From: John Langistine [jlanghb44@gmail.com]
Sent: Friday, August 03, 2007 2:31 PM
To: Santos, Ron
Subject: First Christian Church Project

I am very concerned about the large project being proposed for downtown. I have read the document on the website about this, and I think it is ridiculous that the church is proposing to offer so little parking and from what I can tell they parking garage is something that might only get built at some point in the future. Why would you allow this church to build buildings without building parking first? It would be like allowing a store to open without parking on the promise it will be built in the future when the store needs it!

I also do not believe the church is being honest about their number of parking spots needed. On their website they have a service called the Video Cafe that is not listed anywhere when parking is talked about. Where is that accounted for? Are they going to keep doing it when the other buildings are built? While buildings will be nicer than the junky ones they have now, the traffic will be a huge concern and so will the coffee shop they have proposed. This is simply too much for a residential neighborhood.

Please vote to make this church live up to all of the same rules you make other people follow.

LATE COMMUNICATION A-1
for meeting 8-14-07

Howard Ross & Roz Essner
7321 Veering Circle
Huntington Beach, CA 92648
714-969-9343

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City of Huntington Beach

Ron Santos, Associate Planner
City Of Huntington Beach Planning Department
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

July 31, 2007

Ron,

This letter is in response to City of Huntington Beach's notice dated 7/16/2007 to interested parties regarding the amended expansion/remodel plans of the First Christian Church (FCC) of Huntington Beach.

FCC plans to operate two new commercial ventures on their property. First, FCC plans to operate a public café from 7am to 9pm, Monday through Saturday, and from 8am to 7pm on Sunday with outdoor seating available for a large number of people. Second, the Church plans to operate a new book store open to the public. Hours of the book store are the same as for the café. We object to FCC doing these commercial ventures in a residential zone neighborhood. The potential noise, traffic, and cooking smells generated by people using these public venues were not mentioned in the environmental study.

FCC still plans to expand their seating capacity from 1,470 seats to 1,763 seats, even though the HB Traffic Division has stated that using over 1,655 seats will result in a significant traffic impact to the area. FCC is allowed to bypass this serious environmental concern by saying they will limit seating to 1,655 persons. Why does the City find this acceptable? How is the City planning to enforce this limit? FCC should reduce maximum seating to 1,655 in their plans or face an environmental impact report.

The proposed construction of a huge 3 level parking structure is still in the plans. The front of the parking structure will face 17th Street next to Smith School and will be 293 feet long, 139 feet wide and 38 feet high. This structure will be sitting on the highest point on 17th Street.

This parking structure will substantially degrade the existing visual character of the neighborhood and will be impossible to hide, even with landscaping. In addition, the large amount of outdoor lighting that will be necessary for the structure is not even mentioned in the public plans or in the environmental report. This huge open building will be vacant, except for Sundays—a potential spot for vagrants and criminal activity—in the midst of a residential neighborhood and next to our elementary school!

Sts. Simon & Jude Catholic Church has over 4,600 registered families, a much larger congregation than FCC, yet they do not have a parking garage. How is this possible? Sts. Simon & Jude manage parking and traffic by having 2 services on Saturday evening

and 4 services on Sunday. Why can't FCC do something similar by having additional services?

We are still seriously concerned about the proposed plan. We would welcome the opportunity to discuss this further with you and the appropriate parties.

Please take these comments into consideration in your review of these plans.

Sincerely,

Howard Ross

Roz Essner

To Huntington Beach Planning Department

City of Huntington Beach

AUG 08 2007

From David Treiman, Shipley Street

August 8, 2007

COMMENTS ON REVISED DRAFT MITIGATED NEGATIVE DECLARATION FOR FIRST CHRISTIAN CHURCH DATED JULY 19, 2007

I submitted comments on June 11 to the original Draft Mitigated Negative Declaration. I submitted supplemental comments on July 2, when the original D-MND was corrected to include pages accidentally omitted.

On July 19, the Revised D-MND was made available, along with a third version of the narrative and some additional plan changes. In fact most of the problems I raised in my June 11 and July 2 comments still exist. However, it appears that none of my comments have been addressed in the revised D-MND. Therefore, I wish to reassert those objections and request that you read those letters and treat them as applying to the revised D-MND of July 19. My comments in the first two letters with respect to the flawed comment process have been mooted by the revision of the D-MND and third comment period. Although my objections to the process have been mooted, my substantive objections still remain.

My neighbors, in their many letters to the Planning Department, have addressed many of the points I have raised and more, so I won't repeat them all in this letter. In this letter I wish to focus on four areas:

1. General remarks about the nature and size of this entire project.
2. A brief remark about traffic.
3. A brief remark about construction and air quality.
4. Extended remarks about potentially significant outdoor noise. This is the area that I believe has received the least attention by the Planning Department and the area that will most significantly disturb neighbors to the north of the church property. Therefore, I will also reiterate some points raised in my comments of July 2.

1. General Remarks About Nature and Size of the Project.

This is a huge project for a residential neighborhood and merits an Environmental Impact Report. It seems larger in size and duration than the Senior Center in Central Park, where an EIR is being prepared. The very fact that the city is requiring a three-level parking garage in a residential neighborhood is prima facie evidence it is too large for its location. I do not know of any other parking structures in Huntington Beach near a residential area that are not part of a commercial development. Bruce Templeton's video description of the project ("Bruce's Next Wave Presentation") is available on the church's Website. He stresses the enormity of the project: "This

PLANNING COMMISSION
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LATE COMMUNICATION A-1

is a God-sized endeavor." "We are attempting to do something so great, of such magnitude, that the only way we can accomplish it is with God's help." He notes that within five miles of church there are 307,000 people and that 58% do not attend church anywhere. He says that means "there are over 178,000 people within five miles of our church building who do not know Jesus Christ." Their mission is to reach those 178,000 people. The proposed project and list of activities reflect those broad ambitions. It is clear that part of the model for this project are large modern shopping centers, specifically in this case Seacliff and Bella Terra. The style of shopping mall architecture is totally out of character with the residential neighborhood. At a neighborhood meeting Bruce Templeton said the goal of the proposed café and bookstore was to create a setting like a Starbucks and Barnes and Noble. But what Starbucks seats 80 inside and 15 to 20 outside? He said in the video, "the church was never intended to take a back seat to commerce." But it seems like more restrictions have been placed by Huntington Beach on restaurants and big box retailers in areas zoned commercial than are being placed on the church's commercial enterprises. This project is intended to accommodate growth for the next half a century. If this does not require an EIR, then this process seems to be making a mockery of CEQA.

A picture is said to be worth a thousand words. The video includes a simulated tour of the proposed campus. One cannot truly appreciate the enormity of this project without viewing the video and listening to Pastor Templeton's eloquent description. I urge the members of the Planning Commission and of the Planning Department to view this video.[2]

I am not opposing the church's mission, nor their desire for a modern facility to further its mission. All I am asking for is that city officials realize the scope of the project, appreciate the potential impact on the community as required by CEQA, and require appropriate mitigation to protect the rights of the community and the immediate neighbors of the church. I believe the original and revised D-MND do not discuss or recognize several potentially significant impacts and do not require adequate mitigation, especially with regard to noise. These are the matters this letter will address.

2. Traffic.

For the reasons mentioned in my General Remarks, it seems inconceivable that this project will not have a potentially significant impact. Traffic on Adams at Main and at 17th is much worse than it was a few years ago. It often takes more than one light to get across Main Street in the late afternoon. Seventeenth and Adams probably requires a traffic light. Speeding westbound traffic on Adams around the blind curve just west of Main makes exiting the alley onto Adams extremely dangerous. Church activities already contribute to the problem, and not just on Sunday. The plans divert traffic from Loma to Adams and to 17th. I believe it is contrary to CEQA to ignore the

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[2] www.fcc-connection.com/home.asp
Click box on left side of page "Next Wave"
Click on "Media" on right end of top line,
There are three videos – the most relevant is the third, "Bruce's Next Wave Presentation"

existing problems and just focus on the increment added by this proposal. I believe you ought to be considering the cumulative impact. I also believe that the explanation for the negative declaration regarding traffic cannot be reconciled with the scope of expansion described in the video on the church's Website.

3. Construction and Air Quality

The July 27, 2007 issue of the Los Angeles Times reported, "20% of California's diesel pollution comes from the construction industry. Building, mining and airport vehicles are responsible for an estimated 1,100 premature deaths statewide every year and more than 1,000 hospitalizations for heart and lung disease, along with tens of thousands of asthma attacks, scientists say." The article reported that the State Air Resources Board has imposed new restrictions to construction equipment to protect the public health. Even though these new laws have not yet taken effect, the state has found a need to act. I have attached a copy of the article. This cannot be ignored in the D-MND. Clearly the state has found there is a potentially significant impact on air quality. Therefore unless mitigated, an EIR must be prepared.

4. Noise.

The negative declaration ignores almost all noise other than the noise from two playgrounds on the south side of the project. It requires mitigation to the south for the two playgrounds. The other potential sources of noise listed below far exceed those two in number, scope of activities, and duration. These other sources are generally ignored in the church's noise study and by the Planning Department in the negative declaration. As with regard to traffic, the existing activities should not be ignored, and will be part of the future campus. The size, nature, and duration of outdoor activities generated by the "Next Wave," when added to the existing sources of noise, will make life extremely unpleasant for neighbors to the north, and are likely to substantially harm the property values. Focusing solely on the new sources and ignoring the old is like saying that if 10 units of noise is the maximum acceptable, adding five to an existing nine is permissible because the new project does not add more than 10. That does not appear to be consistent with the requirements or spirit of CEQA. I am merely asking that the city recognize these problems and require reasonable mitigation. At the end of these comments I suggest some possible mitigation.

List of outdoor activities.

1. An outdoor amphitheater. Do not be fooled by the recent addition to the narrative saying that there will be no outdoor amphitheater. That is not true. I will explain below my reasons for saying this.
2. Outdoor sound systems. The oral promise to eliminate this is evasive and not satisfactory, for the reasons I will explain below.
3. Little Squirt's Playground.
4. Outdoor dining.
5. Noisy activities in the parking lot:
    a. Parties, picnics, and concerts.
    b. Playing in the parking lot
    c. Bus trips pickup and drop off.

d. Car alarms.
e. Activities in the courtyard that will become the Tidal Plaza.
f. Dismantling equipment following late night meetings.
g. People gathering late in parking lot after special events.
h. Excessive use of leaf blowers.
i. Trash collection four days per week at very early hours.[3]
j. Sports activities.
k. Uses not authorized by nor controlled by the church that occur in the parking lot include nighttime skateboarding, fireworks, auto racing, model planes and model cars.

AMPHITHEATER

At a church meeting with the community about a year ago, I heard that the church planned to have an outdoor amphitheater. Page 2 of the original plans lists an amphitheater in the Tidal Plaza. The Tower included a sound control booth for the amphitheater. Several previous letter writers objected to this amphitheater. Ron Santos told me he did not address this in the D-MND because it was not part of the project proposal. At the meeting with neighbors on June 18, Mr. Templeton said the amphitheater was being deleted from the plans. The revised narrative states on page 2, "The church will not hold regularly scheduled outdoor gatherings on its campus, nor will the Tidal Court function as an amphitheater." Then why am I objecting to an amphitheater that does not exist? Because it does exist, but locating it is like playing "Where's Waldo," and trying to get a straight answer from the church is impossible. I will attempt to assist you in the search for the missing amphitheater.

The revised narrative on page 1, item 6, says there will be landscaping and hardscaping "designed to create high quality outdoor gathering places." Page 2 of the revised narrative says the Tidal Court [Plaza?] will serve as the main gathering area and will be open to the public. It will include tables and chairs to support the café and hardscape improvements suitable for informal gatherings. Mr. Dyson told me this hardscape will include tiered seating. It seems like it is modeled on the amphitheater at Bella Terra. I asked him what was the difference between this and an amphitheater. He told me an amphitheater has a sound system and scheduled events, and the Tidal Plaza will not have either of these. In addition, as I explain below, it is not clear there will be no outdoor amplified sound. There are already special events held by the church with outdoor amplified sound (including music) even though there is no permanent outdoor amplified sound system. They bring in the equipment for the events in the parking lot (apparently without temporary activity permits) and in the area between the Worship Center and current Youth Ministry building.

But where, exactly, is this tiered seating located? Why was Ron Santos unable to discover this potential amphitheater? I thought it might be hidden in the circular swirls shown on the Tidal

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[3] In fairness to Bruce Templeton, I must acknowledge that he has attempted to address this problem, which I very much appreciate. However, he told me that because Rainbow's contract is with the city, only the city has the authority to address this problem.

to the parking lot after an event. If the church is not expected to control noise on its property generated by its activities, then it should not be allowed to have these events, and certainly not in the late evening and night. We were told at the meeting of June 18 with church officials that all events will end by 10 p.m., **unless neighbors are notified.** Notification won't help us sleep any more soundly. This caveat again raises the possibility that what in promised in the narrative might not be what we will actually get. What steps will the city require to assure that these promises are kept. This narrative seems too vague to justify a finding of no potentially significant impact.

Even after reading three narratives and two D-MND I don't know what the church is actually requesting regarding special events nor what limits remain. None of this is addressed in the D-MND. Based on the information provided, I do not see how the Planning Department can find no potentially significant impact, especially given the rigorous legal requirements for a negative declaration.

Construction Noise

At the meeting with the church on June 18, I raised concerns about the long hours allowed for construction. I was told there are no plans to do construction on Saturdays, and that contractor would normally begin at 7a.m. and cease mid-afternoon. I asked if church would agree to these as limits in the CUP, and I was told it would be taken under consideration. However, I have not seen any discussion of this potentially significant impact in the D-MND. Some mitigation is essential. How common are construction projects of this duration in a residential neighborhood? I read that the city was required to use the county restrictions on noise for one joint bridge project. The county, I believe, prohibited construction after 5 p.m. weekdays and completely on weekends. If these are protections citizens of unincorporated areas get, why can't the city impose it as a condition for an enormous lengthy project in a residential area.

Construction Air Quality Issues.

The Los Angeles Times recently reported that diesel pollution from construction equipment is a serious health threat and that changes in the law are being proposed. Even if it is not yet the law, it is the City Planning Department's legal obligation to consider this evidence in the D-MND for a project of this scope and duration. Even if no EIR is required, the Planning Commission should protect our health by imposing reasonable conditions on the construction.

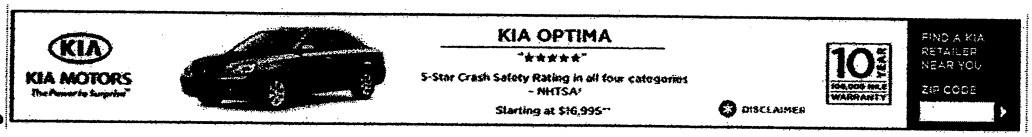
MITIGATION SUGGESTIONS

Some of my neighbors have suggested mitigation ideas, and can probably come up with more good ideas. I would like to mention a few here.

1. Limit outdoor activities that generate noise, especially evenings and weekends, or put up sound barrier walls, especially to the north.
2. Restrict café and bookstore activities so they are not equivalent to commercial enterprises in a residential neighborhood.
3. Reduce peak capacity for worships services a small amount to eliminate the need for a parking structure. The Church leadership says they do not want to build a structure.
4. Impose restrictions on construction noise.
5. Install a traffic light at Adams and 17th.
6. Install a speed bump before the blind curve westbound on Adams and west of Main.

Video Capture of Amphitheater from Church's Website video - Bruce's Next Wave Presentation

Los Angeles Times latimes.com



http://www.latimes.com/news/local/la-me-diesel27jul27,1,6251229.story?ctrack=1&cset=true
From the Los Angeles Times

Air board cracks down on diesel

State regulators adopt tough rules requiring huge cutbacks in fumes from construction industry equipment. Next up: big trucks.

By Margot Roosevelt
Times Staff Writer

July 27, 2007

SACRAMENTO — California's diesel-powered bulldozers, scrapers and other heavy construction equipment must be retrofitted or replaced over the next 13 years to reduce the air pollution that sickens tens of thousands of residents every year, state regulators decided Thursday.

Under tough new rules adopted by the Air Resources Board, California is the first state to make construction companies fix existing diesel-powered machines. Heavy equipment can last 30 years or more, so without the new mandate, it would take decades for fleets to upgrade to cleaner equipment.

Although the fumes are most often associated with big trucks and buses, 20% of California's diesel pollution comes from the construction industry. Building, mining and airport vehicles are responsible for an estimated 1,100 premature deaths statewide every year and more than 1,000 hospitalizations for heart and lung disease, along with tens of thousands of asthma attacks, scientists say.

The air board's new rules will slash diesel soot — also known as particulate matter — from construction equipment by 92% over 2000 levels. Smog-forming nitrogen oxides will be cut by more than a third. And greenhouse gases, a byproduct of fuel burning, also will drop as a result of a ban on idling equipment.

"This is a very progressive rule with a lot of flexibility," said board Chairwoman Mary Nichols. "Beginning in 2010, we will be breathing far less of the smog and fine particulates that are so damaging to our health."

The building industry hotly contested the rule, saying it would cause job losses, increase highway construction costs and damage the state's economy. Michael Lewis, a lobbyist for the industry-led Coalition to Build a Cleaner California, said industry could not afford the retrofits. "And a regulation that is not achievable will not save one life," he said.

The new regulation signaled a comeback for the powerful board, whose reputation was damaged in the wake of the recent firing of its former chairman, Robert Sawyer, by Gov. Arnold Schwarzenegger, and allegations that the governor's staff had tried to weaken proposed pollution standards.

Nichols, an environmental lawyer appointed by Schwarzenegger to replace Sawyer, took an aggressive stance during Thursday's daylong board meeting, opposing an industry proposal to delay enforcement.

The diesel rule, the result of three years of debate, drew applause from environmental groups.

"This was a great debut by Chairwoman Nichols," said Kathryn Phillips, a lobbyist for Environmental Defense. "It shows that science and public health are still the main forces that drive the agency."

The rule, which air board staff say will cost the industry up to $3.4 billion, is one of the most expensive adopted by the board. As part of an aggressive diesel cleanup, the board has also adopted restrictions on garbage trucks, buses and ships. Next on the agenda: heavy-duty trucks, which could cost even more to clean up than construction equipment.

The building industry operates 180,000 pieces of diesel machinery statewide. It costs up to $40,000 to buy particulate filters for a single million-dollar scraper.

Overall, contractors contended, the cost of the rules could reach $13 billion and boost the price of homes, highways and commercial buildings.

The discrepancy in the estimates of the cost to industry caused the board to delay action in May to allow staff to evaluate new economic data. In the last two months, air board economists and individual board members held dozens of meetings with industry groups and examined the financial records of companies.

Industry figures were based on an exaggerated rate of equipment turnover, among other factors, staffers told the board.

On a vote of 6 to 3, with Nichols leading the opposition, the board defeated an effort by industry groups to extend the compliance schedule. It maintained annual reduction targets for soot, rather than moving enforcement to a three-year schedule, which staff said could cut health benefits by as much as 12%.

In addition to an overall state standard, the board adopted a provision that will allow Los Angeles and nearby counties, the San Joaquin Valley and

other particularly polluted regions to accelerate the diesel equipment cleanup schedule in their districts.

"It's a good day for clean air," said Barry Wallerstein, executive officer of the South Coast Air Quality Management District.

Wallerstein said the region must achieve twice the amount of construction pollution cuts as the overall state goal in order to meet federal standards. The region, one of the dirtiest in the country, is under a strict mandate to improve its air by 2015. The AQMD will offer construction companies $120 million in incentives to purchase particulate filters or buy new machines.

To soften the economic hardship on mom-and-pop businesses, the new rule gives small fleets until 2015 to begin compliance, while large fleets must begin in 2010.

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