Permit No. 07-039  
(Huntington Beach Senior Center Project)

Ladies and Gentlemen:

Thank you for the opportunity to comment on the proposed Senior Center Project. I represent Parks Legal Defense Fund, an organization that has as its purpose defending parks in Huntington Beach and surrounding areas.

Save Open Space does not oppose development of a Senior Center. It does, however, oppose the development of *this* design of *this* Senior Center at *this* location. The Draft Environmental Impact Report concludes the "environmentally superior alternative is to not locate the Senior Center in Central Park". We agree. Senior services are not dependent on being located in a park. Instead, the park location was chosen because the City already owns the site. This particular location in the park was chosen because, as the staff describes it (rather disparagingly), it is "vacant" and "unused."

This characterization of passive open space by the staff highlights our concern. Passive open space will always be vulnerable to this type of attack. As the US Supreme Court said years ago in explaining why parks needed to be protected from highway construction:

It is obvious that in most cases considerations of cost, directness of route, and community disruption will indicate that parkland should be used for highway construction whenever possible. Although it may be necessary to transfer funds from one jurisdiction to another, there will always be a smaller outlay required from the public purse when parkland is used since the public already owns the land and there will be no need to pay for right of way. And since people do not live or work in parks, if a highway is built on parkland no one will have to leave his home or give up his business. *Citizens to Preserve Overton Park v. Volpe* (1971) 401 U.S. 402.

This Draft EIR errs in describing the irretrievable loss of passive open space as "insignificant." The Draft EIR ignores that this is one of the few places in the City that is simply "space." The City determined that this should remain passive open space as a heritage for our children, grandchildren and great-grandchildren. To now treat this loss as insignificant, we believe, is indefensible both ethically and legally. According to the logic of the Draft EIR, virtually any project could be justified in a public park because it will always be cheaper to build on open land. Treating lost open space as having essentially zero value, instead of imputing at least some value, skews the analysis in a way that biases all the EIR's conclusions

One reason the Draft EIR reaches wrong conclusions is that it fails to properly describe the project. The Draft EIR notes that the funds will come from park "in lieu" fees. As is well known, the source of the fees is the Pacific City project. However, the Draft EIR fails to coordinate with the EIR for Pacific City. The EIR for Pacific City states at Chapter 3.13 that the park "in lieu" fees for Pacific City would be used for facilities having a reasonable relationship to the needs of the residents of Pacific City. Instead, the fees will be used for a special interest project in a location remote from Pacific City. Thus, the parks lose twice: Not only is passive open space lost in Central Park, but parkland that should have been developed in another part of the City is not being built or developed. The Draft EIR utterly ignores this aspect of the project. We do not believe that it is a document that provides adequate information for decision makers or the public in evaluating the project.

The Draft EIR is indefensible for another reason. It treats the impact of loss of passive open space as if only the immediate building area were impacted. But other parts of the Draft EIR make clear the impact is more wide ranging. The Draft EIR shows that the visual impacts, noise and intensity of use are likely to extend beyond the project site. Thus, much more open space is impacted than the five acre construction zone.

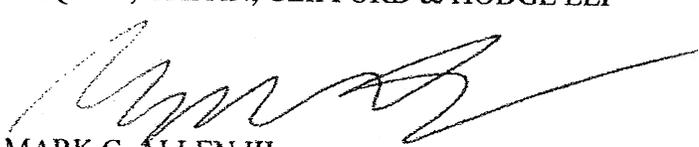
The Draft EIR also fails to adequately inform decision makers and the public as to alternatives. We will not repeat all the comment about alternatives, but instead highlight the more critical problems.

- No Consideration of Restoration of Native Habitat. The EIR (oddly) fails to consider that the original plan for this site which was to replant it as passive open space.
- Raptors. The EIR acknowledges that the project may have a devastating impact on raptor forging. The "solution" to this by staff is to make sure that *after* the project is built, a new home with new forging areas is established for raptors. We do not understand the staff's logic. The devastating impact to raptors would happen when site preparation work starts on the project. It seems the proposed "mitigation" would occur after the hawks and other raptors will have long since left or (worse) starved to death.
- "Infeasibility" not quantified. At several points in the Draft EIR, the staff asserts, with no qualification and no evidentiary support, that alternatives are financially infeasible. No place is more apparent that with respect to the design of the project. It seems the design of the project was done without any consideration of environmental impacts of alternate building designs. The Draft EIR notes significant aesthetic impacts with the current design requiring the Commission to adopt a statement of overriding considerations. Yet the Draft EIR nowhere quantifies the cost of alternative designs nor provides information that would allow decision makers to do necessary balancing between environmental and other factors. Even obvious mitigation measures, such as using a "green" roof that might allow some habitat to be reestablished, are not mentioned. We suggest that the staff at least needs to explain their reasoning more thoroughly.

We note, in passing, that there are other deficiencies with the proposal. Some of these are probably beyond the purview of the Planning Commission. We believe that the Mello-Roos financing laws, City ordinances and that portion of the Subdivision Map Act commonly known as the Quimby Act (*Government Code §66477*) are all being violated. We also think that any action must be subject to a vote of the people. We will address these issues at the Council level.

Very truly yours,

LAQUER, URBAN, CLIFFORD & HODGE LLP



MARK C. ALLEN III

cc: client

MCA/lml