

11.3 Responses to Comments on the Draft EIR

11.3.1 State Departments

- **Department of Transportation (DOT), District 12, September 1, 2009**

- DOT-1 This comment indicates Department support of Specific Plans that foster a more efficient land use pattern such as the proposed DTSP Update. Comment acknowledged.
- DOT-2 The analysis for the intersection of Main and PCH does take into account the pedestrian-only phase of the signal operation. As referenced on page 4-183, approximately 30% of the signal cycle was assigned to the pedestrian-only and clearance phase. In addition, a pedestrian-only phase is proposed in the DTSP for two other PCH intersections – 1st Street and 6th Street. The future conditions were analyzed for with and without the proposed pedestrian-only phases at these intersections, as referenced on page 4-197. All study intersections were evaluated for summer weekday morning and evening peak hour conditions.
- DOT-3 The Highway Capacity Manual (HCM) methodology for intersection analysis was used for all state highway intersections, as required by the Caltrans Guide for the Preparation of Traffic Impact Studies. PCE's are accounted for in the traffic count data. Lacking specific empirical data for other individual adjustment factors, these were accounted for by reducing the lane capacity from the default of 1900 vplph to 1700.
- DOT- 4 The list of cumulative projects on Table 4.12.3 was provided by the City Planning Department and covers the projects anticipated to contribute traffic through the downtown study area. Traffic from projects outside a 1-mile range from downtown and long-range projects, such as the Poseidon, Ocean Breeze, and Edinger/Beach Specific Plan projects, are accounted for in the annual compounded growth rate applied to develop Year 2020 and 2030 forecasts. Although the project area for the Edinger/Beach Specific Plan area extends to Atlanta, the majority of the growth and development opportunities identified in the plan is designated in areas beyond three miles outside of the downtown.
- DOT-5 Comment acknowledged. The traffic analysis was coordinated closely with City staff and the City's transportation consultant (Austin-Foust and Associates) for the General Plan Update. All General Plan forecast data and build-out improvement assumptions were developed by the City's General Plan Circulation Element consultant using the Huntington Beach Traffic Model (HBTM). Select link runs of the HBTM model were used to formulate trip distribution assumptions for project traffic.
- DOT-6 Comment acknowledged.
- DOT-7 Comment acknowledged.
- DOT-8 Comment acknowledged.
- DOT-9 Consistent with Department regulations and procedures in place, any project work in the vicinity of the Department's right-of-way would require an encroachment permit prior to commencement of work. Encroachment permit applications would require compliance with Department regulations and policies as noted.
- DOT-10 As discussed Chapter 4.6 – Hydrology and Water Quality in the EIR, the project includes measures to minimize water quality impacts during construction and operation. As required by MM 4.6-3, individual projects proposed under the DTSP would comply with applicable requirements of the Statewide General Construction Activity Stormwater Permit, including SWPPP preparation. Because a SWPPP would be prepared, an individual project would conform to the Water Pollution Control Provisions identified by Caltrans. The project would implement BMPs as appropriate, including containment of all vehicle loads and avoidance of

tracking of materials, which may fall or blow into Caltrans roadways or facilities. For project operations, MM 4.6-1 requires that for any new development or significant redevelopment projects, a Water Quality Management Plan (WQMP) shall be prepared in compliance with California Regional Water Quality Control Board (RWQCB), federal, State and local regulations.

DOT-11 Comment acknowledged. Please also refer to Response to Comment DOT-9.

DOT-12 Comment acknowledged.

11.3.2 Regional/Local Agencies

- **Orange County Public Works (OCPW), September 2, 2009**

OCPW-1 As discussed in Chapter 4.6-1 – Hydrology and Water Quality of the EIR and required by MM4.6-1, any new development or significant redevelopment projects within the DTSP are required to submit a WQMP for review and approval consistent with RWQCB, federal, State and local requirements, which may be updated and revised throughout the life of DTSP implementation. It is acknowledged that the Santa Ana RWQCB Orange County Municipal Stormwater Permit has recently been renewed.

OCPW-2 Comment acknowledged. The City of Huntington Beach administers FEMA regulations and floodplain requirements city-wide as well as for the DTSP and subsequent individual projects. Existing requirements and procedures in place during the development review process will ensure compliance with FEMA regulations and requirements.

OCPW-3 Mitigation Measure MM 4.6-2 requires a hydrology and hydraulic analysis for individual projects to be prepared and submitted to the Department of Public Works for review and approval prior to issuance of any grading or building permits. The analysis must analyze the 10-, 25-, and 100-year storms as well as back-to-back storms. Drainage improvements must be designed and constructed as required by the Department of Public Works and Orange County Sanitation District to mitigate impacts of increased runoff due to development, or deficient downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. Through compliance with this mitigation measure, any potential flooding problems upstream and downstream of the project will not be transferred elsewhere.

OCPW-4 Consistent with established OCPW regulations and procedures, any project work in the vicinity of the OCPW right-of-way would require an encroachment permit prior to commencement of work. Encroachment permit applications would require compliance with OCPW regulations and policies as noted.

- **Orange County Sanitation District (OCSD), August 11, 2009**

OCSD-1 Comment acknowledged. Chapter 4.13 – Utilities and Service Systems provides an analysis of existing wastewater facilities and projected future demand and needed improvements. Table 4.13.2 – Summary of Wastewater Generation has been updated to include typographical corrections (please see EIR errata), however, conclusions remain unchanged. Page 4-244 of the EIR describes the need to relocate the OCSD 54-inch trunk main due to the realignment of Walnut Avenue between 1st Street and 2nd Street. Close coordination between the City and OCSD regarding this relocation is required by existing City and OCSD practices and procedures. The provided flow factors are acknowledged and will be considered for project specific planning efforts.

▪ **Orange County Transportation Authority (OCTA), August 27, 2009**

OCTA-1 Comment acknowledged. Route 173 was depicted on the Existing Transit Service exhibit (Exhibit 4.12-3 on page 4-180) and considered in the EIR analysis, but was inadvertently omitted from the written description of each bus route. The description of Route 173 through the study area is as follows and has been added to the EIR:

OCTA Route 173 operates between the City of Costa Mesa and the City of Huntington Beach. Route 173 starts at the South Coast Plaza Area in Costa Mesa, works its way south, passing the Orange County Fairgrounds via Fair Drive, and continues through Costa Mesa via Orange Avenue, and Newport Boulevard to access Victoria Street. Route 173 then heads westbound on Victoria Street into Huntington Beach where Victoria Street becomes Hamilton Avenue. It continues through Huntington Beach and turns around at Pacific Coast Highway and 1st Street. Route 173 operates Monday through Friday from 5:30 AM to 8:15 PM on mid-size or small buses with 45-minute headways throughout the day. No weekend service is provided.

OCTA -2 Comment acknowledged. Roadways within the DTSP area were analyzed for consistency with the Orange County MPAH as discussed on EIR pages 4-205 to 4-207. As noted on page 4-207, if the City elects to change the designation of any one of the identified MPAH roadways on the City's Circulation Plan, it will be necessary to process an amendment to the MPAH through OCTA for consistency, in order to remain eligible for Measure M and CMP funding. The amendment of the MPAH through OCTA must precede any change in street classification by the City.

▪ **Southern California Association of Governments (SCAG), September 8, 2009**

SCAG-1 This comment provides a summary of key project features as an introduction to specific policy analysis comments below. Comment acknowledged.

SCAG-2 As described on pages 4-154 to 4-155 of the EIR, population projections for the DTSP Update considered the average household size for the census tracts located in the DTSP and provided a conservative analysis by using the average rental household size for Huntington Beach which is 2.41 persons per household (per the 2006 American Community Survey sponsored by the U.S. Census Bureau). Based on the provided analysis, approximately 1,652 new residents could result from implementation of the project. This number is within the SCAG population increase projections of 2,056 persons from 2005 to 2030 in the census tracts included in the DTSP area. As noted in the introduction for Chapter 4.0 – Population and Housing, the SCAG 2008 Regional Comprehensive Plan and Regional Transportation Plan were used for this analysis.

SCAG-3 The project generally meets applicable Regional Transportation Plan (RTP) goals as noted. As disclosed in the EIR, significant and unavoidable air quality project impacts relating to ROG and PM₁₀ would exceed SCAQMD thresholds.

SCAG-4 General estimates for DTSP Update employment projections have been prepared by the project economist, The Natelson Dale Group, and are provided below.

Net New Development Potential with Projected Employment

Land Use	Net New Development	Employment Factor	Employees
Retail	213,467 sq.ft.	1 per 500 sq.ft.	427
Restaurant	92,332 sq.ft.	1 per 250 sq. ft.	369
Office	92,784 sq.ft.	1 per 240 sq.ft.	387
Cultural Facilities	30,000 sq.ft	1 per 1,000 sq.ft.	30
Residential	648 units	n/a	n/a
Hotel	235 rooms	0.8 per room	188
Total Employees			1,401

As described on pages 4-154 to 4-155 of the EIR, potential new residential units due to the DTSP Update could include up to 648 units. The DTSP Update provides a jobs/housing ratio of approximately 2.16 jobs per household. As noted on page 51 of the project market analysis, city-wide total employment in 2008 was estimated at 87,856 jobs by SCAG. The estimated city-wide total of households in Huntington Beach for the same period is estimated to be 76,753 dwelling units (per official City estimates prepared by Claritas). Therefore, the existing city-wide jobs/housing balance is estimated to be approximately 1.14 jobs per household. Implementation of the proposed project will improve the city-wide number of jobs per household, while also providing additional dwelling units to meet Regional Housing Needs Assessment goals, in proximity to employment opportunities.

Five OCTA transit lines serve the DTSP project area. In addition, the described downtown trolley service would circulate between hotel development closer to Beach Boulevard, the Pacific City development, the core downtown, and the residential neighborhoods downtown. A bus overlay zone for four transit routes is located on the ocean side of Pacific Coast Highway. The majority of these public transit systems and amenities would be located in District 1 where the higher-density development is allowed in the DTSP.

- SCAG-5 The comment is acknowledged that the project generally complies with Compass Growth Visioning Principle 2. The DTSP Update provides protections to existing residential neighborhoods through provision of the Neighborhood Overlay (now labeled Subdistrict 1B) and Lake Avenue Overlay that provides for lower building heights and densities than otherwise allowed as well as other regulations and guidelines to protect existing residential development and enhance compatibility. District 4 has been expanded to include additional neighborhoods (previously included in other districts) that results in additional area designated for residential uses that formerly provided a wider range of potentially less compatible uses. The DTSP Update also include residential buffers (section 3.2.21) that provides regulations including screening, cutoff lighting, and special limitations on certain activities, noise generation and odors.
- SCAG-6 Comment acknowledged.
- SCAG-7 Comment acknowledged.
- SCAG-8 As noted, the DTSP Update generally meets the consistency with SCAG Regional Transportation Plan Goals and Growth Visioning Principles. Where requested, additional discussion and clarifications are provided in Responses to Comments SCAG-2, SCAG-4 and

SCAG-5. The comment is acknowledged regarding recommended review and consideration of the SCAG List of Mitigation Measures for additional guidance. When the project Mitigation Measure Monitoring and Reporting Program becomes available, a copy will be forwarded to SCAG.

11.3.3 Organizations and Individuals

▪ **Michael C. Adams, September 1, 2009**

- ADAMS-1 This comment summarizes the concerns further detailed in the body of the comment letter. Responses to specific concerns raised are addressed below. In addition, although public improvements are part of the DTSP Update – Book II, they generally represent recommendations that would require further study and entitlements to be implemented. They are not development standards that, if the DTSP Update is adopted, must be implemented.
- ADAMS-2 Potential public improvements as well as potential private improvements are addressed throughout the EIR at a programmatic level. Net new development potential identified in the project description on page 3-11 of the EIR would encompass both privately and publicly initiated projects. In addition, examples of potential projects on public property would include street, bicycle, pedestrian and parking improvements as described and addressed in Chapter 4.12 – Transportation and Parking, and also water and wastewater improvements are discussed and addressed in Chapter 4.13 – Utilities and Service Systems.
- ADAMS-3 The Draft EIR includes a reasonable range of alternatives considered for the purpose of avoiding or substantially lessening significant impacts of the project while still feasibly attaining most of the project’s basic objectives. Section 6 of the Draft EIR includes three alternatives: No Project; Conservative Market Demand Development and Reduced Development Alternatives.
- ADAMS-4 Potential public improvements to implement the DTSP Update are described and addressed at a programmatic level in the EIR. The DTSP Update would be implemented over the course of the next 20 years and the intensity, location, and timing of development will be dependent on market conditions and other factors. In addition, as recommendations, public improvements discussed in the DTSP Update may or may not be implemented or other concepts may be implemented over time. A precise phasing of improvements is not practical to be developed at this time. In addition, the DTSP Update provides recommendations and implementation strategies in Chapter VIII – Implementation & Public Benefits Plan. Individual projects would be reviewed and analyzed as specific developments are defined to ensure compliance with the programmatic provisions of the EIR and DTSP Update, as well as all other City requirements, including those for providing adequate utilities and infrastructure. Subsequent environmental review also could be warranted for specific development projects as they are proposed.
- ADAMS-5 1 – Parking and traffic data collection provide a snapshot in time for the current conditions. The parking data was collected during busy summer weekday and weekend conditions, and additional special observations were made during a peak event. The traffic data was collected during the peak hours on a summer weekday. An annual 1% growth rate was added to every intersection turning movement, including the downtown intersections that carry primarily local traffic and which would not generally experience such increases in traffic volumes caused by “off-site” growth. This applied growth in background traffic would more than account for “on-site” growth in traffic in the downtown due to increased or renewed business activity in the downtown.

The shared parking analysis accounted for all existing and approved downtown development, regardless of occupancy at the time of the data collection. This includes the proposed Pierside Theater which proposes a use that has less intensive parking requirements. The future shared parking conditions also assumed the Pierside Theater as part of the existing development, so the shared parking analysis actually presents a worse-case condition than the Existing plus Proposed Project Conditions contemplates.

2 – The timing of roadway realignments or reconfigurations (such as modified cross-sections on various streets) or additional parking measures that would occur will vary, depending on development schedules for individual properties. The traffic mitigations were identified as needed due to impacts of build-out of the entire 20-year development potential. Actual timing for the improvements will depend on the how quickly and where the development actually occurs. Chapter VIII-Implementation of the DTSP Update also provides guidance on plan implementation strategies. Where practical, economies in phasing and implementation of public improvements will be sought for related projects. Please also see Response to Comment ADAMS-4.

The program-level analysis for net new development potential has been prepared in compliance with CEQA Guideline and is adequate for the project.

- ADAMS-6 The allowable net increase in development included in the DTSP Update was developed in consideration of project goals, objectives adopted by the City Council and the market demand identified in the DTSP market study completed in July 2008 by The Natelson Dale Group. Parking and circulation issues related to implementation of the DTSP Update are evaluated in adequate detail in Chapter 4.12 – Transportation and Parking in the EIR. The comment regarding alternate location considerations for the downtown commercial does not raise an environmental issue under CEQA and is acknowledged, and will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.
- ADAMS-7 The list of cumulative projects included as Table 3.7.1 in the EIR complies with §15130 (b) of the CEQA Guidelines by describing reasonably anticipated growth by listing projects identified by the City and neighboring jurisdictions at the time of the EIR Notice of Preparation. Project status updates have been provided in Table 3.1.1 for two projects in the EIR errata that do not affect project conclusions. These include noting that the first phase of the Huntington Beach Wetlands Conservancy Restoration Plan has been completed, and an environmental assessment has been completed for the Talbert Lake Water Quality Project. All information listed for cumulative projects was otherwise accurate at the time of EIR preparation. The change of uses proposed for the Pierside Pavilion was submitted after the DTSP Update EIR was distributed for public review.
- ADAMS-8 Significance criteria for aesthetic impacts discussed in the EIR primarily evaluate project visibility and scenic vistas from public vantage points. All proposed projects would require compliance with DTSP Update provisions including Chapter III – Land Uses & Development Standards and Chapter IV – Design Guidelines. Chapter III identifies both general provisions (including design guidelines, building standards, landscaping, buffering, etc.) to help ensure appropriateness and compatibility, and also district-specific provisions to further tailor development requirements in consideration of specific neighborhood context. Chapter IV – Design Guidelines includes comprehensive policies regarding site planning and design, landscaping, building design, utilitarian aspects, signs, and public art, as well as special design considerations for mixed-use developments, corporate architecture, hotels and parking structures. Compliance with these policies that assure aesthetic compatibility would be part of the required project review and approval process for proposed developments. No additional mitigation measures regarding compliance with neighborhood and design guidelines are necessary. Depending on the type, size and location of specific future developments, subsequent environmental review may be required.

ADAMS-9 The mitigation measures identified in Chapter 4.2 – Air Quality would apply to both public and privately initiated projects. In addition, the parking requirements in Chapter III of the DTSP continue to utilize reduced parking ratios (compared to those in the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), Chapter 231 Off-Street Parking and Loading and previously proposed in the Downtown Parking Master Plan) and propose new standards. The new standards allow further reduced ratios for restaurant uses in District 1 at eight spaces per 1,000 square feet of gross floor area, whereas the existing plan requires 10 spaces per 1,000 square feet of gross floor area. In addition, the reduced parking ratios would be expanded to be applicable in the reconfigured District 1 (Downtown Core), which encompasses a greater area than the existing Downtown Parking Master Plan area (existing downtown core).

Potential environmental effects related to greenhouse gas emissions are discussed on pages 4-42 and 4-46 of the EIR and are based on the technical analysis prepared by Mestre Greve Associates (included as EIR Appendix C). It is acknowledged that many policies are currently being developed for analysis of environmental significance in this area, however, the best available information and practices have been used for project analysis including draft CEQA Guidelines §15064.4 and recommendations of the California Air Resources Board (CARB), California Climate Action Team (CCAT) and the California Attorney General. The analysis concludes that since the project includes measures that are consistent with strategies recommended by the CCAT and the California Attorney General, and due to the type of development allowed under the DTSP Update, the impact associated with greenhouse gas emissions during project operation are less than significant. Significant cumulative impacts are also not anticipated.

ADAMS-10 Chapter 4.3 – Cultural Resources discusses the potential impacts to historical resources in the DTSP Update area. Mitigation Measure 4-3.1 requires preparation of a report from a qualified architectural historian regarding the significance of the site/structure, if changes are proposed to properties or buildings listed in the City of Huntington Beach General Plan Historic and Cultural Resources Element. Based on the results of the report, further mitigation, such as preservation, restoration, or salvaging of materials, shall be identified and implemented as recommended by a qualified architectural historian. Such an analysis will rely on §15064.5 of the CEQA Guidelines to determine resource significance, including surrounding context as appropriate, and any required mitigation will follow CEQA Guidelines as well.

ADAMS-11 This comment primarily addresses the merits of the proposed DTSP Update. The City Council adopted specific goals and objectives to guide the preparation of the DTSP update. Several of these goals and objectives focus on changes to the existing DTSP to encourage the revitalization of vacant and underutilized parcels in and around downtown to achieve a balanced downtown neighborhood. This balance included creation of an urban village that serves the needs of both residents and visitors.

To this end, District 1 was created to cover all or portions of previous districts 6, 5, 4 and 3. The focus of the new district 1 is in line with City Council directives and contains one overlay and two special provisions as follows to address transitions of density and residential protection.

1. The neighborhood overlay between Walnut and Orange and 1st to 3rd Streets reduces building height to 35 feet, limits residential density to 30 dwelling units per acre, allows residential detached and attached at the ground level, and limits the range of non-residential uses to offices and personal services. This is intended specifically to accommodate the current residential nature of some portions of this transitional neighborhood and allow a smooth transition over the 20 year planning horizon to meet City objectives.
2. The special provisions for Lake Street allow single family and attached residential to occupy ground floor space and limits building height to 35 feet. This is intended

specifically to accommodate the current residential nature of some portions of Lake Street and allow a smooth transition over the 20 year planning horizon to meet City objectives.

3. The Cultural Arts Overlay (now labeled Subdistrict 1A) limits the uses to cultural arts types of uses, caps the net new development at 30,000 square feet, and requires no net loss of open space. The proposed list of allowed uses, review process, proposed density and height limit are more restrictive than in the existing DTSP.

The remainder of District 1 is designated for visitor-serving and coastal-dependant uses (to comply with coastal planning policies) and retail on the ground floor including retail that serves the surrounding neighborhood, with either offices and/or residential above or behind the street facing ground floor. The combination of development standards that regulate building height, massing, setbacks, step backs and parking along with very prescriptive design guidelines form a very structured planning environment which will enhance and protect the residences downtown and surrounding neighborhoods. In addition, the level of planning review and approval has been tightened to ensure close scrutiny of new projects.

A number of other DTSP directives have been written to further enhance the pedestrian orientation of the downtown including: new streetscape treatments, multi-modal transit options, additional bicycle parking and circulation improvements, improved beach access, limitations on nighttime entertainment and alcohol sales, residential buffer standards, Main Street and 5th Street enhancements, neighborhood parking protection, additional public parking and parking management strategies, and green building and sustainability policies.

Together the DTSP update fulfills the City Council goals and objectives while at the same time is sensitive to and protects existing residences and businesses from harmful impacts of new development.

In summary, concepts have been modified from the existing DTSP. However, the proposed changes would not result in a significant impact such as physical division of established neighborhoods as discussed above and evaluated in the EIR.

ADAMS-12 Chapter 4.8 of the EIR evaluates potential noise impacts related to the implementation of the DTSP Update, including those associated with increases in traffic and pedestrian activity. Mitigation measures are provided for vehicle-related noise (Mitigation Measure MM4.8-2) and potential mixed-use and commercial use noise impacts on residential areas (Mitigation Measure MM4.8-3).

The EIR discloses that certain uses such as restaurant, entertainment and drinking establishments could potentially impact adjacent uses. Restaurants that serve alcohol and nightclub uses would be subject to a Conditional Use Permit (CUP) that requires a public hearing by the Zoning Administrator or Planning Commission, respectively, to determine appropriateness and compatibility. Uses such as these would require an evaluation of the proposed use (including hours of operation, etc.), site specifics and assessment of potential impacts and conditions/restrictions to address the use. Conditions of approval can place additional requirements to ensure compatibility. The EIR recognizes potential noise impacts from mixed-use and commercial uses in the vicinity of residential areas and includes Mitigation Measure MM 4.8-3 that requires preparation of a detailed noise assessment for such uses located within 50 feet of any residence to ensure that these sources do not exceed the City's Noise Ordinance limits and that significant noise impacts would not result. The noise assessments would not only need to evaluate existing noise conditions and noise associated with the project proposal, but also the cumulative noise environment including with and without the project. The assessment must be prepared by a qualified acoustical engineer and any noise impacts must be reduced to a less-than-significant level. This is a new, more restrictive requirement for projects within the DTSP than previously required to improve use compatibility.

- ADAMS-13 Chapter 4.9 of the EIR evaluates potential population and housing impacts related to implementation of the DTSP Update. The potential new residential units could include 648 units. For estimation purposes, the average household size of units projected within the DTSP area is assumed to be 2.41 persons. The General Plan Housing Element, adopted in June 2008, indicates that between 55% and 76% of housing units in the DTSP area are rental properties and the 2006 American Community Survey sponsored by the U.S. Census Bureau indicates that the average rental household size for Huntington Beach is 2.41 persons per household. Although the DTSP Update does not preclude the development of housing units for ownership, the average household size for the census tracts in the DTSP area, based on 2000 Census data, ranges from 1.89 to 2.16 persons per household. However, given that rental properties make up a large percentage of the housing stock in the DTSP area, the more conservative estimate of 2.41 persons per household is appropriate for analysis of potential population changes associated with the DTSP Update. Based on the average rental household size in the City of 2.41 persons per household, the proposed DTSP Update could result in an increase of approximately 1,562 residents (648 dwelling units x 2.41 persons per household). That number is within the SCAG population increase projections of 2,056 from 2005 to 2030 in the census tracts included in the DTSP area. The above discussion is provided on pages 4-154 and 4-155 and provides a conservative persons-per-dwelling factor and resulting projected population growth, that is also used for analysis regarding community open space and recreation impacts in Chapter 4.11.
- ADAMS-14 Chapter 4.10 – Public Services provides an analysis at a programmatic level of potential project effects relating to fire prevention, policing, schools, parks and libraries. The Fire Department has been involved in the preparation of the DTSP Update, including street realignments and improvements, and concerns were not raised regarding potential impacts to response times due to street realignments. However, the EIR identifies significant and unavoidable impacts related to fire services because additional fire personnel, facilities and/or equipment would be needed in relation to future development proposals, and it is unknown as to where and how these additions may be provided. The Police Department has also been consulted regarding the DTSP Update, and it is acknowledged that an increase in development in the downtown will require a proportionate increase in Police Department staff and services which the Police Department has indicated can be absorbed, and significant impacts were not identified. Mitigation measure and code regulations provided in Chapter 4.10 – Public Services will reduce anticipated project impacts, including periodic review through the City’s annual budget process to ensure adequate services are provided.
- ADAMS-15 Specific phasing and timing of needed public services and improvements will be considered as specific developments are identified and proposed. In some instances, such as parkland requirements, on-site improvements may be provided or in-lieu fees may be collected and related off-site public improvements may be implemented once an adequate level of funding has been collected to implement a specific improvement. The recommended approach would depend on the size, scale and type of proposed project. Regarding the library site, policies within the DTSP Update ensure no net loss of green space on this site. No mitigation is required.
- ADAMS-16 The intersections of PCH and 6th and PCH and 1st were evaluated for both with and without the proposed pedestrian-only phase operations. As indicated on page 4-197, the proposed pedestrian-only phase reduces the capacity for the movement of vehicles through the intersection and results in LOS “E” peak hour conditions in the evening peak hour. The intersection improvements that were identified to mitigate the deterioration of Level of Service would be difficult to achieve, given current physical conditions and constraints at the intersection, and would require coordination with and the approval of Caltrans. As indicated, another mitigation option would be to not implement the pedestrian-only phases at all, or to limit the use of the pedestrian-only phases to peak pedestrian flow periods, and to avoid the pedestrian-only phases during the weekday evening peak hour.

ADAMS-17 (A) (1st paragraph) -- The changes in traffic patterns that would occur as a result of the realignment of 6th Street, as well as the three other network alternatives were evaluated, and the changes in peak hour and daily level of service were provided. As discussed on page 4-222 and following pages, with the realignment of 6th Street, drivers who normally travel along the subject segment of 6th Street, between Main Street and Orange Avenue, would divert to a number of other streets, depending on their direction of approach and their destination. 6th Street would extend straight from Orange Avenue to connect to Pecan Avenue, and the intersection of Main Street and Pecan Avenue would continue to be a stop-controlled intersection. The Fire Department has been involved in the preparation of the DTSP Update, including the 6th Street alignment, and concerns were not raised regarding potential impacts to response times due to the realignment.

(B) (2nd paragraph) – The Existing Transportation System section addressed key roadways and intersections within the study area. Potential modifications to the Delaware alignment and potential future use of the former rail right-of-way for transportation purposes are currently being addressed in the Circulation Element update, and are outside the scope of this study. Current transit service to and through the downtown area provided by OCTA was described in the EIR. Potential increases in public transit ridership due to improved transit facilities in north Huntington Beach were not contemplated, nor were reductions in traffic or parking that may occur as a result of future transit system improvements assumed. A true transit center has not been proposed as part of the Specific Plan, therefore, no transit ridership benefits were assumed. As discussed on page 4-194, a mode shift reduction was assumed to account for anticipated use of the proposed downtown trolley by downtown residents, patrons, and employees.

ADAMS-18 The DTSP Update proposes the addition of a Class II bicycle lane on portions of 6th Street, Lake Street, and Orange Avenue. On-street parallel parking is provided along some of these roadway segments. Where necessary, in order to be able to accommodate both street parking and the proposed bike lanes, modifications to the cross-sections for these streets have been recommended. Please see Exhibit 4.12-8 on page 4-210.

ADAMS -19 Existing conditions data reflect the traffic being generated by actual existing occupied uses. At the time of the traffic data collection, The Strand was still under construction. The analysis then considered the cumulative effects of the remaining development potential in the downtown, the most significant being The Strand, as well as other cumulative development outside the immediate downtown, including Pacific City. A compounded annual growth was also added to develop baseline forecasts for Year 2020 and 2030. The additional development associated with the proposed DTSP Update was then analyzed to determine the impacts of the proposed project.

ADAMS-20 There is a distinction between the downtown trolley and the shuttle service to remote parking. The trolley system that is proposed as part of the DTSP Update would circulate through the downtown and between development and residential areas surrounding the downtown, including Pacific City and the hotel development near Beach Boulevard. The intent is to allow residents to get to and from the downtown without driving and parking in the downtown (reduce parking demand) and to facilitate the movement of pedestrians to and from and throughout the downtown without the need to drive between the different sites (park once) which would reduce traffic movements. The trolley would operate on a regular basis, even on non-event days. A separate, as-needed shuttle operation to connect temporary remote parking lots to the downtown has been recommended as a measure to augment the parking supply for holidays and major beach events.

ADAMS-21 The 300 to 400 spaces identified in the DTSP Update represent a combination of off-site spaces for new development, as well as replacement of on-street spaces that would be lost as a result of proposed changes to Main Street. In addition, each new development will be required to provide all or a portion of required parking on its own site. The actual location of off-site parking will be determined as development in the downtown takes place. The

distribution of the new off-site spaces was estimated based on the anticipated location of new development potential. Please also note that the “downtown core” extends north of Orange Avenue on Main Street.

ADAMS- 22 The residential parking permit / meter program recommended would not restrict anyone from using any parking on residential streets. Rather, it would entail the installation of parking meters, and would allow residents to park on designated streets without needing to deposit money in the meters. This is similar to the residential permit program already in place in selected locations in the downtown. The parking study presents options and variations on the residential permit program including restricting overnight parking on residential streets to those with a residential permit.

ADAMS-23 The suggested changes in parking rates are intended to influence where people park, depending on their purpose, and length of stay. The potential impact of raising any parking rates on neighborhood parking, and the need to address the impact with some form of residential parking permit program is acknowledged, and addressed in the Downtown Parking Study.

ADAMS- 24 The shuttle service to remote parking lots has been recommended as a measure to augment the parking supply for holidays and major beach events. Potential lots outside the downtown have been identified and drop-off / pick-up points have been identified. The program may be expanded or modified as other sites become available. To improve the utilization of the remote lots and shuttle operation, the location of the remote lots and the availability of the shuttle service would need to be advertised in advance of the event and included in promotional materials and on the City’s website.

ADAMS- 25 The timing of roadway realignments or reconfigurations (such as modified cross-sections on various streets) or additional parking that would occur as a part of continued development of the downtown will vary, depending on development schedules for individual properties. The traffic mitigations were identified as needed due to impacts of build-out of the entire 20-year development potential. Actual timing for the improvements will depend on the how quickly and where the development actually occurs. The potential tiered beach parking discussed in the DTSP Update and EIR would likely require additional project-level environmental review to analyze project-specific design and impacts. In addition, parking for the DTSP Update was determined to be less than significant, and no mitigation measures are required.

The DSTP Update would be implemented over the course of the next 20 years and the intensity, location, and timing of specific developments and associated public improvements will be dependent on market conditions and other factors. A precise phasing of improvements is not practical to be developed at this time, but will be periodically reviewed and evaluated as part of the development review process and annual budget process.

ADAMS-26 Utilities and services systems are described on a project-area-wide basis in Chapter 4.13 in the EIR along with anticipated project impacts and related program-level mitigation measures. As new development is defined and proposed, associated utility improvements will be required and implemented. Consistent with current City policy and practice, improvements to underground utilities should be coordinated with new street improvements. The DSTP Update would be implemented over the course of the next 20 years and the intensity, location, and timing of specific developments will be dependent on market conditions and other factors. A precise phasing of improvements is not practical to be developed at this time.

ADAMS-27 As discussed above under the related Responses to Comments ADAMS-11, ADAMS -14 and ADAMS-26, reclassification of anticipated project impacts to significant and unavoidable is not warranted for those relating to land use and planning, public services (notwithstanding fire), and utilities and service systems (including water).

ADAMS-28 The Draft EIR includes a reasonable range of alternatives considered for the purpose of avoiding or substantially lessening significant impacts of the project while still feasibly

attaining most of the project's basic objectives. Section 6 of the Draft EIR includes three alternatives: No Project; Conservative Market Demand Development and Reduced Development Alternatives. The No Project alternative essentially allows continued growth and development of the downtown area consistent with existing development intensity and density regulations and design guidelines.

▪ **Mark D. Bixby, August 9, 2009**

BIXBY1-1 As noted, the City has set its park standard at 5 acres per 1,000 people. Information contained in the EIR regarding the City's parkland inventory was provided by the Community Services Department.

An updated park inventory dated August 2009 has been provided by the Community Services Department which updates some of the information in the EIR, but does not trigger any changes in EIR conclusions or recommendations. These changes are identified in the EIR errata and show a total of 594 total acres of parkland city-wide (with 159 acres of parkland classified undeveloped). A total of 1007.05 acres is provided city-wide, bringing the City within approximately 4.2 acres of the City's overall parkland/park space goal.

Different parkland acreage sources will provide variations in provided data. The Community Services Department tracks parkland acreage and endeavors to use the best available data. The data in the provided parkland inventory are used for analysis in environmental evaluations for other projects in the City as well, such as the Beach Boulevard and Edinger Avenue Corridor Study EIR recently distributed for public review, and provide consistency in methodology for projects city-wide.

BIXBY1-2 Please refer to Response to Comment BIXBY1-1. City parkland calculations tracked by the Community Services Department do not differentiate between usable recreational space from other portions of parkland properties.

BIXBY1-3 Existing parks and associated acreage within the DTSP Update area are summarized in the table below.

Existing Parks and Park Acreage within DTSP Update Area

Park	Acreage
Manning Park	2.37 acres
Bluff Top Park	19.7 acres
Huntington City Beach	77.13 acres (52% of 150.82 acres)
Total	99.2 acres

Based on SCAG Regional Transportation Plan (RTP) data for census tracts within the DTSP area, population in 2005 was estimated at approximately 16,000 people. This results in approximately 6.2 acres per 1,000 residents. As several census tract boundaries extend beyond the DTSP boundary, this provides a conservative estimate.

▪ **Mark D. Bixby, August 31, 2009**

BIXBY2-1 The commenter cites a reference from the California Climate Change Center Adaptation Strategy regarding potential rise in sea level due to global climate change. As noted, future sea-level rise estimates will vary based on future greenhouse gas emissions. Sea-level rise estimates also can vary dramatically depending on the source of information.

Another recent report from the California Climate Change Center¹ identifies that the potential effects of sea-level rise on erosion and beach width are unlikely to occur evenly across the Southern California region. Such effects would vary greatly from beach to beach, some areas would receive additional sand volume, while others may experience additional sand removal due to potential changes in tidal and storm activities. At this time, it is speculative to determine specific impacts relating to sea-level rise for the coastal areas of Huntington Beach and CEQA does not require speculation. In the event definitive information becomes available regarding sea-level rise impacts specific to Huntington Beach, the City would analyze the information and, if needed, develop regulations and policies for protection of public health and safety that would be applicable to all areas of the coast potentially affected, not just the DTSP Update area.

- BIXBY2-2 Please refer to Response to Comment BIXBY2-1. In addition, the precise design for potential tiered parking near the beach has not been developed. The parking design would be required to adhere to City policies and regulations regarding placement and protection of structures due to any potential erosion or flooding. Also please note that the DTSP Update has been revised to only allow potential tiered parking on the north side of the pier. Tiered parking is not longer being considered for the south side of the pier.
- BIXBY2-3 Please refer to Response to Comment BIXBY2-1. It is speculative at this time to determine if sea-level rise would cause temporary or permanent closures of the segment of Pacific Coast Highway in the northwestern end of the DTSP Update area.
- BIXBY2-4 It is speculative at this time to determine potential economic impacts on local tourism due to beach erosion from potential sea-level rise. Further, pursuant to CEQA Guidelines §15131, economic or social effects of a project shall not be treated as significant effects on the environment.

▪ **Paul Cross, September 2, 2009**

CROSS-1 Many buildings in the project area are one, two and three stories in height with notable exceptions of Plaza Almeria, Pierside, The Strand, Waterfront Hotels (Hyatt/Hilton) and The Promenade. All of those buildings are on larger properties upward of one city block where greater flexibility in building massing, step backs, articulation and design treatment are achievable. The building height description in the EIR included average building heights and architectural projections for those projects noted. In addition, Plaza Almeria, Pierside, The Strand, The Promenade and others limited to four stories were granted special permits to exceed allowable building heights. The building height limit is proposed to be increased from 35 feet (6th to 9th Streets) and 45 feet to 55 feet in the DTSP Update for only parcels and developments that meet specific criteria. In addition, the permissible building height was increased by 10 feet to accommodate the net new development potential identified in the Chapter 3 – Project Description based on a market study completed in July 2008 by The Natelson Dale Group, and also to allow greater variation in massing and roof design for four-story buildings.

Although it is acknowledged that evaluation of aesthetic effects is to some extent subjective, the significance determination for the visual analysis in the EIR is based on consideration of the extent of change related to project visibility from key public vantage points, the degree of

¹ “Estimating the Potential Economic Impacts of Climate Change on Southern California Beaches - Draft,” prepared by Linwood Pendleton, Philip King, Craig Mohn, D.G. Webster, Ryan K. Vaughn, and Peter Adams, dated February 2009.

visual contrast and compatibility in scale and character between project elements and the existing surroundings, and project conformance with public policies regarding visual and urban design quality. As discussed in EIR Chapter 4.1 – Aesthetics, at a programmatic level potential future DTSP development may result in view changes that would vary depending on the building location, orientation, and height. Changes proposed by the DTSP Update regarding modifications to development standards for setbacks and building heights are for Districts 1 and 4. The most significant changes would occur in District 1 on Pacific Coast Highway from 6th Street to 9th Street where allowable building heights are proposed to increase from 35 feet to potentially 55 feet. While this increase may block individual views of the beach and the ocean from existing residential uses north of this area (where building heights would remain 35 feet), upper story setbacks, residential buffer requirements, design guidelines, and the City’s design review process would restrict the potential for projects to result in significant aesthetic impacts. With implementation of the requirements of the DTSP (e.g., adherence to design requirements and development standards), it is not anticipated that the DTSP Update implementation would result in any substantial adverse effect on a scenic vista. Future potential development would adhere to the DTSP Update (including design guidelines) reviewed by the City to ensure that architectural features and landscaping would be used to minimize the visual impacts.

- CROSS-2 This comment is primarily directed to the reasons regarding changes in development standards such as maximum building height. City staff is recommending lowering the maximum residential density to 50 dwelling units/acre to reflect the limited opportunities to achieve a density of 60 dwelling units/acre given the array of development standards such as 55-foot maximum building height limit, on-site parking required for all residential and visitor serving uses, and limited larger parcels available for development.

The DTSP Update only allows up to a 55-foot building height for parcels that are a minimum of 25,000 square feet. Otherwise the maximum is 45 feet which is the same as the previous plan. This is a change from the existing DTSP that allowed a 45-foot maximum building height for a full block or greater than 100 feet of frontage in certain circumstances. The reason for changing this standard was to allow larger projects, regardless of street frontage dimensions, the ability to maintain the coastal dependent uses such as retail and visitor serving at the street level (due to being in the Coastal Zone and regulated by the California Coastal Commission) and still attain a mixed-use work, live, shop environment where the upper floors could have offices and residential uses. Again, when the allowed uses are combined with the development standards and design guidelines (which include residential buffering requirements), more than adequate control of height and density is provided to create a downtown neighborhood that is in scale and character of the existing development patterns. Please also refer to Response to Comment RILE-5.

- CROSS-3 No change from the existing DTSP is proposed for Pacific City (District 5) or the existing approved project which includes the residential portion of the site. The DTSP Update EIR includes the Pacific City project in the cumulative projects analysis. The Pacific City project was analyzed in a separate EIR that was previously certified.
- CROSS-4 Recreation and park impacts relating to the Pacific City project were evaluated during the review and approval of that project and disclosed in the project EIR that was previously certified. Please also see Response to Comment CROSS-3.

▪ **Tom Flanagan, August 7, 2009**

FLAN-1 This comment indicates opposition to potential placement of parking meters on 8th Street near the residence located at 327 8th Street. A residential parking program is proposed as an optional strategy in the DTSP Update as described on page 5-20. Figure 5-13 describes the area where such a program may be implemented, which does not include the third block of 8th Street where the commenter resides. Implementation of a parking meter/residential permit system would preserve spaces for residents as long as they have a permit. The intent of the program would be to address parking encroachment from downtown activities into neighboring residential areas.

Notice of the DTSP Update was sent to 6,824 owners/occupants of properties within the DTSP, 1000-foot radius and those properties identified in Figures 5-13 and 5-14 of the DTSP. Although all details of the Plan are not included in the notice, the current Plan has been available for public review since June 16, 2009. This particular aspect of the Plan regarding potential meter parking has been in the Plan since it was first made available to the public in December 2008. In addition, prior to implementation of meter parking on any portions of 8th Street, notice would be required to be provided to affected parties prior to City Council action.

This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

▪ **Richardson Gray, September 2, 2009**

GRAY-1 These comments are acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project. Responses to specific concerns raised are addressed below.

GRAY-2 The EIR addresses what could potentially occur within the Cultural Arts Overlay area (now labeled Subdistrict 1A) including potentially cultural-related uses (i.e. library, museum, art gallery, performing arts) as well as the building height limits, setbacks and open space requirements as they relate to the allowable development standards/uses of the existing DTSP. The 35-foot height limit is compatible with existing allowable height limits in the DTSP and existing surrounding structures.

In addition, since no specific building design is currently proposed and was not available at the time during preparation of the EIR, any future proposed plans would need to be subject to a detailed evaluation to determine compatibility in regards to building mass, building placement, architectural design including consideration of the existing library and site conditions as well as the immediate surrounding properties. To establish performing arts center, library, museum, or art gallery uses in the Cultural Arts Overlay (now labeled Subdistrict 1A), a Conditional Use Permit (CUP) is required to be reviewed and approved by the Planning Commission to ensure appropriateness of the proposed use and compatibility with adjacent uses.

GRAY-3 Please refer to Response to Comment GRAY-2.

GRAY-4 As noted in Response to Comment GRAY-2 above, no specific development plans are currently proposed at the library site. Potential uses such as a performing arts center, museum, library or art gallery would require review and approval by the Planning Commission to ensure appropriateness of the proposed use and compatibility with adjacent uses. It is speculative at this time to determine potential economic impacts on surrounding

properties as a specific project or use is not proposed. Further, pursuant to CEQA Guidelines §15131, economic or social effects of a project shall not be treated as significant effects on the environment.

- GRAY-5 Comment acknowledged. Although not related to the adequacy of environmental analysis in the EIR, this comment will be forwarded to the Planning Commission for consideration. It should be noted that the DTSP Update does propose physical development within the DTSP area, including a cultural center. It should also be noted that any studies conducted for the Huntington Beach Marketing & Visitors Bureau with respect to a cultural center are not part of the DTSP Update project and are not being reviewed or analyzed by City staff or the Planning Commission. As such, the EIR does not include analysis of the referenced study.
- GRAY-6 Comment acknowledged. Although not related to the adequacy of environmental analysis in the EIR, this comment will be forwarded to the Planning Commission for consideration. The recommendations of the Downtown Image Committee were forwarded to the City Council on August 17, 2009. A copy of the Request for Council Action (RCA) and attachments can be viewed at the following weblink: <http://records.surfcity-hb.org/sirepub/pubmtgframe.aspx?meetid=135&doctype=agenda>.
- GRAY-7 Comment acknowledged. Although not related to the adequacy of environmental analysis in the EIR, this comment will be forwarded to the Planning Commission for consideration. The recommendations of the Downtown Image Committee were forwarded to the City Council on August 17, 2009. A copy of the Request for Council Action (RCA) and attachments can be viewed at the following weblink: <http://records.surfcity-hb.org/sirepub/pubmtgframe.aspx?meetid=135&doctype=agenda>.
- GRAY-8 As noted in Response to Comment GRAY-2 above, no specific development plans are currently proposed at the library site. Potential uses such as a performing arts center, museum, library or art gallery would require review and approval by the Planning Commission to ensure appropriateness of the proposed use and compatibility with adjacent uses. The DTSP Update establishes a maximum net increase of up to 30,000 square feet for the site. However, this actual size of a proposed development will be determined as appropriate through the CUP process. Beaches are considered as part of the City official parkland inventory prepared by the Community Services Department. The landscaped area around the library is not considered a dedicated park for purposes of the City's parkland inventory. However, as noted, the DTSP Update requires no net loss in green space at the library site, whether or not it is considered a park. No off-site parking is currently under consideration for potential site uses. Subsequent project-level environmental review will likely be required to analyze project-specific impacts.
- GRAY-9 No specific development plans are currently proposed at the library site. The configuration and adequacy of parking proposed to be provided in support a potential cultural arts facility would need to be evaluated when this a specific development is identified. Parking to support a potential cultural arts facility would be located below street level as required in the DTSP Update, which would minimize impacts to the surrounding area.
- GRAY-10 Comment acknowledged. Although not related to the adequacy of environmental analysis in the EIR, this comment will be forwarded to the Planning Commission for consideration. It should be noted that the DTSP Update does not propose specific physical development within the DTSP area, including a potential cultural facility. In addition, as is the case for all projects, any future development proposals would be required to comply with all applicable codes and regulations, including the Downtown Specific Plan (DTSP), the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), the Huntington Beach Municipal Code and the City Charter (including Section 612 "Measure C") to the extent that they apply.
- GRAY-11 Comment acknowledged. Although the majority of this comment is not related to the adequacy of environmental analysis in the EIR, this comment will be forwarded to the Planning Commission for consideration. The comment states that the EIR inadequately

considers the issue of Measure C. However, as is the case for all projects, any future development proposals would be required to comply with all applicable codes and regulations, including the Downtown Specific Plan (DTSP), the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), the Huntington Beach Municipal Code and the City Charter (including Section 612 "Measure C") to the extent that they apply. The EIR correctly states this.

- GRAY-12 The DTSP Update allows for library uses and future development plans could allow continuation of the library use. Currently there are no specific development plans proposed for the library site. Prior to any project approval, proposed development at this site will likely require a subsequent environmental review. Additionally, any planned use at the site will need to comply with the City of Huntington Beach Noise Ordinance. The Noise Ordinance protects existing land uses by setting limits on noise levels that can be experienced at the neighboring property. The Noise Ordinance is part of the City's Municipal Code and is enforceable throughout the City.

The EIR recognizes potential noise impacts from mixed-use and commercial uses in the vicinity of residential areas and includes Mitigation Measure MM 4.8-3 that requires preparation of a detailed noise assessment for such uses located within 50 feet of any residence to ensure that these sources do not exceed the City's Noise Ordinance limits and that significant noise impacts would not result. The assessment must be prepared by a qualified acoustical engineer and any noise impacts must be reduced to a less-than-significant level. This is a new, more restrictive requirement for projects within the DTSP to improve use compatibility.

Impacts relating to a potential net increase of 30,000 square feet of cultural arts facilities were evaluated in the EIR including effects relating to traffic, air quality and noise. Based on specific development plans proposed in the future, additional environmental analysis may be required to address a specific project. Please also refer to Response to Comment GRAY-15.

- GRAY-13 At a programmatic level, noise levels from additional vehicle trips attributed to a potential cultural arts facility have been addressed in the EIR in Chapter 4.8 – Noise. Variations due to potential summer activities and during performances and special events at a potential cultural arts facility would be considered short-term effects related to the facility. State guidance documents require the use of CNEL as the primary assessment metric. CNEL is a time-weighted annual average noise level. State guideline documents, as well as City documents, do not contain any specific limits on short-term (a particular day or season) noise levels. As noted in GRAY-12, potential activities would also require adherence to the City's Noise Ordinance.

Noise levels from specific venues such as a theater, museum, and related retail uses would need to be addressed in a future assessment when details of a potential project are more fully developed. Restaurants with alcohol service are not a permitted use at the Main Street Library site.

The concentration alcohol of serving uses in an area and crime rate statistics are considered when evaluating Alcoholic Beverage Control (ABC) permits. The need (or lack thereof) for a performing arts venue is beyond the scope of the EIR and is a comment on the merits of the project which will be forwarded to decision-makers for consideration. The noise measurements that were performed are intended to be representative of the ambient noise levels throughout the DTSP Update area, and are not intended to quantify the potential noise levels from a specific proposed development. Therefore, noise measurements at additional locations are not needed. Please also refer to Response to Comment TWNC-2.

- GRAY-14 The estimated trip generation associated for a potential cultural arts facility is summarized on Table 4.12.2 on EIR pages 4-193 and 4-194. Assuming typical operations of potential cultural arts facility, just under 600 trips per day are estimated. The impact of cultural center traffic, along with the project traffic for the other proposed development features of the

proposed DTSP Update were evaluated for the summer weekday morning and evening peak hour conditions, as well as on a daily basis on a summer weekday for the downtown roadways. Where significant impacts to intersections or roadways were identified, mitigation measures were presented and evaluated. Parking to support a potential cultural arts facility would be located below street level as required in the DTSP Update, which would minimize impacts to the surrounding area.

Assumptions about approach and departure patterns for traffic destined for a potential cultural arts facility and other downtown development were developed for the EIR using a select link run of the Huntington Beach Traffic Model (HBTM). The resulting trip distribution includes the routes listed in this comment, as well as several other streets leading into and out of the downtown, and no significant impacts were identified. In addition, it is anticipated that a proposed cultural arts facility would be subject to further environmental review when such a project is proposed as existing conditions and project assumptions may change.

The recommendation for a new parking structure is to accommodate parking needs for new development, not for current occasional parking deficiencies caused by summer holidays and special events. Other parking management strategies have been recommended to accommodate parking demand for the special events and other peak parking conditions.

- GRAY-15 Air quality impacts due to potential development within the Cultural Arts Overlay (now labeled Subdistrict 1A) were included in the air quality assessment prepared for the DTSP Update by Mestre Greve Associates. Potential air quality impacts related specifically to a potential 30,000 square foot cultural arts facility and associated parking structure have been isolated and daily emissions were reanalyzed using URBEMIS 9.2.4 by Mestre Greve Associates. The air pollutant emissions were calculated and are presented in the table below.

Worst Case Net Emissions for Potential Cultural Arts Facility and Parking - 2010

Source	ROG	NOx	CO	SOx	PM ₁₀	PM _{2.5}
Area Source Emissions	0.31	0.00	1.72	0.00	0.01	0.01
Operational (vehicle) Emissions	6.0	9.23	99.90	0.10	15.97	3.08
Total Emissions	7	9	92	0	16	3
SCQAMD Significance						
Thresholds	55	55	550	150	150	55

Note: Pollutant emissions are measured in pounds/day.

As the table above shows, the total emissions for a potential cultural arts facility are below established SCAQMD thresholds, specifically for ROG, PM₁₀ and PM_{2.5}. Therefore, an individual project would not result in a significant regional air quality impact, and potential overall DTSP Update air quality impacts would remain the same as reported in Chapter 4.2 – Air Quality. Twelve mitigation measures are recommended to reduce overall project air quality impacts, for both short-term and long-term activities. However, as disclosed in the EIR, NOx emissions during construction activities and ROG and PM₁₀ emissions will continue to exceed SCAQMD thresholds with implementation of the proposed DTSP Update and are considered significant and unavoidable impacts.

- GRAY-16 The realignment of 6th Street was addressed in the EIR and evaluated in the traffic study as a project alternative. Three other network alternatives involving varying degrees of street closure for Main Street were also evaluated, for informational purposes. The DTSP Update does not contain any project alternatives involving Main Street closure. It is acknowledged that whenever any portion of Main Street is closed, regardless of whether or not the 6th

Street realignment is implemented, traffic from Main Street will divert to one of several parallel streets, including 6th Street.

- GRAY-17 The Draft EIR identifies four historical resources within the plan area, all of which are listed on the National Register of Historic Places and the California Register of Historic Places. The Draft EIR does not identify the Main Street Library as a historical resource under CEQA. The City, as the lead agency, relies upon the National and California Register of Historic Resources for identification of historic resources. It has not been determined that the Main Street Library meets the criteria for inclusion in the California Register of Historic Resources. A formal process of evaluation is required for such a determination through the Office of Historic Preservation (OHP). No such evaluation/determination has been carried out for the Main Street Library, according to South Central Coastal Information Center (SCCIC) personnel (personal communication, September 18, 2009).

As stated in Chapter 4, on page 4-63, the Main Street Library is identified in the DTSP Update as a possible site for a cultural arts plaza/performing arts building. Because the library site is listed in the General Plan Historic and Cultural Resources Element as a local landmark, any potential alteration to the library building would need to be accomplished through established City policies for alteration and/or demolition of potential historical resources. While the proposed DTSP Update accommodates for the growth of the downtown area through revised development standards and land use controls, ***specific development proposals are not contemplated for the project, including development on the library site. However, in the event that future development is proposed on sites listed on the California Register of Historic Resources and/or in the General Plan Historic and Cultural Resources Element, further environmental review would be required in accordance with CEQA.*** (emphasis added)

The Draft EIR does not negate the cultural significance of the Main Street Library. Mitigation Measure 4-3.1 requires preparation of a report from a qualified architectural historian regarding the significance of the sites/structures, if changes are proposed to properties or buildings listed in the City of Huntington Beach General Plan Historic and Cultural Resources Element. Based on the results of the report, further mitigation, such as preservation, restoration, or salvaging of materials, shall be identified and implemented as recommended by a qualified architectural historian. This mitigation measure would apply to the Main Street Library and 23 other sites that are in the DTSP that are included in the Historic and Cultural Resources Element (see page 4-60, Table 4.3.1, Local Landmarks within Downtown Specific Plan Boundaries).

- GRAY-18 Please refer to Response to Comment GRAY-5 and GRAY-17.
- GRAY-19 This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.
- GRAY-20 As noted in Response to Comment GRAY-2 above, the EIR addresses what could potentially occur within the Cultural Arts Overlay area (now labeled Subdistrict 1A) including cultural-related uses (i.e. library, museum, art gallery, performing arts) as well as the building height limits, setbacks and open space requirements as they relate to the allowable development standards/uses of the existing DTSP. The 35-foot height limit is compatible with existing allowable height limits in the DTSP and existing surrounding structures.

In addition, since no specific building design is currently proposed and was not available at the time during preparation of the EIR, any future proposed plans would need to be subject to a detailed evaluation to determine compatibility in regards to building mass, building placement, architectural design including consideration of the existing library and site conditions as well as the immediate surrounding properties. To establish performing arts center, library, museum, or art gallery uses in Subdistrict 1A, a Conditional Use Permit (CUP) is required to be reviewed and approved by the Planning Commission to ensure

appropriateness of the proposed use and compatibility with adjacent uses. As part of the CUP review process, environmental analysis would be conducted pursuant to CEQA Guidelines §15168 to ensure compliance with Program EIR and that any new effects due to yet-to-be-determined, application-specific information are fully addressed. The project-specific environmental analysis would be available for public review and comment as part of the CUP public hearing process.

- GRAY-21 Persons and organizations consulted and listed in the EIR typically include agencies and organizations providing technical information or preparing components of the EIR. Ongoing community outreach and participation have been an important part of the development and review of the DTSP, and have included key stakeholder interviews and public workshops detailed in Appendix C of the DTSP. Community workshops were held on November 27, 2007, February 20, 2008, April 23, 2008 and December 4, 2008 with notices sent to property owners within the DTSP Update area. In addition, notice for 6,824 owners/occupants of properties within the DTSP and within a 1000-foot radius of the project boundaries was provided for the Draft EIR and Planning Commission study sessions. Information on the project has been shared via the City's website, local news articles, and recent Planning Commission study sessions. It is not practical to list all of the members of the public that have contributed comments on the DTSP over the last two years, however, Appendix C provides a summary of the important community feedback and contributions received to date.

As part of the EIR process, a Notice of Preparation and an Initial Study was prepared and circulated to state agencies, surrounding cities, organizations, property owners within the DTSP area and individuals who had expressed interest in the project, for a 30-day public review period. Comments were solicited on the proposed scope of the EIR and a public scoping meeting was held on November 19, 2008. The NOP process is summarized on page 1-4 of the EIR, and the NOP and IS are included as Appendix A of the EIR. Both the DTSP and EIR processes have been intended to be inclusive of local resident and business input.

Portions of this comment address the merits of the project and do not address CEQA environmental issues, such as those addressing potential conflicts of interest and petition submittal. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

▪ **Huntington Beach Downtown Residents Association – September 1, 2009**

- HBDRA-1 This comment introduces the commenter and summarizes the concerns further detailed in the body of the comment letter.
- HBDRA-2 The EIR was prepared in accordance with CEQA Guidelines and discloses the environmental impacts of the DTSP Update. This comment summarizes the concerns further detailed in the body of the comment letter.
- HBDRA-3 The Draft EIR identifies four historical resources within the plan area, all of which are listed on the National Register of Historic Places and the California Register of Historic Places. The Draft EIR does not identify the Main Street Library as a historical resource under CEQA. The City, as the lead agency, relies upon the National and California Register of Historic Resources for identification of historic resources. It has not been determined that the Main Street Library meets the criteria for inclusion in the California Register of Historic Resources. A formal process of evaluation is required for such a determination through the Office of Historic Preservation (OHP). No such evaluation/determination has ever been carried out for the Main Street Library, according to South Central Coastal Information Center (SCCIC) personnel (personal communication, September 18, 2009).

As stated in Chapter 4, on page 4-63, the Main Street Library is identified in the DTSP Update as a possible site for a cultural arts plaza/performing arts building. Because the library site is listed in the General Plan Historic and Cultural Resources Element as a local landmark, any potential alteration to the library building would need to be accomplished through established City policies for alteration and/or demolition of potential historical resources. While the proposed DTSP Update accommodates for the growth of the downtown area through revised development standards and land use controls, **specific development proposals are not contemplated for the project, including development on the library site. However, in the event that future development is proposed on sites listed on the California Register of Historic Resources and/or in the General Plan Historic and Cultural Resources Element, further environmental review would be required in accordance with CEQA.** (emphasis added) The EIR analysis has been conducted at a program level in compliance with CEQA Guidelines, including CEQA Guidelines § 15064.5(a)(2) and (3).

The Draft EIR does not negate the cultural significance of the Main Street Library. Mitigation Measure 4-3.1 requires preparation of a report from a qualified architectural historian regarding the significance of the site/structure, if changes are proposed to properties or buildings listed in the City of Huntington Beach General Plan Historic and Cultural Resources Element. Based on the results of the report, further mitigation, such as preservation, restoration, or salvaging of materials, shall be identified and implemented as recommended by a qualified architectural historian. This mitigation measure would apply to the Main Street Library and 23 other sites that are in the DTSP that are included in the Historic and Cultural Resources Element (see page 4-60, Table 4.3.1, Local Landmarks within Downtown Specific Plan Boundaries).

- HBDR-4 As a Program level document, the Draft EIR relies upon the National and California Register of Historic Resources for identification of historic resources. The Draft EIR clearly states that the DTSP does not include a specific development proposal and additional CEQA analysis will be required in the event that future development is proposed on sites listed on the California Register of Historic Resources and/or in the General Plan Historic and Cultural Resources Element. Also see Response to Comment HBDR-3 above.
- HBDR-5 The Main Street Library is explicitly recognized in the Draft EIR as a sensitive site that will require additional analysis should development be proposed on the site. No specific development is proposed as part of the DTSP, thus no changes or modifications are anticipated. Please see Responses HBDR-3 and 4 above.
- HBDR-6 A development project proposal has not been submitted by the City or to the City for any development or improvements to the Main Street Library site. Moreover, the DTSP Update does not require development to occur on the site, and a range of improvements could be proposed in the future, including no improvements at all. Since it cannot be presumed if and when a development would occur, or the nature of the improvements, development of the site is not reasonably foreseeable at this time. Therefore, programmatic level analysis is adequate pursuant to CEQA. Please also see Response to Comment HBDR-4 above.
- HBDR-7 Conflicts between a project and applicable policies do not constitute significant physical environmental impacts in and of themselves. A policy inconsistency is considered to be a significant adverse environmental impact only when it is related to a policy adopted for the purpose of avoiding or mitigating an environmental effect and it is anticipated that the inconsistency would result in a significant adverse physical impact based on the established significance criteria. The DTSP Update would not conflict with any land use policies adopted for the purpose of avoiding or mitigating an environmental effect. As a result, no significant land use impacts related to the project's consistency with land use policies would occur.
- HBDR-8 (A) The EIR accurately identifies those impacts that meet the intersection significance criteria established by the City of Huntington Beach and Caltrans. An intersection that has a change in Level of Service from LOS A to LOS B or LOS B to LOS C as a result of the project is still

considered to be operating well within its capacity. The project's impact at that intersection is not considered to be significant. The excess capacity at an intersection that is operating at LOS A or B is due to the number of travel lanes, which have been provided to accommodate future growth. At intersections where the Level of Service has reached LOS E or LOS F, the traffic demand at the intersection is approaching the intersection's capacity. If the amount of project traffic at these intersections reaches the impact threshold, the project must play a part in mitigating its impact and improving the intersection to an acceptable Level of Service.

(B) There is no indication that a cultural arts facility would attract a significant number of buses. However, if a group were to use a bus to travel to the cultural arts facility rather than arrive in individual vehicles, this would represent a reduction in vehicle trips. The public streets in the vicinity of the Cultural Arts Overlay (now Subdistrict 1A) already accommodate full-size bus vehicles, including OCTA buses, tour buses, and commercial bus vehicles.

(C) The trips generated by the project were addressed in the traffic analysis, including the distribution of trips onto the many streets leading into and out of the downtown, the direction of approach and departure, and the impact of the project traffic on the peak traffic conditions during the morning and evening periods. Where significant impacts were identified, mitigation measures were identified to reduce the impacts to a level less than significant. The location, layout, and design of the parking, access, and circulation for a cultural arts facility would be subject to site plan review and approvals, and would be required to meet City standards. Such a review would take place at the time that such development is defined and a development application is actually submitted.

HBDRA- 9 The recommended parking measures outlined in the EIR and the Downtown Parking Study provide strategies to improve parking conditions in the downtown today, as well as for future conditions with new development. In addition to the measures mentioned, which would either reduce parking demand or improve the use and management of the existing parking supply, additional new parking would be provided to accommodate new development. Any spaces lost as a result of changes to Main Street will be required to be replaced one-to-one.

The reduced parking ratios apply to the core downtown, where the mixed-use environment allows for the parking supply to be shared by complementary, non-coincident uses, based on established shared parking criteria. The September 2009 Parking Study for Downtown Huntington Beach indicates that the continuation of reduced parking ratios would provide adequate parking supply to support the net new development identified for the DTSP Update. EIR discussion and conclusions regarding parking impacts remain adequate.

The use of in-lieu fees are currently permitted with a conditional use permit in the Downtown Parking Master Plan area, which represents the existing downtown core. The DTSP Update proposes to continue the parking in-lieu fee program in District 1, downtown core, with exceptions. The in-lieu fees would be utilized to manage the parking supply for this area.

Valet parking operations have been suggested as a way to increase parking capacity of selected lots and structures during special events and other peak parking conditions. Developers would not be allowed to satisfy their parking requirement with a valet parking program.

The layout of the parking and the access and circulation for a cultural arts facility, or for any parcel for which new development is proposed, would be subject to site plan review and approvals and would be required to meet City standards. Such a review would take place at the time that development is actually proposed.

As new development is proposed and evaluated, parking is required to be provided pursuant to the requirements of the DTSP. Where warranted, additional environmental analysis may be provided for project-level review of specific projects as they are defined and proposed. Parking impacts as a result of net new development were concluded to be less than

significant. The program-level analysis and conclusions regarding parking are adequate in the EIR.

Regarding bus parking areas, the DTSP Update does not propose development at the library site but provides analysis at a programmatic level for future potential uses. Any proposed bus parking would be evaluated when and if development plans are proposed for the site.

HBDRA-10 It should be noted that the Cultural Arts Overlay (now labeled Subdistrict 1A) limits the uses to cultural arts types of uses, caps the net new development at 30,000 square feet, and requires no net loss of open space. The proposed list of allowed uses, review process, proposed density and height limit are more restrictive than in the existing DTSP. The DTSP Update does not propose development at the library site, but provides analysis at a programmatic level for future potential uses.

Although it is acknowledged that evaluation of aesthetic effects is to some extent subjective, the significance determination for the visual analysis in the EIR is based on consideration of the extent of change related to project visibility from key public vantage points, the degree of visual contrast and compatibility in scale and character between project elements and the existing surroundings, and project conformance with public policies regarding visual and urban design quality. With implementation of the requirements of the DTSP (e.g., adherence to design requirements and development standards), it is not anticipated that the DTSP Update implementation would result in any substantial adverse effect on a aesthetic resources. Future potential development would adhere to the DTSP Update (including design guidelines) reviewed by the City to ensure that architectural features and landscaping would be used to minimize the visual impacts.

In addition, the significance criteria do not require shade sweep studies to be prepared. As specific developments are proposed within the DTSP, the City may require additional visual analyses including shade/shadow studies as warranted.

New sources of light and glare related to the DTSP Update are acknowledged discussed in the EIR on pages 4-22 and 4-23. Code requirement CR4.1.1 would ensure that no significant impacts associated with light and/or glare would occur.

HBDRA-11 Chapter 4.8 – Noise of the EIR addresses the increase in noise levels due to the traffic volume increases. Compared to the traffic noise levels, the noise created by the visitors themselves is expected to be insignificant. Additionally, any planned use at the site will need to comply with the City of Huntington Beach Noise Ordinance. The Noise Ordinance protects existing land uses by setting limits on noise levels that can be experienced at the neighboring property. The Noise Ordinance is part of the City's Municipal Code and is enforceable throughout the City. In addition, a project-level noise assessment may be required for future development proposed at the library site, depending on the type of development and proposed operations.

HBDRA-12 The DTSP Update could lead to an increase in housing opportunities within the DTSP area through redevelopment activity and density bonuses associated with proposed residential development of affordable housing stock or encouraging higher densities through new development regulations applied to the DTSP area. The DTSP Update allows for an increase of 648 dwelling units across the plan area, which could include single-family residences and multi-family housing, depending upon the district in which the new housing is proposed. Based on the average rental household size in the City of 2.41 persons per household, the proposed DTSP Update could result in an increase of approximately 1,562 residents (648 dwelling units × 2.41 persons per household). The anticipated growth is within the Southern California Association of Governments population increase projections of 2,056 from 2005 to 2030 in the census tracts included in the DTSP area. The Regional Housing Needs Assessment adopted by the SCAG in July 2007 assigns a six-year target of housing provision to Huntington Beach of 2,092 units. The potential population changes that may occur as a result of the DTSP Update are, therefore, not considered significant in the context of

anticipated population increases in the City projected through 2030 and would help the City reach its housing targets.

- HBDRA-13 At a programmatic level, Chapter 4.13 of the EIR evaluates potential DTSP Update impacts relating to utilities and service system, including water supply and infrastructure. With implementation of recommended mitigation measures, the project's potentially significant impacts to utilities and service systems would be less than significant. The commenter does not specify reasons why this determination is inadequate. In addition, a Water Supply Assessment has been prepared for the DTSP Update that includes amplification of information contained in EIR Chapter 4.13. The WSA provides more detailed information regarding water availability and plans for obtaining sufficient water supply (please see Appendix G in the Final EIR). No changes in EIR conclusions are required.
- HBDRA-14 The purpose of the alternatives analysis in an EIR is to describe a reasonable range of alternatives to the project, or to the location of the project, which could feasibly attain most of the basic project objectives. The alternatives considered should focus on elimination or reduction of significant adverse impacts caused by the proposed project. The CEQA Guidelines state that "an EIR need not consider every conceivable alternative to a project." Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. In compliance with CEQA, analysis of three project alternatives is presented in Chapter 6 of the Draft EIR. Each of the alternatives has been evaluated against the project objectives as stated in the Project Description of the EIR, and a statement as to whether those objectives can be met under each alternative is also included.
- HBDRA-15 Chapter 6 of the Draft EIR evaluates three project alternatives: No Project Alternative, Conservative Market Demand Alternative, and Reduced Development Alternative. The purpose of the alternative analysis provided in the Draft EIR, is to provide a discussion of alternatives that focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. A description of the each of the three alternatives is provided in Chapter 6, including the anticipated degree of change for each land use anticipated with implementation of the DTSP Update. See page 6-5 for a description of the Conservative Market Demand Alternative and page 6-9 for a description of the Reduced Development Alternative. The commenter expresses concern that the described project alternatives do not discuss where reduced development would occur. The EIR analyzes the entire geographical area of the DTSP Update. As such, development under any of the alternatives would be anticipated to occur anywhere in the DSTP Update area.
- The commenter confuses the analysis in the DTSP Update Draft EIR as a project-level analysis requiring project-level impact analysis for land use designations within the DTSP Update. The DTSP is a program level Draft EIR, intended to evaluate program-level impacts of the proposed DTSP Update. The commenter suggests that the Draft EIR should have included an alternative location for the Cultural Arts Center because the commenter believes the Cultural Arts Center is proposed as part of the DTSP Update and will require removal of the Main Street Library. This assessment is not correct. The DTSP Update does not include a proposed project, rather provides a land use framework for future development in the DTSP area.
- HBDRA-16 Chapter 6 of the Draft EIR discusses the significant effects of each project alternative, but in less detail than the proposed project, as allowed by CEQA Guidelines 15126.6 (d). The analysis in Chapter 6 of the Draft EIR includes a summary of impacts for each alternative by environmental topic, and includes Table 6.4.1, which shows a comparison on project impacts verses project alternatives.
- HBDRA-17 CEQA requires the identification of the Environmentally Superior alternative. For this project, the No Development alternative is considered to be that alternative, however, it would not

meet the project objectives for the DTSP Update. Additionally, under CEQA, if the No Development alternative is identified as the Environmentally Superior alternative, a second alternative must be identified. Text on page 6-13 is revised as follows:

~~The No Project Alternative would be environmentally superior to the proposed project due to the reduction or avoidance of physical environmental impacts. In cases like this where the No Project alternative is the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified. Comparison of the environmental impacts associated with each alternative as described above, indicates that each of the other "build" alternatives would lead to a complex mix of impacts that would be slightly lesser than the proposed project, depending on the topic. The Reduced Development alternative would generally represent the next-best alternative in terms of the fewest impacts and therefore would be the environmentally superior alternative. Although the Conservative Market Demand Alternative does reduce impacts (primarily due to the reduction of 400 residential units) in some topical areas as shown in Table 6.4.1 above, the alternative does not reduce or eliminate significant impacts. Therefore, for these reasons the Conservative Market Demand Alternative is not considered environmentally superior to the project. CEQA Guidelines require that if the environmentally superior alternative is the No Project Alternative, "the EIR shall also identify an environmentally superior alternative among the other alternatives" (15126.6[e] [2]). However, the Reduced Development Alternative would not be considered the environmentally superior alternative, as summarized in Table 6.4.1 since this alternative would not necessarily reduce significant impacts to a level of less than significant or eliminate any unavoidable adverse impacts (i.e., cultural resources, construction pile driving, etc.). Therefore, the No Project Alternative would still be considered environmentally superior to the proposed project. The No Project Alternative, while meeting the project objectives to some degree, does not meet all the project objectives.~~

- HBDRA-18 Please see Response to Comment HBDRA-16. In addition, the No Project alternative would reduce significant and unavoidable impacts in air quality, noise and public services as identified in the EIR.
- HBDRA-19 The commenter confuses the analysis in the DTSP Update Draft EIR as a project-level analysis requiring project-level impact analysis for land use designations within the DTSP Update. The DTSP is a program level Draft EIR, intended to evaluate program-level impacts of the proposed DTSP Update which is effectively the proposed General Plan Amendment, Local Coastal Program Amendment and Zoning Text Amendment. As repeated throughout this Response to Comments document, the Draft EIR is a program-level document, and no specific development proposals are proposed at this time. Potential projects proposed within the DTSP will be subject to further CEQA review, as appropriate for each project/project site.
- HBDRA-20 The EIR adequately addresses reasonably foreseeable development at a programmatic level. The DTSP Update does not require development to occur on specific sites, and a range of improvements could be proposed in the future, including no improvements at all. It cannot be presumed if and when specific developments would occur, and the nature of specific improvements is not reasonably foreseeable at this time. Therefore, programmatic level analysis is adequate pursuant to CEQA.
- HBDRA-21 The DTSP Update constitutes the proposed General Plan Amendment, Local Coastal Program Amendment and Zoning Text Amendment which are analyzed in the EIR. The General Plan Amendment and Local Coastal Program Amendment changes are disclosed in the project description in the EIR, and the draft DTSP is the Zoning Text Amendment, which has been available for public review since December 2008 and revised version since June 2009.
- HBDRA-22 The project traffic analysis was coordinated closely with City staff and the City's transportation consultant for the Circulation Element Update (Austin-Foust and Associates). All General Plan forecast data and build-out improvement assumptions were developed by the City's General Plan Circulation Element consultant using the Huntington Beach Traffic

Model (HBTM). Close coordination between the DTSP Update and the Circulation Element Update has occurred, but they are not the same project and separate, but coordinated, environmental analysis is appropriate under CEQA. The EIR process for addressing the General Plan Circulation Element Update has begun, and a Notice of Preparation is currently being circulated.

HBDRA-23 The Draft EIR identifies significant unavoidable impacts related to air quality, cultural resources, noise and public services. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” Prior to taking action on the DTSP Update, the Planning Commission and City Council will have to make a Statement of Overriding Considerations for the multiple impacts identified in the Draft EIR as significant and unavoidable.

The commenter’s statement regarding the project’s consistency with the vision elements relates to the project merits and not the adequacy of the Draft EIR. This comment will be considered by decision-makers during deliberations of the proposed DTSP Update.

The DTSP Update does not propose demolition of the library; therefore, no impacts associated with removal of the library are warranted. However, Mitigation Measure 4-3.1 requires preparation of a report from a qualified architectural historian regarding the significance of a site/structure, if changes are proposed to properties or buildings listed in the City of Huntington Beach General Plan Historic and Cultural Resources Element. This mitigation measure would apply to any proposed projects on the Main Street Library site, and would ensure that any future alternations or modifications of the Main Street Library site are analyzed in accordance with CEQA, prior to issuance of any future permits.

The commenter is correct, the DTSP Update project is anticipated to result in significant unavoidable impacts related to air quality, noise and public services. These impacts are identified in the Draft EIR, and as stated above, the City will have to adopt a statement of overriding considerations prior to taking action on the DTSP Update.

The commenter states that the DTSP Update will result in significant unavoidable impacts related to parking, population and housing, recreation and traffic; however, the commenter provides no alternative analysis to counter the detailed analysis provided in the Draft EIR. The Draft EIR includes detailed information regarding the applicable significance criteria, analysis of associated impacts and mitigation measures are recommended to reduce impacts as appropriate.

HBDRA-24 When construction for the Pacific City development resumes, construction activity will be subject to an approved construction management plan. Typically, a construction management plan will require an on-site staging area for construction equipment, on-site stockpiling of construction materials, on-site parking for construction workers, and designation of haul routes.

Large construction equipment such as bulldozers, loaders, scrapers, and backhoes that would be required during various construction phases is generally brought to the site at the start of the construction phase and kept on site until its term of use ends. Area arterials and streets that provide direct access to the construction entrance to the site would be designated as haul routes for hauling construction and grading materials.

Temporary delays in traffic may occur due to oversized vehicles traveling at lower speeds to and from the site. Such delays will be occasional, and of short duration, and would be limited to the haul routes and the streets that directly access the construction entrances to the site.

It is unlikely that there will be a significant amount of overlap in the construction schedules for Pacific City and any future downtown development as a result of the Downtown Specific Plan Update. Approval of the Downtown Specific Plan Update and associated environmental documents, as well as approval of future development applications as a result of the Specific Plan Update will first be subject to a number of jurisdictional approvals, including the Planning Commission, City Council, and the Coastal Commission. Even if construction of a project in the downtown were to begin before the construction of Pacific City is completed, the construction activity of each would be subject to an approved construction management plan, and would be isolated the greatest degree possible to the area immediately serving the construction site.

HBDRA-25 Inconsistencies with the goals and policies of the City's General Plan are not in and of themselves an environmental impact. Further, findings for project approval will require that the project be determined to be consistent with the General Plan. As discussed in Response to Comment HBDRA-7, a policy inconsistency is considered to be a significant adverse environmental impact only when it is related to a policy adopted for the purpose of avoiding or mitigating an environmental effect and it is anticipated that the inconsistency would result in a significant adverse physical impact based on the established significance criteria. The commenter's assertion that the Draft EIR ignores the General Plan and specifically the Historic and Cultural Resources Element is unfounded. The Draft EIR explicitly listed sites within the project that are included in the HCR and requires additional analysis prior to development on or alteration of these sites. The DTSP Update project does not include demolition of any existing structures, and is not a project-level analysis. The Draft EIR explicitly states that additional analysis will be required prior to development on sites included in the HCR.

HBDRA-26 Please see Response to Comment HBDRA-25.

HBDRA-27 Comment acknowledged. Although not related to the adequacy of environmental analysis in the EIR, this comment will be forwarded to the Planning Commission for consideration. As is the case for all projects, any future development proposals would be required to comply with all applicable codes and regulations, including the Downtown Specific Plan (DTSP), the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), any site deed restrictions, the Huntington Beach Municipal Code and the City Charter (including Section 612 "Measure C") to the extent that they apply.

HBDRA-28 This comment is a summary of the individual comments provided throughout the comment letter. A response to the summary: the Draft EIR analyzes the DTSP Update, a program level analysis anticipating additional CEQA review for individual projects within the DTSP; the Draft EIR analyzes a reasonable range of three project alternatives at a level of detail to provide an understanding of how impacts could be reduced in accordance with CEQA; the Draft EIR identifies multiple significant unavoidable impacts for which the City will have to adopt a statement of overriding considerations prior to taking action on the DTSP Update; and inconsistency with General Plan policies does not in and of itself result in a significant environmental impact unless said policies were adopted to mitigate an environmental impact. The Draft EIR adequately analyzes the potential environmental impacts associated with the DTSP Update, and the Draft EIR recognizes that additional project-level review may be required prior to issuance of permits for projects within the DTSP area.

▪ **David P. Larson, July 28, 2009**

LARS-1 As described in the EIR, tiered parking may be developed under the DTSP Update, and it is intended to retain existing views. Section 3.3.7.5 of the DTSP Update provides a description of the tiered parking and design parameters. The final DTSP errata provide additional standards to this section to clarify the intent of retaining existing views and to provide additional policies to this end regarding the potential design. In addition, the DTSP Update

has been modified to no longer allow tiered parking for the parking lot south of the pier, tiered parking may only be considered at the existing parking lot north of the pier.

▪ **Salwa Mostafa, September 2, 2009**

MOST-1 As described in the EIR, tiered parking may be developed under the DTSP Update, and it is intended to retain existing views. Section 3.3.7.5 of the DTSP Update provides a description of the tiered parking and design parameters. Additions to the DTSP errata have been provided to this section to clarify the intent of retaining existing views and to provide additional policies to this end regarding the potential design. In addition, the DTSP Update has been modified to no longer allow tiered parking for the parking lot south of the pier, tiered parking may only be considered at the existing parking lot north of the pier.

The precise design for potential tiered parking near the beach has not been developed. The parking design would be required to adhere to City policies and regulations regarding pedestrian safety, such as line-of-sight requirements and appropriate separation of vehicle and pedestrian traffic which would minimize safety risks.

Potential air quality impacts associated with the implementation of the DTSP Update have been evaluated in Chapter 4.2 Air Quality. Despite implementation of recommended mitigation measures, significant and unavoidable air quality impacts have been disclosed for both short-term and long-term project activities.

The comment is acknowledged regarding objection to potential additional parking structures near the beach, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

▪ **Pierside HOA, August 19, 2009 (received)**

PHOA-1 This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project. Responses to specific concerns raised are addressed below.

PHOA-2 No specific development plans are proposed at the library site. Potential uses such as a performing arts center, museum, library or art gallery would require review and approval by the Planning Commission to ensure appropriateness of the proposed use and compatibility with adjacent uses. As noted, the DTSP Update requires no net loss in green space at the library site. Subsequent project-level environmental review will likely be required to analyze project-specific impacts. Please also refer to Response to Comment BIXBY-1.

PHOA-3 The EIR addresses what could potentially occur within the Cultural Arts Overlay area (now labeled Subdistrict 1A) including cultural-related uses (i.e. library, museum, art gallery, performing arts) as well as the building height limits, setbacks and open space requirements as they relate to the allowable development standards/uses of the existing DTSP. As noted, the DSTP Update requires a “no net loss” of green space at the Main Street Library site for any proposed new development.

Because no specific building design is currently proposed and was not available at the time during preparation of the EIR, any future proposed plans would need to be subject to a detailed evaluation to determine compatibility in regards to building mass, building placement, architectural design including consideration of the existing library and site conditions as well as the immediate surrounding properties. To establish performing arts center, library, museum, or art gallery uses in Subdistrict 1A, a Conditional Use Permit (CUP) is required to be reviewed and approved by the Planning Commission to ensure appropriateness of the proposed use and compatibility with adjacent uses. The type, quantity and character of landscaping at the site would be part of this review.

PHOA-4 The recommendation for a new parking structure is to accommodate parking needs for new development, not for current occasional parking deficiencies caused by summer holidays and special events. Other parking management strategies have been recommended to accommodate parking demand for the special events and other peak parking conditions.

▪ **Richard J. Plummer, September 2, 2009**

PLUM-1 Existing procedures and regulations regarding alcoholic beverage permits help ensure that an overconcentration of such uses is not permitted. State law requires a determination of public convenience or necessity when a property for which an alcoholic beverage license is requested is located in a police reporting district with a crime rate above the City average or when there is an over concentration in the number of licenses within a census tract. The Business and Professions Code provides that the Department of Alcoholic Beverage Control (ABC) shall deny an application for a license if issuance of that license would tend to create a law enforcement problem or if issuance would result in, or add to, an undue concentration of licenses, except when an applicant has demonstrated that public convenience or necessity would be served by the issuance of a license. The location and concentration of alcoholic beverage licenses and crime activity are currently tracked. These factors are reviewed by the Police Department prior to issuance of any alcoholic beverage license. In addition, discretionary applications such as a conditional use permit require review by the Police Department to ensure adequate staffing and facilities can accommodate the proposed use and to solicit recommendations regarding conditions of approval regarding use activities and operations. The proposed DTSP Update requires a conditional use permit for alcohol services as required in the current DTSP.

The Police Department generally operates one helicopter at a time on city-wide patrol. Because of the activities downtown, this area typically receives a greater percentage of patrol time. Helicopter single event noise can be annoying and bothersome. However, State guidance documents require the use of CNEL as the primary assessment metric. State guideline documents, as well as City documents, do not contain any specific limits on single event noise levels. In addition, a single helicopter on patrol is not anticipated to generate significant impacts relating to air quality. Please refer to Response to Comment PLUM-6 for additional discussion regarding public safety.

The level of alternative transportation options available at restaurant and bar closing times does not raise an environmental issue under CEQA. However, the comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project.

PLUM-2 Issues a through c – Parking and traffic data collection provide a snapshot in time for the current conditions. The parking data was collected during busy summer conditions. The shared parking analysis takes into account all approved downtown development, including the theater, which has since been proposed for a use that has less intensive parking requirements.

Issue d – The EIR states that the new development will be required to provide its required parking on-site, with the exception of small parcels where providing the full required parking on-site would be infeasible, or would make the developable area of the parcel unworkable, in which case the use of in-lieu fees would be allowed. 300 to 400 off-site spaces were identified in the Specific Plan, representing a combination of off-site spaces for new development, as well as replacement of on-street spaces that would be lost as a result of proposed changes to Main Street. All other required parking would be provided by each development. The actual number of new parking spaces will depend on the actual development that occurs. Any parking for the proposed hotel or any other uses outside the downtown core are not the subject of the parking study.

Issue e – The parking study identifies the location and quantity of parking demand in all parking structures and at the two beach parking lots. The study also identifies the parking rates charged at each facility. A separate study has been prepared to provide recommendations for changes to parking rates and time restrictions, to influence where people park, depending on their purpose and parking duration.

Issue f – Shared parking synergies do apply to the mix of retail, restaurant, and office uses that currently exist in the downtown, as well as the future uses envisioned in the proposed DTSP Update. The DTSP Update requires a mix of uses in District 1 including: retail and visitor- serving uses on the ground floor, and office and residential above and behind the ground floor street frontage. In addition, the DTSP Update allows for grocery stores and hardware stores under the use headings of “retail markets” and “retail sales,” respectively, as provided in Figure 3-24 of the DTSP.

Issue g – Available information about The Strand has been added to the Parking Study, revised September 2009.

Issue h – There are selected locations in the downtown where valet parking operations can be employed on an as-needed basis to increase the parking capacity during special events and peak parking conditions. These have been identified in the parking study, and the additional parking yield has been estimated based on the size and shape of the parking field. The automated parking structure is a developing technology that provides flexibility, allowing the design to be adapted to the size and shape of the parcel on which it would be built. Until it becomes a more common form of parking operation, it is acknowledged that an automated parking facility is more likely to be used by regular downtown visitors and employees, who would become familiar with the operation.

The EIR provides adequate analysis regarding parking issues. The parking analysis identified that it is difficult to find parking 35 days per year and that there is an actual parking deficiency 15 days per year, which would require implementation of supplemental parking measures. As new development is proposed, parking is required to be provided pursuant to the requirements of the DTSP. The DTSP indicates that all parking for residential and hotel development is required to be provided on-site. Parking for commercial (e.g., retail, restaurant) developments is also required to be provided on-site. However, project applicants could apply for a conditional use permit to satisfy the parking requirement via payment of in-lieu fees or shared parking agreements. Parking is required to meet the minimum code requirements. Therefore, development associated with the proposed DTSP Update would not result in significant cumulative parking impacts.

- PLUM-3 The parking study has presented recommendations on the use of the in-lieu fees, including the current balance, as well as future fees that may be collected from new development. The current parking inventory consists of an accounting of all existing parking spaces in the Downtown Parking Master Plan area, including all publicly-owned on-street and off-street parking spaces, privately-owned off-street parking lots that are available for use by the general public, and privately-owned parking lots available for use by the customers and employees of that business. The parking study also inventoried and counted parking demand in the two city-owned beach parking lots on either side of the pier. Since the parking study was conducted, The Strand has opened, and information about the parking supply associated with that development has been added to the parking study. The inventory addressed in the parking study did not include any parking spaces for which in-lieu fees have been paid, but which have not yet been constructed. The EIR parking section is based on the March 2009 parking study. The parking survey uses a conservative approach by not counting parking spaces that are yet to be built using in-lieu fees. Further, the focus of the EIR was to analyze impacts from the net new development from the DTSP Update which requires all new development to provide parking in accordance with the parking requirements in the specific plan.

PLUM-4 The traffic and parking studies acknowledge the high usage of bicycles in the downtown, and the need for additional bicycle parking. Additional bicycle parking would help to accommodate existing demand, and encourage continued and additional bicycle usage. All new development will be required to provide additional on-site bicycle parking for their customers and employees. Bicycle usage is encouraged, to reduce the dependence on vehicles, which would in turn reduce traffic congestion and demand for parking. The DTSP Update includes proposed additional bicycle lanes on streets leading to and surrounding the downtown, to accommodate bicycle movement, and to draw bicycle traffic off Main Street.

PLUM-5 The noise measurements that were performed are intended to be a snapshot survey of typical noise levels, not a comprehensive measurement effort. These measurements are intended to give an idea of the overall existing noise levels at the specified area. Noise levels would be expected to vary depending upon the season and the specific time of interest.

The Police Department generally operates one helicopter at a time on city-wide patrol. Because of the activities downtown, this area typically receives a greater percentage of patrol time. Helicopter single event noise can be annoying and bothersome. However, State guidance documents require the use of CNEL as the primary assessment metric. State guideline documents, as well as City documents, do not contain any specific limits on single event noise levels.

PLUM-6 The Planning Department does not keep a log or actively track and monitor hours of operation for all restaurant uses. However, when a CUP is considered for a restaurant with alcohol service, live entertainment and/or dancing, staff will provide a description of surrounding uses, including but not limited to operational characteristics of the proposed and existing uses, and other pertinent information to the Zoning Administrator or Planning Commission that would help in making an informed decision. In addition, details of a project/use are on file in the Planning Department, including hours of operation and conditions of approval and are readily available for review by the public or other City departments. Projects requesting restaurant uses with alcohol, live entertainment and/or dancing are forwarded to the Police Department for review at the time of project submittal. The Police Department will provide recommendations based on their review of the project and site. Those recommendations are weighed by the decision-making body. Conditions of approval also generally require a 6-month and/or 12-month review of the use to ensure that the use is in compliance with the approved conditions of approval once operational. Other considerations of the review would include the number of calls for service to the Police Department and Code Enforcement Division. Existing City practices also help address operational issues and concerns in the downtown. On August 17, 2009 the City Council considered a number of recommendations from the Downtown Image Committee. These recommendations included a number of public safety recommendations to address impacts that restaurants and "nightclub" type uses have on the downtown environment. The Council directed staff to amend existing City policies and procedures in accordance with these recommendations.

The EIR states that the number of officers required to accommodate the growth in population anticipated by the DTSP Update to maintain adequate staffing levels established in the General Plan is 1.5 officers. Addressing the project's consistency with established General Plan standards to maintain adequate public services is only one aspect of the analysis. The EIR also states that new projects are subject to review by City departments, including the Police Department. Conditions of approval can be incorporated into a proposed project or use, which can serve to reduce impacts on demand for police services. Finally the net new development potential, which includes 92,332 square feet of new restaurant uses was reviewed by the Police Department. The Police Department concluded that implementation of the DTSP Update would not result in significant impacts to police services.

PLUM-7 The third Waterfront Hotel is analyzed in the EIR as part of the cumulative impacts analysis. The entire DTSP Update project is summarized in the EIR and is referred to as the net new

development potential included in the project description. Other planned/approved projects are included in the list of cumulative projects. A square footage associated with the hotel and residential units can be included, but it does not change the impact analysis since the conversion of those square footages would equal the number of units and rooms that is analyzed. A Pierside Pavilion addition is not approved and would be included in the 92,784 square feet of net new office square feet that was analyzed for the DTSP Update.

Net New Development Potential – With Square Footage Equivalents

Land Use	Maximum Development
Retail	213,467 square feet
Restaurant	92,332 sq.ft.
Office	92,784 sq.ft.
Cultural Facilities	30,000 sq.ft
Residential	648 units (minimum 324,000 sq.ft.)
Hotel	235 rooms (approx. 160,000 sq.ft.)
Total	912,583 sq.ft.

PLUM-8 Comment acknowledged. Project economic and market considerations are not required to be evaluated under CEQA. Pursuant to CEQA Guidelines §15131, economic or social effects of a project shall not be treated as significant effects on the environment.

PLUM-9 As described in the EIR, tiered parking may be developed under the DTSP Update and it is intended to retain existing views. Section 3.3.7.5 of the DTSP Update provides a description of the tiered parking and design parameters. The final DTSP Update provides additional standards in this section to clarify the intent of retaining existing views and to provide additional policies to this end regarding the potential design. In addition, the DTSP Update has been modified to no longer allow tiered parking for the parking lot south of the pier, tiered parking may only be considered at the existing parking lot north of the pier.

▪ **Roy Reynolds, PRT Strategies, July 27, 2009**

REYN-1 The PRT system presented by the commenter represents one option for alternative access to the Huntington Beach downtown from other areas of the city and county other than the individual automobile. Attachments to this letter provide additional information regarding this concept. The DTSP Update provides for and encourages transit and other mode shift options to, from, and within the downtown. The PRT option could be considered by the City, along with other public and private transportation transit options as the development of the downtown area moves forward, as no one vendor or specific travel mode has yet been selected for providing transit solutions in the downtown.

▪ **Vince Riley, September 1, 2009**

RILE-1 This comment provides a citation from EIR section 4.1.3 and is acknowledged.

RILE-2 Although it is acknowledged that evaluation of aesthetic effects is to some extent subjective, the significance determination for the visual analysis in the EIR is based on consideration of the extent of change related to project visibility from key public vantage points, the degree of visual contrast and compatibility in scale and character between project elements and the

existing surroundings, and project conformance with public policies regarding visual and urban design quality. As discussed in EIR Chapter 4.1 – Aesthetics, at a programmatic level potential future DTSP development may result in view changes that would vary depending on the building location, orientation, and height. Changes proposed by the DTSP Update regarding modifications to development standards for setbacks and building heights are for Districts 1 and 4.

As disclosed in the EIR, the most significant changes would occur in District 1 on Pacific Coast Highway from 6th Street to 9th Street where allowable building heights are proposed to increase from 35 feet to potentially 55 feet. City regulations or CEQA significance criteria do not guarantee retention of private views. Significance criteria for aesthetic impacts discussed in the EIR primarily evaluate project visibility and scenic vistas from public vantage points. However, the entire content of development standards such as set back, height, step backs, and parking taken along with design guidelines will ensure that buildings are respectful to their neighbors in terms of height and mass and that view corridors are considered for residents in the adjacent neighborhood including views to the skyline and sunset. DTSP Update Chapter IV – Design Guidelines provides a spectrum of policies to ensure the visual quality of potential development projects including policies relating to views found on page iv-3:

- *Buildings should be designed to take advantage of ocean views by providing windows, balconies, stairway landings, and other design features.*
- *View corridors should be designed through large developments.*
- *Infill buildings should be designed to respect the views of existing buildings, when possible, including placement of windows, doors, open spaces, etc.*
- *Rooftops should be visually attractive when viewed from adjacent buildings.*

As specific developments are proposed within the DTSP, the City may require additional visual analyses including shade/shadow studies as warranted. As concluded in the EIR, impacts to aesthetics would be reduced to a less-than-significant level with implementation of recommended mitigation and DTSP Update policies and regulations.

RILE-3 Significance criteria for aesthetic impacts discussed in the EIR primarily evaluate project visibility from public vantage points. City regulations or CEQA significance criteria do not guarantee retention of private views. However, the entire content of development standards such as set back, height, step backs, and parking taken along with design guidelines will ensure that buildings are respectful to their neighbors in terms of height and mass and that view corridors are considered for residents in the adjacent neighborhood including views to the skyline and sunset. In addition, the significance criteria do not require shade sweep studies to be prepared. As specific developments are proposed within the DTSP, the City may require additional visual analyses including shade/shadow studies as warranted.

RILE-4 This comment primarily provides questions regarding proposed development standards, including building height, and potential development locations. The building height limit is proposed to be increased from 35 feet (6th to 9th Streets) and 45 feet to 55 feet in the DTSP Update for only parcels and developments that meet specific criteria. The permissible building height was increased by 10 feet, and in some cases 20 feet (6th to 9th Streets), to accommodate the net new development potential identified in the Chapter 3 – Project Description based on a market study completed in July 2008 by The Natelson Dale Group, and also to allow greater variation in massing and roof design for the four-story buildings. In addition, additional building height is proposed in the area between 6th and 9th due to the proximity to the beach as part of the project objectives is to support coastal policies which prioritize visitor serving uses in coastal oriented areas. This area fronts on to Pacific Coast Highway and is directly across from the active pier and beach area. It is also mostly non-residential making it a prime candidate to fulfill the coastal policy objective. The properties noted by the commenter along Pacific Coast Highway between 9th Street and Goldenwest are

located in District 4 and are designated residential, and therefore do not provide an appropriate comparison with the context and uses proposed in District 1. Please refer to Response to Comment RILE-3 for additional discussion regarding private views. Potential tax revenue and economic impacts are not subject to review under CEQA.

RILE-5 Potential aesthetic impacts relating to the implementation of the DTSP Update were evaluated at a program level in Chapter 4.1 in the EIR. As noted, the most significant aesthetic changes would occur in District 1 on Pacific Coast Highway from 6th Street to 9th Street where allowable building heights are proposed to increase from 35 feet to potentially 55 feet. While this increase may block individual views of the beach and the ocean from existing residential uses north of this area (where building heights would remain 35 feet), upper story setbacks, residential buffer requirements, design guidelines, and the City's design review process would restrict the potential for projects to substantially reduce existing views. Pursuant to significance criteria outlined in the EIR, potential aesthetic impacts would be less than significant after compliance with recommended mitigation and City requirements.

RILE-6 The traffic analysis in the EIR addressed the traffic impacts of a potential cultural arts center along with the rest of the potential DTSP Update development according to established standards, which focuses on area roadways and intersections during typical summer weekend peak hour operations. The baseline traffic counts that were conducted for the study include all traffic already being generated by all area uses, including the library.

The location, layout, and design of the parking, access, and circulation for the potential cultural arts center, including pedestrian facilities that would accommodate the movement of pedestrians between parking areas and the center, would be subject to site plan review and approvals, and would be required to meet city standards. Such a review would take place at the time that a development application would actually be submitted for a cultural arts facility.

It should be noted that the DTSP Update does propose physical development within the DTSP area, including a cultural center. It should also be noted that any studies conducted for the Huntington Beach Marketing & Visitors Bureau with respect to a cultural center are not part of the DTSP Update project and are not being reviewed or analyzed by City staff or the Planning Commission. As such, the EIR does not include analysis of the referenced study

- **Townsquare Condominiums, September 1, 2009 (received)**

TWNC-1 Persons and organizations consulted and listed in the EIR typically include agencies and organizations providing technical information or preparing components of the EIR. Ongoing community outreach and participation have been an important part of the development and review of the DTSP, and have included key stakeholder interviews and public workshops detailed in Appendix C of the DTSP. Community workshops were held on November 27, 2007, February 20, 2008, April 23, 2008 and December 4, 2008 with notices sent to property owners within the DTSP Update area. In addition, notice for 6,824 owners/occupants of properties within the DTSP and within a 1000-foot radius of the project boundaries was provided for the Draft EIR and Planning Commission study sessions. Information on the project has been shared via the City's website, local news articles, and recent Planning Commission study sessions. It is not practical to list all of the members of the public that have contributed comments on the DTSP over the last two years, however, Appendix C provides a summary of the important community feedback and contributions received to date.

As part of the EIR process, a Notice of Preparation and an Initial Study was prepared and circulated to state agencies, surrounding cities, organizations, property owners within the DTSP area and individuals who had expressed interest in the project, for a 30-day public review period. Comments were solicited on the proposed scope of the EIR and a public scoping meeting was held on November 19, 2008. The NOP process is summarized on page 1-4 of the EIR, and the NOP and IS are included as Appendix A of the EIR. Both the DTSP and EIR processes have been intended to be inclusive of local resident and business input.

TWNC-2 Currently there are no specific development plans proposed for the library site. Prior to any project approval, proposed development at this site will likely require a subsequent environmental review. Restaurants with alcohol services would not be permitted for the library site. The analysis and conclusions contained in the EIR for DTSP Update noise impacts are adequate for a program-level EIR. Additionally, any planned use at the site will need to comply with the City of Huntington Beach Noise Ordinance. The Noise Ordinance protects existing land uses by setting limits on noise levels that can be experienced at the neighboring property. The Noise Ordinance is part of the City's Municipal Code and is enforceable throughout the City.

TWNC-3 The noise measurements that were performed are intended to be representative of the ambient noise levels throughout the DTSP Update area. Traffic was the dominant noise source, and traffic noise was addressed in the document for existing and future cases. Since traffic volumes are expected to increase in the future, the resulting increases in noise levels, and the projected future noise levels, were projected for all significant roadways in the project vicinity. In addition, a project-level noise assessment may be required for future development proposed at the library site, depending on the type of development and proposed operations.

▪ **Townsquare Master Homeowners Association, September 1, 2009 (received)**

TWNM-1 This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the proposed project. Responses to specific concerns raised are addressed below.

TWNM-2 The Draft EIR identifies four historical resources within the plan area, all of which are listed on the National Register of Historic Places and the California Register of Historic Places. The Draft EIR does not identify the Main Street Library as a historical resource under CEQA. The City, as the lead agency, relies upon the National and California Register of Historic Resources for identification of historic resources. It has not been determined that the Main Street Library meets the criteria for inclusion in the California Register of Historic Resources. A formal process of evaluation is required for such a determination through the Office of Historic Preservation (OHP). No such evaluation/determination has ever been carried out for the Main Street Library, according to South Central Coastal Information Center (SCCIC) personnel (personal communication, September 18, 2009).

As stated in Chapter 4, on page 4-63, the Main Street Library is identified in the DTSP Update as a possible site for a cultural arts plaza/performing arts building. Because the library site is listed in the General Plan Historic and Cultural Resources Element as a local landmark, any potential alteration to the library building would need to be accomplished through established City policies for alteration and/or demolition of historical resources. While the proposed DTSP Update accommodates for the growth of the downtown area through revised development standards and land use controls, ***specific development proposals are not contemplated for the project, including development on the library site. However, in the event that future development is proposed on sites listed on the California Register of Historic Resources and/or in the General Plan Historic and Cultural Resources Element, further environmental review would be required in accordance with CEQA.*** (emphasis added)

The Draft EIR does not negate the cultural significance of the Main Street Library. Mitigation Measure 4-3.1 requires preparation of a report from a qualified architectural historian regarding the significance of the site/structure, if changes are proposed to properties or buildings listed in the City of Huntington Beach General Plan Historic and Cultural Resources Element. Based on the results of the report, further mitigation, such as preservation, restoration, or salvaging of materials, shall be identified and implemented as recommended by a qualified architectural historian. This mitigation measure would apply to the Main Street

Library and 23 other sites that are in the DTSP that are included in the Historic and Cultural Resources Element (see page 4-60, Table 4.3.1, Local Landmarks within Downtown Specific Plan Boundaries).

As a program level document, the Draft EIR relies upon the National and California Register of Historic Resources for identification of historic resources. The Draft EIR clearly states that the DTSP is not a specific development proposal and additional CEQA analysis will be required in the event that future development is proposed on sites listed on the California Register of Historic Resources and/or in the General Plan Historic and Cultural Resources Element.

TWNM-3 As shown on Exhibit 4.12-10 on page 4-224, Area A (the area identified for 161 off-site parking spaces) includes the entire area between Orange Avenue, 6th Street, Lake Street, and Acacia Avenue. The area includes the blocks on the east side of Main Street, and parcels fronting Lake Street. The plan does not indicate the intention to locate these 161 spaces at the area referred to as Triangle Park. The actual type, layout, and location of off-site parking will be determined as development of these parcels takes place.

TWNM-4 Please see Response to Comment GRAY-15.

▪ **Mary Urashima, September 2, 2009**

URASH-1 The EIR provides a conservative analysis since the updated information noted was not available at the time of EIR preparation. The EIR considers known historical resources, cultural resources and landmarks listed in the General Plan, and also acknowledges that there may be yet-to-be-determined additional historic resources identified over the 20-year course of DTSP implementation. For further discussion regarding historic resources, please see Response to Comment URASH-2 below. In addition, traffic and circulation analyses for the DTSP Update were closely coordinated with the General Plan Circulation Element Update EIR.

URASH-2 The Draft EIR identifies four historical resources within the plan area, all of which are listed on the National Register of Historic Places and the California Register of Historic Places. The Draft EIR does not identify the Main Street Library as a historical resource under CEQA. The City, as the lead agency, relies upon the National and California Register of Historic Resources for identification of historic resources. It has not been determined that the Main Street Library meets the criteria for inclusion in the California Register of Historic Resources. A formal process of evaluation is required for such a determination through the Office of Historic Preservation (OHP). No such evaluation/determination has ever been carried out for the Main Street Library, according to South Central Coastal Information Center (SCCIC) personnel (personal communication, September 18, 2009).

As stated in Chapter 4, on page 4-63, the Main Street Library is identified in the DTSP Update as a possible site for a cultural arts plaza/performing arts building. Because the library site is listed in the General Plan Historic and Cultural Resources Element as a local landmark, any potential alteration to the library building would need to be accomplished through established City policies for alteration and/or demolition of historical resources. While the proposed DTSP Update accommodates for the growth of the downtown area through revised development standards and land use controls, ***specific development proposals are not contemplated for the project, including development on the library site. However, in the event that future development is proposed on sites listed on the California Register of Historic Resources and/or in the General Plan Historic and Cultural Resources Element, further environmental review would be required in accordance with CEQA.*** (emphasis added)

The Draft EIR does not negate the cultural significance of the Main Street Library, the Original City Hall/Jail on 5th Street or “New Deal” Era Post Office. Mitigation Measure 4-3.1 requires preparation of a report from a qualified architectural historian regarding the significance of sites/structures, if changes are proposed to properties or buildings listed in the City of Huntington Beach General Plan Historic and Cultural Resources Element. Based on the results of the report, further mitigation, such as preservation, restoration, or salvaging of materials, shall be identified and implemented as recommended by a qualified architectural historian. This mitigation measure would apply to the Main Street Library and 23 other sites that are in the DTSP that are included in the Historic and Cultural Resources Element (see page 4-60, Table 4.3.1, Local Landmarks within Downtown Specific Plan Boundaries).

URASH-3 The traffic analysis was coordinated closely with City staff and the City’s transportation consultant for the Circulation Element Update (Austin-Foust and Associates). All General Plan forecast data and build-out improvement assumptions were developed by the City’s General Plan Circulation Element consultant using the Huntington Beach Traffic Model (HBTM).

URASH-4 1st paragraph – Comment acknowledged.

2nd paragraph – The discussion of parking in Zone A (reference page 4-223) does not indicate that the 161 off-site spaces would be underground parking, but rather that in addition to the off-site spaces, which could be located anywhere within Area A, the parking for the Cultural Arts Center overlay would be provided in an underground structure. The location, layout, and design of the parking, access, and circulation for the Cultural Arts Center would be subject to site plan review and approvals, and would be required to meet city standards. Such a review would take place at the time that the development application is actually submitted.

3rd paragraph – The additional cost of structured parking, whether underground or above-ground, compared to surface parking is acknowledged. Every parking structure in downtown Huntington Beach has underground parking. Three of the four are completely underground. The need to incorporate design features into parking structure plans to address security for parking patrons and staff is acknowledged.

URASH-5 The Cultural Arts Overlay (now labeled Subdistrict 1A) in the DTSP Update establishes a maximum building height limit of 35 feet. The DTSP Update provides a more restrictive height limit than that provided in the existing DTSP which allowed buildings up to 45 feet for full block developments.

Although it is acknowledged that evaluation of aesthetic effects is to some extent subjective, the significance determination for the visual analysis in the EIR is based on consideration of the extent of change related to project visibility from key public vantage points, the degree of visual contrast and compatibility in scale and character between project elements and the existing surroundings, and project conformance with public policies regarding visual and urban design quality. As discussed in EIR Chapter 4.1 – Aesthetics, at a programmatic level potential future DTSP development may result in visual changes that would vary depending on the building location, orientation, and height. With implementation of recommended mitigation and compliance with DTSP policies, visual impacts related to the DTSP Update were analyzed and concluded to be less than significant.

URASH-6 This comment indicates support of a trolley concept in the DTSP area. Such a concept is described on page 4-208 of the EIR and on page 5-16 of the DTSP. Although not required for CEQA purposes, an additional language in the DTSP has been provided in Section 5.5.2.2 to describe the downtown trolley system as using electric or gas powered vehicles (or other similar low emission vehicles).

URASH-7 The DTSP Update refers to the City Zoning and Subdivision Ordinance for standards and criteria pertaining to many development issues. Trash and recycling is one of them, as the

City has rules in place to deal with adequate trash and recycling facilities. The DTSP Update does add greater instruction on the design treatment for trash and recycling in the Chapter 4 – Design Guidelines, Section 4.4.4.2, to ensure that such facilities are carefully designed, located and integrated into a project. Although waste bin management does not require review under CEQA, a policy has been added to the DTSP Update for coordination between downtown business owners and commercial trash service providers to help ensure placement and size of bins and the level of service provides for a safe and clean environment downtown. This guideline has been inserted under Section 4.4.4.2 of the DTSP Update and will be facilitated by the Huntington Beach Business Improvement District.

URASH-8 As noted, the DTSP Update includes wide variety of “green” recommendations and sustainable practices mainly through the Chapter 3 – Land Uses & Development Standards and Chapter 4 – Design Guidelines. These policies address both new development and redevelopment activities. Although not required for CEQA purposes, Policy 3 under Section 4.1.1.5 (Paving Treatments) of the DTSP Update has been modified to encourage pervious surfaces for both new development and rehabilitation projects.

11.3.4 Oral Comments

- **DTSP Update Draft EIR Public Meeting, August 13, 2009**

AUGMTG-1 In Chapter 4.8 – Noise, the EIR discloses that restaurant and bar noise could impact adjacent uses. Restaurants that serve alcohol and nightclub uses would be subject to a Conditional Use Permit (CUP) that requires a public hearing by the Zoning Administrator or Planning Commission, respectively, to determine appropriateness and compatibility. Uses such as these would require an evaluation of the proposed use (including hours of operation, etc.), site specifics and assessment of potential impacts and conditions/restrictions to address the use. The EIR recognizes potential noise impacts from mixed-use and commercial uses in the vicinity of residential areas and includes Mitigation Measure MM 4.8-3 that requires preparation of a detailed noise assessment for such uses located within 50 feet of any residence to ensure that these sources do not exceed the City’s Noise Ordinance limits and that significant noise impacts would not result. The noise assessments would not only need to evaluate existing noise conditions, noise associated with the project proposal, but also the cumulative noise environment including with and without the project. The assessment must be prepared by a qualified acoustical engineer and any noise impacts must be reduced to a less-than-significant level. This is a new, more restrictive requirement for projects within the DTSP to improve use compatibility.

The Police Department generally operates one helicopter at a time on city-wide patrol. Because of the activities downtown, this area typically receives a greater percentage of patrol time. Helicopter single event noise can be annoying and bothersome. However, State guidance documents require the use of CNEL as the primary assessment metric. State guideline documents, as well as City documents, do not contain any specific limits on single event noise levels.

AUGMTG-2 Yes, the proposed DTSP Update provides for additional development potential that would have an associated increase in vehicle traffic and need for additional parking. Chapter 4.12 – Transportation and Parking of the EIR analyzes these impacts and relies on technical studies prepared by Kimley-Horn and Associates. The project Traffic Impact Analysis is provided as Appendix F to the EIR and the project traffic study is provided as Appendix D to the DTSP Update. A summary of project-related transportation and parking impacts is provided in the Executive Summary Matrix in Section 2.5 of the EIR and is provided below as well.

Traffic/Circulation

A traffic study was prepared by Kimley-Horn Associates, Inc. that evaluated the existing and future conditions with and without the proposed project. The study concluded that in Year 2030 the intersection of Goldenwest Street at Pacific Coast Highway will continue to operate at LOS E in the evening peak hour, and the intersection of Orange Avenue at Lake Street will worsen to LOS F levels of delay. At the intersection of Goldenwest Street and Pacific Coast Highway, the project will increase the ICU value by 0.02, to bring it to 0.94. At the intersection of Orange Avenue at 1st Street, the project traffic will cause the intersection to worsen from LOS E to LOS F in the evening peak hour.

In addition, as with Year 2020 conditions, the proposed implementation of the pedestrian-only phases at the intersections of Pacific Coast Highway at 6th Street and Pacific Coast Highway at 1st Street would reduce the capacity for the movement of vehicles by roughly 30%, and results in LOS E or F conditions in the evening peak hour. The proposed pedestrian-only phase is the direct cause of the unacceptable Level of Service at these two intersections. Without the pedestrian-only phases, both intersections would operate at LOS D or better in both peak hours. Each of these impacts is significant, and mitigation for these project impacts has been identified. All other study intersections are forecasted to operate at LOS D or better in both peak hours.

With implementation of Mitigation Measures MM4.12.-1 and MM4.12-2, the project would not result in any significant impacts to transportation.

Parking

The parking study conducted by Kimley-Horn Associates identified that it is difficult to find parking 35 days per year and that there is an actual parking deficiency 15 days per year, which would require implementation of supplemental parking measures. As new development is proposed, parking is required to be provided pursuant to the requirements of the DTSP. The DTSP indicates that all parking for residential and hotel development is required to be provided on-site. Parking for commercial (e.g., retail, restaurant) developments is also required to be provided on-site. However, project applicants could apply for a conditional use permit to satisfy the parking requirement via payment of in-lieu fees or shared parking agreements. Projects will be required to meet the minimum parking requirements. Therefore, development associated with the proposed DTSP Update would not result in significant parking impacts.

AUGMTG-3 Inconsistent enforcement of existing parking meters in the downtown is not an issue requiring review under CEQA. However, this concern is noted.

AUGMTG-4 Yes, increased traffic related to implementation of the DTSP Update was evaluated in the project Air Quality Assessment prepared by Mestre Greve Associates (provided as Appendix B of the EIR). The discussion and analysis provided in Chapter 4.1 – Air Quality of the EIR relies on this technical analysis. Air pollutant emissions due to the project were calculated using the URBEMIS2007 program. The program was set to calculate emissions for the DTSP development potential identified. Default URBEMIS2007 variables were used for the calculations except the trip generation rate. The project's land uses, daily trip generation, and trip rates were obtained from the traffic study prepared by Kimley-Horn and Associates, Inc. for the project. As disclosed in the EIR, NO_x emissions during construction activities and ROG and PM₁₀ emissions will continue to exceed SCAQMD thresholds with implementation of the proposed DTSP Update and are considered significant and unavoidable impacts.

AUGMTG-5 Although finding existing parking can be challenging at times, existing parking issues occur during beach events and summer holidays. The parking study conducted by Kimley-Horn Associates identified that it is difficult to find parking 35 days per year and that there is an actual parking deficiency 15 days per year, which would require implementation of supplemental parking measures. As new development is proposed, parking is required to be provided pursuant to the requirements of the DTSP. Parking impacts as a result of net new

development were concluded to be less than significant. Please also refer to Response to Comment AUGMTG-2.

Regarding potential aesthetic impacts in the area near 6th to 9th Streets, please refer to Response to Comment RILE-1.

AUGMTG-6 Regarding noise impacts associated with a potential cultural arts facility, please refer to Responses to Comments GRAY-12 and GRAY-13.

Regarding the comment relating to the Main Street Library nomination for listing on the National Register, please refer to Response to Comment GRAY-17.

Regarding aesthetic impacts associated with a potential cultural arts facility, please refer to GRAY-20.

Regarding traffic impacts associated with a potential cultural arts facility, please refer to Response to Comment GRAY-14.

AUGMTG-7 Potential environmental impacts relating to the implementation of the DTSP, including District1 changes, have been evaluated and disclosed in the EIR pursuant to CEQA requirements. The EIR discloses, that despite proposed mitigation measures, significant and unavoidable impacts have been identified in the areas of air quality, cultural resources, noise and public services.