Responses to Comments on Program Environmental Impact Report

Magnolia Tank Farm Specific Plan Project

SCH No. 2017101041

Prepared for

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Attachment B Diverge Analysis Worksheets

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1.0 INTRODUCTION AND SUMMARY

1.1 INTRODUCTION

The purpose of this document is to present public comments and responses to those comments received on Draft Program Environmental Impact Report (Program EIR) for the Magnolia Tank Farm Project (State Clearinghouse Number 2017101041). The City of Huntington Beach is the Lead Agency on the Project.

The Draft Program EIR was circulated for a 60-day public review and comment period beginning on December 17, 2018 and ending on February 14, 2019. However, the City extended the review period by another 30 days, ending on March 18, 2019. During the public review period, the City of Huntington Beach received a total of 121 written comment letters from State, regional and local agencies, organizations, and individuals on the Draft Program EIR. One "form letter" and variations on the same letter were also received. Written responses, included in this document, have been prepared to all comments received during the comment period regardless of whether such comments raised significant environmental issues or were general in nature.

During the public review of the Draft Program EIR, a meeting with the surrounding residents was held on February 19, 2019 at the City of Huntington Beach. A total of ten residents attended the meeting. The meeting provided additional information regarding the Project, and no comments on the Draft Program EIR were received from the meeting attendees.

As required by Section 15132(d) of the California Environmental Quality Act (CEQA) Guidelines, this Final Program EIR responds to comments regarding "significant environmental points raised in the review and consultation process". This Responses to Comments document provides revisions and clarifications to the Draft Program EIR, as appropriate. In keeping with the requirement of Section 21092.5 of the *California Public Resources Code,* which requires the lead agency to provide a copy of the written response to each public agency that commented on the Draft Program EIR, the City of Huntington Beach will send copies of the Responses to Comments not only to the public agencies that commented, but also to all parties that commented on the Draft Program EIR. This will be done at least ten days prior to the City Council certifying the Final Program EIR.

The Final Program EIR consists of three volumes, which include the Draft Program EIR; the Technical Appendices; and the Responses to Comments. The Responses to Comments document is organized into five sections: Section 1.0 provides the introduction; Section 2.0 provides a list of commenters on the Draft Program EIR; Section 3.0 provides comment letters on the Draft Program EIR and responses to those comments; Section 4.0 provides clarifications and modifications to the text of the Draft Program EIR. The changes to the Draft Program EIR are shown in *red italics* text and deletions are shown in ~~red strikethrough~~ text; and Section 5.0 provides general responses to late comments.

In addition to comments received during the Draft Program EIR, a number of late comments were received in summer 2019. These comments were submitted in writing to the City and/or verbally made as part of the Planning Commission study sessions. Although there is no CEQA

requirement to respond to any of this correspondence, the City believes it is important to provide responses to all comments received. To facilitate the City's review of the comments, the key issues raised have been responded to in Section 5.0 of these Responses to Comments.

2.0 LIST OF COMMENTERS

In accordance with the State CEQA Guidelines Section 15132, the following is a list of public agencies, organization, and individuals that submitted comments on the Draft Program EIR. The comments included letters and e-mail correspondence. Comments have been numbered and are contained in Section 3.0 of these Responses to Comments. Each comment letter is followed by responses to address the comments. The responses are numbered to correspond to the comment letter brackets. As indicated in Section 1.0, one "form letter" and variations were received and identified in Section 3.0 under the subheading of "Form Letter."

TABLE 1
LIST OF COMMENTERS

No.	Commenter	Date of Correspondence	Follows Page Number
Written Comments			
State Agencies			
1	California Department of Transportation, District 12 (DOT)	February 13, 2019	3-8
2	Governor's Office of Planning and Research (OPR)	February 15, 2019	3-28
Regional and Local Agencies			
3	South Coast Air Quality Management District (SCAQMD)	March 13, 2019	3-30
4	Huntington Beach Environmental Board (HBEB)	March 18, 2019	3-46
5	Orange County Public Works (OCPW)	March 21, 2019	3-54
Organizations			
6	Gabrieleño Band of Mission Indians—Kizh Nation (GBMI-KN)	December 17, 2018	3-58
7	S.A.M.E. (SAME[1])	January 19, 2019	3-60
8	S.A.M.E. (SAME[2])	January 22, 2019	3-62
9	Building Industry Association of Southern California, Inc., Orange County Chapter (BIA)	February 4, 2019	3-64
10	Orange Coast River Park Conservancy (OCRPC)	February 4, 2019	3-66
11	Huntington Beach Wetlands Conservancy (HBWC)	February 7, 2019	3-68
12	Gabrieleno Tongva San Gabriel Band of Mission Indians (GTSGBMI)	February 15, 2019	3-70
13	Orange County Business Council (OCBC)	March 15, 2019	3-72
14	Project Navigator, Ltd. (PNL)	March 18, 2019	3-74
Individuals			
15	Robert Harper (RH)	December 18, 2018	3-84
16	Lesley Harper (LH)	December 21, 2018	3-86
17	Steve Southwick (SS)	January 3, 2019	3-94
18	Ed and Yvette Arango (E&YA)	January 15, 2019	3-96
19	Joselin de Diego (JDD)	January 23, 2019	3-98
20	Kristi Peckham (KP)	February 1, 2019	3-100

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No.	Commenter	Date of Correspondence	Follows Page Number
21	Larry McNeely (LMN)	February 1, 2019	3-102
22	Mike Dugerian (MD)	February 1, 2019	3-104
23	Silvana Woscoff (SW)	February 1, 2019	3-106
24	Carrie Martin (CM)	February 2, 2019	3-108
25	Jean Habdank (JH)	February 2, 2019	3-110
26	Regan Copeland (RC)	February 2, 2019	3-112
27	Renee Demers (RD)	February 2, 2019	3-114
28	Ron Davis (RD)	February 2, 2019	3-116
29	Yvonne Jacobs (YJ)	February 2, 2019	3-118
30	Brent Galyon (BG)	February 3, 2019	3-120
31	Robin Rustan (RR)	February 3, 2019	3-122
32	Ryan Chapline (RC)	February 3, 2019	3-124
33	Cynthia Stapleton (CS)	February 4, 2019	3-126
34	Russell Sager (RS)	February 4, 2019	3-128
35	Christina Silva-Salgado (CSS[1])	February 5, 2019	3-130
36	Ann Tarkington (AT)	February 6, 2019	3-132
37	Mark S. Reader (MSR)	February 7, 2019	3-134
38	Craig Peterson (CP)	February 10, 2019	3-136
39	Christina Silva-Salgado (CSS[2])	February 12, 2019	3-138
40	Jim Higgins (JH[1])	February 12, 2019	3-140
41	Larry McNeely (LMN)	February 12, 2019	3-142
42	Mike Regus (MR)	February 12, 2019	3-144
43	Bradley Koonts (BK)	February 13, 2019	3-146
44	Karl and Mary Ann Celinder (K&MC)	February 14, 2019	3-148
45	Ira Leibowitz (IL)	February 18, 2019	3-150
46	Debra Schales (DS)	February 19, 2019	3-152
47	Mark W. Dixon and Sandra Fazio (MWD&SF)	February 21, 2019	3-154
48	Ann McCarthy (AMC)	February 27, 2019	3-156
49	KC Fockler (KCF)	February 28, 2019	3-158
50	Matt Cramer (MC)	February 28, 2019	3-164
51	Brad Bailey (BB)	March 4, 2019	3-166
52	Jose Cortez (JC)	March 5, 2019	3-168
53	Molly Nalty (MN)	March 5, 2019	3-170
54	Tommy Lee (TL)	March 5, 2019	3-172
55	Dale Martinez (DM)	March 6, 2019	3-174
56	Spring Jaentsch (SJ)	March 7, 2019	3-176
57	Lori Labadie (LL)	March 8, 2019	3-178

TABLE 1
LIST OF COMMENTERS

No.	Commenter	Date of Correspondence	Follows Page Number
58	Mike Arsenault (MA)	March 8, 2019	3-180
59	Paula Garcia-Arsenault (PGA)	March 8, 2019	3-182
60	David W. Wetzel (DWW)	March 11, 2019	3-184
61	Scott and Lynne Supernaugh (S&LS)	March 11, 2019	3-186
62	John McCarthy (JMC)	March 13, 2019	3-188
63	Ann Tarkington (AT)	March 14, 2019	3-190
64	Bonnie Benton (BB)	March 14, 2019	3-192
65	Linda Minko (LM)	March 14, 2019	3-194
66	Mary Ellen Hurrell (MEH)	March 14, 2019	3-196
67	Michael diDonato (MDD)	March 14, 2019	3-198
68	Rami Naber (RN)	March 14, 2019	3-200
69	Suha Stoner (SS)	March 14, 2019	3-202
70	Jeff Naber (JN)	March 15, 2019	3-204
71	Michelle Weedon (MW)	March 15, 2019	3-206
72	Milt Dardis (MD)	March 15, 2019	3-208
73	Dave Hedlund (DH)	March 16, 2019	3-210
74	Kevin Broussard (KB)	March 16, 2019	3-212
75	Leslie Untener (LU)	March 16, 2019	3-214
76	Rebecca Broussard (RB)	March 16, 2019	3-216
77	Richard C. Armendariz (RCA)	March 16, 2019	3-218
78	Terri Weiss (TW)	March 16, 2019	3-220
79	Bonnie Marriott (BM)	March 17, 2019	3-222
80	Candace Brenner (CB)	March 17, 2019	3-226
81	Christopher and Stephanie Smith (C&SS)	March 17, 2019	3-228
82	Debbie Clark (DC)	March 17, 2019	3-230
83	Jan and Leon Madnick (J&LM)	March 17, 2019	3-232
84	Jill Tabera (JT)	March 17, 2019	3-234
85	Jon Ely (JE)	March 17, 2019	3-236
86	Judy and Rick Smyser (J&RS)	March 17, 2019	3-238
87	Karen Taylor (KT)	March 17, 2019	3-240
88	Monica Broussard (MB)	March 17, 2019	3-242
89	Beth and Fred McKirachan (B&FM)	March 18, 2019	3-244
90	Bob Vale (BV)	March 18, 2019	3-246
91	Brian Bertotti (BB)	March 18, 2019	3-248
92	Cari Swan (CS)	March 18, 2019	3-250
93	Daryl Robinson (DR)	March 18, 2019	3-256
94	Janet Wineland (JW)	March 18, 2019	3-258

TABLE 1
LIST OF COMMENTERS

No.	Commenter	Date of Correspondence	Follows Page Number
95	Kelly Thompson (KT)	March 18, 2019	3-260
96	Lane Levin (LL)	March 18, 2019	3-262
97	Liz Cutler (LC)	March 18, 2019	3-264
98	Nancy Buchoz (NB)	March 18, 2019	3-268
99	Gary Yeo (GY)	March 19, 2019	3-274
100	Janine Stiffler (JS)	March 19, 2019	3-276
101	Jim Higgins (JH[2])	March 20, 2019	3-278
102	Denise Jordan (DJ)	March 21, 2019	3-280
103	Lisa Simpson (LS)	March 25, 2019	3-282
Form Letter			
104	Bart Mink (BM)	March 4, 2019	3-284
105	Christina Chiture (CC)	March 4, 2019	3-286
106	Jason Morris (JM)	March 4, 2019	3-288
107	Michael Tran (MT)	March 4, 2019	3-290
108	April McMillan (AMM)	March 5, 2019	3-292
109	Dana Sadarangani (DS)	March 5, 2019	3-294
110	Jerry Uselton (JU)	March 5, 2019	3-296
111	Josh Ruiz (JR)	March 5, 2019	3-298
112	Sue Williams (SW)	March 5, 2019	3-300
113	Ian Harvey (IH)	March 11, 2019	3-302
Variations of the Form Letter			
114	Debra Valle Schales (DVS)	February 19, 2019	3-304
115	Randy A. Coe (RAC)	February 27, 2019	3-306
116	Adam Swanson (AS)	March 14, 2019	3-308
117	Jeff Hennes (JH)	March 14, 2019	3-310
118	Taylor Smith (TS)	March 14, 2019	3-312
119	Dane Aleksic (DA)	March 15, 2019	3-314
120	Rima Batarse (RB)	March 15, 2019	3-316
121	Ken and Susan Thomson (K&ST)	March 18, 2019	3-318

3.0 RESPONSES TO COMMENTS

Consistent with Section 15088 of the State CEQA Guidelines, the City's responses to comments received are provided below. The responses are numbered to match the bracketing on the comment letters. Comment letters are categorized by State, regional and local agencies, organizations, and individuals. Within each category, the comment letters and responses to those letters are provided chronologically.

3.1 TOPICAL RESPONSES

A number of comments that were received during the public review process addressed the same topical issues. To avoid repetitiveness in the responses to these comments, Topical Responses have been prepared to address these common concerns. Where applicable, the responses to comments reference the appropriate Topical Response. Below is the list of topical responses:

- Transportation/Project Traffic
- Parking
- Cumulative Impacts

3.1.1 TRANSPORTATION/PROJECT TRAFFIC

Traffic Analysis Overview

The potential impacts of both the proposed Project or Alternative 1 were evaluated in detail in the *Traffic Impact Analysis, Magnolia Tank Farm* (Traffic Impact Analysis or TIA) prepared by Linscott, Law & Greenspan, Engineers (LLG) in January 2018 and updated in June 2018. The technical report was provided as Appendix J of the Draft Program EIR and summarized in Section 4.14, Transportation/Traffic, of the Draft Program EIR. The TIA was developed in conjunction with and approved by City of Huntington Beach Public Works Department staff.

The TIA provides an evaluation of the existing operating conditions at 34 key study intersections within the vicinity of the project site; estimates the trip generation potential of the proposed Project or Alternative 1; and forecasts future near-term (Year 2026) and long-term (Buildout) operating conditions without and with the proposed Project or Alternative 1.

As shown in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the proposed Project would impact 1 of the 34 key study intersections in the Year 2026 traffic condition (Caltrans impact) and 4 of the 34 key study intersections in the Buildout traffic condition (2 ICU impacts and 2 Caltrans impacts). Improvements were identified to offset the impacts of the proposed Project and fair-share percentages recommended (MM TRAN-1 and MM TRAN-2).

As further shown in Section 4.14, Transportation/Traffic, of the Draft Program EIR, Alternative 1 would impact 1 of the 34 key study intersections in the Year 2026 traffic condition (Caltrans impact) and will impact 2 of the 34 key study intersections in the Buildout traffic condition

(Caltrans impacts). Improvements were identified to offset the impacts of Alternative 1 and fair-share percentages recommended (MM TRAN-1 and MM TRAN-2).

With improvements, the potential impacts of proposed Project and Alternative 1 would be mitigated to less than significant levels. However, the impacts within other jurisdictions (i.e. City of Newport Beach and Caltrans), although mitigable, are considered significant and unavoidable as the City of Huntington Beach does not have the authority to implement mitigation measures in those jurisdictions.

The Project Applicant would be required to contribute a fair share payment of the cost associated with the proposed improvements. Brookhurst Street at Adams Avenue is identified in the City of Huntington Beach Development Impact Fee Calculations and Nexus Report, which was incorporated into the *Fair Share Traffic Impact Mitigation Fee Program* (Chapter 17.65 of the City of Huntington Beach Municipal Code).[1] Additionally, these improvements are consistent with those identified in the *City of Huntington Beach General Plan Circulation Update*. The requirement to participate in the *Fair Share Traffic Impact Mitigation Fee Program* is identified in the Regulatory Requirement (RR) TRAN-2 as part of the Mitigation Program. Based on coordination with the City of Huntington Beach, the improvement for the Brookhurst Street at Hamilton Avenue intersection would also be accommodated under the *Fair Share Traffic Impact Mitigation Fee Program*. Specifically, Project LC 020 (Miscellaneous Traffic Signal/Intersection Improvements) is included in the Program to fund minor improvements at various locations throughout the City.[2] Therefore, by participating in the adopted *Fair Share Traffic Impact Mitigation Fee Program,* project-related contribution to cumulative traffic impacts would be mitigated to a level of less than significant.

For the two locations in the City of Newport Beach that were identified as having project-related impacts when the HCM methodology is used, improvements to offset the project-related traffic were also identified. For the Superior Avenue-Balboa Boulevard/Pacific Coast Highway intersection, the recommended mitigation measure is to widen and/or restripe the westbound approach of Pacific Coast Highway to provide a second westbound left-turn lane and modify the existing traffic signal as necessary. The mitigation measure to offset the project-related traffic impact at the Newport Boulevard at Pacific Coast Highway intersection consists of restriping the second southbound left-turn lane on Newport Boulevard to a shared southbound left-turn/right-turn lane and modification of the existing traffic signal is recommended. Although both of these measures are feasible and the applicant is required by MM TRAN-2 to enter into an agreement with the City of Newport Beach and/or Caltrans[3] regarding payment to offset the project's contribution of cumulative impacts, these impacts were identified as significant and unavoidable

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1 The *Fair Share Traffic Impact Mitigation Fee Program* is a bona-fide impact fee program prepared in accordance with AB 1600 and the Mitigation Fee Act. The program works as follows: The City adopts and periodically amends a capital improvement budget, which identifies transportation infrastructure necessary to accommodate future growth in the City. As development projects are approved, such projects pay into the fund and City monitors traffic patterns, prioritize needs, and uses the fund to construct identified public improvements.

2 This line item in the *Fair Share Traffic Impact Mitigation Fee Program* is used to upgrade signal equipment and related infrastructure, modify existing traffic signals, and provide other related intersection improvements including, but not limited to, intersection restriping, bicycle and pedestrian enhancements, and other related improvements to improve intersection traffic flow and safety over a twenty-year development window.

3 The City of Newport Beach and Caltrans have shared jurisdiction of the two intersections that would have a project-related traffic impact.

because the City of Huntington Beach does not have the authority to implement mitigation measures in those jurisdictions.

Because the need for improvements at these intersections is in the cumulative scenarios, the City of Huntington Beach would determine the appropriate timing of the improvements. With regards to Superior Avenue/Balboa Boulevard at Pacific Coast Highway and Newport Boulevard at Pacific Coast Highway, it should be noted that while the proposed improvements would offset the proposed Project's impacts at these locations, the City of Huntington Beach would be unable to implement the mitigation measure because the impacted locations are outside the City's jurisdiction. MM TRAN-2 requires the Project Applicant to enter into a fair share agreement with the City of Newport Beach and/or Caltrans because these locations are within these agencies' jurisdictions. However, even with the fair share agreement, the proposed Project's impacts at these locations would remain significant and unavoidable because the City of Huntington Beach is unable to require the implementation of the improvements. It should also be noted that the City of Huntington Beach will require the Project Applicant to provide a copy of an executed fair share agreement with the City of Newport Beach and/or Caltrans. However, it would be the responsibility of the City of Newport Beach and/or Caltrans to ensure payment of fees by the Project Applicant and implementation of the proposed improvements.

Traffic Analysis Study Area

The traffic analysis study area is generally comprised of those locations, which have the greatest potential to experience significant traffic impacts as a result of a project as defined by the Lead Agency. Consistent with standard traffic engineering practice, the study area generally includes those intersections that are:

- Arterial to arterial intersections adjacent or in close proximity to the project site;
- Arterial to arterial intersections in the vicinity of the project site that are documented to have current or projected future adverse operational issues;
- Arterial to arterial intersections in the vicinity of the project site that are forecast to experience a relatively greater percentage of project-related vehicular turning movements;
- Forecast to experience at least 50 peak hour Project trips and/or potentially experience a one percent increase in ICU value caused by Project traffic consistent with City of Huntington Beach Traffic Study Guidelines; and
- Consistent with typical Traffic Engineering practice with a goal of identifying potentially significant traffic impacts, intersections that are forecast to experience at least 50 peak hour Project trips and/or potentially experience a one percent increase in ICU value caused by Project traffic consistent with City of Huntington Beach Traffic Study Guidelines.

In review of the traffic area shown in Exhibit 4.14-1 in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the 34 intersections selected for the analysis are consistent with the criteria noted above. The traffic study area included several intersections immediately adjacent to the site and key intersections in the project vicinity that may have future operational issues and a relatively higher percentage of project-related turning movements (i.e. Magnolia

Street/Pacific Coast Highway, Magnolia Street/Banning Avenue, Magnolia Street/Hamilton Avenue). Therefore, the traffic study area used in the Draft Program EIR is sufficiently comprehensive to identify and represent the Project's potential significant traffic impacts. It should be noted that the project study area was reviewed and approved by City of Huntington Beach Public Works Department staff.

3.1.2 PARKING

The proposed Project would result in an incremental increase in the amount of parking available because public parking would be provided within the project site along the interior private Loop Road. Lodge valet parking would also be publicly available. All parking shall be provided on-site with the required number of parking spaces specified by the Specific Plan or Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) (C 2.4.2a) with the following differences and additional requirements:

- Detached cluster and stub drive homes shall comply with the Multi-Family Residential parking requirements;
- A tandem parking configuration may be utilized for both garage and driveways to meet required parking for individual residential units (maximum two enclosed parking spaces deep). One driveway parking spot may be located behind enclosed tandem garage with the appropriate driveway depth;
- Uncovered parking spaces for residential uses shall be located in parking bays within 200 feet of the unit served and are also permitted in driveways; and
- Senior projects are to comply with senior parking requirements as stated in the HBZSO Off-Street Parking Space Requirements.

On-street parking spaces on Magnolia Street that are lost due to the construction of the new community entry across from Bermuda Drive shall be mitigated by the addition of public parking spaces created along the Loop Road.

Pursuant to a Coastal Development Permit, the Project must enhance public access to coastal resources, which includes the provision of public parking. As stated in Section 3.4, Coastal Access, of the Magnolia Tank Farm Specific Plan (Appendix A of the Draft Program EIR) and evaluated in Threshold 4.14-5, in Section 4.14, Transportation/Traffic, of the Draft Program EIR, public parking would be provided along the interior publicly accessible private Loop Road, unless restricted due to intersection turning movements and/or sight distance requirements that would result in the elimination of the on-street parking. As stated under Section 3.4, Coastal Access, of the Magnolia Tank Farm Specific Plan, residential developments in PA 3 would be prohibited from using parking spaces on the Loop Road to meet minimum parking requirements.

With the proposed parking provisions and capacity, as identified in the Specific Plan and compliance with the City of Huntington Beach requirements, the proposed Project would provide adequate parking capacity to accommodate the future improvements.

3.1.3 CUMULATIVE IMPACTS

Comments were received regarding the cumulative projects and cumulative impact analysis. The approach and methodology for the cumulative analysis is presented in Section 4.0.1, Cumulative Impact Assumptions, of the Draft Program EIR as well as in the introduction of the cumulative section for each topical area.

The Draft Program EIR explains that the evaluation of the potential cumulative impacts for the proposed Project relied upon both the list approach (Section 15130(b)(1)(A)) and the growth projections approach (Section 15130(b)(1)(B)). In keeping with CEQA Guidelines, the cumulative evaluation (1) includes specific projects that, because of their size or proximity to the Project site, have the potential to cause cumulative impacts ("related projects"); (2) considers the adopted general plans for the affected local jurisdictions; and (3) includes regional development projections.

The projects identified for surrounding jurisdictions, which are listed in Table 4-1 of the Draft Program EIR, show the approved and pending projects in the cities of Huntington Beach, Newport Beach, and Costa Mesa, which have been used in the cumulative impact analysis for the traffic, air quality, greenhouse gas emission, and noise analyses. These projects, together with the Orange County Projections (OCP) growth projections, are assumed in the cumulative scenarios. Exhibits 4-1 through 4-3 in Section 4.0, Impact Analysis Introduction, of the Draft Program EIR show the location of approved and pending projects in each of the surrounding cities (Huntington Beach, Newport Beach, and Costa Mesa).

Specifically with respect to traffic, and other topical areas that rely on traffic information for at least part of the analysis, in order to make a realistic estimate of future on-street conditions prior to implementation of the proposed Project, the status of the cumulative projects (listed in Table 4-1) was researched and with this information, the potential impact of the proposed Project was evaluated within the context of the cumulative impact of all ongoing development.

Consistent with CEQA, the projects that should be taken into consideration in an analysis of cumulative impacts depends on the nature of the issue being evaluated. As an example, Section 4.1.6, which addresses the cumulative aesthetic impacts, states that, when evaluating cumulative aesthetic impacts, factors that must be considered include whether the proposed elements of the cumulative projects would be seen together or in proximity to each other. Therefore, for aesthetics, the key cumulative projects as it pertains to aesthetic impacts would be the surrounding AES Generating Station/Power Plant, Poseidon Desalination Plant, and ASCON Landfill Site projects. Other environmental topics included a cumulative impact analysis that was determined to be more site specific such as in Section 4.7.6 which address the cumulative hazards impacts. Section 4.7.6 states that "hazards and hazardous materials result primarily in localized effects and the area surrounding the project site is most affected by the proposed Project or Alternative 1." However, Section 4.7.6 further acknowledges that some of the projects listed also have potential impacts associated with hazardous materials, but that remediation is on-going, and the environmental concerns associated with hazardous materials are site specific. Each cumulative project is required to comply with applicable laws and address any issues related to hazardous material or wastes so as not to result in potentially significant cumulative impacts. In summary, the Draft Program EIR's level of evaluation is consistent with

the CEQA guidance for cumulative analysis and is consistent with practices commonly implemented by the City of Huntington Beach and other jurisdictions.

Additionally, it should be noted the overall approach in analyzing the Project's cumulative impacts is highly conservative, as both cumulative impact approaches (i.e., the list approach per Section 15130[b][1][A] and the growth projections approach per Section 15130[b][1][B]) of CEQA Guidelines) were used in the analysis. Therefore, the Draft Program EIR likely overstated potential cumulative impacts.

3.2 STATE

Two comment letters were received from the State. The letters are listed below.

- California Department of Transportation, District 12 (DOT)—February 13, 2019
- Governor's Office of Planning and Research (OPR)—February 15, 2019

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
1750 E 4TH ST, SUITE 100
SANTA ANA, CA 92705
PHONE (657) 328-6000
FAX (657) 328-6511
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

February 13, 2019

Mr. Ricky Ramos
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH#: 2017101041
IGR Log: 2017-01038
PCH, PM: 22.765
I-405, PM:12.948

Dear Mr. Ramos:

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report (DEIR) for the Magnolia Tank Farm (MTF) Project. The proposed Magnolia Tank Farm Project involves two development options at the equal level of consideration. The first option is a mixed-use development comprised of a 211,000 square-foot lodge/guesthouse accommodations with a maximum of 215 rooms, including 175 guest rooms and family/group overnight accommodations with 40 rooms; 19,000 square feet of ancillary and visitor-serving retail and dining; up to 250 for sale, residential units (at 15 dwelling units/acre); 2.8 acres of coastal conservation area to provide a buffer for the adjacent wetlands; and 2.8 acres of park. The second option (alternative 1) consists of the redevelopment of the project site with up to 250 for sale, residential units (at 11 dwelling units/acre), parks, and open space. Alternative 1 does not include the lodge/guesthouse and visitor and resident-serving uses. All other project components would remain the same. The project is located on 21845 Magnolia Street in the City of Huntington Beach and regional access to the site is provided by Pacific Coast Highway (PCH) and Interstate (I-) 405. DOT-1

Caltrans is a responsible and commenting agency on this project and has the following comments:

Traffic Operations

1. Please submit the following for all Highway Capacity Manual (HCM) calculations on PCH:

    a) Right and left pocket length (ft)
    b) Number of lanes in pocket
    c) Pedestrian and Bicycle Volumes
    d) Recalculate pedestrian clearance time based on 3.5 ft/s. DOT-2

2. The speed limit of 30 MPH is used for all intersections on PCH. This assumption is not correct. Verify speed limits for each intersection and input it in the HCM calculation sheet accordingly.	DOT-3
3. Fully actuated signals are used for PCH intersection settings. This assumption is not correct. Most signals on PCH within the study area are semi-actuated. Please verify signal actuation and input it in the HCM calculation sheet accordingly.	DOT-4
4. Signal improvement for the intersection of PCH/Magnolia need to be addressed. Due to the nature of the project (residential, hotel and retail center), an increase in pedestrians/bikes use will have a negative impact on intersection performance and therefore, signal/intersection improvement might be needed.	DOT-5
5. Please submit a separate analysis for: a) EB PCH to SB Newport Beach and EB PCH to NB Newport Beach b) WB PCH to NB Newport Beach and WB PCH to SB Newport Beach	DOT-6
6. Section 15.0 and Section 16.0 need to include a discussion on Traffic Management Plan for project to be submitted to Caltrans for review and comment.	DOT-7
Fair share Contribution	
7. Section11.6 Recommended Improvements- Caltrans Methodology- Pages 61-65. Please translate the fair share percentages in Table 12-1 and 12-2 into dollar amount for the fair share fee participation for cumulative impacts of this project. Also, identify the fair share costs and financial responsibilities of all parties for mitigating any impacts to State facilities.	DOT-8
Hydraulics	
8. No additional surface runoff is permitted to be discharged into the drainage facilities on Caltrans right of way. Post development surface runoff should be less than or equal to the predevelopment condition. Hydrology plans must be submitted to Caltrans for review and comment.	DOT-9

Project Management

9. Coordination with Caltrans District 12 Project Management Unit is required for any construction scheduling. DOT-10

Encroachment Permit

10. In the event of any activity in Caltrans right of way an Encroachment Permit is required. For specific details on Caltrans Encroachment Permits procedure, please refer to Caltrans Encroachment Permits Manual, Chapter 500 for Specific Permits. The latest edition of the Manual is available on the web site: http://www.dot.ca.gov/hq/traffops/developserv/permits/ DOT-11

11. When applying for Encroachment Permit, please incorporate Environmental Documentation, Right of Way documentation, SWPPP/ WPCP, Traffic Control Plans, Materials specifications, and all relevant Electrical and Construction design details including design exception approvals.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or would like to meet with us regarding these comments, please do not hesitate to call Maryam Molavi at (657) 328-6280. DOT-12

Sincerely,

SCOTT SHELLEY.
Branch Chief, Regional-IGR-Transit Planning
District 12

Letter 1: California Department of Transportation, District 12

Comment Letter Dated February 13, 2019

DOT-1 The comment reiterates the Project Description. No response is required.

DOT-2 **Traffic Operations**. The comment is noted. The Highway Capacity Manual (HCM) calculations for the nine key study intersections located along Pacific Coast Highway (i.e. key study intersections Numbers 10, 15, 16, 21, 22, 26, 27, 28, and 29) were updated to include the following input parameters as identified in the comment letter for all traffic scenarios for both the proposed Project and Alternative 1.

- Right and left pocket length (feet)
- Number of lanes in pocket
- Pedestrian and bicycle volumes
- Speed limits for all intersection roadways
- Use the semi-actuated setting in the HCM software for PCH intersections

Attachment A of these Responses to Comments contains the requested HCM level of service calculations, including the pedestrian and bicycle counts for the nine key study intersections located along Pacific Coast Highway. Although these calculations were updated in response to the Comments DOT-3 and DOT-4, the analysis provided in Draft Program EIR was conducted appropriately pursuant to the HCM and analysis requirements used by Caltrans on numerous previous projects. These updated calculations provide the additional detail requested and evaluate the existing plus project, Year 2026 plus project and Buildout plus project traffic conditions (proposed Project and Alternative 1).

The comment also indicates that pedestrian clearance times be based on 3.5 feet/second. It should be noted that the HCM level of service calculations included in Section 4.14, Transportation/Traffic, of the Draft Program EIR already utilized a 3.5 feet/second pedestrian clearance time. Pedestrian and bicycle counts were conducted on April 25, 2019 at the nine key study intersections located along Pacific Coast Highway during the AM peak period (7:00 AM – 9:00 AM) and during the PM peak period (4:00 PM – 6:00 PM).

The updated analysis, which is presented below, does not identify any new impacts or substantially more severe impacts that were not identified in the Draft Program EIR. The updated analysis merely provides an update of the information in the Draft Program EIR but does not constitute substantial new information. The mitigation measure (MM TRAN-2) in the Draft Program EIR, which requires the Project Applicant to enter into an executed agreement with the City of Newport Beach and/or Caltrans regarding fair share payment to offset the Project's contribution of cumulative impacts at the applicable location(s) (i.e., No. 28: Superior Avenue/Balboa Boulevard at Pacific Coast Highway and No. 29: Newport Boulevard at Pacific Coast Highway) would remain applicable. However, as noted in the Draft Program EIR,

because the impacts are within another jurisdictions (i.e., Cities of Newport Beach and Caltrans intersections), although mitigation is feasible, the impacts were found to be significant and unavoidable because the City of Huntington Beach does not have the authority to implement mitigation measures in those jurisdictions.

Table 2 presents the updated HCM level of service calculations at the nine key study intersections located along Pacific Coast Highway for existing plus project traffic conditions. Review of Table 2 indicates that traffic associated with the proposed Project would not significantly impact any of the nine state-controlled study intersections along Pacific Coast Highway, which is consistent with the findings in Section 4.14, Transportation/Traffic, of the Draft Program EIR.

Table 3 presents the updated HCM level of service calculations at the nine key study intersections located along Pacific Coast Highway for Year 2026 plus project traffic conditions. As shown in Table 3 traffic associated with the proposed Project would significantly impact the intersection of Superior Avenue-Balboa Boulevard/Pacific Coast Highway (i.e., key study intersection No.28) during the AM peak hour. Implementation of improvements at the impacted state-controlled study intersection of Superior Avenue-Balboa Boulevard/Pacific Coast Highway offsets the impact of Project traffic. It should be noted that the findings of the Year 2026 plus project supplemental calculations are consistent with the findings in Section 4.14, Transportation/Traffic, of the Draft Program EIR.

TABLE 2
EXISTING PLUS PROJECT PEAK HOUR INTERSECTION CAPACITY ANALYSIS – CALTRANS

Key Intersections		Minimum Acceptable LOS	Time Period	(1) Existing Traffic Conditions		(2) Existing Plus Project Traffic Conditions		(3) Significant Impact		(4) With Improvements	
				HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v) Increase	Yes/No	HCM (s/v)	LOS
10.	Main Street at Pacific Coast Highway	D	AM	16.5 s/v	B	16.5 s/v	B	0.0 s/v	No	--	--
			PM	22.5 s/v	C	22.7 s/v	C	0.2 s/v	No	--	--
15.	1st Street at Pacific Coast Highway	D	AM	16.3 s/v	B	16.3 s/v	B	0.0 s/v	No	--	--
			PM	27.9 s/v	C	28.1 s/v	C	0.2 s/v	No	--	--
16.	Huntington Street at Pacific Coast Highway	D	AM	10.4 s/v	B	10.5 s/v	B	0.1 s/v	No	--	--
			PM	17.5 s/v	B	17.6 s/v	B	0.1 s/v	No	--	--
21.	Beach Boulevard at Pacific Coast Highway	D	AM	26.0 s/v	C	26.0 s/v	C	0.0 s/v	No	--	--
			PM	26.5 s/v	C	26.5 s/v	C	0.0 s/v	No	--	--
22.	Newland Street at Pacific Coast Highway	D	AM	15.7 s/v	B	15.7 s/v	B	0.0 s/v	No	--	--
			PM	13.0 s/v	B	13.0 s/v	B	0.0 s/v	No	--	--
26.	Magnolia Street at Pacific Coast Highway	D	AM	19.5 s/v	B	21.0 s/v	C	1.5 s/v	No	--	--
			PM	16.3 s/v	B	19.0 s/v	B	2.7 s/v	No	--	--
27.	Brookhurst Street at Pacific Coast Highway	D	AM	23.2 s/v	C	23.3 s/v	C	0.1 s/v	No	--	--
			PM	28.4 s/v	C	28.8 s/v	C	0.4 s/v	No	--	--
28.	Superior Ave/Balboa Blvd at Pacific Coast Highway	D	AM	51.1 s/v	D	52.1 s/v	D	1.0 s/v	No	--	--
			PM	**104.3 s/v**	**F**	**106.6 s/v**	**F**	2.3 s/v	No	--	--
29.	Newport Boulevard at Pacific Coast Highway	D	AM	22.5 s/v	C	22.9 s/v	C	0.4 s/v	No	--	--
			PM	23.7 s/v	C	24.6 s/v	C	0.9 s/v	No	--	--

Notes:

- **Bold** LOS values indicate adverse service levels based on Caltrans LOS standards
- s/v = seconds per vehicle (delay)
- HCM = Highway Capacity Manual
- The *Caltrans Traffic Impact Study Guidelines dated December 2002* states that if an existing State-owned facility operates at less than the target LOS (i.e., LOS D); the existing service level should be maintained.

Source: LLG Engineers 2019

TABLE 3
YEAR 2026 PEAK HOUR INTERSECTION CAPACITY ANALYSIS – CALTRANS

	Key Intersections	Minimum Acceptable LOS	Time Period	(1) Existing Traffic Conditions		(2) Year 2026 Cumulative Traffic Conditions		(3) Year 2026 Cumulative Plus Project Traffic Conditions		(4) Significant Impact		(5) Year 2026 With Improvements	
				HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v) Increase	Yes/No	HCM (s/v)	LOS
10.	Main Street at Pacific Coast Highway	D	AM	16.5 s/v	B	17.8 s/v	B	17.9 s/v	B	0.1 s/v	No	--	--
			PM	22.5 s/v	C	23.3 s/v	C	23.5 s/v	C	0.2 s/v	No	--	--
15.	1st Street at Pacific Coast Highway	D	AM	16.3 s/v	B	17.8 s/v	B	17.9 s/v	B	0.1 s/v	No	--	--
			PM	27.9 s/v	C	31.0 s/v	C	31.2 s/v	C	0.2 s/v	No	--	--
16.	Huntington Street at Pacific Coast Highway	D	AM	10.4 s/v	B	12.8 s/v	B	13.0 s/v	B	0.2 s/v	No	--	--
			PM	17.5 s/v	B	20.2 s/v	C	20.6 s/v	C	0.4 s/v	No	--	--
21.	Beach Boulevard at Pacific Coast Highway	D	AM	26.0 s/v	C	28.1 s/v	C	28.2 s/v	C	0.1 s/v	No	--	--
			PM	26.5 s/v	C	31.8 s/v	C	32.0 s/v	C	0.2 s/v	No	--	--
22.	Newland Street at Pacific Coast Highway	D	AM	15.7 s/v	B	18.1 s/v	B	18.3 s/v	B	0.2 s/v	No	--	--
			PM	13.0 s/v	B	14.7 s/v	B	14.7 s/v	B	0.0 s/v	No	--	--
26.	Magnolia Street at Pacific Coast Highway	D	AM	19.5 s/v	B	21.9 s/v	C	23.7 s/v	C	1.8 s/v	No	--	--
			PM	16.3 s/v	B	19.0 s/v	B	22.1 s/v	C	3.1 s/v	No	--	--
27.	Brookhurst Street at Pacific Coast Highway	D	AM	23.2 s/v	C	27.8 s/v	C	28.0 s/v	C	0.2 s/v	No	--	--
			PM	28.4 s/v	C	44.5 s/v	D	46.2 s/v	D	1.7 s/v	No	--	--
28.	Superior Ave/Balboa Blvd at Pacific Coast Highway	D	AM	51.1 s/v	D	**98.3 s/v**	**F**	**100.1 s/v**	**F**	**1.8 s/v**	**Yes**	**97.9 s/v**	**F**
			PM	**104.3 s/v**	**F**	**156.5 s/v**	**F**	**158.9 s/v**	**F**	2.4 s/v	No	**153.5 s/v**	**F**
29.	Newport Boulevard at Pacific Coast Highway	D	AM	22.5 s/v	C	53.2 s/v	D	53.7 s/v	D	0.5 s/v	No	--	--
			PM	23.7 s/v	C	51.5 s/v	D	53.5 s/v	D	2.0 s/v	No	--	--

Notes:

- **Bold** LOS values indicate adverse service levels based on Caltrans LOS standards
- s/v = seconds per vehicle (delay)
- HCM = Highway Capacity Manual
- The *Caltrans Traffic Impact Study Guidelines dated December 2002* states that if an existing State-owned facility operates at less than the target LOS (i.e., LOS D); the existing service level should be maintained.

Source: LLG Engineers 2019

Table 4 presents the updated HCM level of service calculations at the nine key study intersections located along Pacific Coast Highway for Buildout plus project traffic conditions. Review of Table 4 indicates that traffic associated with the proposed Project would significantly impact the intersections of Superior Avenue-Balboa Boulevard/Pacific Coast Highway (i.e. key study intersection #28) and Newport Boulevard/Pacific Coast Highway (i.e. key study intersection #29) during the AM peak hour. Implementation of improvements at the two impacted state-controlled study intersections mitigates the impact of Project traffic. It should be noted that the findings of the Buildout plus project supplemental calculations are consistent with the findings in Section 4.14, Transportation/Traffic, of the Draft Program EIR.

Table 5 presents the updated HCM level of service calculations at the nine key study intersections located along Pacific Coast Highway for existing plus Alternative 1 traffic conditions. Review of Table 5 indicates that traffic associated with Alternative 1 would not significantly impact any of the nine state-controlled study intersections along Pacific Coast Highway, which is consistent with the findings in Section 4.14, Transportation/Traffic, of the Draft Program EIR.

Table 6 presents the updated HCM level of service calculations at the nine key study intersections located along Pacific Coast Highway for Year 2026 plus Alternative 1 traffic conditions. Review of Table 6 indicates that traffic associated with Alternative 1 would significantly impact the intersection of Superior Avenue-Balboa Boulevard/Pacific Coast Highway (i.e. key study intersection #28) during the AM peak hour. Implementation of improvements at the impacted state-controlled study intersection of Superior Avenue-Balboa Boulevard/Pacific Coast Highway offsets the impact of Project traffic. It should be noted that the findings of the Year 2026 plus Alternative 1 supplemental calculations are consistent with the findings in Section 4.14, Transportation/Traffic, of the Draft Program EIR.

Table 7 presents the updated HCM level of service calculations at the nine key study intersections located along Pacific Coast Highway for Buildout plus Alternative 1 traffic conditions. Review of Table 7 indicates that traffic associated with Alternative 1 would significantly impact the intersections of Superior Avenue-Balboa Boulevard/Pacific Coast Highway (i.e. key study intersection #28) and Newport Boulevard/Pacific Coast Highway (i.e. key study intersection #29) during the AM peak hour. Implementation of improvements at the two impacted state-controlled study intersections offsets the impact of project traffic. It should be noted that the findings of the Buildout plus Alternative 1 supplemental calculations are consistent with the findings in Section 4.14, Transportation/Traffic, of the Draft Program EIR.

TABLE 4
BUILDOUT PEAK HOUR INTERSECTION CAPACITY ANALYSIS – CALTRANS

	Key Intersections	Minimum Acceptable LOS	Time Period	(1) Existing Traffic Conditions		(2) Buildout Traffic Conditions		(3) Buildout Plus Project Traffic Conditions		(4) Significant Impact		(5) Buildout With Improvements	
				HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v) Increase	Yes/No	HCM (s/v)	LOS
10.	Main Street at Pacific Coast Highway	D	AM	16.5 s/v	B	21.0 s/v	C	21.1 s/v	C	0.1 s/v	No	--	--
			PM	22.5 s/v	C	23.2 s/v	C	23.4 s/v	C	0.2 s/v	No	--	--
15.	1st Street at Pacific Coast Highway	D	AM	16.3 s/v	B	19.3 s/v	B	19.3 s/v	B	0.0 s/v	No	--	--
			PM	27.9 s/v	C	31.4 s/v	C	31.6 s/v	C	0.2 s/v	No	--	--
16.	Huntington Street at Pacific Coast Highway	D	AM	10.4 s/v	B	12.6 s/v	B	12.6 s/v	B	0.0 s/v	No	--	--
			PM	17.5 s/v	B	18.8 s/v	B	19.1 s/v	B	0.3 s/v	No	--	--
21.	Beach Boulevard at Pacific Coast Highway	D	AM	26.0 s/v	C	26.9 s/v	C	26.9 s/v	C	0.0 s/v	No	--	--
			PM	26.5 s/v	C	29.9 s/v	C	30.0 s/v	C	0.1 s/v	No	--	--
22.	Newland Street at Pacific Coast Highway	D	AM	15.7 s/v	B	22.7 s/v	C	22.8 s/v	C	0.1 s/v	No	--	--
			PM	13.0 s/v	B	14.1 s/v	B	14.2 s/v	B	0.1 s/v	No	--	--
26.	Magnolia Street at Pacific Coast Highway	D	AM	19.5 s/v	B	21.2 s/v	C	22.7 s/v	C	1.5 s/v	No	--	--
			PM	16.3 s/v	B	19.3 s/v	B	22.2 s/v	C	2.9 s/v	No	--	--
27.	Brookhurst Street at Pacific Coast Highway	D	AM	23.2 s/v	C	26.0 s/v	C	26.2 s/v	C	0.2 s/v	No	--	--
			PM	28.4 s/v	C	34.7 s/v	C	35.8 s/v	D	1.1 s/v	No	--	--
28.	Superior Ave/Balboa Blvd at Pacific Coast Highway	D	AM	51.1 s/v	D	**240.0 s/v**	**F**	**242.7 s/v**	**F**	**2.7 s/v**	**Yes**	**217.7 s/v**	**F**
			PM	**104.3 s/v**	**F**	**177.3 s/v**	**F**	**182.0 s/v**	**F**	4.7 s/v	No	**123.7 s/v**	**F**
29.	Newport Boulevard at Pacific Coast Highway	D	AM	22.5 s/v	C	**157.6 s/v**	**F**	**158.1 s/v**	**F**	**0.5 s/v**	**Yes**	**111.8 s/v**	**F**
			PM	23.7 s/v	C	47.1 s/v	D	49.0 s/v	D	1.9 s/v	No	29.5 s/v	C

Notes:

- **Bold** LOS values indicate adverse service levels based on Caltrans LOS standards
- s/v = seconds per vehicle (delay)
- HCM = Highway Capacity Manual
- The *Caltrans Traffic Impact Study Guidelines dated December 2002* states that if an existing State-owned facility operates at less than the target LOS (i.e., LOS D); the existing service level should be maintained.

Source: LLG Engineers 2019

TABLE 5
EXISTING PLUS ALTERNATIVE 1 PEAK HOUR INTERSECTION CAPACITY ANALYSIS – CALTRANS

Key Intersections		Minimum Acceptable LOS	Time Period	(1) Existing Traffic Conditions		(2) Existing Plus Alternative 1 Traffic Conditions		(3) Significant Impact		(4) With Improvements	
				HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v) Increase	Yes/No	HCM (s/v)	LOS
10.	Main Street at Pacific Coast Highway	D	AM	16.5 s/v	B	16.5 s/v	B	0.0 s/v	No	--	--
			PM	22.5 s/v	C	22.6 s/v	C	0.1 s/v	No	--	--
15.	1st Street at Pacific Coast Highway	D	AM	16.3 s/v	B	16.3 s/v	B	0.0 s/v	No	--	--
			PM	27.9 s/v	C	28.0 s/v	C	0.1 s/v	No	--	--
16.	Huntington Street at Pacific Coast Highway	D	AM	10.4 s/v	B	10.4 s/v	B	0.0 s/v	No	--	--
			PM	17.5 s/v	B	17.5 s/v	B	0.0 s/v	No	--	--
21.	Beach Boulevard at Pacific Coast Highway	D	AM	26.0 s/v	C	26.0 s/v	C	0.0 s/v	No	--	--
			PM	26.5 s/v	C	26.5 s/v	C	0.0 s/v	No	--	--
22.	Newland Street at Pacific Coast Highway	D	AM	15.7 s/v	B	15.7 s/v	B	0.0 s/v	No	--	--
			PM	13.0 s/v	B	13.0 s/v	B	0.0 s/v	No	--	--
26.	Magnolia Street at Pacific Coast Highway	D	AM	19.5 s/v	B	20.5 s/v	C	1.0 s/v	No	--	--
			PM	16.3 s/v	B	18.0 s/v	B	1.7 s/v	No	--	--
27.	Brookhurst Street at Pacific Coast Highway	D	AM	23.2 s/v	C	23.3 s/v	C	0.1 s/v	No	--	--
			PM	28.4 s/v	C	28.7 s/v	C	0.3 s/v	No	--	--
28.	Superior Ave/Balboa Blvd at Pacific Coast Highway	D	AM	51.1 s/v	D	51.8 s/v	D	0.7 s/v	No	--	--
			PM	**104.3 s/v**	**F**	**105.9 s/v**	**F**	1.6 s/v	No	--	--
29.	Newport Boulevard at Pacific Coast Highway	D	AM	22.5 s/v	C	22.7 s/v	C	0.2 s/v	No	--	--
			PM	23.7 s/v	C	24.1 s/v	C	0.4 s/v	No	--	--

Notes:

- **Bold** LOS values indicate adverse service levels based on Caltrans LOS standards
- s/v = seconds per vehicle (delay)
- HCM = Highway Capacity Manual
- The *Caltrans Traffic Impact Study Guidelines dated December 2002* states that if an existing State-owned facility operates at less than the target LOS (i.e., LOS D); the existing service level should be maintained.

Source: LLG Engineers 2019

TABLE 6
YEAR 2026 PEAK HOUR PLUS ALTERNATIVE 1 INTERSECTION CAPACITY ANALYSIS – CALTRANS

	Key Intersections	Minimum Acceptable LOS	Time Period	(1) Existing Traffic Conditions		(2) Year 2026 Cumulative Traffic Conditions		(3) Year 2026 Cumulative Plus Alternative 1 Traffic Conditions		(4) Significant Impact		(5) Year 2026 With Improvements	
				HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v) Increase	Yes/No	HCM (s/v)	LOS
10.	Main Street at Pacific Coast Highway	D	AM	16.5 s/v	B	17.8 s/v	B	17.8 s/v	B	0.0 s/v	No	--	--
			PM	22.5 s/v	C	23.3 s/v	C	23.4 s/v	C	0.1 s/v	No	--	--
15.	1st Street at Pacific Coast Highway	D	AM	16.3 s/v	B	17.8 s/v	B	17.9 s/v	B	0.1 s/v	No	--	--
			PM	27.9 s/v	C	31.0 s/v	C	31.1 s/v	C	0.1 s/v	No	--	--
16.	Huntington Street at Pacific Coast Highway	D	AM	10.4 s/v	B	12.8 s/v	B	12.9 s/v	B	0.1 s/v	No	--	--
			PM	17.5 s/v	B	20.2 s/v	C	20.4 s/v	C	0.2 s/v	No	--	--
21.	Beach Boulevard at Pacific Coast Highway	D	AM	26.0 s/v	C	28.1 s/v	C	28.1 s/v	C	0.0 s/v	No	--	--
			PM	26.5 s/v	C	31.8 s/v	C	31.9 s/v	C	0.1 s/v	No	--	--
22.	Newland Street at Pacific Coast Highway	D	AM	15.7 s/v	B	18.1 s/v	B	18.1 s/v	B	0.0 s/v	No	--	--
			PM	13.0 s/v	B	14.7 s/v	B	14.7 s/v	B	0.0 s/v	No	--	--
26.	Magnolia Street at Pacific Coast Highway	D	AM	19.5 s/v	B	21.9 s/v	C	23.0 s/v	C	1.1 s/v	No	--	--
			PM	16.3 s/v	B	19.0 s/v	B	21.0 s/v	C	2.0 s/v	No	--	--
27.	Brookhurst Street at Pacific Coast Highway	D	AM	23.2 s/v	C	27.8 s/v	C	27.9 s/v	C	0.1 s/v	No	--	--
			PM	28.4 s/v	C	44.5 s/v	D	45.6 s/v	D	1.1 s/v	No	--	--
28.	Superior Ave/Balboa Blvd at Pacific Coast Highway	D	AM	51.1 s/v	D	**98.3 s/v**	**F**	**99.6 s/v**	**F**	**1.3 s/v**	**Yes**	**97.3 s/v**	**F**
			PM	**104.3 s/v**	**F**	**156.5 s/v**	**F**	**158.2 s/v**	**F**	1.7 s/v	No	**152.9 s/v**	**F**
29.	Newport Boulevard at Pacific Coast Highway	D	AM	22.5 s/v	C	53.2 s/v	D	53.4 s/v	D	0.2 s/v	No	--	--
			PM	23.7 s/v	C	51.5 s/v	D	52.9 s/v	D	1.4 s/v	No	--	--

Notes:

- **Bold** LOS values indicate adverse service levels based on Caltrans LOS standards
- s/v = seconds per vehicle (delay)
- HCM = Highway Capacity Manual
- The *Caltrans Traffic Impact Study Guidelines dated December 2002* states that if an existing State-owned facility operates at less than the target LOS (i.e., LOS D); the existing service level should be maintained.

Source: LLG Engineers 2019

TABLE 7
BUILDOUT PLUS ALTERNATIVE 1 PEAK HOUR INTERSECTION CAPACITY ANALYSIS – CALTRANS

Key Intersections		Minimum Acceptable LOS	Time Period	(1) Existing Traffic Conditions		(2) Buildout Traffic Conditions		(3) Buildout Plus Alternative 1 Traffic Conditions		(4) Significant Impact		(5) Buildout With Improvements	
				HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v)	LOS	HCM (s/v) Increase	Yes/No	HCM (s/v)	LOS
10.	Main Street at Pacific Coast Highway	D	AM	16.5 s/v	B	21.0 s/v	C	21.0 s/v	C	0.0 s/v	No	--	--
			PM	22.5 s/v	C	23.2 s/v	C	23.4 s/v	C	0.2 s/v	No	--	--
15.	1st Street at Pacific Coast Highway	D	AM	16.3 s/v	B	19.3 s/v	B	19.3 s/v	B	0.0 s/v	No	--	--
			PM	27.9 s/v	C	31.4 s/v	C	31.5 s/v	C	0.1 s/v	No	--	--
16.	Huntington Street at Pacific Coast Highway	D	AM	10.4 s/v	B	12.6 s/v	B	12.6 s/v	B	0.0 s/v	No	--	--
			PM	17.5 s/v	B	18.8 s/v	B	19.0 s/v	B	0.2 s/v	No	--	--
21.	Beach Boulevard at Pacific Coast Highway	D	AM	26.0 s/v	C	26.9 s/v	C	26.9 s/v	C	0.0 s/v	No	--	--
			PM	26.5 s/v	C	29.9 s/v	C	29.9 s/v	C	0.0 s/v	No	--	--
22.	Newland Street at Pacific Coast Highway	D	AM	15.7 s/v	B	22.7 s/v	C	22.8 s/v	C	0.1 s/v	No	--	--
			PM	13.0 s/v	B	14.1 s/v	B	14.2 s/v	B	0.1 s/v	No	--	--
26.	Magnolia Street at Pacific Coast Highway	D	AM	19.5 s/v	B	21.2 s/v	C	22.3 s/v	C	1.1 s/v	No	--	--
			PM	16.3 s/v	B	19.3 s/v	B	21.1 s/v	C	1.8 s/v	No	--	--
27.	Brookhurst Street at Pacific Coast Highway	D	AM	23.2 s/v	C	26.0 s/v	C	26.1 s/v	C	0.1 s/v	No	--	--
			PM	28.4 s/v	C	34.7 s/v	C	35.4 s/v	D	0.7 s/v	No	--	--
28.	Superior Ave/Balboa Blvd at Pacific Coast Highway	D	AM	51.1 s/v	D	**240.0 s/v**	**F**	**242.0 s/v**	**F**	**2.0 s/v**	**Yes**	**217.0 s/v**	**F**
			PM	**104.3 s/v**	**F**	**177.3 s/v**	**F**	**180.2 s/v**	**F**	2.9 s/v	No	**123.0 s/v**	**F**
29.	Newport Boulevard at Pacific Coast Highway	D	AM	22.5 s/v	C	**157.6 s/v**	**F**	**160.3 s/v**	**F**	**2.7 s/v**	**Yes**	**111.2 s/v**	**F**
			PM	23.7 s/v	C	47.1 s/v	D	48.2 s/v	D	1.1 s/v	No	29.2 s/v	C

Notes:

- **Bold** LOS values indicate adverse service levels based on Caltrans LOS standards
- s/v = seconds per vehicle (delay)
- HCM = Highway Capacity Manual
- The *Caltrans Traffic Impact Study Guidelines dated December 2002* states that if an existing State-owned facility operates at less than the target LOS (i.e., LOS D); the existing service level should be maintained.

Source: LLG Engineers 2019

DOT-3 Please see Response DOT-2, above, which includes the speed limits for all intersection roadways.

DOT-4 Please see Response DOT-2, above.

DOT-5 The comment is noted. As shown in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the proposed Project and Alternative 1 would not significantly impact the key study intersection of Magnolia Street/Pacific Coast Highway (i.e. key study intersection No. 26) under existing plus project, Year 2026 plus project, and Buildout plus project traffic conditions. Therefore, no improvements are required at this location. It should be noted that even with all the input parameters requested in DOT comments 2, 3, and 4 that the proposed Project and Alternative 1 would not significantly impact the key study intersection of Magnolia Street/Pacific Coast Highway (i.e. key study intersection No. 26) under existing plus project, Year 2026 plus project, and Buildout plus project traffic conditions. Therefore, no improvements are required at this location. Further, the addition of future pedestrian and bicycle volume from the proposed Project, which will not be significant based on the amount of new residential development in the area, would not cause the intersection of Magnolia Street/Pacific Coast Highway to operate at an unacceptable service level (i.e. LOS E), as this location is forecast to operate at acceptable LOS C or better under all traffic analysis scenarios.

DOT-6 The comment is noted. As requested, a freeway diverge analysis has been prepared for the following locations consistent with the analysis methodology provided in the HCM 6.

- East bound (EB) PCH to South bound (SB) Newport Beach
- EB PCH to North bound (NB) Newport Beach
- West bound (WB) PCH to NB Newport Beach
- WB PCH to SB Newport Beach

Caltrans "endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities"; it does not require that LOS "D" be maintained. However, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. Consistent with Section 4.14, Transportation/Traffic of the Draft Program EIR, LOS D is the target level of service standard and would be utilized to assess the Project impacts at the aforementioned state-controlled study locations. Table 8 presents the freeway merge and diverge segment level of service criteria per the HCM 6 (Chapter 14).

Tables 9, 10 and 11 summarize the peak hour level of service results at the four ramp junctions for existing plus project traffic conditions, Year 2026 plus project traffic conditions and Buildout plus project traffic conditions. Review of Tables 9 through 11 indicates that traffic associated with the proposed Project would not significantly impact any of the four ramp junctions. The four ramp junctions are forecast to continue to operate at an acceptable level of service during the AM and PM peak hours

under existing plus project traffic conditions, Year 2026 plus project traffic conditions, and Buildout plus project traffic conditions.

TABLE 8
FREEWAY MERGE AND DIVERGE SEGMENTS LEVEL OF SERVICE CRITERIA
(HCM METHODOLOGY)

LOS	Freeway Ramp Density (pc/mi/ln)	Level of Service Description
A	≤ 10.0	Unrestricted operations
B	> 10.0 – 20.0	Merging and diverging maneuvers noticeable to drivers
C	> 20.0 – 28.0	Influence area speeds begin to decline
D	> 28.0 – 35.0	Influence area turbulence becomes intrusive
E	> 35.0	Turbulence felt by virtually all drivers
F	Demand Exceeds Capacity	Ramp and freeway queues form
Source: *Highway Capacity Manual 6,* Chapter 14: Freeway Merge and Diverge Segments.		

TABLE 9
EXISTING PLUS PROJECT PEAK HOUR DIVERGE CAPACITY ANALYSIS SUMMARY

	Key Freeway Diverge Segment	Analysis Type	Time Period	(1) Existing Traffic Conditions				(2) Existing Plus Project Traffic Conditions				(3) Significant Impact
				Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Yes/No
1.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	1,938	183	11.8	B	1,959	183	12.0	B	No
			PM	1,114	126	6.6	A	1,132	126	6.7	A	No
2.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	2,117	288	15.1	B	2,138	288	15.2	B	No
			PM	1,202	193	10.1	B	1,220	193	10.2	B	No
3.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	1,034	425	0.9	A	1,049	425	1.0	A	No
			PM	2,612	356	9.7	A	2,636	356	9.9	A	No
4.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	818	384	6.7	A	833	384	6.8	A	No
			PM	2,228	615	13.5	B	2,252	615	13.6	B	No

Notes:

- pc/mi/ln = Passenger cars per mile per lane (density)
- **Bold Volume/Density/LOS values** indicate adverse service levels based on the Caltrans LOS Criteria

Source: LLG Engineers 2019

TABLE 10
YEAR 2026 PLUS PROJECT PEAK HOUR DIVERGE CAPACITY ANALYSIS SUMMARY

	Key Freeway Diverge Segment	Analysis Type	Time Period	(1) Year 2026 Cumulative Traffic Conditions				(2) Year 2026 Cumulative Plus Project Traffic Conditions				(3) Significant Impact
				Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Yes/No
1.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	2,254	210	13.7	B	2,275	210	13.8	B	No
			PM	1,450	151	8.6	A	1,468	151	8.7	A	No
2.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	2,391	350	16.4	B	2,412	350	16.5	B	No
			PM	1,432	239	10.4	B	1,450	239	10.5	B	No
3.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	1,222	470	1.8	A	1,237	470	1.9	A	No
			PM	2,940	391	11.6	B	2,964	391	11.7	B	No
4.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	1,040	429	7.2	A	1,055	429	7.3	A	No
			PM	2,574	686	14.7	B	2,598	686	14.8	B	No

Notes:

- pc/mi/ln = Passenger cars per mile per lane (density)
- **Bold Volume/Density/LOS values** indicate adverse service levels based on the Caltrans LOS Criteria

Source: LLG Engineers 2019

TABLE 11
BUILDOUT PLUS PROJECT PEAK HOUR DIVERGE CAPACITY ANALYSIS SUMMARY

	Key Freeway Diverge Segment	Analysis Type	Time Period	(1) Buildout Traffic Conditions				(2) Buildout Plus Project Traffic Conditions				(3) Significant Impact
				Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Yes/No
1.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	2,791	140	15.8	B	2,812	140	15.9	B	No
			PM	1,753	90	9.8	A	1,771	90	9.9	A	No
2.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	2,251	287	14.8	B	2,272	287	14.9	B	No
			PM	1,368	167	9.4	A	1,386	167	9.5	A	No
3.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	1,257	460	1.5	A	1,272	460	1.6	A	No
			PM	2,785	403	10.1	B	2,809	403	10.2	B	No
4.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	1,247	450	7.8	A	1,262	450	7.8	A	No
			PM	2,329	680	13.1	B	2,353	680	13.2	B	No

Notes:

- pc/mi/ln = Passenger cars per mile per lane (density)
- **Bold Volume/Density/LOS values** indicate adverse service levels based on the Caltrans LOS Criteria

Source: LLG Engineers 2019

Tables 12, 13 and 14 summarize the peak hour level of service results at the 4 ramp junctions for existing plus Alternative 1 traffic conditions, Year 2026 plus Alternative 1 traffic conditions and Buildout plus Alternative 1 traffic conditions. Review of Tables 3-12, through 14 indicates that traffic associated with Alternative 1 would not significantly impact any of the four ramp junctions. The four ramp junctions are forecast to continue to operate at an acceptable level of service during the AM and PM peak hours under existing plus Alternative 1 traffic conditions, Year 2026 plus Alternative 1 traffic conditions, and Buildout plus Alternative 1 traffic conditions.

Attachment B to these Responses to Comments contains the Diverge Ramp Junction Analysis calculation worksheets for the four segments for existing plus project, Year 2026 plus project, and Buildout plus project traffic conditions (proposed Project and Alternative 1). This information further supports the findings presented in the Draft Program EIR and does not identify any additional significant or substantially more severe impacts. This material does not constitute substantial new information.

DOT-7 The request for a requirement for a Traffic Management Plan to be included in the TIA is noted; however, this is not necessary because the Draft Program EIR includes a measure for a Construction Management Plan. RR TRAN-1 included in the Draft Program EIR requires the Project Applicant to submit a Construction Management Plan to minimize impacts on adjacent roadways. The measure currently identifies this plan that would be coordinated with adjacent cities. In response to this comment, the reference to "adjacent cities" in the first paragraph of the regulatory requirement in Section 4.14-7, Mitigation Program, on page 4.14-77 of the Draft Program EIR is hereby changed to read "adjacent jurisdictions", which includes Caltrans (red italics shows the additional text and red strikethrough shows the deletion).

RR TRAN-1 To ensure impacts to the surrounding street system are kept at a minimum, a Construction Management Plan shall be developed in coordination with the City of Huntington Beach and adjacent ~~cities~~ *jurisdictions*, prior to commencement of construction. The Construction Management Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Huntington Beach requirements.

DOT-8 **Fair Share Contribution.**

Given that Caltrans has not approved the specific design of the recommended improvements and the fact that both locations require a statement of overriding considerations, a cost estimate may not be accurate and/or needed. Nonetheless, a fair-share cost of $6,300 (4.2% x $150,000) would be estimated for the intersection of Superior Avenue/Balboa Boulevard at Pacific Coast Highway (key study intersection #28) and a fair-share cost of $525 (2.1% x $25,000) would be estimated for the intersection of Newport Boulevard at Pacific Coast Highway (key study intersection #29).

DOT-9 **Hydraulics**. The Project site is not within or immediately adjacent to Caltrans right-of-way, and therefore it would not discharge any surface runoff into the drainage

facilities on Caltrans right-of-way. No further response pertaining to runoff is required.

DOT-10 **Project Management**. The comment is noted and will be forwarded to the decision makers. Contract scheduling involving any improvements within the Caltrans jurisdiction will be discussed and coordinated with Caltrans as future projects are proposed.

DOT-11 **Encroachment Permit**. The comment (items 10 and 11) pertaining to encroachment permit requirements for any work within Caltrans right-of-way is noted. A link to information on Caltrans Encroachment Permits procedures is provided in the comment. Implementation of the Project is not expected to require any improvements within Caltrans right-of-way, thereby necessitating a Caltrans encroachment permit (Pacific Coast Highway, the closest facility under Caltrans jurisdiction is over 1,000 feet to the south of the project site).

Although the Project would not require an encroachment into Caltrans jurisdiction, the improvements proposed that would mitigate the Project's contribution to cumulative impacts at the two intersections in Caltrans jurisdiction would require improvements within Caltrans right-of-way and require an encroachment permit. However, since the impacts are cumulative impacts it is not certain who would be implementing the improvements. As noted in the Draft Program EIR, MM TRAN-2 requires the Project Applicant to enter into an executed agreement with the City of Newport Beach and/or Caltrans regarding fair share payment to offset the Project's contribution of cumulative impacts at the applicable location(s) (i.e., No. 28: Superior Avenue/Balboa Boulevard at Pacific Coast Highway and No. 29: Newport Boulevard at Pacific Coast Highway). However, if as part of a subsequent agreement, it is determined that the Applicant will be required to provide improvements in Caltrans right-of-way, the Applicant would coordinate with Caltrans to obtain the necessary permits. At the time an application for an encroachment permit is submitted, all required studies and documentation would be provided.

DOT-12 The comment is noted and will be forwarded to the decision makers. No further response is required.

TABLE 12
EXISTING PLUS ALTERNATIVE 1 PEAK HOUR DIVERGE CAPACITY ANALYSIS SUMMARY

	Key Freeway Diverge Segment	Analysis Type	Time Period	(1) Existing Traffic Conditions				(2) Existing Plus Alternative 1 Traffic Conditions				(3) Significant Impact
				Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Yes/No
1.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	1,938	183	11.8	B	1,952	183	11.9	B	No
			PM	1,114	126	6.6	A	1,124	126	6.7	A	No
2.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	2,117	288	15.1	B	2,131	288	15.2	B	No
			PM	1,202	193	10.1	B	1,212	193	10.2	B	No
3.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	1,034	425	0.9	A	1,039	425	0.9	A	No
			PM	2,612	356	9.7	A	2,628	356	9.8	A	No
4.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	818	384	6.7	A	823	384	6.8	A	No
			PM	2,228	615	13.5	B	2,244	615	13.6	B	No

Notes:

- pc/mi/ln = Passenger cars per mile per lane (density)
- **Bold Volume/Density/LOS values** indicate adverse service levels based on the Caltrans LOS Criteria

Source: LLG Engineers 2019

TABLE 13
YEAR 2026 PLUS ALTERNATIVE 1 PEAK HOUR DIVERGE CAPACITY ANALYSIS SUMMARY

	Key Freeway Diverge Segment	Analysis Type	Time Period	(1) Year 2026 Cumulative Traffic Conditions				(2) Year 2026 Cumulative Plus Alternative 1 Traffic Conditions				(3) Significant Impact
				Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Yes/No
1.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	2,254	210	13.7	B	2,268	210	13.7	B	No
			PM	1,450	151	8.6	A	1,460	151	8.7	A	No
2.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	2,391	350	16.4	B	2,405	350	16.5	B	No
			PM	1,432	239	10.4	B	1,442	239	10.5	B	No
3.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	1,222	470	1.8	A	1,227	470	1.8	A	No
			PM	2,940	391	11.6	B	2,956	391	11.7	B	No
4.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	1,040	429	7.2	A	1,045	429	7.2	A	No
			PM	2,574	686	14.7	B	2,590	686	14.8	B	No

Notes:

- pc/mi/ln = Passenger cars per mile per lane (density)
- **Bold Volume/Density/LOS values** indicate adverse service levels based on the Caltrans LOS Criteria

Source: LLG Engineers 2019

TABLE 14
BUILDOUT PLUS ALTERNATIVE 1 PEAK HOUR DIVERGE CAPACITY ANALYSIS SUMMARY

	Key Freeway Diverge Segment	Analysis Type	Time Period	(1) Buildout Traffic Conditions				(2) Buildout Plus Alternative 1 Traffic Conditions				(3) Significant Impact
				Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Yes/No
1.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	2,791	140	15.8	B	2,805	140	15.8	B	No
			PM	1,753	90	9.8	A	1,763	90	9.9	A	No
2.	Pacific Coast Highway Eastbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	2,251	287	14.8	B	2,265	287	14.9	B	No
			PM	1,368	167	9.4	A	1,378	167	9.5	A	No
3.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Northbound)	Diverge Analysis	AM	1,257	460	1.5	A	1,262	460	1.6	A	No
			PM	2,785	403	10.1	B	2,801	403	10.2	B	No
4.	Pacific Coast Highway Westbound Off-Ramp *to* Newport Boulevard (Southbound)	Diverge Analysis	AM	1,247	450	7.8	A	1,252	450	7.8	A	No
			PM	2,329	680	13.1	B	2,345	680	13.1	B	No

Notes:

- pc/mi/ln = Passenger cars per mile per lane (density)
- **Bold Volume/Density/LOS values** indicate adverse service levels based on the Caltrans LOS Criteria

Source: LLG Engineers 2019

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RECEIVED
FEB 25 2019
Dept. of Community Development

Letter 2

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Gavin Newsom
Governor

Kate Gordon
Director

February 15, 2019

Ricky Ramos
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Subject: Magnolia Tank Farm Project
SCH#: 2017101041

Dear Ricky Ramos:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 14, 2019, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

OPR-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2017101041
Project Title Magnolia Tank Farm Project
Lead Agency Huntington Beach, City of

Type EIR Draft EIR

Description Note: Review Per Lead

The proposed Magnolia Tank Farm Project involves two development options at the equal level of consideration: The first option is a mixed-se development comprised of a 211,000 sf lodge/guesthouse accommodations with a max of 215 rooms, including 175 guest rooms and family/group overnight accommodations with 40 rooms; 19,000 sf of ancillary and visitor-serving retail and dining; up to 250 for sale, residential units (at 15 dwelling units/acre); 2.8 acres of coastal conservation area to provide a buffer for the adjacent wetlands; and 2.8j acres of park. The second option (alternative 1) consists of the redevelopment of the project site with up to 250 for sale, residential units (at 11 dwelling units/acre), parks, and open space. Alternative 1 does not include the lodge/guesthouse and visitor and resident-serving uses. All other project components would remain the same.

Lead Agency Contact

Name Ricky Ramos
Agency City of Huntington Beach
Phone (714) 536-5624 **Fax**
email
Address 2000 Main Street
City Huntington Beach **State** CA **Zip** 92648

Project Location

County Orange
City Huntington Beach
Region
Lat / Long 33° 38' 42.69" N / 117° 58' 21.64" W
Cross Streets Magnolia Street and Banning Avenue
Parcel No. 114-150-36; 114-481-32
Township **Range** **Section** **Base**

Proximity to:

Highways SR-1; SR-39
Airports
Railways
Waterways Huntington Beach Channel; Pacific Ocean
Schools Edions HS; Isaac Sowers MS; John H. Eader Elementary
Land Use GPD: Public; Z: Public-semipublic - oil overlay - coastal zone overlay

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Tribal Cultural Resources; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 8; Air Resources Board, Transportation Projects; Native American Heritage Commission

Date Received 12/17/2018 **Start of Review** 12/17/2018 **End of Review** 02/14/2019

Note: Blanks in data fields result from insufficient information provided by lead agency.

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
1750 E 4TH ST, SUITE 100
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Making Conservation a California Way of Life.

clear 2/14/2019

Governor's Office of Planning & Research

FEB 14 2019

STATE CLEARINGHOUSE

February 13, 2019

Mr. Ricky Ramos
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH#: 2017101041
IGR Log: 2017-01038
PCH, PM: 22.765
I-405, PM:12.948

Dear Mr. Ramos:

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report (DEIR) for the Magnolia Tank Farm (MTF) Project. The proposed Magnolia Tank Farm Project involves two development options at the equal level of consideration. The first option is a mixed-use development comprised of a 211,000 square-foot lodge/guesthouse accommodations with a maximum of 215 rooms, including 175 guest rooms and family/group overnight accommodations with 40 rooms; 19,000 square feet of ancillary and visitor-serving retail and dining; up to 250 for sale, residential units (at 15 dwelling units/acre); 2.8 acres of coastal conservation area to provide a buffer for the adjacent wetlands; and 2.8 acres of park. The second option (alternative 1) consists of the redevelopment of the project site with up to 250 for sale, residential units (at 11 dwelling units/acre), parks, and open space. Alternative 1 does not include the lodge/guesthouse and visitor and resident-serving uses. All other project components would remain the same. The project is located on 21845 Magnolia Street in the City of Huntington Beach and regional access to the site is provided by Pacific Coast Highway (PCH) and Interstate (I-) 405.

Caltrans is a responsible and commenting agency on this project and has the following comments:

Traffic Operations

1. Please submit the following for all Highway Capacity Manual (HCM) calculations on PCH:

    a) Right and left pocket length (ft)
    b) Number of lanes in pocket
    c) Pedestrian and Bicycle Volumes
    d) Recalculate pedestrian clearance time based on 3.5 ft/s.

2. The speed limit of 30 MPH is used for all intersections on PCH. This assumption is not correct. Verify speed limits for each intersection and input it in the HCM calculation sheet accordingly.

3. Fully actuated signals are used for PCH intersection settings. This assumption is not correct. Most signals on PCH within the study area are semi-actuated. Please verify signal actuation and input it in the HCM calculation sheet accordingly.

4. Signal improvement for the intersection of PCH/Magnolia need to be addressed. Due to the nature of the project (residential, hotel and retail center), an increase in pedestrians/bikes use will have a negative impact on intersection performance and therefore, signal/intersection improvement might be needed.

5. Please submit a separate analysis for:

   a) EB PCH to SB Newport Beach and EB PCH to NB Newport Beach
   b) WB PCH to NB Newport Beach and WB PCH to SB Newport Beach

6. Section 15.0 and Section 16.0 need to include a discussion on Traffic Management Plan for project to be submitted to Caltrans for review and comment.

Fair share Contribution

7. Section11.6 Recommended Improvements- Caltrans Methodology- Pages 61-65. Please translate the fair share percentages in Table 12-1 and 12-2 into dollar amount for the fair share fee participation for cumulative impacts of this project. Also, identify the fair share costs and financial responsibilities of all parties for mitigating any impacts to State facilities.

Hydraulics

8. No additional surface runoff is permitted to be discharged into the drainage facilities on Caltrans right of way. Post development surface runoff should be less than or equal to the predevelopment condition. Hydrology plans must be submitted to Caltrans for review and comment.

Project Management

9. Coordination with Caltrans District 12 Project Management Unit is required for any construction scheduling.

Encroachment Permit

10. In the event of any activity in Caltrans right of way an Encroachment Permit is required. For specific details on Caltrans Encroachment Permits procedure, please refer to Caltrans Encroachment Permits Manual, Chapter 500 for Specific Permits. The latest edition of the Manual is available on the web site: http://www.dot.ca.gov/hq/traffops/developserv/permits/

11. When applying for Encroachment Permit, please incorporate Environmental Documentation, Right of Way documentation, SWPPP/ WPCP, Traffic Control Plans, Materials specifications, and all relevant Electrical and Construction design details including design exception approvals.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or would like to meet with us regarding these comments, please do not hesitate to call Maryam Molavi at (657) 328-6280.

Sincerely,

SCOTT SHELLEY.
Branch Chief, Regional-IGR-Transit Planning
District 12

Letter 2: Governor's Office of Planning and Research (OPR)

Comment Letter Dated February 15, 2019

OPR-1 The comment letter encloses a letter by the Department of Transportation (Caltrans), dated February 13, 2019, which was also received directly by the City. The responses to the Caltrans comment letter are provided above.

The OPR letter acknowledges that the City has complied with the State Clearinghouse review requirements for the Draft Program EIR, pursuant to CEQA. No further response is required.

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3.3 REGIONAL AND LOCAL AGENCIES

Three comment letters were received from regional and local agencies. The letters are listed below.

- South Coast Air Quality Management District (SCAQMD)—March 13, 2019
- City of Huntington Beach Environment Board (HBEB)—March 18, 2019
- Orange County Public Works (OCPW)—March 21, 2019

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South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Letter 3

SENT VIA E-MAIL AND USPS:
RRamos@surfcity-hb.org
Ricky Ramos, Senior Planner
City of Huntington Beach, Community Development Department
2000 Main Street
Huntington Beach, CA 92648

March 13, 2019

Draft Program Environmental Impact Report (DPEIR) for the Proposed Magnolia Tank Farms (SCH No. 2017101041)

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final PEIR. SCAQMD-1

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct 250 residential units, a 211,000-square-foot hotel containing 215 rooms, a 19,000-square-foot retail building, a 2.8-acre conservation area, and a 2.8-acre park on 28.9 acres (Proposed Project). The Proposed Project is located at 21845 Magnolia Street on the northwest corner of Magnolia Street and Banning Avenue. Based on a review of Exhibit 3-2, *Local Vicinity,* in the DPEIR and aerial photographs, SCAQMD staff found that the Proposed Project is located adjacent to multiple sources of air pollution, such as the American Energy Services (AES) power plant, the Ascon Landfill site, and State Route 1 (SR-1). Additionally, the Proposed Project was historically used as a fuel oil storage facility as well as other oil-related facilities including pipelines and ancillary buildings[1]. Construction of the Proposed Project is expected to occur over five years from 2020 to 2025 and will become operational in 2026[2]. SCAQMD-2

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's construction air quality impacts would be less than significant after the implementation of mitigation measure (MM) AQ-1[3], which requires scrapers used during construction activities to meet Tier 3 or better off-road emissions standards[4]. Additionally, the Lead Agency quantified emissions resulting from an overlapping construction and partial operation scenario occurring in 2025[5], in which 75% of residential units would be occupied and the remaining components of the Proposed Project would be fully operational, and then compared those combined emissions to SCAQMD's regional operational thresholds to find that the Proposed Project's air quality impacts would be less than significant. SCAQMD-3

SCAQMD Staff's General Comments

The Proposed Project is located in close proximity to power-generating facilities, landfill operations, and a freeway. These land uses have the potential to generate toxic air contaminants (TACs) and/or volatile SCAQMD-4

1 DPEIR. Section 2.4.1. *Property History*. Page 2-15.
2 DPEIR. Section 3.5.14, *Project Description: Phasing*. Page 3-20.
3 Construction emissions for 2021 were projected to be 104 pounds per day before implementing MM AQ-1 and 90 pounds per day after implementing MM AQ-1.
4 DPEIR. Section 4.2, *Air Quality*. Page 4.2-28 and 4.2-29.
5 *Ibid*. Page 4.2-31.

organic compounds (VOCs), and attract heavy-duty diesel-fueled trucks that emit diesel particulate matter (DPM), which the California Air Resources Board (CARB) has identified as a TAC based on its carcinogenic effects[6]. Therefore, the Lead Agency should analyze the potential health risks to residents who will live at the Proposed Project. The analysis will serve as substantial evidence to support the Lead Agency's finding that "the TAC impact to future residents and employees of the proposed Project or Alternative 1 and to off-site receptors would be less than significant[7]." Please see the attachment for more information. The attachment also includes recommended changes to existing MM AQ-1 that the Lead Agency should include in the Final PEIR. SCAQMD-4 cont.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. SCAQMD-5

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Robert Dalbeck, Assistant Air Quality Specialist, at RDalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

Attachment
LS:RD
ORC181219-04
Control Number

[6] California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: http://www.arb.ca.gov/regact/diesltac/diesltac.htm.

[7] DPEIR. Section 4.2, *Air Quality,* Page 4.2-40 through 4.2-41.

ATTACHMENT

Air Quality and Health Risk Assessment (HRA) Analyses

Health Risk Assessment Analysis from Freeways and Other Sources of Air Pollution

1. Notwithstanding the court rulings, SCAQMD staff recognizes that Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of SCAQMD's concern about the potential public health impacts of siting sensitive populations within a close proximity to major sources of air pollution, such as natural gas power plant facilities, landfills, and freeways, SCAQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions. SCAQMD-6

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include, among others, construction of 250 residential units. Based on a review of Exhibit 3-2, *Local Vicinity,* in the DPEIR and aerial photographs, SCAQMD staff found that the Proposed Project is located adjacent to multiple sources of air pollution, such as the AES power plant, the Ascon Landfill site, and State Route 1 (SR-1). Additionally, the Proposed Project was historically used as a fuel oil storage facility containing three above-ground, 25 million-gallon tanks, as well as other oil-related facilities including pipelines and ancillary buildings[8]. Residents living at the Proposed Project would likely be exposed to toxic air contaminants (TACs) such as DPM from the transportation and idling of heavy-duty, diesel-fueled trucks associated with the nearby land uses. Therefore, SCAQMD staff recommends that the Lead Agency consider health impacts on future residents living at the Proposed Project by performing a HRA analysis to disclose the potential health risks on future residents at the Proposed Project in the Final PEIR[9]. This will facilitate the purpose and goal of CEQA on public disclosure and provide decision-makers with meaningful information to make an informed decision on project approval. This will also foster informed public participation by providing the public with information that is needed to understand the potential health risks from living in close proximity to sources of air pollution. SCAQMD-7

Guidance on Siting Sensitive Receptors Near Freeways and Other Sources of Air Pollution

2. SCAQMD staff recognizes that there are many factors lead agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between lead agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005[10]. This Guidance document provides recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A*

[8] DPEIR. Section 2.4.1. *Property History*. Page 2-15.

[9] SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

[10] South Coast Air Quality Management District. May 2005. "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning" Accessed at: http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf.

Community Health Perspective, which can be found at: http://www.arb.ca.gov/ch/handbook.pdf. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. SCAQMD-7 cont.

Enhanced Filtration Units and Limitations

3. Many strategies are available to reduce exposure, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting sensitive receptors near land uses that emit TACs and/or attract or generate heavy-duty, diesel-fueled truck trips, such as landfills and power-generating facilities, it is essential that any proposed strategy must be carefully evaluated before implementation. SCAQMD staff recommends that the Lead Agency require the installation of MERV 13 filters or better at the Proposed Project and incorporate the following comments in the Final PEIR.

   SCAQMD staff also recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters[11], a cost burden is expected to be within the range of $120 to $240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate TAC exposures. SCAQMD-8

Enforceability of Enhanced Filtration Units

4. If enhanced filtration units are required for the Proposed Project, and to ensure that they are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to TACs, SCAQMD staff recommends that the Lead Agency make the installation of enhanced filtration units a project design feature and provide additional details regarding the ongoing, regular maintenance, and monitoring of filters in the Final PEIR. To facilitate a good-faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final PEIR should include the following information:

   a) Disclose the potential health impacts to prospective residents from living in a close proximity to sources of air pollution (e.g., power plant, landfill, SR-1 etc.) and the reduced effectiveness of the air filtration system when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas); SCAQMD-9
   b) Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
   c) Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected and maintained regularly;

[11] This study evaluated filters rated MERV 13 or better. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf. Also see 2012 Peer Review Journal article by SCAQMD: https://www.iqair.cn/sites/default/files/documents/Polidori-et-al-2012.pdf.

d) Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
e) Provide information to residents on where the MERV filers can be purchased;
f) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
g) Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
h) Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;
i) Set City-wide or Proposed Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
j) Develop a City-wide or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

SCAQMD-9 cont.

Recommended Changes to Existing Mitigation Measure (MM) AQ-1

5. In the Air Quality Analysis, the Lead Agency found that implementation of four Tier 3 scrapers during site preparation of the construction phase would likely reduce the air quality impacts resulting from the Proposed Project's construction emissions. As currently written in the DPEIR, MM AQ-1 proposes that diesel-powered scrapers would be powered with CARB certified Tier 3 engines. To further reduce the Proposed Project's construction emissions, SCAQMD staff recommends that the Lead Agency revise MM AQ-1 to require the use of Tier 4 off-road equipment for all units of construction equipment of 50 horsepower (hp) or greater, where available. An example of potential changes are provided below.

MM AQ-1: All off-road diesel-powered equipment of 50 horsepower or greater ~~Scrapers~~ used for construction of the proposed Project or Alternative 1 ~~after January 1, 2020~~ shall meet Tier ~~3~~4 or better off-road emissions standards, where available. To ensure that Tier 4 Final construction equipment or better will be used during construction activities, this requirement shall be included in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. The Construction Contractor shall provide a copy of each unit's certified Tier and/or engine specification to the City of Huntington Beach at the time of mobilization of each applicable unit of equipment. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Construction Contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the City of Huntington Beach before using Tier 4 Interim emissions standards compliant construction equipment and/or other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, use of Tier 3 engines, reduction in the number and/or horsepower rating of construction equipment, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

SCAQMD-10

Additional Recommended Mitigation Measures

6. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. In the Air Quality Analysis, the Lead Agency estimated 104 lbs/day of NOx emissions during construction before the implementation of MM AQ-1, and 90 lbs/day of NOx emissions after the implementation of MM

SCAQMD-11

AQ-1. To further reduce the Proposed Project's construction and operational emissions, SCAQMD staff recommends that the Lead Agency review and incorporate the following mitigation measures in the Final PEIR. For more information on potential mitigation measures as guidance to the Lead Agency, please visit SCAQMD's CEQA Air Quality Handbook website[12].

Construction-Related Mitigation Measures

a) Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction equipment and vehicles must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each vehicle and equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.

b) Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 - CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers and operators understand the idling requirement, post signs at the entry of the construction site and throughout the Proposed Project site stating that idling longer than five minutes is not permitted.

SCAQMD-11 cont.

c) Encourage construction contractors to apply for SCAQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at SCAQMD's website: http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines.

d) Require the use of zero-emission or near-zero emission heavy-duty trucks during construction, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty trucks visiting the Proposed Project during construction commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards. The Lead Agency should include this requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure and enforce compliance.

e) Require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx and ROG

[12] South Coast Air Quality Management District. Accessed at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook.

impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends that the Lead Agency require the Proposed Project to provide the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.

f) Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs throughout the Proposed Project to generate solar energy for the respective building.

Operation-Related Mitigation Measures

g) Require the use of zero-emission or near-zero emission heavy-duty vendor trucks that service the hotel during operation, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 g/bhp-hr. At a minimum, require that operators of heavy-duty trucks during operation commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for PM and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure and enforce compliance. SCAQMD-11 cont.

h) Provide incentives for employees in order to encourage the use of public transportation or carpooling, such as discounted transit passes or carpool rebates.

i) Implement a rideshare program for employees and set a goal to achieve a certain participation rate over a period of time.

j) Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.

k) Require use of electric or alternatively fueled sweepers with HEPA filters.

l) Maximize the planting of tress in landscaping and parking lots.

m) Use light colored paving and roofing materials.

n) Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

o) Use of water-based or low VOC cleaning products that go beyond the requirements under SCAQMD Rule 1113.

Compliance with SCAQMD Rules

7. As stated above, the Proposed Project was historically used as a fuel oil storage facility containing three above-ground, 25 million-gallon tanks, as well as other oil-related facilities including pipelines and ancillary buildings[13]. While the Proposed Project site has been remediated, and in the event that during soil disturbance activities such as grading, petroleum hydrocarbons are encountered that may cause residual VOCs to become airborne, the Lead Agency should include a discussion to demonstrate compliance with SCAQMD Rule 1166 – Volatile Organic Compound Emissions from SCAQMD-12

[13] DPEIR. Section 2.4.1. *Property History*. Page 2-15.

Decontamination of Soil[14] and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants[15] in the Air Quality Section of the Final PEIR.	SCAQMD-12 cont.

Other Comment Regarding the Remedial Status of the Ascon Landfill

8. SCAQMD staff found multiple inconsistencies regarding the remedial status of the Ascon Landfill site in the DPEIR. For example, the Lead Agency identified the status of the Ascon Landfill site as "Planning" in Table 4-1[16], then stated "the cleanup status of the ASCON Landfill is currently listed "active" on Envirostor"[17], and that there would be future "remediation activities at Ascon Landfill to the north"[18]. Therefore, SCAQMD staff recommends that the Lead Agency provide additional information to clarify the remedial status consistently throughout the Final PEIR.	SCAQMD-13

[14] South Coast Air Quality Management District. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: http://www.aqmd.gov/docs/default-source/rule book/reg-xi/rule-1166.pdf.

[15] South Coast Air Quality Management District. Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants. Accessed at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf.

[16] DPEIR. Table 4-1, *Approved And Pending Projects In The Cities Of Huntington Beach, Newport Beach, And Costa Mesa,* Page 4-6.

[17] DPEIR. Section 4.7, *Hazards and Hazardous Materials,* Page 4.7-14.

[18] DPEIR. Section 4.1.6, *Cumulative Impacts,* Page 4.1-22.

Letter 3: South Coast Air Quality Management District

Comment Letter Dated March 13, 2019

SCAQMD-1 The comment is noted. No further response is required.

SCAQMD-2 The comment regarding description of the Project is noted. The issue of adjacency to AES power plant, ASCON Landfill Site, and State Route 1 (SR-1), and the previous use of the project site as an oil storage tank, is addressed in Response SCAQMD-6, below.

SCAQMD-3 The summary of air quality analysis by the SCAQMD staff is noted. No further response is required.

SCAQMD-4 The comment regarding toxic air contaminants (TACs) and/or volatile organic compounds (VOCs) due to proximity to the industrial uses is noted. An analysis of potential health risk associated with TAC exposure from sources proximate to the project site has been conducted for future Project residents. Please refer to Response SCAQMD-6 and SCAQMD-10, which discuss how future residents at the project site will not be exposed to excessive carcinogenic risk that is above other locations within the South Coast Air Basin.

SCAQMD-5 The comment regarding full and substantiated responses to SCAQMD comments is noted. Responses to SCAQMD comments are provided, below.

SCAQMD-6 **Health Risk Assessment Analysis from Freeways and Other Sources of Air Pollution**

The SCAQMD's comment expressing concern regarding project site exposure to toxic air contaminants from existing emission sources (i.e., AES power plant, ASCON Landfill Site, State Route 1 [SR-1] as well as the past use of the project site as a fuel oil storage facility) is noted. In response to this comment, the discussion under Threshold 4.2-4 (Operations) in Section 4.2 Air Quality, on page 4.2-40 of the Draft Program EIR is hereby revised to read as follows (*red italics* shows the additional text).

> The project site is located approximately 130 feet to the east of the property line of the AES Generating Facility, which is currently being constructed at this site to replace the Huntington Beach Generating Station, which is scheduled to cease operation by December 2020. The new facility would be a natural gas power plant and would take approximately nine years to complete (HBEP Amendment 2017).[4] The new facility would require an authority to construct and a permit to operate from the SCAQMD. The permitting process would ensure that emissions from new facility meet the emissions limits established by the

[4] The Huntington Beach Energy Project Amendment, including the environmental assessment and the California Energy Commission Decision was approved in May 2017.

SCAQMD. Compliance with air permitting requirements would minimize emissions from this facility.

The "Huntington Beach Energy Project Petition to Amend (12-AFC-02C) Revised Air Quality and Public Health Assessment" (AES 2016) reanalyzed potential health risks associated with the AES Plant. During the operations phase of the AES Plant, the Point of Maximum Impact (PMI) resulted in a risk level of 4.3 cancer risk per million. The PMI is the point at which the highest cancer risk is anticipated outside of the AES Plant boundaries. The PMI is based on a receptor grid that extends up to 10 kilometers (6.2 miles) from the AES facility. The proposed project site is included within this analysis area. The SCAQMD considers cancer risk levels of 10 or greater in a million to result in a significant cancer risk. As such, the project site would be exposed to cancer risk levels 4.3 in a million, below 10 in a million, which are not considered to be significant cancer risk exposure by the SCAQMD. Acute and chronic exposure at the PMI were substantially below the hazard risk level and would also result in a less than significant health risk exposure level at the project site.

As discussed previously, the MATES IV Study indicates that health risks at the project site are less than the basin-wide average. Those health risks were based on previous AES Generating Facility, and the new facility is anticipated to result in less air pollutant emissions. As such, the TAC impact to future residents and employees of the proposed Project and off-site receptors would be less than significant. No mitigation is required.

Proximity to the ASCON Landfill Site

The ASCON Landfill Site, located immediately to the north of the Project site, has been reviewed for potential environmental and health effects to offsite receptors. Air pollutant exposure from the ASCON landfill was addressed on page 4.2-39 in Section 4.2, Air Quality, of the Draft Program EIR. In response to this comment, the discussion under Threshold 4.2-4 (Operation) in Section 4.2, Air Quality, on page 4.2-40 of the Draft Program EIR is hereby revised to read as follows (*red italics* shows the additional text):

CARB's 2005 Air Quality and Land Use Handbook (CARB Handbook) cautions against siting sensitive receptors near sources of substantial TACs. These sources include but are not limited to freeways, urban roadways with 100,000 or more average daily trips, distribution centers, and major service and maintenance rail yards. The recommended minimum distance from a freeway to sensitive receptors is 500 feet. The project site is approximately 4 miles from Interstate-405. Pacific Coast Highway has a projected future volume 44,779 average daily trips, which is below the 100,000 average daily trips per day threshold. Therefore, the project site is located substantially further than any of the distances listed in the CARB Handbook for land uses that emit TACs.

The Department of Toxic Substances Control (DTSC) approved a Final Remedial Action Plan (RAP) for the site on June 9, 2015 (DTSC 2015a). The RAP was evaluated in an Environmental Impact Report (EIR), which was released for public review on August 29, 2013 and certified on June 18, 2015. The California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations (SOC) was published for the project by the DTSC on June 18, 2015 (DTSCb). While the SOC identified unavoidable short-term air quality impacts, no long-term emissions of TACs that have the potential to significantly impact residents, visitors, or employees at the project site have been identified. The SOC further states "While acknowledging the potential for short-term environmental impacts as described in the Final EIR, the RAP will nonetheless further DTSC's mission statement by providing for the long-term protection of public health and the environment in and around the ASCON Landfill Site." (DTSC 2015b).

As of January 18, 2019, field work at the ASCON Landfill Site has been initiated; however, at this time the schedule for completing remediation is uncertain. The proposed Project is anticipated to be completed in 2026. As such, Project occupancy would occur subsequent to completion of the RAP.

Proximity to Pacific Coast Highway (SR-1)

Air pollutant exposure from the ASCON Landfill Site was addressed on page 4.2-40 of the Draft Program EIR. The Draft Program EIR provided an evaluation of potential health risk from SR-1 based on the California Air Resources Board (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*. This document provides the following siting recommendation for sensitive uses, such as residences, near transportation corridors:

"Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day."

The project site is located approximately 1,200 feet away from SR-1 so it is beyond the 500 feet separation distance recommended by the CARB. The highest health effects are located within 500 feet of a major transportation corridor. Because the project site is located further than the 500 feet separation distance, no excessive health risk is anticipated for future residents at the project site.

Average daily trips (ADTs) along SR-1 proximate to the project site are approximately 37,000-42,000. The traffic volumes are also less than the CARB 50,000 or 100,000 vehicles/day recommendation. As such, the volume of traffic occurring along SR-1 is below the levels that are presented by CARB. The percentage of truck traffic along SR-1 is 0.8, which is a low level of truck traffic. Diesel exhaust is the primary source of health risk in the South Coast Air Basin (SCAB). Because the project site is located beyond the recommended 500 feet separation distance, SR-1 would have less than the traffic volumes listed by CARB as a concern. As SR-1 has low levels of diesel vehicles, the Project is not anticipated to be exposed to a significant level of health risk from the SR-1. In addition, the SCAQMD's MATES IV Interactive map shows a carcinogenic risk of

613 per million, which is below the basin-wide average of 897 in a million-risk level.

Summation

Based on the above information, an impact associated with the combined emissions from the surrounding uses would not result in a project site exposure to TAC in excess of established standards. As discussed in the Draft Program EIR, the greatest potential for TAC is related to construction because of the uses of diesel equipment. The operational characteristics are such that the localized operational impacts would be less than significant and would not contribute to TAC exposures in excess of established standards.

As shown in Table 4.2-7 of the Draft Program EIR (page 4.2-30), the maximum localized daily construction emissions for the proposed Project would be substantially below the SCAQMD Localized Significance Threshold (LST); therefore, the Project would not substantially contribute to exposure to TAC. The LST analysis for Alternative 1 is summarized in Table 4.2-12 (page 4.2-35).

Furthermore, the cumulative analysis for air quality relies on the SCAQMD's policy with respect to cumulative impacts associated with the criteria pollutants and their precursors. Namely, if the Project's direct impacts are less than significant then the impacts would also be cumulatively less than significant.[5] As noted by the SCAQMD in their Brief of Amicus Curiae for the *Sierra Club v. County of Fresno ("Friant Ranch")* case, the single threshold of significance used to assess Project direct and cumulative impacts has in fact "worked" as evidenced by the track record of the air quality in the Basin dramatically improving over the course of the past decades. As stated by the SCAQMD, the District's thresholds of significance are based on factual and scientific data and are therefore appropriate thresholds of significance to use for this Project. This case as it relates to the Magnolia Tank Farm Project, is further discussed in a memorandum prepared by Urban Crossroads (dated February 15, 2019), which has been incorporated into the Final Program EIR as Appendix L and is included as Attachment 3 to these Responses to Comments.

The information provided in Appendix L does not constitute significant new information. The analysis in the Draft Program EIR evaluated the potential change in emissions as a result of construction and operation of the Magnolia Tank Farm Project. Under CEQA, lead agencies are authorized to exercise their discretion when selecting methodological approaches for evaluating impacts, provided such decisions are supported by substantial evidence. However, as noted above, the analysis compiled with the SCAQMD methodologies and uses the SCAQMD thresholds for determining significance. As such, the inclusion of Appendix L is not new information and would not require recirculation of the Draft Program EIR. The Draft Program EIR has been properly prepared in accordance with

[5] SCAQMD. 2003 (September 5). Attachment to BOARD MEETING DATE: September 5, 2003, AGENDA NO. 29**.** White Paper on Regulatory Options for Addressing Cumulative Impacts from Air Pollution Emissions. http://www.aqmd.gov/home/governing-board/agendas-minutes

Section 15168 of the State CEQA Guidelines, and the document has sufficient detail as a Program EIR. Section 15088.5(b) of the State CEQA Guidelines states, "[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." This same section of the CEQA Guidelines states:

> Significant new information requiring recirculation include, for example, a disclosure showing that:
>
> (1) A new significant environmental impact would result from implementation of the Project or from a new mitigation measure proposed to be implemented.
>
> (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
>
> (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project, but the Project's proponents decline to adopt it.
>
> (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

It is important to recognize that recirculation was intended to be an exception, rather than the general rule and that a deferential "substantial evidence" standard of review rather than the less deferential "fair argument" standard applies to an agency's decision whether or not to recirculate an EIR. Clearly, the analysis in Appendix L does not fit this definition of important new information.

SCAQMD-7 **Guidance on Siting Sensitive Receptors Near Freeways and other Sources of Air Pollution**

Please refer to Response SCAQMD-6, above.

SCAQMD-8 **Enhanced Filtration Units and Limitations**

As indicated in Responses SCAQMD-6 and SCAQMD-7, above, and SCAQMD-13, below, the project site is not exposed to significant levels of health risk from each of the emissions sources proximate to the project site. The overall cancer risk levels exposure at the project site are approximately one-quarter less than the basin-wide average. As such, the project site is not exposed to excessive levels of carcinogenic health risk and mitigation measures in the form of air filtration units are not necessary.

SCAQMD-9 **Enforceability of Enhanced Filtration Units**

Per Response SCAQMD-8, above, no enhanced filtration units are required for the proposed Project. The Draft EIR did not identify any air pollution impacts or health impacts to future residents due to the proximity of adjacent uses, including the gas-powered electricity plant, the former landfill, and the future water desalination facility. Therefore, the recommended measures are not applicable to the proposed Project and no revisions to the Final EIR are required related to enforceability of enhanced filtration systems.

SCAQMD-10 **Recommended Changes to Existing Mitigation Measure (MM) AQ-1**

The comment requests revisions to MM AQ-1 to require the use of Tier 4 off-road equipment for all units of construction equipment of 50 horsepower (hp) or greater, where available, to further reduce the Project's construction emissions. The Draft Program EIR provides substantial evidence that implementation of MM AQ-1, which would require scrapers used after January 1, 2020, to meet Tier 3 off-road emissions standards, would reduce the impacts to below SCAQMD thresholds and to a less than significant level. Therefore, additional mitigation requested, including the use of Tier 4 equipment for all off-road diesel-powered construction equipment, is not required by CEQA since impacts would be less than significant through use of Tier 3 scrapers, alone.

However, even though impacts are less than significant with mitigation, and no additional mitigation is required, MM AQ-1 is amended to include requested measures a, b, and c, as follows:

MM AQ-1 in Section 4.2.9, Mitigation Program (Section 4.2 Air Quality) on page 4.2-42 is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

MM AQ-1 Scrapers used for construction of the proposed Project or Alternative 1 after January 1, 2020 shall meet Tier 3 or better off-road emissions standards*; Tier 4 should be used if available*. The Construction Contractor shall provide a copy of each unit's certified Tier and/or engine specification to the City of Huntington Beach at the time of mobilization of each applicable unit of equipment.

a. Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction equipment and vehicles must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each vehicle and equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.

b. Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485- CARE's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers and operators understand the idling requirement, post signs at the entry of the construction site and throughout the Project site stating that idling longer than five minutes is not permitted.

c. Encourage construction contractors to apply for SCAQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use offroad diesel vehicles. More information on this program can be found at SCAQMD's website: http://www. aqmd. gov/home/programs/business/business -detail ?title=off-road-diesel-engines.

SCAQMD-11 **Additional Recommended Mitigation Measure**

The Project does not have any operational air quality impacts. As noted by the commenter, after implementation of MM AQ-1, the Project's only significant construction air quality impact would be reduced to a less than significant level. The State CEQA Guidelines require feasible measures, which could minimize significant adverse impacts (Section 15126.4[a]1). However, mitigation measures are not required for effects not found to be significant (Section 15126.4[a]4). As such, although not required by CEQA to mitigate significant impacts, measures a, b, and c are included in MM AQ-1, described above.

The following provides an explanation of how recommended measures d through o are already included as part of the Project, how they will be added, or why they will not be added as new mitigation measures:

"d) Require the use of zero-emission or near-zero emission heavy-duty trucks during construction, such as trucks with natural gas engines that meet CARE's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty trucks visiting the Proposed Project during construction commit to using

2010 model year or newer engines that meet CARE's 2010 engine emission standards of 0.01 glbhp-hr for particulate matter (PM) and 0.20 glbhp-hr of NOx emissions or newer, cleaner trucks. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards. The Lead Agency should include this requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure and enforce compliance."

As discussed in response to SCAQMD-10, above, implementation of MM AQ-1, which requires scrapers used after January 1, 2020 to meet Tier 3 off-road emissions standards, is sufficient to reduce the impacts to below SCAQMD thresholds and to a less than significant level. Therefore, additional mitigation requested, such as the use of 2010 model year or newer heavy-duty trucks during construction, is not required by CEQA since impacts would be less than significant through use of Tier 3 scrapers, alone. Therefore, no revisions to the Final Program EIR are required.

"e) Require that 240-Volt electrical outlets or Level2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx and ROG acts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends that the Lead Agency require the Proposed Project to provide the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in."

As stated in RR GHG-2, the Project shall be designed in accordance with the applicable California Green Building Standards (CALGreen) Code (24 CCR 11). The Building Manager, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to:

> Install electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips, as detailed under Section A4.106.8 for residential uses and 5.106.5.3 for nonresidential uses within the 2016 California Green Building Standards Code. This Section facilitates future installation and use of electric vehicle chargers.
>
> Provide designated parking for any combination of low-emitting, fuel efficient and carpool/vanpool vehicles under Section 5.106.5.2.

Therefore, no revisions to the Final Program EIR are required.

"f) Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs throughout the Proposed Project to generate solar energy for the respective building."

Solar panels are included for both the residential and non-residential land uses. As stated in RR GHG-1, the 2019 Title 24 Energy Efficiency standards for residential uses require that solar photovoltaic electricity be installed equal to the amount used annually. MM GHG-1 states that the proposed hotel shall install solar photovoltaic panels on available roof space. It is anticipated that 50 percent of the roof space would be used for equipment, stairwells, elevator banks, skylights, etc. The remaining 50 percent of the roof space (approximately 30,000 square feet) would be used for the installation of solar photovoltaic panels. Furthermore, MM GHG-3 states that any future hotel in Planning Area 4 (Commercial Visitor or CV area) shall utilize a hotel energy management system to minimize unnecessary energy use. MM GHG-4 states that swimming pools shall be heated with a solar swimming pool heater. Therefore, solar panels and energy efficiency measures are already included in the Draft Program EIR, and no revisions the Final Program EIR are required.

"g) Require the use of zero-emission or near-zero emission heavy-duty vendor trucks that service the hotel during operation, such as trucks with natural gas engines that meet CARE's adopted optional NOx emissions standard of 0.02 g/bhp-hr. At a minimum, require that operators of heavy-duty trucks during operation commit to using 2010 model year or newer engines that meet CARE's 2010 engine emission standards of 0.01 g/bhp-hr for PM and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure and enforce compliance."

It is infeasible to require the use of zero-emission or near-zero emission heavy-duty vendor trucks that service the hotel during operation, due to the lack of a large enough fleet of such trucks (according the California Trucking Association, 97 percent of heavy-duty trucks in California are diesel powered; accessed: https://calmatters.org/projects/clean-freight-traffic-is-elusive-as-california-rolls-toward-zero-emissions/). In addition, the City of Huntington Beach, as the lead agency, has no inspection mechanism for enforcement. The Air Resources Board's existing rules require that vehicles with 1995 model year and older engines must be replaced starting January 1, 2015. By January 1, 2023, all trucks and buses must have 2010 model year engines with few exceptions. Construction of the development is anticipated begin in 2020 to occur in phases from south to north and over an approximate six-year time frame. By the time the hotel is operational, all heavy-duty trucks in California would be 2010 engines or newer. Finally, ongoing hotel operations would not result in the need of a large number of heavy-duty vendor trucks. Therefore, no mitigation is necessary, and no revisions to the Final Program EIR are required.

"h) Provide incentives for employees in order to encourage the use of public transportation or carpooling, such as discounted transit passes or carpool rebates."

In response to the above comment, a new mitigation measure (MM GHG-5) has been hereby added to Section 4.6.8, Mitigation Program (Section 4.6 Greenhouse Gas Emissions) on page 4.6-36 to read as follows (*red italics* shows the additional text):

> *MM GHG-5 Employers in Planning Area 4 (Commercial Visitor or CV area) shall establish a mechanism to encourage and coordinate ride sharing, vanpooling/carpooling or other transit opportunities and shall offer transit incentives to employees This measure may be satisfied through the creation of a public message board or other reasonable alternative means of communication.*

"I) Implement a rideshare program for employees and set a goal to achieve a certain participation rate over a period of time."

See new MM GHG-5, in Response "h", above.

"j) Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.

MM GHG-2 states that the proposed Project shall use electric powered landscaping equipment (i.e., mowers, blowers, chainsaws in Planning Area 4 (Commercial Visitor or CV area) and common areas maintained by the Home Owners Association in Planning Area 3 (Residential or RM area). Therefore, no further mitigation is necessary, and no revisions to the Final Program EIR are required.

"k) Require use of electric or alternatively fueled sweepers with HEPA filters."

The availability of alternatively fueled street sweepers is unknown. However, in response to the comment, MM GHG-2 (Section 4.6 Greenhouse Gas Emissions) on page 4.6-36 is hereby revised to require their use, if available (*red italics* shows the additional text):

> MM GHG-2 The proposed Project shall use electric powered landscaping equipment (i.e., mowers, blowers, chainsaws in Planning Area 4 (Commercial Visitor or CV area) and common areas maintained by the Home Owners Association in Planning Area 3 (Residential or RM area). *The proposed Project shall use electric or alternatively fueled sweepers with HEPA filters, if available*.

"l) Maximize the planting of trees in landscaping and parking lots."

Section 3.12.1 Public Open Space of the Specific Plan states that "at least 30% of the public open space area shall contain landscaping, including shade trees,

accent trees, and other soft landscaping. In addition, the Project is required to provide at least 100, 36-inch box size trees per the Draft Program EIR MM BIO-5, which reads: "Tree Replacement. The Project Applicant shall provide a total of 100, 36-inch box size replacement trees (at a minimum 2:1 ratio) for the existing 50 mature trees (i.e., exceeding 10 inches in diameter measured approximately 4 feet above grade) that will be removed to accommodate the proposed development. The replacement trees shall be included in the project's landscaping plan that is required to be submitted to the Community Development Department for review and approval prior to the issuance of building permits." Therefore, no mitigation is necessary, and no revisions to the Final Program EIR are required.

"m) Use light colored paving and roofing materials."

Section 4.3.10 Colors, of the Specific Plan states that the use of "light building colors in soft tones are encouraged; large areas of intense light color should be avoided. Soft tones ranging from white to very light pastels are preferred. Neutral colors such as off-white, beige, and sand are also acceptable;" and accent colors outside of the light building colors may be used to reinforce the design concept. Therefore, no mitigation is necessary, and no revisions to the Final Program EIR are required.

"n) Utilize only Energy Star heating, cooling, and lighting devices, and appliances."

This measure is already included as RR GHG-1, which states that the Project shall be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6).

"o) Use of water-based or low VOC cleaning products that go beyond the requirements under SCAQMD Rule 1113."

There are no significant impacts related to VOC and use of cleaning products that go beyond Rule 1113 is not required by CEQA.

SCAQMD-12 Compliance with SCAQMD Rules

The potential applicability of SCAQMD Rule 1166 and Rule 1466 is noted. It should also be noted in the Draft Program EIR, and specified in MM HAZ-2, prior to issuance of grading permits, the Project Applicant is required to provide a letter from DTSC, which has been accepted by the HBFD, that no further action is required on the site. Even in light of this requirement, the Draft Program EIR acknowledges on page 4.7-12 that construction and grading activities at the site have the potential to result in the use and transport of hazardous materials. These materials could include fuel, oils and other chemicals and liquids used during construction or grading activities as well as the disturbance of potentially contaminated soils on site.

In the event that contamination is discovered during grading, Project remediation activities would be required to comply with all federal, State, and local requirements pertaining to the handling of hazardous materials. This would include SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil and Rule 1466, Control of Particulate Emissions from Soils with Toxic Air Contaminants. Rule 1166 requires an approved mitigation plan be obtained from the SCAQMD prior to commencement of excavation, grading, or handling of VOC contaminated soils. Rule 1466 governs fugitive dust control of contaminated soils and includes ambient particulate monitoring (PM10), dust control measures, notifications, signage, and recordkeeping requirements.

Although MM HAZ-2 requires contaminated soil be remediated (as needed) to the satisfaction of DTSC prior to site development work(regulatory closure status), through an abundance of caution, MM HAZ-1 in the Draft Program EIR, requires the preparation of a Soil Management Plan to safeguard any contamination that may be encountered during grading and other earthwork activities. The Soil Management Plan prescribed in MM HAZ-1 would include regulatory requirements and applicable guidance concerning the proper monitoring, handling, segregation, stockpiling, dust control, testing, transport and disposal of soils that are potentially impacted by hazardous materials and/or petroleum hydrocarbons. This would include Rule 1166 and Rule 1466.

The objective of the Soil Management Plan is to have procedures in place that reduce exposures of construction workers and the public to impacted soils and fugitive dust to less than significant levels, during grading and other earthwork phases of the proposed Project or Alternative 1. As noted on page 4.7-12 of the Draft Program EIR, the Soil Management Plan will require earthwork contractors to prepare a Health and Safety Plan that will (1) provide field personnel with an understanding of potential chemical and physical hazards; (2) describe training requirements; (3) specify monitoring equipment and contingency procedures, as needed, to protect workers and off-site receptors; and (4) identify a health and safety officer who will be on site at all times during earthwork activities. In addition to Rule 1166 and Rule 1466, the Project would be required to comply with South Coast Air Quality Management District (SCAQMD) Rule 403 will assure that fugitive dust emissions during earthwork are controlled to levels that are less that significant to on-site and off-site receptors. In the event that impacted soil is encountered, the Soil Management Plan will direct the contractor to identify appropriate off-site facilities licensed to accept the waste and properly segregate, moisture control, and profile the excavated soil for on-site reuse or off-site disposal.

SCAQMD-13 Other Comment Regarding the Remedial Status of the ASCON Landfill

The comment regarding inconsistency in referencing the remedial status of the ASCON Landfill Site is noted. For a discussion of the remedial status, please refer to Response SCAQMD-6 under the heading of "Proximity to the ASCON Landfill Site" above, which describes the remedial status at ASCON Landfill Site.

In response to comment pertaining to Table 4-1, the information regarding the status of ASCON Landfill Site in Table 4-1 (Section 4.0 Impact Analysis Introduction) on page 4-6 is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

TABLE 4-1
APPROVED AND PENDING PROJECTS IN THE CITIES OF HUNTINGTON BEACH, NEWPORT BEACH, AND COSTA MESA

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status
City of Huntington Beach			
2. ASCON Landfill Remediation	Cleanup and remediation of the landfill.	Southwest corner of Magnolia Street and Hamilton Avenue. Located adjacent to the site.	~~Planning~~ *Final Remedial Action Plan (RAP) was approved by DTSC on 6/9/15. As of January 18, 2019, field work at the ASCON Landfill Site has been initiated; however, at this time the schedule for completing remediation is uncertain.*

Regarding the second reference, "the cleanup status of the ASCON Landfill Site is currently listed 'active' on Envirostor" in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR, this description correctly reflected the remedial status at that time.

In terms of the third reference, "remediation activities at ASCON Landfill Site to the north" associated with the potential aesthetic impacts, will continue to provide for the long-term protection of public health and the environment in and around the ASCON Landfill Site, as described above in Response SCAQMD-6. As of January 18, 2019, field work at the ASCON Landfill Site has been initiated; however, at this time the schedule for completing remediation is uncertain.

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Letter 4

CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

PO Box 190 • Huntington Beach, CA 92648

March 18, 2019

Mr. Ricky Ramos, Senior Planner
Department of Planning and Building
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Via email to: rramos@surfcity-hb.org

Subject: Draft Program Environmental Impact Report, Magnolia Tank Farm Specific Plan Project

Dear Mr. Ramos:

An ad hoc committee of Huntington Beach Environmental Board (HBEB) members has reviewed the subject Draft Program Environmental Impact Report (EIR) for the subject proposed project, with said response submitted for approval by Huntington Beach City staff and City Council liaisons to the HBEB. HBEB-1

Subject to the results of this approval process, the representatives of the HBEB propose to offer the following comments for Planning Commission and City Council consideration:

Introductory Comments:

A1. We appreciate the efforts taken by City Officials, Staff, Committee Members and other members of the public to meet the requirements under the California Environmental Quality Act (CEQA) Guidelines to address all anticipated environmental impacts of the proposed project, as documented in the Draft EIR. HBEB-2

A2. We are mindful of a legitimate desire to address long-term development on the subject property and are supportive of a project that will meet this goal in a way that is safe, environmentally sound, and sensitive to the immediate needs of the community and general public. HBEB-3

A3. Toward these general goals, we submit the following specific concerns and questions which we recommend be considered prior to approving the proposed project. The questions have been categorized by standard CEQA impact category. (Some of these points may touch on HBEB-4

considerations for or be preferably assigned to another CEQA category.) The numbering of specific topic areas and their comments reflect the numbering in the EIR and might not be sequential within this letter. HBEB-4 cont.

1. Aesthetics:

B.1.1 Proximity to Industrial Facilities It is noted in the EIR that the proposed project "would serve to limit views of the AES Generating Facility, which is not aesthetically pleasing." (p. 4.1-18) This is representative of an underlying point about this property, that the residents / users of the completed MTF project will likely have a closer view of the nearby AES power plant ("AES") and potentially the Poseidon Desalination plant ("Poseidon") than currently for existing residents on the East side of Magnolia. There is no easy way to mitigate this impact, but it should be considered as a factor in the quality of the resulting project. HBEB-5

B.1.2 Effect of Different Parts of Development on Each Other. The primary proposal would have different forms of development in close proximity to each other. In particular, a Lodge designed to be friendly to "Eco-Tourists" will be close to other types of multi-story mixed use development. From the standpoint of visitors to that Lodge, surroundings which enhance the natural features in direct proximity will maximize the value of that portion of the project. This is ideally accomplished by increased remediated open space reflective of the natural attributes of the local (coastal) land. HBEB-6

2. Air Quality

B.2.1 Cumulative Impacts of All Local Sources. The local air quality issues for the project are noted with some thoroughness in the EIR. For completeness, it should be noted that the subject property is in atmospheric close proximity to the beaches of Southeast Huntington Beach, and depending on the wind pattern, may be receiving notable levels of emissions from beach fire pits, which tend to produce plumes high in particulates and other pollutants. The existence of those fire pits and their impact on the local area is an established feature of the area. It is pointed out here to recommend that future air testing consider wind patterns which may create high-impact periods from these local sources. HBEB-7

3. Biological Resources

B.3.1 Effect of Current Activities on Wildlife Potential The current state of the property is not inviting to natural wildlife, which has also been actively discouraged by devices such as an artificial coyote figure on high ground. This aspect of the current activity tends to depress attempts by animal wildlife to inhabit the property, making it more difficult to objectively assess the potential for natural habitat within the subject property. HBEB-8

5. Geology and Soils:	
B.5.1. Potential Earthquake Impacts: The risk of liquefaction from earthquakes is a known feature of the subject property and most of Huntington Beach. The preliminary engineering addresses this and it is recommended that this issue continue to be thoroughly addressed throughout the lifespan of the project.	HBEB-9
7. Hazards and Hazardous Materials	
B.7.1 Regulatory References. The document refers to the delegation of OSHA compliance to State regulations, e.g. Cal/OSHA (Department of Occupational Safety and Health, DOSH) However; the reference given for construction safety order (29 CFR 1926) is a federal regulation. Cal/OSHA regulations are found in California Code of regulations (CCR) Title 8, subchapter 4.	HBEB-10
B.7.2 Remediation As stated in the report, a pipe coming from the ASCON landfill was found to protrude onto the project site and was leaking crude oil. The report recognizes that contaminated soil was removed during the tank removal project in 2017. It would be expected that another evaluation of the area would be completed to ensure the leaking pipe is addressed according to regulatory requirements and no soil on the project site is contaminated before any grading would begin. At the same time similar care should be taken in evaluating and, if necessary, remediating the ground in the proximity of the storage tank footprints.	HBEB-11
8. Hydrology and Water Quality	
B.8.1 Impacts of External Events. The preliminary engineering of the project does take into consideration the impact of high rainfall, storm surge, and ocean level rise in the design of the project. It is recommended that these effects be carefully monitored for their impact on the subject property and on surrounding neighborhood.	HBEB-12
10. Noise	
B.10.1 Noise at boundary the noise on the west side of the property from AES and future Poseidon have already been measured at 70 dBA at their property line. Any further noise sources, which are to be expected from planned or proposed projects, could push portions of the subject property out of noise compliance. This could be an issue for the external areas for future residents.	HBEB-13
B.10.2 Notice to local residents. The report indicates that a 14-day notice will be provided to residents within 500 feet of construction activities. The communication procedure should be chosen to effectively reach residents within the 500-foot area. Consideration should also be given	HBEB-14

to including required response times that the Noise Disturbance Coordinator is required to respond to citizen noise concerns.	HBEB-14 cont.
12. Public Services	
B.12.1 Fire Service Access Questions have been raised about the maneuverability of fire trucks within the project streets. Care should be taken that such vehicles have unencumbered access.	HBEB-15
14. Transportation and Traffic:	
B.14.1. Cumulative Impacts The Draft EIR does take into consideration cumulative impacts of the proposed project and those of other sources including anticipated construction projects. Continued evaluation of these impacts in ongoing traffic engineering and notification of the community of any short-term impacts is recommended.	HBEB-16
B.14.2. On-site Traffic The configuration of the roadways within the proposed property (notably with tight corners) are noted with concern for the possibility of congestion resulting from the proposed uses.	HBEB-17
Comments on the Overall Project	
C.1 Best and Highest Use Best and highest use of the property should be considered consistent with the current development guidelines and the Coastal Zone features of the property. For this reason, it would be desirable to develop an additional CEQA alternative that considers a greater portion of natural land restoration on the property. This would allow and enhanced the proposed lodge and proposed Eco-Tourism and minimize negative impacts to existing neighborhood development.	HBEB-18
C.2. Need for a Specific Plan The use of a Specific Plan suggests a development that is out of character with the surrounding community. At the very least it poses an additional cost to the City and its citizens to implement. The City is not obligated to approve specific plans to accommodate proposed development projects. It is recommended that the need for a development at this site that requires a Specific Plan be reassessed.	HBEB-19
Conclusions	
The Huntington Beach Environmental Board, in keeping with its duty to "advise the City Council and staff on sustainability challenges and opportunities to enhance the overall sustainability, economic, ecological and social environments of Huntington Beach," appreciates the opportunity to review and comment on the subject document and note specific issues to ensure the success of the project while minimizing potential adverse impacts. We realize that many of the considerations we have raised may well already be addressed by documentation	HBEB-20

which we have not had the opportunity to review, however we want to be sure that points not clearly addressed in the EIR are not overlooked. HBEB-20 cont.

Please let us know if you have any questions regarding our comments.

Sincerely,

Mark Sheldon

Mark Sheldon
Chairperson, Huntington Beach Environmental Board

Letter 4: Huntington Beach Environmental Board

Comment Letter Dated March 18, 2019

HBEB-1 The comment is an introductory comment. No further response is required.

HBEB-2 The comment is noted and will be forwarded to the decision makers. No further response is required.

HBEB-3 The comment is noted and will be forwarded to the decision makers. No further response is required.

HBEB-4 The comment is noted and will be forwarded to the decision makers. No further response is required.

HBEB-5 The comment regarding future residents and users of the Magnolia Tank Farm Project having a closer view of the AES Generating Station/Power Plant and potentially the Poseidon Desalination Plant is noted. Section 4.1, Aesthetics, of the Draft Program EIR included a detailed analysis of potential aesthetic and visual impacts of the Project and determined that the impacts would be less than significant. While it is noted that the proposed Project would be closer to AES Generating Station/Power Plant compared to the existing development in the vicinity, in light of existing and future buffers, proposed setbacks in compliance with City and Coastal Zone regulatory requirements, and proposed features such as landscaping, visual impacts for the proposed Project and Alternative 1 would be less than significant.

HBEB-6 The opinion regarding the effect of different parts of development on each other is noted. This is not a comment on the Draft EIR but will be forwarded to the decision makers. No further response is required.

HBEB-7 The comment regarding impacts to air quality associated with fire pits is noted. Please note, air pollution related to open burning fire pits is regulated under South Coast Air Quality Management District (SCAQMD) Rule 444 (http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-444.pdf). This Rule prohibits beach burning devices that are within 700 feet from the nearest residence and when the Air Quality Index is over 100. The SCAQMD has evaluated this source of air pollution and regulates this source based on the magnitude of emissions, proximity to sensitive uses, and air quality conditions. The project site is approximately 1,400 feet from the closest fire pits. This is double the minimum separation distance established by the SCAQMD under Rule 444. While emissions from the fire pits may be detectable at the project site, the SCAQMD has established Rule 444, which indicates that "The purpose of this rule is to ensure open burning in the District is conducted in a manner that minimizes emissions and impacts, and that smoke is managed consistent with state and federal law in order to protect public health and safety." As such, smoke associated with the fire pits is not considered to result in a significant air quality impact, and no mitigation measures are recommended for this air pollutant source.

HBEB-8 Regarding the effect of current activities on wildlife, according to Section 15125(a) of the CEQA Guidelines, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published.

> "Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence." [Guidelines 15125(a)2].
>
> "An existing conditions baseline shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline." [Guidelines 15125(a)3]

As discussed in Section 2.4, Background and History, of the Draft Program EIR, the project site ceased to operate as an agricultural use in the 1960s. Since 1972, the site has been in industrial use with a fuel oil storage facility containing three above-ground, 25 million-gallon tanks. In 2013, the City of Huntington Beach issued a Coastal Development Permit to the property owner, Plains All-American Pipeline for the demolition of the three storage tanks and associated pipelines and ancillary facilities. The permit allowed the demolition and removal of the storage tanks and some minor grading to facilitate drainage. The demolition of the three storage tanks was completed in July of 2017, and the site is leased to AES Southland as a staging and parking area for the demolition of the existing power plant and construction of the new plant.

The project site is currently an active construction site, and prior to that, was an industrial use. The project site consists of a previously disturbed land, which has been cleared and graded. The site is generally flat and largely devoid of vegetation within the fenced area (see Draft EIR Section 4.3.3, Existing Conditions). Therefore, the Project's physical baseline and appropriate CEQA baseline is a construction site largely devoid of vegetation.

The Project's potential for natural habitat was objectively assessed. As detailed in Section 4.3, Biological Resources, page 4.3-7 and Appendix D-12 of the Draft Program EIR, the habitat assessment was conducted twice, on August 25, 2017, and updated on July 17, 2018 by Blackhawk Environmental biologists, who performed a pedestrian survey of the entire project site and its surrounding area to 300 feet beyond the project boundary. Methods included belt transects spaced approximately 5 to 15 meters apart in addition to meandering transects. The Blackhawk Environmental report was peer reviewed by Psomas on behalf of the City and was approved for inclusion in the Draft Program EIR.

As described in Section 3.5, Specific Plan Overview, of the Draft Program EIR, the proposed Project would implement a 2.8-acre Coastal Conservation area designed to create upland habitat that functions as a buffer to the environmentally sensitive habitat located within Magnolia Marsh. The proposed Project would also include construction of a Marsh Park, which would provide increased beneficial habitat for

natural wildlife with design features such as screening trees, a bioswale, and meadow-like plantings.

HBEB-9 The comment regarding liquefaction analysis is noted. However, it should be clarified that the analysis was performed by the Project Geotechnical Engineer based on the anticipated as-graded conditions and highest level of groundwater expected within the Project Sea Level Rise Vulnerability Assessment and Adaptation Plan (SLR VAAP). As planning and development of this Project progresses, the Project geotechnical consultant would continue to review and update geotechnical engineering recommendations to be incorporated into the design of the Project, as appropriate.

HBEB-10 The comment regarding regulatory references is noted. The Cal/OSHA regulations applicable to the Project should have referenced Construction Safety Orders set forth in California Code of Regulations, Title 8, subchapter 4. Comment is noted, and in response, the reference in Section 4.7.1, under Occupational Safety and Health (Section 4.7 Hazards and Hazardous Materials) is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

> OSHA also establishes standards regarding safe exposure limits for chemicals to which construction workers may be exposed. Safety and Health Regulations for Construction (~~29 CFR 1926.65~~ *California Code of Regulations, Title 8, subchapter 4,* Appendix C), contains Compliance Guidelines for construction activities, which include occupational health and environmental controls to protect worker health and safety.

HBEB-11 The comment regarding remediation is noted. The investigation and remedial work at the project site are ongoing. Both HBFD and DTSC have been involved in reviewing site assessments performed to date. The DTSC is the lead oversight agency, and through its Site Mitigation and Restoration Program, is responsible for overseeing the evaluation and cleanup of contaminated properties throughout the state of California. DTSC staff is comprised of experts such as geologists, toxicologists, risk assessors, and other scientists. DTSC's Human and Ecological Risk Office (HERO) provides expertise regarding chemical toxicity and the risk imposed by chemicals on human and ecological receptors. HERO staff develops and publishes risk-based screening levels for soil, groundwater and air based on toxicity criteria and exposure assumptions that are scientifically rigorous and considered to be among the most conservative standards in the country. Compliance with MM HAZ-2 ensures that all requirements imposed by DTSC for additional investigation, remediation or other response will be completed, including in the northern area of the project site within proximity of the landfill and the former tank locations. Risk-based target concentrations (RBTCs) approved by DTSC will serve as the screening level (i.e. cleanup threshold) for each constituent of concern. All soil exceeding the screening level shall be removed from the site and transported to a facility licensed to accept the waste. The RBTCs shall be calculated based on exposure assumptions and toxicity criteria published by DTSC as sufficiently conservative for residential land use. DTSC's written concurrence signifying the successful completion of all required investigation and remedial action must be obtained prior to issuance of a grading permit. The DTSC's closure letter will be submitted to HBFD for its review prior to commencement of the Project. These

safeguards assure that future site occupants will not be exposed to risk from hazardous materials.

Additionally, it should be noted that while the Findings and Statement of Overriding Considerations (published for the project by the DTSC on June 18, 2015), acknowledged "the potential for short-term environmental impacts as described in the Final EIR, the Remedial Action Plan (RAP) will nonetheless further DTSC's mission statement by providing for the long-term protection of public health and the environment in and around the ASCON Landfill Site."

HBEB-12 Section 4.8, Hydrology and Water Quality, of the Draft Program EIR, included a detailed discussion and analysis of the sea level rise. The discussion stated that, the City of Huntington Beach conducted a Sea Level Rise Vulnerability Assessment in 2014, which shows that, with 5.5 feet of SLR in 2100, tidal inundation would occur on the project site. The mapping effort appears to be based solely on ground elevations and does not consider whether or not water could actually reach the site. The eastern wall of the Huntington Beach Channel provides protection for the project site from coastal hazards associated with high tides, coastal wave storms, and fluvial flooding under existing conditions. The wall is part of a flood control system that provides flood protection for a large part of the City. Thus, surface water cannot reach the site unless it overtops the crest elevation of the east wall of the Huntington Beach Channel and/or runs through an opening (e.g., storm drain) in the flood control channel.

As discussed in the said section, while it was concluded that the Project would not contribute to SLR, it includes features that would address future impacts associated with SLR. A Project Design Feature (PDF) was introduced stating that "The overall ground elevation of the interior portion of the site shall be raised to an average of over 10.5 feet (NAVD88) and the ground elevations of the building pads shall be raised an additional one to two feet above the elevation of the roads within the interior of the site." This measure would also address vulnerability to increased groundwater elevations that would impact structural stability and would reduce the depth of flooding if the floodwall is overtopped.

Additionally, when the City updates the Local Coastal Program, it is expected to include a SLR vulnerability assessment and adaption plan that would continue to focus on protection for the near future (e.g., now through 2060) and build upon the SLR vulnerability assessment and coastal resiliency program that were prepared for the General Plan Update.

HBEB-13 Regarding noise, it should be noted that Section 4.10, Noise, of the Draft EIR provided a detailed analysis of project-level and cumulative noise impacts and provided mitigation measures that would reduce the potential impacts to less than significant, with the exception of temporary vibration impacts associated with pile driving during construction of the proposed hotel/lodge.

The commenter states that noise levels at AES Generating Station/Power Plant and future Poseidon Desalination Plant have been measured at 70 dBA at their property line and any further noise sources, which are to be expected from planned or proposed projects, could push portions of the subject property out of compliance.

However, the comment does not provide further information regarding expected planned or proposed projects beyond those already considered in the cumulative impact analysis. There are no reasonably foreseeable planned or expected projects that the City is aware of at this time that are not accounted for in the cumulative noise impact analysis. The comment further states that this could be an issue for the external areas for future residents. It is unclear what the commenter means by "external areas" and whether the commenter is referring to future residents within the Project or in neighborhoods surrounding the project site. However, the projects referenced in the comment are approved projects, and no significant noise impacts to existing residents were identified. Section 4.10, Noise, of the Draft Program EIR demonstrates that the proposed Project would not result in cumulative operational noise or traffic noise impacts to existing residential uses located across Magnolia. MM NOI-4 requires that a "Final Acoustical Report shall assess all potential off-site noise impacts associated with on-site operations to insure compliance with the City's Noise Ordinance criteria for off-site sensitive land uses."

HBEB-14 The comment regarding notice to local residents is noted. In response to this comment, the text of MM NOI-1 in Section 4.10.7, Mitigation Program (Section 4.10 Noise) is hereby revised to read as follows (*red italics* shows the additional text):

MM NOI-1

- A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise *within a reasonable amount of time, and initial response shall be within 48 hours*. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and shall be required to implement reasonable measures to reduce noise levels.

HBEB-15 The comment regarding fire service access and the maneuverability of fire trucks within Project streets is noted and will be forwarded to the decision makers. As noted on page 3-12 of Section 3.0, Project Description, of the Draft Program EIR, the internal backbone streets would consist of a 40-foot dimension from curb to curb (with parking on both sides). Additional internal private alleys with a minimum 24-foot dimension would provide access to each unit. Proposed fire access roads will comply with the California Fire Code Section 503.1.1 and City Specification #401 for location, width, and turning radii. Fire access lanes will be required to be reviewed and approved by the HBFD prior to approval of future site plans/subdivision maps.

HBEB-16 As shown in Tables 4.14-12 and 4.14-13 in Section 4.14, Transportation/Project Traffic, of the Draft Program EIR, the traffic analysis included 18 cumulative projects. The comment regarding recommending notification of the community of any short-term impacts is noted and will be forwarded to the decision makers.

For a discussion of cumulative analysis, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments. As indicated in that response, the overall approach in analyzing the Project's cumulative impacts is highly conservative, as both cumulative impact approaches

(i.e., the list approach per Section 15130[b][1][A] and the growth projections approach per Section 15130[b][1][B]) of CEQA Guidelines) were used in the analysis. Therefore, the Draft Program EIR likely overstated potential cumulative impacts and is thus highly conservative.

The commenter also recommends continued evaluation of the impacts in ongoing traffic engineering and notification of the community of any short-term impacts. Comment is noted and will be forwarded to the decision makers. However, it should be recognized that Section 4.14, Transportation/Traffic, of the Draft Program EIR provided a detailed discussion and analysis of all short-term construction and long-term operation impacts of the Project pertaining to traffic and circulation. It was determined that impacts would be either less than significant or reduced to less than significant, with the exception of potential impacts within other jurisdictions (i.e., City of Newport Beach and Caltrans), which would remain significant and unavoidable. Thus, no future impacts, not already analyzed in the environmental document for which notifications to the community were required, would be anticipated. Short-term construction related impacts would be addressed through preparation of a construction management plan, which is provided as RR TRAN-1. This plan would take into account any other active construction projects in the vicinity at the time of issuance. The measure will include provisions that would avoid significant construction related impacts.

HBEB-17 The comment is noted. Page 4.14-36 in Section 4.14, Transportation/Project Traffic, of the Draft Program EIR indicates that as part of the entitlement process, internal circulation of the project site plan would be further evaluated to ensure adequate curb return radii is provided prior to finalization of the site plan.

HBEB-18 The comment regarding the highest and best use of the property consistent with current development guidelines and Coastal Zone features of the site and the need for an additional CEQA alternative is noted and will be forwarded to the decision makers.

Regarding an additional CEQA alternative, Section 15126.6 of the State CEQA Guidelines requires an EIR to,

> "… describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. 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."

Further, Section 15126.6(f)(1) of the State CEQA Guidelines states that the feasibility of implementing the alternative must be considered. As noted in the Draft Program EIR, it has been recognized that, for purposes of CEQA, "feasibility" encompasses "desirability" to the extent that the latter is based on a reasonable balancing of the

relevant economic, environmental, social, and technological factors.[6] This balancing is harmonized with CEQA's fundamental recognition that policy considerations may render alternatives impractical or undesirable.[7]

The Draft Program EIR complies with Section 15126.6 of the State CEQA Guidelines by including a reasonable range of alternatives. Further, each of the alternatives has been designed to minimize, to different degrees, the potentially significant impacts associated with the Project; therefore, they achieved the stated purpose, as specified in Section 15126.6(b), of having alternatives "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". The Draft Program EIR addresses the No Project Alternative and a variation (i.e., No Project/Existing Designation—Senior Campus) in addition to Alternative 1 (residential development), which was evaluated at an equal level of consideration throughout the Draft Program EIR. The No Project/Existing Designation—Senior Campus is proposed in recognition of the "best and highest use" of the site and is consistent with the existing development guidelines.

Therefore, as the Draft Program EIR already includes a reasonable range of alternatives, CEQA does not require that the City consider an additional alternative, as suggested by the comment. The comment is noted and will be forwarded to the decision makers.

HBEB-19 The comment states that the City is not obligated to approve a specific plan in order to accommodate a project. This comment is noted but it does not raise an environmental concern or issue regarding the Draft Program EIR. The comment also states that the use of a specific plan "suggests a development out of character with the surrounding community and recommends reassessing the need for a specific plan." The comment is noted and will be forwarded to the decision makers. As indicated in the Magnolia Tank Farm Specific Plan No. 18 (Specific Plan), the purpose of the specific plan is to guide and encourage the creation of a mixed-use community that provides visitor serving commercial uses, residential neighborhoods, opportunities for coastal access and passive recreation and incorporates measures to protect adjacent natural resources. The Specific Plan was prepared to focus on the distinctive characteristics of a property in the context of its surroundings by customizing the land use regulations specifically to that area. All developments within the Specific Plan are subject to the requirements and provisions of Chapter 245 Coastal Development Permits of the HBZSO. The comment states that the City is not obligated to approve a specific plan in order to accommodate a project. This comment is noted.

HBEB-20 The concluding comment is noted and will be forwarded to the decision makers. For responses to comments related to the Draft Program EIR, please refer to Responses HBEB-1 through HBEB-19, above. No further response is required.

6 *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001.

7 Ibid.; see also *California Public Resources Code,* Section 21081 and California Code of Regulations, Title 14, Sections 15126.6(c) and 15364.

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Letter 5

OC Public Works
Integrity, Accountability, Service, Trust
Shane L. Silsby, Director

March 21, 2019 NCL-18-063

Ricky Ramos, Senior Planner
City of Huntington Beach
Community Development Department
2000 Main Street, Huntington Beach, CA 92648

Subject: Draft Program Environmental Impact Report (EIR) for the Magnolia Tank Farm (MTF) Project

Dear Mr. Ricky Ramos:

The County of Orange has reviewed the Draft Environmental Impact Report for the Magnolia Tank Farm project and has no comments at this time. We would like to be advised of further developments on the project. Please continue to keep us on the distribution list for future notifications related to the project. OCPW-1

If you have any questions regarding these comments, please contact Cindy Salazar at (714) 667-8870 in OC Development Services.

Sincerely,

for

Richard Vuong, Manager, Planning Division
OC Public Works Service Area/OC Development Services
300 North Flower Street
Santa Ana, California 92702-4048
Richard.Vuong@ocpw.ocgov.com

Letter 5: Orange County Public Works

Comment Letter Dated March 21, 2019

OCPW-1 The comment indicates that the Orange County Public Works has no comment on the Draft Program EIR at this time. The Orange County Public Works requests to be notified of further development on the Project. Orange County Public Works will be added to the interested party list for the Project. The comment is noted and will be forwarded to the decision makers. As the comment letter does not raise any issues pertaining to CEQA, no further response is required.

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3.4 ORGANIZATIONS

A total of nine comment letters were received from organizations. The letters are listed below:

- Gabrieleño Band of Mission Indians—Kizh Nation (GBMI-KN)—December 17, 2018
- S.A.M.E (SAME)—January 19, 2019
- S.A.M.E (SAME)—January 22, 2019
- Building Industry Association of Southern California, Inc. Orange County Chapter (BIA)—February 4, 2019
- Orange Coast River Park Conservancy (OCRPC)—February 4, 2019
- Huntington Beach Wetlands Conservancy (HBWC)—February 7, 2019
- Gabrieleno Tongva San Gabriel Band of Mission Indians (GTSGBMI)—February 15, 2019
- Orange County Business Council (OCBC)—March 15, 2019
- Project Navigator, Ltd. (PNL)—March 18, 2019

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GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The San Gabriel Band of Mission Indians / Gabrielino Tribal Council
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Letter 6

City of Huntington Beach
200 Main St. CA 92648

December 17, 2018

Re: AB52 Consultation request for the Magnolia Tank Farm (MTF) Project

Dear Ricky Ramos,

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, subd. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a "no records found" for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. For this reason, the NAHC will always refer the lead agency to the respective Native American Tribe of the area. The NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and can provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area.

Additionally, CEQA now defines Tribal Cultural Resources (TCRs) as their own independent element separate from archaeological resources. Environmental documents shall now address a separate Tribal Cultural Resource section which includes a thorough analysis of the impacts to only Tribal Cultural Resources (TCRs) and includes independent mitigation measures created with Tribal input during AB-52 consultations. As a result, all mitigation measures, conditions of approval and agreements regarding TCRs (i.e. prehistoric resources) shall be handled solely with the Tribal Government and not through an Environmental/Archaeological firm. GBMI-KN-1

In effort to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email admin@gabrielenoindians.org to schedule an appointment.

*** Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at: http://calepa.ca.gov/Tribal/Training/ or http://nahc.ca.gov/2015/12/ab-52-tribal-training/*

With Respect,

Andrew Salas, Chairman

Andrew Salas, Chairman | Nadine Salas, Vice-Chairman | Christina Swindall Martinez, secretary
Albert Perez, treasurer I | Martha Gonzalez Lemos, treasurer II | Richard Gradias, Chairman of the Council of Elders
PO Box 393, Covina, CA 91723 | www.gabrielenoindians.org | gabrielenoindians@yahoo.com

Kizh Gabrieleno Band of Mission Indians

Re: Cultural Resources Mitigation Measures, regarding Tribal Cultural Resources and Human Remains and associated funerary objects within Kizh Gabrieleño Tribal Territory.

Note: *The Gabrieleño Band of Mission Indians Kizh -Nation ONLY replies to projects within their ANCESTRAL territory, because it's the highest degree of relationship to the land, even over culturally or traditionally affiliated, and our Oral History and documented information pertain to our Tribe's village areas, commerce areas, recreation areas, and burial locations within our tribe's ancestral territory. Therefore, in order to protect these irreplaceable Tribal Cultural Resources within our ancestral tribal territory, Native American Monitors shall be from the Gabrieleño Band of Mission Indians Kizh -Nation.*

Retain a Qualified Principal Investigator. A qualified principal investigator, defined as an archaeologist, who meets the Secretary of the Interior's Standards for professional archaeology and has previous experience working in the Los Angeles basin within the ancestral tribal territory of the Kizh Gabrieleno. Previous experience must contain professional and/or academic expertise of prehistorical and historical (Mission era) Gabrieleno culture including but not limited to Gabrieleno place-names and locations, political and social structure, economic organization and trade, village catchment and use areas, foraging and hunting areas, identification of traditional tools and jewelry, religious beliefs and ritual practices, games, recreation, etc. The archaeologist shall provide a curriculum vitae and project experience to the Kizh Gabrieleno Tribe for concurrence of approval. The archaelogist (hereafter referred to as qualified archaeologist) shall be retained to carry out all mitigation measures related to any archaeological historic or prehistoric tribal cultural resources.

Retain a Native American Monitor: The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians-Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the Tribal Representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Native American Monitor(s) will complete monitoring logs on a daily basis. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k). The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for archeological resources.

***Hazwoper is needed only if the site has hazardous concerns.*

Unanticipated Discovery of Tribal Cultural Resources: All archaeological resources unearthed by project construction activities shall be evaluated by the Qualified Archaeologist and Native Monitor. If the resources are Native American in origin, the Tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. If a resource is determined by the Qualified Archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or has a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human remains and associated funerary objects: Human remains are defined as any physical remains of a human being. The term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of associated cultural resources (Funerary objects) with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. NAGPRA guidance specifically states that the federal agencies will consult with organizations on whose aboriginal lands the remains and cultural items might be discovered, who are reasonably known to have a cultural relationship to the human remains and other cultural items. Therefore, for this project site, it is appropriate to consult with the Gabrieleno Band of Mission Indians – Kizh Nation as recommended by the NAHC.

Prior to the start of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. Any discoveries of human skeletal material shall be immediately reported to the County Coroner. The monitor will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The monitor will then notify the Qualified Archaeologist and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to

protect the remains. If this type of steel plate is not available, a 24 hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the Qualified Archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes 4 or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project applicant shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities are to be submitted to the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

If the coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the coroner. Reburial will be in an appropriate setting. If the coroner determines the remains to be modern, the coroner will take custody of the remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Tribal Cultural Resources in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Letter 6: Gabrieleño Band of Mission Indians—Kizh Nation

Comment Letter Dated December 17, 2018

GBMI-KN-1 This comment letter pertaining to consultation has been previously submitted to the City. On November 16, 2017, in response to Mr. Salas' letter, the City requested a telephone conference meeting. Mr. Salas and the City discussed the Project components, and Mr. Salas provided recommended mitigation measures to reduce potential impacts to tribal cultural resources. The proposed mitigation measures were incorporated in Section 4.15, Tribal Cultural Resources, of the Draft Program EIR.

In response to this comment letter, Mr. Ramos, Project Manager for the proposed Project sent an email correspondence to Brandy Salas asking if the Tribe would like another consultation even though a consultation was previously conducted. In response to City's offer to have another consultation, the Tribe acknowledged that no further consultation would be necessary.

Therefore, the City has met the AB 52 requirements, and no further action is required by the City.

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Letter 7

From: Nancy Buchoz <nancybuchoz@yahoo.com>
Sent: Tuesday, January 22, 2019 3:44 PM
To: Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Request for Magnolia Tank Farm Draft EIR to be extended by S.A.M.E.

S.A.M.E.

9001 Rhodesia Drive

nancybuchoz@yahoo.com

January 19, 2019

The Honorable Mayor Eric Peterson, and Mr. Ricky Ramos,

I am writing on behalf of a small grassroots organization called S.A.M.E.

We are a group of residents in the south-east area of our city (S.E.H.B.) that oppose the current Magnolia Tank Farm development for a variety of reasons. SAME 1-1

First, we believe the land use for the area should mirror the current area, and enhance the current neighborhoods. Not change the neighborhood dynamics where it would destroy the family atmosphere that is currently present in S.E.H.B. SAME 1-2

-Next, from an environmental standpoint, the decision to place homes, residences, shopping centers, or Poseidon onto an area that is environmentally sensitive (wetlands), environmentally hazardous (fault lines and rising tides) and chemically toxic is beyond rational. New and current residents would be in harm's way if this trifecta of calamity were to be built in S.E.H.B. SAME 1-3

Currently we were given the opportunity to review the EIR for the project. This notice was sent via email to me on Dec 17th at 5pm. The ensuing notice in the mail arrived the same day. The EIR is 773 pages long, and quite extensive, and we need time to read through it. The Holidays occurred at the same time this was given to some in the neighborhood to read, and to me that just wasn't fair to the people who need to examine this document but cant as so many were not working due to the holidays. We were given a 773 page document at literally one of busiest times of the year! Some would argue that the developer or the city might be trying to pull a fast one??? SAME 1-4

The project has so many possible negative qualities and issues associated with it, that we need time to read and verify what is being proposed. So far, 62 residents have felt compelled to send in their letters of concern addressing a multitude of topics and interests regarding this development. However, Public Notice for comments has been short-changed and we need our due. SAME 1-5

The group S.A.M.E. would like to formally request an extension of the review so that all the entities that are affected with regard to this development may have time to go over

the extremely long and detailed EIR. With so many groups impacted, we feel it appropriate to give residents the extra time to review the E.I.R. so that the best input can be offered.	SAME 1-5 cont.
Also, the Dec 17, notice was only sent to some residents in the area, so not everyone received it. Combine that with the holidays, and a cancelled City Council meeting, and it gave people very little time to study this report in its entirety. How can residents actually give the necessary input as to the safety and scope of the project when they had very little time to do so? There are so many people affected by this potential development, we feel it necessary to increase the allowed time and give ample time for those affected to review and make comments. SEHB residents have to deal with four major projects simultaneously, just having to go through this massive report as well as deal with the other areas of concern in the neighborhood isn't right. We feel the extension is warranted. The AES Corporation, Poseidon Corporation, ASCON, local industrial businesses, local business owners on Hamilton and near Magnolia, as well as the very concerned residents of S.E.H.B. all need more time to actually research and examine this document. The purpose for the draft EIR is to examine and identify any problems and offer solutions so that large issues do not wreak havoc on a project. Lets give this huge, extremely impactful project the necessary time to be reviewed so we can do what is right.	SAME 1-6
Mayor Peterson and Mr. Ramos, for the reasons listed above we ask that you please consider giving the residents, at a minimum, a two-week extension or more, to comment on the Magnolia Tank Farm Environmental Impact Report. Your help in allowing us the right to trust and verify the report is greatly appreciated. Thank you very much for your time and consideration in this important manner.	SAME 1-7

Sincerely,

Nancy Buchoz

nancybuchoz@yahoo.com

S.A.M.E

Development should have:

Similar setbacks as current neighborhood

Aligns with current neighborhood

Matches the current neighborhood, suburban beach community

Existing neighborhood and development complement one another

Letter 7: S.A.M.E. (1)

Comment Letter Dated January 19, 2019

SAME 1-1 The comment expresses opposition to the proposed Magnolia Tank Farm Project. The comment is noted and will be forwarded to the decision makers. As the comment does not raise any issues pertaining to CEQA, no further response is required.

SAME 1-2 The comment states that the group believes the proposed land use should mirror the current area and would not fit in with the "family atmosphere" currently present in southeast Huntington Beach. This comment is noted; but it does not raise a CEQA issue related to the Draft Program EIR. However, Section 4.9, Land Use and Planning, of the Draft Program EIR includes a detailed discussion of land use compatibility and the features that would address potential land use impacts. The discussion identifies the surrounding uses as industrial uses to the west and southwest, and residential uses across Magnolia Street to the east. The impact analysis discusses potential conflicts related to the proposed uses with both the existing industrial uses and the residential uses. However, the discussion in Section 4.9 provides substantiation as to why the proposed Project would not have a significant impact. Also, it should be noted that the comment does not specify how proposed residential uses would not fit in with the "family atmosphere" of the existing residential uses, nor does the comment make clear how existing industrial uses are part of the "family atmosphere."

As discussed in the Draft Program EIR, the Project is not immediately adjacent to the existing residential to the east and sensitive wetlands to the south of the project site. Magnolia Street along the eastern boundary of the site and Huntington Beach Channel along the southern, southwestern, and western boundaries provide buffers between the future and existing uses. Landscaping, walls, and the Coastal Conservation (CC) area proposed as part of the Project would further buffer the future and existing uses.

Therefore, based on the discussion in the Draft Program EIR and the features in place, the proposed Project would not negatively impact the existing environment and atmosphere of the area. Additionally, the development standards and design guidelines included in the Magnolia Tank Farm Specific Plan would further enhance the quality of the environment and would not result in adverse impacts.

SAME 1-3 The comment regarding locating the proposed development in an environmentally sensitive area with issues related to wetlands, fault lines and rising tides, and chemical hazards is noted and will be forwarded to the decision makers. However, placing Poseidon Desalination Plant onto this area is not relevant to the Project, and thus is not addressed in this response.

It should be noted that the Draft Program EIR provided detailed analyses of these issues in relevant sections of the document (i.e., Section 4.3, Biological Resource; Section 4.5, Geology and Soils; Section 4.7, Hazards and Hazardous Materials; and Section 4.8, Hydrology and Water Quality). Based on detailed discussion and analyses in the said sections, it was determined that the impacts would be less than significant or less than significant with compliance with regulatory requirements and

implementation of mitigation measures. The findings were adequately substantiated by substantial evidence. No further response is required.

The comment related to Poseidon Desalination Plant is not relevant to the proposed development. No further response is required.

SAME 1-4 The comment regarding lack of sufficient time to review the EIR and the notice of availability of the Draft Program EIR is noted.

The EIR preparation process has followed all noticing requirements in accordance with CEQA. The Notice of Preparation (NOP) was issued for public review on October 19, 2017, and the Scoping Meeting was held on November 7, 2017, to facilitate public review and comment on the Project. Notices were sent to the surrounding property owners, per 1,000-foot radius expanded notification, in accordance with noticing provisions contained in Chapter 248 of the Huntington Beach Zoning Code and a notice was also published in the local newspaper regarding the meeting.

Further, similar noticing procedures were followed for the release of the Draft Program EIR for public review on December 17, 2018. The City mailed out notices on December 17, 2018, at the beginning of the public review period for the Draft Program EIR. Additionally, a notice was published in the local newspaper. By providing the notice as soon as the Draft Program EIR was available, rather than the required 10 days before the hearing, the City met the requirements to encourage public participation.

Additionally, it should be noted that CEQA mandates a 45-day public review period for the Draft Program EIR; however, to account for the holidays, the City made the Draft Program EIR available for a total of 60 days, which is above the minimum requirement. Despite the adequacy of the review period, in response to request by the public, the City further extended the review period for the Draft Program EIR for an additional 30 days, ending on March 18, 2019. A notice to that effect was sent out on January 31, 2019. The time extension provided reviewers a total of 90 days, which is ample time to review the Draft Program EIR. Therefore, based on the information above, the City met and exceeded the noticing requirements and proper noticing was conducted for the proposed Project.

SAME 1-5 Please refer to Response SAME1-4, above.

SAME 1-6 Please refer to Response SAME1-4, above.

However, it should be noted that none of the entities (i.e., AES Corporation, Poseidon Corporation, ASCON Landfill Site, local industrial business, local business owners on Hamilton and near Magnolia) mentioned in this comment letter as not having adequate time to review the Draft Program EIR, requested an extension to the review period.

SAME 1-7 The comment letter was received on January 22, 2019 and the comment requests a two-week extension of the public review period. Subsequent to receiving the letter, the City extended the comment period for 30 days for a total of 90 days. Please refer to Response SAME1-4, above.

Letter 8

S.A.M.E.
9001 Rhodesia Drive HB Ca. 92646
714-469-9033

January 22, 2019

The Honorable Mayor Eric Peterson, HB, and Mr. Ricky Ramos,

I am writing on behalf of a small grassroots organization called S.A.M.E.

We are a group of residents in the south-east area of our city (S.E.H.B.) that oppose the current Magnolia Tank Farm development for a variety of reasons.

First, we believe the land use for the area should mirror the current area, and enhance the current neighborhoods. Not change the neighborhood dynamics where it would destroy the family atmosphere that is currently present in S.E.H.B.

Next, from an environmental standpoint, the decision to place homes, residences, shopping centers, or Poseidon onto an area that is environmentally sensitive (wetlands), environmentally hazardous (fault lines and rising tides) and chemically toxic is beyond rational. New and current residents would be in harm's way if this trifecta of calamity were to be built in S.E.H.B.

Currently we were given the opportunity to review the EIR for the project. This notice was sent via email to me on Dec 17th at 5pm. The ensuing notice in the mail arrived the same day dating Dec 6th as its original date…**A FULL 11 DAYS PAST THE DATE ON THE LETTER!** The EIR is 773 pages long, and quite extensive, and we need time to read through it. The project has so many possible negative qualities and issues associated with it, that we need time to read and verify what is being proposed. So far, 62 residents have felt compelled to send in their letters of concern addressing a multitude of topics and interests. However, Public Notice for comments has been short-changed and we need our due. SAME 2-1

The group S.A.M.E. would like to formally request an extension of the review so that all the entities that are affected with regard to this development may have time to go over the extremely long and detailed EIR. With so many groups impacted, we feel it appropriate to give residents the extra time to review the E.I.R. so that the best input can be offered.

Also, the Dec 6th notice was only sent to some residents in the area, so not everyone received it. Combine that with the late email, the holidays, and a cancelled City Council meeting, and it gave people very little time to study this report in its entirety. How can residents actually give the necessary input as to the safety and scope of the project when they had very little time to do so? Hardly the 45 days that is the usual time frame for a document of this nature, we can assure you.

The AES Corporation, Poseidon Corporation, ASCON, local industrial businesses, local business owners on Hamilton and near Magnolia, as well as the very concerned residents of S.E.H.B. need more time to actually research and examine this document.

Mayor Peterson and Mr. Ramos, for the reasons listed above we ask that you please consider giving the residents, at a minimum, a two-week or longer extension to comment on the Magnolia Tank Farm Environmental Impact Report. Your help in allowing us the right to trust and verify the report is greatly appreciated.

SAME 2-1 cont.

Thank you very much for your time and consideration in this important manner.

Sincerely,

Nancy Buchoz
(Resident of SEHB since 1976)
S.A.M.E

Similar setbacks as current neighborhood
Aligns with current neighborhood
Matches the current neighborhood, suburban beach community
Existing neighborhood and development complement one another

Treat the earth well, it was not given to you by your parents; it was loaned to you by your children. Crazy Horse

Letter 8: S.A.M.E. (2)

Comment Letter Dated January 22, 2019

SAME 2-1 This comment letter is identical to the above letter by S.A.M.E., dated January 19, 2019, with the exception that this letter asserts that while the Draft Program EIR was received on December 17, 2018, the notice had a date of December 6th, and therefore, the Draft Program EIR was made available "a full 11 days past the date on the letter."

Please note, the date on the notice reflects the date that the notice was sent to the local newspaper, a week prior to the release of the Draft Program EIR for public review. This is per the requirement of said newspaper that the notice be sent a week prior to the release of the notice in the newspaper. Regardless, the Draft Program EIR, as identified in the body of the notice, was made available for a total of 60 calendar days (i.e., December 17, 2018 through February 14, 2019), which exceeds the CEQA mandated 45-day public review period.

Additionally, despite the adequacy of the review period (60 days versus the mandated 45 days), per requests by the public, the City further extended the review period for the Draft Program EIR for an additional 30 days, ending on March 18, 2019. A notice to that effect was sent out on January 31, 2019. This extension provided ample time to review the Draft Program EIR.

For comments regarding land use and compatibility issues, please refer to Response SAME 1-2, above.

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Letter 9

February 4, 2019

Mr. Ricky Ramos
Senior Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: Magnolia Tank Farm EIR

Dear Mr. Ramos:

PRESIDENT
RICK WOOD
TRI POINTE HOMES

VICE PRESIDENT
SUNTI KUMJIM
MBK HOMES

TREASURER/ SECRETARY
ERIC NELSON
TRUMARK HOMES

IMMEDIATE PAST PRESIDENT
MIKE GARTLAN
KB HOMES

TRADE CONTRACTOR V.P.
ALAN BOUDREAU
BOUDREAU PIPELINE CORPORATION

ASSOCIATE VICE PRESIDENT
MARK HIMMELSTEIN
NEWMEYER & DILLION, LLP

MEMBER-AT-LARGE
PETER VANEK
FOREMOST COMPANIES

MEMBER-AT-LARGE
SEAN MATSLER
COX CASTLE & NICHOLSON, LLP

EXECUTIVE OFFICER
STEVE LA MOTTE

On behalf of our membership, **I would like to state our support for the Magnolia Tank Farm proposal including new homes and a lodge**. BIA-1

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people affiliated with the home building industry. Our mission is to champion housing as the foundation of vibrant and sustainable communities. BIA-2

Uniquely situated a block from the coast, this property represents an opportunity for revitalization. Special design elements were selected to address compatibility with adjacent residential neighborhoods. Specifically, architecture and height limitations were put in place to address the concerns of area residents while simultaneously improving parkland opportunity for the community and visitors alike.

The Proponent has done all of this in a way that is still consistent with Coastal Commission policies. Increasing for-sale housing within the coastal zone, maintaining compatibility with surrounding land uses, increasing park space and promoting ecotourism are challenges not easily met. The proposed Project accomplishes all of this and more. It is imperative that proposals such as this advance for the benefit of the City and community. BIA-3

Thank you for your thoughtful consideration

Respectfully,



Steven C. LaMotte
Chapter Executive Officer

24 Executive Park, Suite 100
Irvine, California 92614
949.553.9500 | biaoc.com

Letter 9: Building Industry Association of Southern California, Inc., Orange County Chapter

Comment Letter Dated February 4, 2019

BIA-1 The comment regarding support for the proposed development and the benefits of the Project is noted and will be forwarded to the decision makers. No further response is required.

BIA-2 The comment about the BIA, its affiliation, and mission is noted. No further response is required.

BIA-3 The comment regarding the benefits of the Project is noted and will be forwarded to the decision makers. No further response is required.

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Letter 10

February 4, 2019

City of Huntington Beach
Community Development Department
2000 Main Street
Huntington Beach, CA 92648
Attn: Ricky Ramos

RE: Draft EIR for Magnolia Tank Farm Specific Plan Project

Dear Mr. Ramos,

Orange Coast River Park Conservancy
PO Box 12932
Newport Beach, CA
92658-5079
http://ocriverpark.org/

President
Robert Wilson

Vice President
Nancy Gardner

Treasurer
Bo Glover

Secretary
Robert Staples

Assistant Secretary
Lizz Flowers

Past President
Dennis Baker

Board Members
Dean Abernathy
Phillip Greer
Kristen Petros
Everette Phillips
John Villa

Advisory Board Members
Ann Harmer
Lena Hayashi
G. Edward Seibel
Rory Paster
Jean Watt

Dedicated to uniting communities around the creation of a greater Orange Coast River Park.

On behalf of the Orange Coast River Park (OCRP) Conservancy, thank you for the opportunity to comment on the Magnolia Tank Farm Specific Plan Project Draft Environmental Impact Report (DEIR). The DEIR analyzes two scenarios with equal detail: the proposed project, which consists of a 215-room lodge, 19,000 sq. ft. of retail and up to 215 residential units and Alternative 1, which consists of 250 residential units. Both scenarios include 2.8 acres of parkland including a Coastal Conservation area next to Magnolia Marsh. OCRP-1

OCRP Conservancy and the developers of the project met last year to discuss our concerns prior to finalization of the project's details. We are pleased to see that most of these concerns have been identified as potential impacts and have been addressed in the project design and/or mitigation measures. Some remaining concerns are discussed below. OCRP-2

The concept of the Orange Coast River Park is to unify over 1000 acres of open space stretching from Fairview Park in Costa Mesa, down along the Santa Ana River, including the County's Talbert Regional Park, State land, Banning Ranch and the tidelands and beaches south in Newport Beach and north including Huntington State Beach. The OCRP concept includes Talbert, Brookhurst, Magnolia (adjacent to project) and Newland Marshes. Smaller parks are included as well. See the attached map. OCRP-3

OCRP Conservancy's vision is to lead the collaboration of stakeholders resulting in a fully realized Orange Coast River Park, an area under cooperative management, providing healthy ecosystems as well as recreation and educational opportunities. Since the proposed project is next to Magnolia Marsh, our concerns mirror those of the Huntington Beach Wetlands Conservancy and relate to the protection of the habitat and the animals that use it. Noise, light, domestic animals, non-native plants, pesticide use, water quality are all issues of concern, most of which have been addressed in the DEIR. In addition, providing limited access to and education about the wetlands furthers the goals of OCRP. Comments are provided below. OCRP-4

Aesthetics

The DEIR states there would be no significant impact on views from Pacific Coast Highway (PCH) and across the marsh. OCRP Conservancy suggests there could be a visual impact from the proposed 2-4 story buildings which would be raised another 10 feet above grade. Night lighting and development at this height could be softened by appropriate landscaping and should be added as mitigation. This might protect the scenic quality of the marsh area. OCRP-5

The DEIR states there would be perimeter security lights and that there would be no impact on marsh wildlife. OCRP Conservancy disagrees unless mitigation is added restricting the direction and intensity of lighting near the marsh.

Recreation

The DEIR discusses local and regional open spaces but neglects to describe Orange Coast River Park. The inclusion of OCRP would be appropriate because the project is next to the Magnolia Marsh which is part of OCRP. Please refer to the attached map.

The proposed public trail overlooking the marsh and the interpretive program planned with Huntington Beach Wetlands Conservancy would further OCRP Conservancy's educational goals including maximizing the effectiveness of OCRP as an outdoor lab and education area.

The DEIR states the project would provide 2.8 acres of open space out of the 3.64 acres required and pay fees to make up the difference. OCRP Conservancy suggests that those fees be put towards restoration of the approximately 2.5-acre upper Magnolia Marsh area to further enhance the marsh system. This would have a direct nexus to the project and would benefit both the ecosystem and project residents and visitors viewing the marsh. OCRP-6

The 70-foot wide Coastal Conservation area proposed between the development and the Huntington Beach Channel would include a public trail and interpretive signage which OCRP Conservancy supports. One of OCRP's goals is to have some consistency in signage across all its parts including Huntington Beach, Newport Beach, Costa Mesa and the County. OCRP Conservancy suggests that the Planned Sign Program be based upon the OC Parks Signage and Graphics Master Plan. In addition it should also include the OCRP logo and /or verbiage.

Thank you for the opportunity to comment on the DEIR. I may be reached by phone at 714 235-3183 or through email at president@ocriverpark.org.

Sincerely,

Bob Wilson
Current Board President
Orange Coast River Park Conservancy
@OCRiverPark

Attachment: Orange Coast River Park Map

Cc: Orange Coast River Park Conservancy Board Members

Orange Coast River Park
Ownership Map

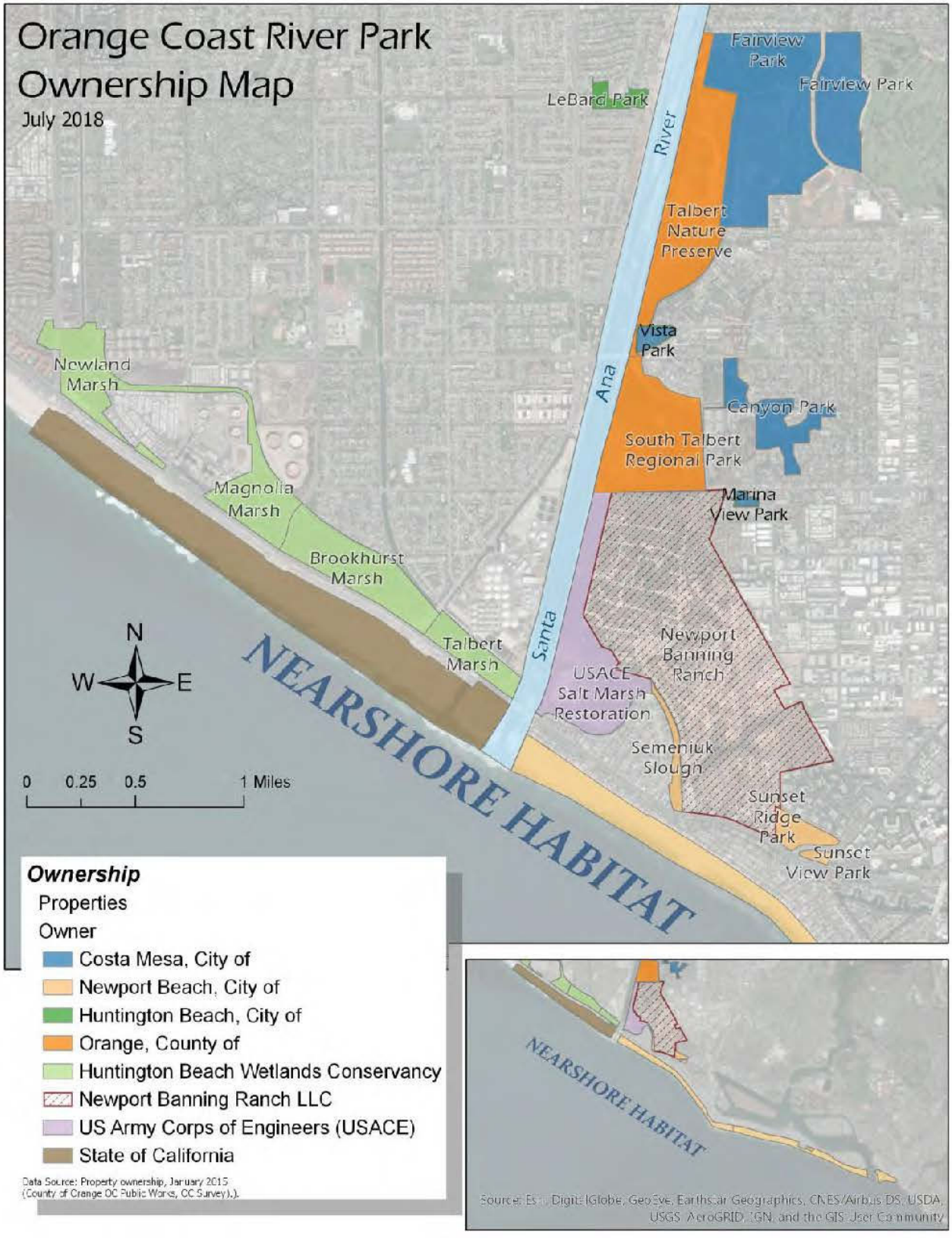

Figure C from the 2018 document 'Scope of Work for Development of a Vision Plan for the Orange Coast River Park' depicts component properties of the park by owner

Letter 10: Orange Coast River Park Conservancy

Comment Letter Dated February 4, 2019

OCRPC-1 The comment reiterates the Project Description. No further response is required.

OCRPC-2 The comment regarding prior discussion with the Project developer and addressing the concerns is noted and will be forwarded to the decision makers. No further response is required.

OCRPC-3 The comment regarding the objective of the conservancy is noted and will be forwarded to the decision makers. No further response is required.

OCRPC-4 The comment regarding the vision of the Conservancy and Draft Program EIR addressing their concerns is noted and will be forwarded to the decision makers. No further response is required.

OCRPC-5 **Aesthetics**. The comment regarding potential aesthetic and lighting impacts and need for additional mitigation is noted and will be forwarded to the decision makers.

As indicated in Section 4.1, Aesthetics of the Draft Program EIR, the project site is located approximately 1,000 feet from PCH at its nearest point. Additionally, the views of the site from the PCH would change from a graded area with construction equipment and large trees into a developed area with residential, lodge/guesthouse and visitor-serving or all residential structures and landscaping. This background view would be similar to those seen along other segments of PCH. The views would be dominated by Magnolia Marsh, and the Project would only make up a portion of the background views. In light of the proposed landscaping and the CC area, potential impacts would be less than significant, and no additional mitigation in form of more landscaping would be required.

As indicated in Section 4.1, Aesthetics of the Draft Program EIR, Volume II, Design Guidelines of the Magnolia Tank Farm Specific Plan includes lighting guidelines for all planning areas with the project site. For instance, lighting in PA 1 or the CC area would be restricted to low-voltage/wattage along the pedestrian trail to provide for safety, but it would not be intense enough to impact the inhabitants of the marsh. Additionally, the commenter is referred to Section 4.3, Biological Resources, of the Draft Program EIR, which clearly acknowledges that adjacent lighting to Magnolia Marsh may result in a potentially significant impact; however, the analysis, on pages 4.3-19 and 4.3-20, indicates that light spillage would be minimized through implementation of the features in the Specific Plan such as requirement for use of shielded, diffused, or indirect light sources. The discussion further adds that construction activities would be limited to daylight hours, with no night lighting during construction, and that during the operation phase of the Project, all permanent light sources including street lighting, exterior residential lighting, and recreational lighting adjacent to resource protection areas shall not significantly disrupt habitat values within the resource protection areas per the requirements of the City's certified Local Coastal Program (Chapter 221 of the HBZSO and General Plan Coastal Element).

Therefore, in light of the above provisions already in place, no additional mitigation that would restrict the direction and intensity of lights near the marsh is needed.

OCRPC-6 The comment regarding lack of discussion of the Orange Coast River Park and restoration of the approximately 2.5-acre upper Magnolia Marsh is noted and will be forwarded to the decision makers. As discussed in Section 4.13, Recreation, of the Draft Program EIR, the City will use the fees for improvements to existing City parks. The parks to be improved are not determined yet, and the City cannot make a commitment to the restoration of the upper Magnolia Marsh at this time. The comment is noted and will be forwarded to the decision makers.

The comment regarding support for the CC area and the public trail and suggestion for the Planned Sign Program is noted and will be forwarded to the decision makers. It should be noted that the Magnolia Tank Farm Specific Plan includes signage provisions in Section 3.7 for the proposed development. Upon approval of the Specific Plan by the City, it is anticipated that the development on the Magnolia Tank Farm Project site would comply with the said signage program included in the Specific Plan.

Letter 11

HUNTINGTON BEACH
WETLANDS CONSERVANCY
A Nonprofit Corporation

P. O. Box 5903
Huntington Beach, CA 92645
(714) 536-0141

February 7, 2019

City of Huntington Beach
Attn: Ricky Ramos, Senior Planner
2000 Main Street
Huntington Beach, CA 92648

The Huntington Beach Wetlands Conservancy (Conservancy) is a volunteer-led organization with a board of directors and an executive director. The goal of the Conservancy is to acquire, restore, and protect the coastal wetlands of Huntington Beach between Beach Boulevard and the Santa Ana River. The Conservancy annually reviews its plans to set its strategic direction (including defining programs), long-term funding needs to support wetlands management, interpretative programs, staffing, etc.	HBWC-1
The Conservancy is aware that Shopoff Realty Investments (SRI), on behalf of SLF — HB Magnolia, LLC, has submitted applications to the City of Huntington Beach for the Magnolia Tank Farm Project. It is our understanding that the Magnolia Tank Farm Project proposes a Specific Plan, as explained to the Conservancy and detailed in the application submitted to the City of Huntington Beach as of February 13, 2017, to redevelop the property with a wetlands-themed boutique lodge with visitor serving commercial, residential uses and open space.	HBWC-2
Due to the proximity of the now-restored Magnolia Marsh, and the soon to be restored Upper Magnolia Marsh (the "Magnolia Marsh") to the Tank Farm Property, development pursuant to the proposed Specific Plan will provide an opportunity for coastal visitors and residents to enjoy views of the Magnolia Marsh wetlands and also provide opportunities for wetland stewardship, educational and outreach programs. The Conservancy believes such programs will greatly enhance the coastal visitor experience. The Tank Farm Property bordering the HBFC Channel would also expand scientific observational opportunities for Magnolia Marsh, thereby encouraging the study of the Magnolia Marsh, a valuable wetlands resource.	HBWC-3
SRI and the Conservancy have been engaged in discussions aimed at developing a detailed wetlands interpretive program that expands the Conservancy's existing offerings. Discussions regarding a possible controlled access point and expanding the existing docent-led tour program are in the works. The objectives are to expand public access and to develop educational programs in a manner that will insure the protection and preservation of the Magnolia Marsh as a wetlands resource. We are confident that we will achieve the stated objectives.	HBWC-4

Best Regards,

Gordon W. Smith, PhD
Chairman, Board of Directors

Letter 11: Huntington Beach Wetlands Conservancy

Comment Letter Dated February 7, 2019

HBWC-1 The general comment regarding the Huntington Beach Wetlands Conservancy and its programs is noted. No further response is required.

HBWC-2 The comment describing the proposed development is noted. No further response is required.

HBWC-3 The comment regarding Magnolia Marsh and the amenities is noted and will be forwarded to the decision makers. No further response is required.

HBWC-4 The comment regarding the Conservancy's future plans is noted and will be forwarded to the decision makers. No further response is required.

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Letter 12

From: Adrian Morales <moralesadrian66@yahoo.com>
Sent: Friday, February 15, 2019 12:04 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Cc: Arlene Morales <chiefrbwife@aol.com>
Subject: Native American Comments - Draft EIR Appendix E Phase 1 Cultural and Paleontological Assessment for The Magnolia Tank Farm

To:

Ricky Ramos
Senior Planner
Community Development Department
City of Huntington Beach

Greetings

Thank you for the correspondence in regards to the above named project. The Gabrieleno Tongva San Gabriel Band of Mission Indians do concur with the indications of there being a moderate to high possibility that significant tribal resources may exist within the project's limits and might be impacted by the project's undertakings.
After reviewing the assessments documentation prepared by Material Cultural Counsulting stating that surveyers were able to identify a marine shell scatter on the surface in the property which may possibly be a cultural midden, also staff was able to obtain research to identify a prehistoric site within a one mile radius, and tribal records having specific knowledge of tribal resources within the vicinity would all support prehistoric human occupation within the project area. GTSGBMI-1

At this point in the process, due to our past experiences as appointed Most Likely Descendants by The CA NAHC in neighboring coastal Orange County sites at The Bolsa Chica Mesa in Huntington Beach and the Hellman Ranch Mesa in Seal Beach, it would be the tribe's intentions to assist the landowners & their representatives to adequately identify, treat, and or avoid tribal cultural resources prior to the construction phase in an effort to reduce the project's down time, cost, & or the redesignment to address inadvertent discoveries. GTSGBMI-2

Pursuant to CA PRC 21080.3.2.(a), the Gabrieleno Tongva San Gabriel Band of Mission Indians will list in sequence recommendations to be incorporated into the EIR as mitigation measures:

1.) Consultation with the Gabrieleno Tongva San Gabriel Band of Mission Indians to initiate a Extended Phase 1 study to determine: GTSGBMI-3

* the exposed Marine Shell scatter significance

* where intact native sediments exist within the project's limits that might have the potential to retain Tribal Cultural Resources

* the presence or absence of Tribal Cultural Resources within the project's limits

2.) A Archaeological Treatment Plan to address inadvertent discoveries of Tribal Cultural Resources

3.) A Native American monitor representative of the Gabrieleno Tongva San Gabriel Band of Mission Indians to be onsite during all construction phase sub surface excavations into native sediments, including but not limited to grading excavations, utility pipeline trench excavations, and also support pile drilling excavations

GTSGBMI-3 cont.

Thank you for your attention regarding the recommendations provided.

Direct contact:
moralesadrian66@yahoo.com

Please continue to send all project correspondences to:

Anthony Morales, Chairperson
Gabrieleno/Tongva San Gabriel Band of Mission Indians
P. O. Box 693
San Gabriel, CA 91778

Sincerely

Adrian Morales

Tribal Consultations, Cultural Resource Management

Gabrieleno Tongva San Gabriel Band of Mission Indians

Sent from Yahoo Mail on Android

Letter 12: Gabrieleno Tongva San Gabriel Band of Mission Indians

Comment Letter Dated February 15, 2019

GTSGBMI-1 The comment regarding findings of the documentation by Material Cultural Consulting is noted. It does not raise any issues pertaining to CEQA, and as such no further response is required.

GTSGBMI-2 The comment regarding the Gabrieleno Tongva San Gabriel Band of Mission Indian assisting with identification, treatment, and or avoidance of tribal cultural resources prior to construction is noted. It does not raise any issues pertaining to CEQA, and as such no further response is required.

GTSGBMI-3 Mr. Adrian Morales, Pursuant to CA PRC 21080.3.2.(a), the Gabrieleno Tongva San Gabriel Band of Mission Indians provided the following recommendations to be incorporated into the EIR as mitigation measures.

1. Consultation with the Gabrieleno Tongva San Gabriel Band of Mission Indians to initiate an Extended Phase 1 study to determine: the exposed Marine Shell scatter significance; where intact native sediments exist within the Project's limits that might have the potential to retain Tribal Cultural Resources; and the presence or absence of Tribal Cultural Resources within the Project's limits.

   While consultation as per CA PRC 21080 is encouraged, an extended phase 1 (XPI) study may not reveal any additional information as to the significance of the marine shell sediment, where intact deposits exist. The importance of this region is recognized, as highlighted in the technical study (Appendix E of the Draft Program EIR); however, the shell may also have been imported from an unknown location and has been used as fill material at an unknown depth. This material has been compacted to the point where an XPI study would require the same level and type of mechanical excavation that would be used for Project implementation (i.e. use of bulldozers/graders). Further, an XPI investigation would only test random portions of the overall 28.9-acre site, while MM TRC-1 requires that any ground disturbance activities of previously undisturbed soil, or soil that has not been previously monitored, shall require the services of a qualified Native American Monitor during initial construction-related ground disturbance activities. Therefore, monitoring would effectually provide the same type and quantity of data that an XPI would provide.

   MM CULT-1 and MM-TRC-1 , identified in Section 4.4, Cultural Resources and 4.15, Tribal Cultural Resources, of the Draft Program EIR is regarding monitoring procedures required during Project implementation.

2. An Archaeological Treatment Plan to address inadvertent discoveries of Tribal Cultural Resources.

As part of the technical report (Belcourt et al 2018), Material Cultural Consulting, Inc. (MCC) provided the following recommendations, including responses to inadvertent discoveries for all cultural resources. During the course of the outreach efforts, while responses were received from Gabrieleño Band of Mission Indians – Kizh Nation regarding nearby villages and prominent sites in proximity to the project area, no information was received from the tribes. MCC's report was focused on the information they were able to gather from the survey, background research, and their outreach efforts.

Based on the results of the cultural resources records search and survey and the knowledge of the existing resources in the area, there is a moderate chance that significant cultural resources could be encountered during the course of Project development. As stated above, MM CULT-1 serves as an archaeological treatment plan for addressing inadvertent discovery of cultural materials during project implementation. MM TRC-1 requires that any ground disturbance activities of previously undisturbed soil, or soil that has not been previously monitored, shall require the services of a qualified Native American Monitor during initial construction-related ground disturbance activities. MM TCR-2 requires that all archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and native American monitor. In addition, the RR CULT-1, in Section 4.4, Cultural Resources, of the Draft Program EIR addresses the discovery of human remains, should this occur during project implementation.

3. A Native American monitor representative of the Gabrieleno Tongva San Gabriel Band of Mission Indians to be onsite during all construction phase sub surface excavations into native sediments, including, but not limited to, grading excavations, utility pipeline trench excavations, and support pile drilling excavations.

   The archaeological monitoring of these activities is recommended, as this area is highly sensitive for cultural resources, including Tribal Cultural Resources. MM TCR-1 in Section 4.15, Tribal Cultural Resources of the Draft Program EIR requires monitoring by a qualified Native American Monitor during initial construction-related ground disturbance activities.

ORANGE COUNTY
BUSINESS COUNCIL
2 Park Plaza, Suite 100 | Irvine, CA 92614| P 949.476.2242 | F 949.476.0443 | www.ocbc.org

Letter 13

March 15, 2019

The Honorable Erik Peterson
Members of the City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: SHOPOFF REALTY INVESTMENTS' PROPOSAL FOR THE FORMER TANK FARM/EIR COMMENTS – SUPPORT

Dear Mayor Peterson,

Orange County Business Council (OCBC) is a regional leader in business and serves as an influential advocate for Orange County's economic prosperity. One of OCBC's core initiatives is to advocate for the development of new housing to meet current and future needs of Orange County's diverse workforce. **For this reason, OCBC supports Shopoff Realty Investments' proposal.**	OCBC-1
OCBC has reviewed the Environmental Impact Report (EIR) and other information on the proposal for the Tank Farm property on Magnolia; OCBC is satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, and other areas. Redevelopment of this land is not only necessary for the property, but also for the surrounding community.	OCBC-2
The City of Huntington Beach is in desperate need of a variety of housing types, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would also greatly benefit from new housing opportunities. The addition of a lodge with amenities for the local community, as well as educational opportunities for those wanting to learn more about the wetlands, is a much-anticipated upgrade to the southeastern portion of the City.	OCBC-3
OCBC looks forward to progress being made to advance this project to the planning commission and ultimately to the City Council for approval, and respectfully requests that the City Council consider the invaluable benefits this development would provide to city residents.	OCBC-4

Sincerely,

Alicia Berhow
Senior Vice President of Government Affairs
cc: Ricky Ramos, Senior Planner, City of Huntington Beach

Letter 13: Orange County Business Council

Comment Letter Dated March 15, 2019

OCBC-1 The comment regarding OCBC's advocacy for new housing and support of the proposed Project is noted and will be forwarded to the decision makers. No further response is required.

OCBC-2 The comment regarding OCBC's satisfaction with the analysis in the Draft Program EIR is noted and will be forwarded to the decision makers. No further response is required.

OCBC-3 The comment regarding the City's need for a variety of housing types and the benefits from the Project amenities is noted and will be forwarded to the decision makers. No further response is required.

OCBC-4 The comment regarding OCBC's request that the Project be approved is noted and will be forwarded to the decision makers. No further response is required.

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PROJECT NAVIGATOR, LTD.®

Letter 14

March 18, 2019

Project No. 01-114

Mr. Ricky Ramos, Senior Planner
City of Huntington Beach
Community Development Department
2000 Main Street
Huntington Beach, CA 92648
rramos@surfcity-hb.org

Comments on Draft Program Environmental Impact Report for the Magnolia Tank Farm Project

Dear Mr. Ramos:

On behalf of the Ascon Landfill Site Responsible Parties (RPs) and property owners of the Ascon Landfill Site, the following comments are submitted as part of the public record on the Draft Program Environmental Impact Report (EIR) for the Magnolia Tank Farm (MTF) Project. Each comment consists of a cited segment of text that is subject to the comment, the comment, and suggested revisions of the subject text using strikeouts for deletions and underlining for additions. PNL-1

Ascon Comment 1:

Executive Summary, 1.4 Project Description Summary (page 1-3); Project Description, 3.5.5 Coastal Access, Public Parking, (page 3-10) -- "The City is working with the ASCON property owner to acquire the necessary right-of-way for the construction of street frontage improvements to the segment of Magnolia Street north of the project site up to Hamilton Avenue and west on Hamilton to the ASCON property line."

Comment 1: The City and the property owners for the Ascon Landfill Site have an existing agreement dating back to December 2005 regarding the ultimate right-of-way areas adjacent to Hamilton Avenue and Magnolia Street to be deeded to the City after the final remedy is certified complete by the California Department of Toxic Substances Control (DTSC) and the City accepts the dedication of this right-of way. PNL-2

We suggest the following revisions for both EIR sections: ""The City ~~is working with~~ and the ASCON property owner have an agreement from December 2005 regarding the ultimate right-of-way areas adjacent to Hamilton Avenue and Magnolia Street to enable the City to acquire the necessary right-of-way for the construction of street frontage improvements to the segment of Magnolia Street north of the project site up to Hamilton Avenue and west on Hamilton to the west side of ASCON ~~property line~~."

Ascon Comment 2:

Executive Summary, Table 1-1, Summary of Potential Impacts, Mitigation Measures and Level of Significance, Threshold 4.7-3 (page 1-17); Hazards and Hazardous Materials, 4.7.5 Impact Analysis, Threshold 4.7-3, Impact Conclusion (page 4.7-15) -- "The project site's past land use activities associated with a fuel storage facility and soil contamination from the adjacent ASCON Landfill have resulted in the release of hazardous substances to project site soils, soil gas, and groundwater." And,

Air Quality, Threshold 4.2-4, Toxic Air Contaminants, Construction (page 4.2-39); Hazards and Hazardous Materials, 4.7.5 Impact Analysis, Threshold 4.7-3, Hazardous Soil, Soil Gas and Groundwater (page 4.7-14) -- "... past activities on the project site as a fuel storage facility and the proximity of the ASCON Landfill to the north resulted in the release of hazardous substances to project soil, soil gas and groundwater." And,

Hydrology and Water Quality, 4.8.3 Existing Conditions, Existing Water Quality, Existing Project Site (page 4.8-15) – "The water quality issues and the pollutants of concern related to the former use of the oil storage tanks on the project site and the adjacent ASCON Landfill are addressed in Section 4.7, Hazards and Hazardous Materials."

Comment 2: The MTF EIR does not present or cite any information that identifies the Ascon Landfill Site as the source of a release of hazardous substances to MTF soils, soil gas, and groundwater. The MTF EIR should not speculate on potential outside sources of contamination. PNL-3

We suggest the following revision for **Executive Summary, Table 1-1, Summary of Potential Impacts, Mitigation Measures and Level of Significance, Threshold 4.7-3 (page 1-17); Hazards and Hazardous Materials, 4.7.5 Impact Analysis, Threshold 4.7-3, Impact Conclusion (page 4.7-15)**: "The project site's past land use activities associated with a fuel storage facility ~~and soil contamination from the adjacent ASCON Landfill~~ have resulted in the presence of hazardous substances to project site soils, soil gas, and groundwater."

We suggest the following revision for **Air Quality, Threshold 4.2-4, Toxic Air Contaminants, Construction (page 4.2-39); Hazards and Hazardous Materials, 4.7.5 Impact Analysis, Threshold 4.7-3, Hazardous Soil, Soil Gas and Groundwater (page 4.7-14)**: "However, past activities on the project site as a fuel storage facility ~~and the proximity of the ASCON Landfill to the north~~ resulted in the release of hazardous substances to project soil, soil gas and groundwater."

We suggest the following revision for **Hydrology and Water Quality, 4.8.3 Existing Conditions, Existing Water Quality, Existing Project Site (page 4.8-15):** "The water quality issues and the pollutants of concern related to the former use of the oil storage tanks on the project site ~~and the adjacent ASCON Landfill~~ are addressed in Section 4.7, Hazards and Hazardous Materials."

Ascon Comment 3:

Aesthetics, 4.1.6 Cumulative Impacts, Proposed Project and Alternative 1 (page 4.1-22) -- "The ASCON landfill site is a closed landfill that is currently under remediation. It has a land use designation of Residential Medium Density and a Specific Plan zone and may potentially redevelop with residential uses in the future. However, as it stands, no development is planned for the ASCON site and it may remain in an undeveloped condition indefinitely." And,

Land Use and Planning, 4.9.5 Impact Analysis (page 4.9-72) -- "The Magnolia Pacific Specific Plan was adopted in 1992 for a planned residential community on the ASCON site; however, the plan is no longer allowed as a result of actions by DTSC." And,

Long-Term Implications of the Project (page 6-3) -- "The only undeveloped site is ASCON landfill immediately to the north (with a General Plan designation of Residential Medium Density [RM]); however, no development is planned indefinitely for that site, which has been undergoing remediation."

Comment 3: Although the 1992 Magnolia Pacific Specific Plan indicated a plan for residential development for the Ascon Landfill Site, this preceded the current ownership of the Ascon property and the 2003 Ascon Landfill Site Consent Order with DTSC and the Ascon RPs. The Ascon Landfill Site Remedial Action Plan and its associated EIR for the Ascon remedy prohibit future residential development at the Ascon Landfill Site. A restrictive covenant will be placed on the property after DTSC certifies that the remediation is complete to assure appropriate limitations on any future development on the Ascon Site.

PNL-4

We suggest the following revisions for **Aesthetics, 4.1.6 Cumulative Impacts, Proposed Project and Alternative 1 (page 4.1-22)**: "The ASCON landfill site is a closed landfill that is currently under remediation. It has a land use designation of Residential Medium Density and a Specific Plan zone ~~and may~~ that would potentially enable redevelopment with residential uses in the future. However, the DTSC-approved Remedial Action Plan and its associated EIR for the Ascon remedy prohibit future residential development at the Ascon Landfill Site~~as it stands, no development is planned for the ASCON site and it may remain in an undeveloped condition indefinitely~~."

We suggest the following revisions for **Land Use and Planning, 4.9.5 Impact Analysis (page 4.9-72)**: "The Magnolia Pacific Specific Plan was adopted in 1992 for a planned residential community on the ASCON site; however, ~~the plan is no longer allowed as a result of actions by DTSC.~~ the DTSC-approved Remedial Action Plan and its associated EIR for the Ascon remedy prohibit future residential development. A restrictive covenant will be placed on the property after DTSC certifies that the remediation is complete to assure appropriate limitations on any future development on the Ascon Site."

We suggest the following revisions for **Long-Term Implications of the Project (page 6-3)**: "The only undeveloped site is ASCON landfill immediately to the north (with a General Plan designation of Residential Medium Density [RM])~~; however, no development is planned indefinitely for that site~~, which has been undergoing remediation."

Ascon Comment 4:

Geology and Soils, 4.5.3 Existing Conditions (page 4.5-6) – "The analysis conducted by LGC included three slope conditions on the project site: (1) the slope located along the northwestern pad, adjacent to Huntington Beach Flood Channel; (2) the slope along the northern edge of the property that ascends to the ASCON site; and (3) the slope along the eastern edge of the project adjacent to Magnolia Street. Results of the analysis indicate that effects of seismic slope displacement and/or lateral spreading have a potential along the northern, western, and eastern margins of the project site (LGC 2018)." And,

Geology and Soils, 4.5.5 Impact Analysis, Threshold 4.5-1 (page 4.5-10) -- "The evaluation of seismic slope displacement and lateral spreading in the Geotechnical Study includes an analysis of the stability of three slope conditions on the project site: the slope located along the northwestern pad, adjacent to Huntington Beach Flood Channel; the slope along the northern edge of the property that ascends to the ASCON site; and the slope along the eastern edge of the project site adjacent to Magnolia Street. Results of the analysis indicate that effects of seismic slope displacement and/or lateral spreading have a potential for occurrence along the northern, and western margins of the project site (LGC 2018)."

Comment 4: The northern slope that was remotely evaluated in the Geotechnical Study is temporary and will be replaced with an engineered slope during the Ascon Landfill Site remedy.

PNL-5

We suggest the following addition for **Geology and Soils, 4.5.3 Existing Conditions (page 4.5-6)** to the end of the paragraph: "... margins of the project site (LGC 2018). However, the slope referenced along the northern property within the ASCON site is temporary and will be replaced during the Ascon Landfill Site final remedy construction, presently underway, with an anticipated conclusion in 2020. The replacement slope, which will be set back approximately 38 feet from the MTF property line, is designed to meet the maximum credible seismic event."

We suggest the following addition for **Geology and Soils, 4.5.5 Impact Analysis, Threshold 4.5-1 (page 4.5-10)** to the end of the paragraph: "... margins of the project site (LGC 2018). However, the slope referenced along the northern property within the ASCON site is temporary and will be replaced during the Ascon Landfill Site final remedy construction, presently underway, with an anticipated conclusion in 2020. The replacement slope, which will be set back approximately 38 feet from the MTF property line, is designed to meet the maximum credible seismic event."

The subsequent paragraph on page 4.5-10 should also remove the need for ground improvements at the toes of the Ascon slope.

Ascon Comment 5:

Hazards and Hazardous Materials, 4.7.3 Existing Setting, Summary of Site Investigation Results (page 4.7-9) -- "In June 2017, WGR performed soil excavation along the northern

PNL-6

boundary of the site adjacent to the ASCON Landfill. A sample was collected at the property line in the remedial excavation adjacent to the piping extending to the south from the ASCON Landfill. No further excavation was performed beyond the property line, as it would have required entry onto the adjacent site. The WGR report indicated that a small section of piping was observed from the ASCON property and entering the project site. The small section of pipe that was observed was "capped" with earthen materials (dirt) and still contained crude oil. The area along the north property line was excavated to dimensions of 10 feet by 20 feet wide and 6 feet deep. WGR reported that the crude oil-impacted material was successfully removed to the west, east, and south; however, subsurface crude oil was still present along the property line and to the north on the ASCON facility. The source of contamination at the northern boundary of the site is believed to be the leaking pipe on the ASCON property (Tait 2017). If this off-site leak has not been addressed by ASCON prior to issuance of grading permits for the development, additional response may be needed to prevent future migration of crude oil onto the project site." And,

Hazards and Hazardous Materials, 4.7.5 Impact Analysis, Threshold 4.7-3 (page 4.7-14) -- "The ASCON Landfill is further discussed below as the source of soil contamination related to the pipeline that extends from the ASCON Landfill property to the project site."

Comment 5: There has been no determination that these pipelines were ever used at the Ascon Landfill Site. If encountered within the Ascon Landfill Site property during remediation, these pipelines will be removed from the Ascon Site and any associated contamination above clean-up standards will be remediated as part of the Ascon final remedy.

PNL-6 cont.

We suggest the following edits for **Hazards and Hazardous Materials, 4.7.3 Existing Setting, Summary of Site Investigation Results (page 4.7-9)**: "In June 2017, WGR performed soil excavation along the northern boundary of the site adjacent to the ASCON Landfill. A sample was collected at the property line in the remedial excavation adjacent to the piping that straddles the project site and the adjacent site~~extending to the south from the ASCON Landfill~~. No further excavation was performed beyond the property line, as it would have required entry onto the adjacent site. The WGR report indicated that a small section of piping was observed extending from the northern excavation wall~~ASCON property and entering the project site~~. The small section of pipe that was observed was "capped" with earthen materials (dirt) and still contained crude oil. The area along the north property line was excavated to dimensions of 10 feet by 20 feet wide and 6 feet deep. WGR reported that the crude oil-impacted material was successfully removed to the west, east, and south; however, subsurface crude oil was still present along the property line ~~and to the north on~~ shared with the ASCON facility. The source of contamination at the northern boundary of the site is believed to be the leaking pipe ~~on the ASCON property~~ (Tait 201~~7~~8). If ~~this off-site leak~~ the pipeline and any associated contamination above cleanup standards have ~~has~~ not been addressed ~~by ASCON~~ prior to issuance of grading permits for the development, additional response may be needed to prevent future migration of crude oil onto the project site."

We suggest the following edits for **Hazards and Hazardous Materials, 4.7.5 Impact Analysis, Threshold 4.7-3 (page 4.7-14)**: "The pipeline~~ASCON Landfill is further discussed below as the~~ is a potential source of soil contamination~~ related to the pipeline that extends from the ASCON Landfill property to~~ at the project site."

Ascon Comment 6:

Land Use and Planning, 4.9.5 Impact Analysis, Table 4.9-2 Project Comparison to City of Huntington Beach General Plan Elements, Policy HAZ-C (page 4.9-30) -- "Given the project site's past use as an oil storage facility and soil contamination from the pipeline that extends from the ASCON property onto the project site that may have impacted site soils, the project has undergone extensive testing and remediation."

Comment 6: The MTF EIR does not present or cite any information that identifies the Ascon Landfill Site as a source of soil contamination. Also, there has been no determination the referenced pipeline was used at the Ascon Landfill Site. PNL-7

We suggest the following revision: "Given the project site's past use as an oil storage facility ~~and soil contamination from the pipeline that extends from the ASCON property onto the project site that may have impacted site soils~~, the project has undergone extensive testing and remediation."

Ascon Comment 7:

Noise, 4.10.5 Impact Analysis, Threshold 4.10-4 (page 4.10-31) -- "An additional phase of construction, the improvements associated with the ASCON street improvements, has been modeled, ..."

Comment 7: Clarification that there are no "Ascon street improvements" as part of the Ascon Landfill Site final remedy, which is a State-directed remedial action. PNL-8

We suggest the following revision: "An additional phase of construction, the improvements ~~associated with the ASCON street improvements~~ located along Hamilton Avenue and Magnolia Street, adjacent to the Ascon Landfill Site, has been modeled, ..."

Ascon Comment 8:

Noise, 4.10.6 Cumulative Impacts (page 4.10-33) – "At this time, there is no established timeframe for construction activities on the ASCON site."

Comment 8: Construction activities for the Ascon Landfill Site remedy began in January 2019. PNL-9

We suggest the following revision: "~~At this time, there is no established timeframe for construction activities on the ASCON site.~~ The remedy construction for the Ascon Landfill Site began in January 2019."

Thank you for your attention to these clarifications and corrections on the EIR for the Magnolia Tank Farm. We are available to further discuss these comments should you require more information. PNL-10

Please feel free to contact me if you have any questions at (714) 388-1804 or tzeier@projectnavigator.com.

Regards,



Tamara Zeier, P.E.
Ascon Landfill Site Responsible Parties Project Coordinator

Enclosure: Ascon Comments on the MTF Draft Environmental Impact Report

Cc: Fred Wilson, City Manager
Antonia Graham, Assistant to the City Manager
Ascon Landfill Site Responsible Parties
Cannery Hamilton Properties, LLC
Mary Urashima, Urashima & Associates

Letter 14: Project Navigator, Ltd.

Comment Letter Dated March 18, 2019

PNL-1 The comment regarding revisions to portions of the Draft Program EIR is noted and will be forwarded to the decision makers. No further response is required.

PNL-2 **ASCON Comment 1.** The comment requests revisions pertaining to discussion of the right-of-way areas adjacent to Hamilton Avenue and Magnolia Street to be deeded to the City upon the certification of the final remedy by Department of Toxic Substances Control (DTSC).

However, it should be noted that the 2005 Agreement, executed in 2006, did not pertain to the City acquiring right-of-way to build the necessary frontage improvements in the future. The said agreement was to allow the existing berms to remain in public right-of-way. In response to this comment, the same text in Section 1.4, Project Description Summary (Section 1.0 Executive Summary) on page 1-3 and in Section 3.5.5, Coastal Access, under Public Parking (Section 3.0 Project Description) on page 3-10 is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ shows the deletions):

~~The City is working with the ASCON property owner to acquire the necessary right-of-way for the construction of street frontage improvements to the segment of Magnolia Street north of the project site up to Hamilton Avenue and west on Hamilton to the ASCON property line.~~

The ASCON Landfill Site has dedicated the necessary right-of-way (for public street and utility purposes) to allow for ultimate street sections, pursuant to the City's General Plan, Circulation Element, at the proposed Project's Hamilton Avenue and Magnolia Street frontages. This dedication was offered to the City on Final Parcel Map No. 86-442 (recorded in Book 226, page 19 of Orange County Records). Since existing berms, fencing, and drains associated with the existing landfill site remain within these dedication areas, a License Agreement was executed in 2006 between the City and the ASCON Landfill Site owner, Cannery Hamilton, LLC. Upon completion of the current remediation project, the City will then pursue acceptance of said dedication area.

PNL-3 **ASCON Comment 2.** The comment requests revisions pertaining to referencing the ASCON Landfill Site as the source of release of hazardous substances to the proposed project site soils, soil gas, and groundwater. The comment states that the Draft Program EIR does not cite any source. In response to this comment, the texts in Table 1-1, Summary of Potential Impacts, Mitigation Measures and Level of Significance (Section 1.0 Executive Summary) on page 1-17 and Section 4.7.5, Impact Analysis (Section 4.7 Hazards and Hazardous Materials) on page 4.7-15, are hereby revised to read as follows (~~red strikethrough~~ shows the deletions):

> The project site's past land use activities associated with a fuel storage facility ~~and soil contamination from the adjacent ASCON Landfill~~ have resulted in the release of hazardous substances to project site soils, soil gas, and groundwater.

Additionally, in response to this comment, the texts under Threshold 4.2-4, Toxic Air Contaminants, Construction (Section 4.2 Air Quality) on page 4.2-39 and Section 4.7.5, Impact Analysis, Threshold 4.7-3 (Section 4.7 Hazards and Hazardous Materials) on page 4.7-15, are hereby revised to read as follows (~~red strikethrough~~ show the deletions):

> However, past activities on the project site as a fuel storage facility ~~and the proximity of the ASCON Landfill to the north~~ resulted in the release of hazardous substances to project soil, soil gas and groundwater.

Furthermore, in response to this comment, the text in Section 4.8.3, Existing Conditions, Existing Water Quality, Existing Project Site (Section 4.8 Hydrology and Water Quality) on page 4.8-15, is hereby revised to read as follows (~~red strikethrough~~ show the deletions):

> The water quality issues and the pollutants of concern related to the former use of the oil storage tanks on the project site ~~and the adjacent ASCON Landfill~~ are addressed in Section 4.7, Hazards and Hazardous Materials.

PNL-4 **ASCON Comment 3.** The comment requests revisions pertaining to potential development of the ASCON Landfill Site with residential uses in light of the existing residential designation and the 1992 Magnolia Pacific Specific Plan. The comment indicates that the ASCON Landfill Site Remedial Action Plan prohibits future residential development, and that limitations will be placed on the future development upon DTCS certification that the remedial action is complete. In response to this comment, the text in Section 4.1.6, Cumulative Impacts, Proposed Project and Alternative 1 (Section 4.1 Aesthetics) on page 4.1-22, is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ shows the deletions):

> The ASCON landfill Site is a closed landfill that is currently under remediation. It has a land use designation of Residential Medium Density and a Specific Plan zone ~~and may~~ *that would* potentially *enable* redevelop*ment* with residential uses in the future. However, *the DTSC-approved Remedial Action Plan and its associated EIR for the ASCON remedy prohibits future residential development at the ASCON Landfill site* ~~as it stands, no development is planned for the ASCON site and it may remain in an undeveloped condition indefinitely~~.

Additionally, in response to this comment, the text in Section 4.9.5, Impact Analysis (Land Use and Planning) on page 4.9-72, is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

> The Magnolia Pacific Specific Plan was adopted in 1992 for a planned residential community on the ASCON Landfill site; however, ~~the plan is no~~

~~longer allowed as a result of actions by DTSC~~ *the DTSC-approved Remedial Action Plan and its associated EIR for the ASCON remedy prohibit future residential development. A restrictive covenant will be placed on the property after DTSC certifies that the remediation is complete to assure appropriate limitations on any future development on the ASCON Landfill site*.

Furthermore, in response to this comment, the text in Section 6.3, Growth Inducing Impacts of the Proposed Action (Long-Term Implications of the Project) on page 6-3, is hereby revised to read as follows (~~red strikethrough~~ shows the deletions):

> The only undeveloped site is ASCON Landfill Sie immediately to the north (with a General Plan designation of Residential Medium Density [RM])~~; however, no development is planned indefinitely for that site~~, which has been undergoing remediation.

PNL-5 **ASCON Comment 4.** The comment requests revisions pertaining to discussion of the northern slope that was remotely evaluated in the Geotechnical Study. This slope is temporary and would be replaced with an engineered slope during the ASCON Landfill Site remediation. In response to this comment, an addition is hereby made to the text under Section 4.5.3, Existing Conditions, (Geology and Soils) on page 4.5-6 to read as follows (*red italics* shows the additional text):

> It is anticipated that any undocumented fill resulting from the temporary staging operations by AES would be removed or remediated during grading of the project site (LGC 2018). *However, the slope referenced along the northern property within the ASCON Landfill Site is temporary and would be replaced during the ASCON Landfill Site final remedy construction, presently underway. The replacement slope, which would be set back approximately 38 feet from the Magnolia Tank Farm property line, is designed to meet the maximum credible seismic event.*

Additionally, in response to this comment an addition is hereby made to the text under Section 4.5.5, Impact Analysis, Threshold 4.5-1 (Geology and Soils) on page 4.5-10 to read as follows (*red italics* shows the additional text):

> Results of the analysis indicate that effects of seismic slope displacement and/or lateral spreading have a potential for occurrence along the northern, and western margins of the project site (LGC 2018). *However, the slope referenced along the northern property within the ASCON Landfill Site is temporary and would be replaced during the ASCON Landfill Site final remedy construction, presently underway. The replacement slope, which would be set back approximately 38 feet from the Magnolia Tank Farm property line, is designed to meet the maximum credible seismic event.*

Furthermore, in response to this comment, the last paragraph under Section 4.5.5, Impact Analysis, Threshold 4.5-1 (Geology and Soils) on page 4.5-10 is hereby deleted to read as follows (~~red strikethrough~~ shows the deletions):

~~Additionally, results of the Geotechnical Study indicate that ground improvements would likely be required for stabilization of the slope between the northwestern pad and the Huntington Beach Channel and below the slope ascending to the ASCON site. The improvement area would likely be between 20 and 35 feet in width and 15 to 20 feet in depth below existing grade. Potential impacts from seismic slope displacement and lateral spread can be reduced through implementation of MM GEO-1, which would incorporate possible ground improvement options that would increase the strength within the slope, typically involving densification, mixing, or replacement, as explained in the Geotechnical Study, and would reduce the potential impacts related to seismic slope displacement and lateral spreading to less than significant levels (LGC 2018). For the southwestern pad of the proposed Project, the potential seismic slope displacement (lateral spreading) was mitigated by the use of a series of piles supporting the proposed lodge structure in PA 4 or CV area. As stated above, the proposed Project would be required to conform to the latest adopted edition of the California Building Code (CBC 2016) and implementation of MM GEO-1, which would require preparation of additional geotechnical studies and incorporation of all recommendations defined therein as part of the final project design. Therefore, there would be less than significant impacts related to seismic shaking and seismic ground failure in the form of liquefaction, seismically induced settlement, and lateral spreading for the proposed Project.~~

PNL-6 **ASCON Comment 5.** The comment requests revisions pertaining to discussion of pipelines extending to the south from the ASCON Landfill Site, which were never used at the ASCON Landfill Site. If encountered within the ASCON Landfill Site during remediation, these pipelines would be removed from the site, and any associated contamination above clean-up standards would be remediated as part of the ASCON Landfill Site final remedy. In response to this comment, the text under Section 4.7.3, Existing Setting, Summary of Site Investigation Results (Hazards and Hazardous Materials) on page 4.7-9 is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

In June 2017, WGR performed soil excavation along the northern boundary of the site adjacent to the ASCON Landfill Site. A sample was collected at the property line in the remedial excavation adjacent to the piping *that straddles the project site and the adjacent site* ~~extending to the south from the ASCON Landfill~~. No further excavation was performed beyond the property line, as it would have required entry onto the adjacent site. The WGR report indicated that a small section of piping was observed *extending* from the *northern excavation wall* ~~ASCON property and entering the project site~~. The small section of pipe that was observed was "capped" with earthen materials (dirt) and still contained crude oil. The area along the north property line was excavated to dimensions of 10 feet by 20 feet wide and 6 feet deep. WGR reported that the crude oil-impacted material was successfully removed to the west, east, and south; however, subsurface crude oil was still present along the property line and to the north on the ASCON Landfill Site. The source of contamination at the northern boundary of the site is believed to be the leaking pipe ~~on the ASCON property~~ (Tait 201~~7~~*8*). If ~~this off-site leak~~ *the*

pipeline and any associated contamination above cleanup standards have ~~has~~ not been addressed by ASCON prior to issuance of grading permits for the development, additional response may be needed to prevent future migration of crude oil onto the project site.

Furthermore, in response to this comment, the text in Section 4.7.5, Impact Analysis, Threshold 4.7-3 (Hazards and Hazardous Materials) on page 4.7-14 is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ shows the deletions):

The *pipeline* ~~ASCON Landfill is further discussed below as the~~ *is a potential* source of soil contamination ~~related to the pipeline that extends from the ASCON Landfill property to~~ *at* the project site.

PNL-7 **ASCON Comment 6.** The comment requests revisions pertaining to lack of citing information that identifies the ASCON Landfill Site as a source of soil contamination and/or determining that the reference pipeline was used at the ASCON Landfill Site. In response to this comment, the text under Section 4.9.5, Impact Analysis, Table 4.9-2, Project Comparison to City of Huntington Beach General Plan Elements, Policy HAZ-C (Land Use and Planning) on page 4.9-30, is hereby deleted to read as follows (~~red strikethrough~~ shows the deletions):

Given the project site's past use as an oil storage facility ~~and soil contamination from the pipeline that extends from the ASCON property onto the project site that may have impacted site soils~~, the ~~project~~ *site* has undergone extensive testing ~~and remediation~~.

PNG-8 **ASCON Comment 7.** The comment requests revisions pertaining to street improvements as part of ASCON Landfill Site final remedy. In response to this comment, the text under Section 4.10.5, Impact Analysis, Threshold 4.10-4 (Section 4.10 Noise) on page 4.10-31, is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

An additional phase of construction, the improvements ~~associated with the ASCON street improvements~~ *located along Hamilton Avenue and Magnolia Street, adjacent to the ASCON Landfill Site*, has been modeled, which is expected to utilize similar equipment to the grading phase as shown on Exhibit 4.10-5, Curb Construction – Off-site Residences.

PNL-9 **ASCON Comment 8.** The comment requests revision pertaining to the timing of construction activities for the ASCON Landfill Site remedy activities. In response to this comment, the text under Section 4.10.6, Cumulative Impacts (Noise) on page 4.10-33, is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

~~At this time, there is no established timeframe for construction activities on the ASCON site.~~ *The remedy construction for the ASCON Landfill Site began in January 2019.*

PNL-10 The comment is noted. No other response is required.

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3.5 INDIVIDUALS

A total of 107 comment letters were received from organizations. The letters are listed below:

- Robert Harper (RH)—December 18, 2018
- Lesley Harper (LH)—December 21, 2018
- Steve Southwick (SS)—January 4, 2019
- Ed and Yvette Arango (E&YA)—January 15, 2019
- Joselin de Diego (JDD)—January 23, 2019
- Kristi Peckham (KP)—February 1, 2019
- Larry McNeely (LMN)—February 1, 2019
- Mike Dugerian (MD)—February 1, 2019
- Silvana Woscoff (SW)—February 1, 2019
- Carrie Martin (CM)—February 2, 2019
- Jean Habdank (JH)—February 2, 2019
- Regan Copeland (RC)—February 2, 2019
- Renee Demers (RD)—February 2, 2019
- Ron Davis (RD)—February 2, 2019
- Yvonne Jacobs (YJ)—February 2, 2019
- Brent Galyon (BG)—February 3, 2019
- Robin Rustan (RR)—February 3, 2019
- Ryan Chapline (RC)—February 3, 2019
- Cynthia Stapleton (CS)—February 4, 2019
- Russell Sager (RS)—February 4, 2019
- Christina Silva-Salgado (CSS)—February 5, 2019
- Ann Tarkington (AT)—February 6, 2019
- Mark S. Reader (MSR)—February 7, 2019
- Craig Peterson (CP)—February 10, 2019
- Christina Silva-Salgado (CSS)—February 12, 2019
- Jim Higgins (JH)—February 12, 2019
- Larry McNeely (LMN)—February 12, 2019
- Mike Regus (MR)—February 12, 2019
- Bradley Koonts (BK)—February 13, 2019
- Karl and Mary Ann Celinder (K&MC)—February 14, 2019

- Ira Leibowitz (IL)—February 18, 2019
- Debra Schales (DS)—February 19, 2019
- Mark W. Dixon and Sandra Fazio (MWD&SF)—February 21, 2019
- Ann McCarthy (AMC)—February 27, 2019
- KC Fockler (KCF)—February 28, 2019
- Matt Cramer (MC)—February 28, 2019
- Brad Bailey (BB)—March 4, 2019
- Jose Cortez (JC)—March 5, 2019
- Molly Nalty (MN)—March 5, 2019
- Tommy Lee (TL)—March 5, 2019
- Dale Martinez (DM)—March 6, 2019
- Spring Jaentsch (SJ)—March 7, 2019
- Lori Labadie (LL)—March 8, 2019
- Mike Arsenault (MA)—March 8, 2019
- Paula Garcia-Arsenault (PGA)—March 8, 2019
- David W. Wetzel (DWW)—March 11, 2019
- Scott and Lynne Supernaugh (S&LS)—March 11, 2019
- John McCarthy (JMC)—March 13, 2019
- Ann Tarkington (AT)—March 14, 2019
- Bonnie Benton (BB)—March 14, 2019
- Linda Minko (LM)—March 14, 2019
- Mary Ellen Hurrell (MEH)—March 14, 2019
- Michael diDonato (MDD)—March 14, 2019
- Rami Naber (RN)—March 14, 2019
- Suha Stoner (SS)—March 14, 2019
- Jeff Naber (JN)—March 15, 2019
- Michelle Weedon (MW)—March 15, 2019
- Milt Dardis (MD)—March 15, 2019
- Dave Hedlund (DH)—March 16, 2019
- Kevin Broussard (KB)—March 16, 2019
- Leslie Untener (LU)—March 16, 2019
- Rebecca Broussard (RB)—March 16, 2019
- Richard C. Armendariz (RCA)—March 16, 2019

- Terri Weiss (TW)—March 16, 2019
- Bonnie Marriott (BM)—March 17, 2019
- Candace Brenner (CB)—March 17, 2019
- Christopher and Stephanie Smith (C&SS)—March 17, 2019
- Debbie Clark (DC)—March 17, 2019
- Jan and Leon Madnick (J&LM)—March 17, 2019
- Jill Tabera (JT)—March 17, 2019
- Jon Ely (JE)—March 17, 2019
- Karen Taylor (KT)—March 17, 2019
- Monica Broussard (MB)—March 17, 2019
- Beth and Fred McKirachan (B&FM)—March 18, 2019
- Bob Vale (BV)—March 18, 2019
- Brian Bertotti (BB)—March 18, 2019
- Cari Swan (CS)—March 18, 2019
- Daryl Robinson (DR)—March 18, 2019
- Janet Wineland (JW)—March 18, 2019
- Kelly Thompson (KT)—March 18, 2019
- Lane Levin (LL)—March 18, 2019
- Liz Cutler (LC)—March 18, 2019
- Nancy Buchoz (NB)—March 18, 2019
- Gary Yeo (GY)—March 19, 2019
- Janine Stiffler (JS)—March 19, 2019
- Jim Higgins (JH)—March 20, 2019
- Denise Jordan (DJ)—March 21. 2019
- Lisa Simpson (LS)—March 25, 2019

Form Letter

- Bart Mink (BM)—March 4, 2019
- Christina Chiture (CC)—March 4, 2019
- Jason Morris (JM)—March 4, 2019
- Michael Tran (MT)—March 4, 2019
- April McMillan (AMM)—March 5, 2019
- Dana Sadarangani (DS)—March 5, 2019
- Jerry Uselton (JU)—March 5, 2019

- Josh Ruiz (JR)—March 5, 2019
- Sue Willess (SW)—March 5, 2019
- Ian Harvey (IH)—March 11, 2019

Variations of the Form Letter

- Debra Valle Schales (DVS)—February 19, 2019
- Randy A. Coe (RAC)—February 27, 2019
- Adam Swanson (AS)—March 14, 2019
- Jeff Hennes (JH)—March 14, 2019
- Taylor Smith (TS)—March 14, 2019
- Dane Aleksic (DA)—March 15, 2019
- Rima Batarse (RB)—March 15, 2019
- Ken and Susan Thomson (K&ST)—March 18, 2019

Letter 15

From: Harper, Robert <Robert.Harper@jacobs.com>
Sent: Tuesday, December 18, 2018 5:31 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Cc: Lesley Harper <lesley.harper@cui.edu>; Barbara (nana) Hoenecke <bhoenecke.hb@gmail.com>
Subject: Comments on Magnolia Tank Farm (MTF) Project

Mr. Ramos:

I would like to submit my comments to Draft Program Environmental Impact Report (EIR) for the Magnolia Tank Farm (MTF) Project. There is a proposed project and a second option (Alternative 1) in the attached NOA. I would like to state my disapproval of the Proposed project and a preference for the Alternative 1.	RH-1
This proposed project is high density housing, with a high density hotel and mixed use shopping, bars and restaurants. This development is not on PCH and Beach Boulevard (like so many other hotels, restaurants and bars). This is in our residential neighborhood.	RH-2
The surrounding neighborhood is at approximately 7 units per acre (6,000 sq. ft lots). The Proposed project is out of line with the surroundings and will put a strain on parking, traffic, parks, noise, pollution, emissions, police, etc. The document says, "Impacts related to Noise, Greenhouse Gas emissions, and Transportation and Traffic for the proposed Project were **found to be significant and unavoidable**. The significant and unavoidable impacts associated with Greenhouse Gas Emissions and Noise were avoided under the second development option (Alternative 1), so let's go with alternative 1 please.	RH-3
This 211,000 sq ft lodge/guesthouse with 215 rooms and 175 guest rooms (which has also been called low income in public meetings) is particularly unacceptable. The tourism, partying, drinking, drugs, etc., draws people to the hotels and pier area of PCH and Main Street and there is a significant police presence because of it. The riots and vandalism in those areas have made the national news. Please do not bring this to our neighborhood and school areas. This mixed use development with 19,000 sq ft of bars and restaurants is half a block west from Banning Library, Banning Park and Eader Elementary School. It is half a block south from Edison Community Park and Edison High School. We don't want a low income version of the downtown party sense in our neighborhood.	RH-4
Alternative 1 does not include the lodge/guesthouse and visitor and resident-serving uses. I believe that makes it more in line with the neighborhood (no restaurants, bars, shops or hotels). My preference is that this neighborhood be zoned like the neighborhoods across the street; off Banning, Magnolia and Bushard. 250 residential units is higher than the surrounding areas, but it is much preferable to low cost/ high density proposed project with lodge/guesthouse and mixed use development.	RH-5

Thank you for your time. I hope you take my concerns seriously.

Regards,

Robert Harper | Jacobs | Project Controls Manager | Long Beach, CA | (310) 507-6690 office | (714) 316-9224 mobile | robert.harper@jacobs.com | www.Jacobs.com

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Letter 15: Robert Harper

Comment Letter Dated December 18, 2018

RH-1 The comment expresses opposition to the proposed Project (mixed-use) and a preference for Alternative 1 (residential). Comment is noted and will be forwarded to the decision makers. No further response is required.

RH-2 The comment expresses opinion that the proposed uses are not appropriate in this neighborhood, because they are "high density housing" and mixed uses and because unlike other hotels and restaurants, it is not on Pacific Coast Highway (PCH) or Beach Boulevard. It should be noted that as discussed throughout the Draft Program EIR, and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential.

Section 4.9, Land Use and Planning (page 4.9-71), of the Draft Program EIR provided a detailed discussion of compatibility with the surrounding area and provided rationale as to why the proposed Project would not have a significant compatibility impact. It should also be noted that the proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel provides for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh. Therefore, as identified in the Draft Program EIR, no significant environmental impacts would occur as a result of locating the proposed uses in this location.

RH-3 The comment expresses disapproval of the proposed Project because the commenter believes the Project would result in impacts related to parking, traffic, parks, noise, pollution, emission, and police services. Commenter expresses a preference for Alternative 1 due to reduction in greenhouse gas emissions and noise impacts. It should be noted that the Draft Program EIR provided detailed discussions and analyses of these issues in the relevant sections of the document with findings that were substantiated and supported by substantial evidence. No further response is required. For a discussion of traffic and parking issues, please refer to the Topical Responses pertaining to Transportation/Project Traffic and Parking in Sections 3.1.1 and 3.1.2, respectively.

The potential impacts related to pollution and emissions is analyzed in detail in Section 4.2, Air Quality, of the Draft Program EIR. The analysis concluded that the impacts are either less than significant or less than significant with compliance with regulatory requirement and implementation of mitigation measure (page 4.2-42).

The discussion of parks in Section 4.13, of the Draft Program EIR indicated that while the Project would increase demand for parks and recreational facilities due to an increase in population, the Project would include recreational facilities through a system of parks and open space, which would meet the demand. In addition to

providing parks and recreational facilities and amenities, the Project would meet the Project's parkland dedication requirement through payment of in-lieu fees, which would be used to improve existing parks in the City. The discussion is provided on pages 4.13-13 through 4.13-15 of Section 4.13 of the Draft Program EIR.

In terms of noise, Section 4.10, Noise, of the Draft Program EIR provides a detailed discussion of noise in addition to vibration. The analyses under Environmental Checklist questions concluded that while the Project would have a significant and unavoidable impact associated with pile-driving activities during construction, all other impacts would be less than significant with implementation of mitigation measures.

Lastly, as discussed and analyzed in Section 4.12, Public Services (Threshold 4.12[ii]), the proposed Project would increase the demand for police protection services; however, the demands would not be significant and would not require new or physically altered governmental facilities. It was concluded that compliance with regulatory requirement (payment of development impact fees) would ensure that adequate police protection services are provided, and no impact would result.

RH-4 The comment regarding "unacceptable" issues of tourism, partying, drinking, drugs, etc. occurring in other parts of the City is not relevant to the Project, and the implication that the same would occur in the project area because of the hotel and non-residential uses is the commenter's opinion. While no response is required, it should be noted that the proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and visitors to take advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem., Additionally, the comment regarding Project's proximity to Banning Library, Banning Park and Eader Elementary as well as Edison Community Park and Edison High School is not clear. If the comment expresses concern about proximity to the hotel and associated issues, the response provided here addresses the comment. For additional discussion, please refer to Response RH-2, above.

Furthermore, Section 4.9, Land Use and Planning, of the Draft Program EIR includes a detailed discussion of land use compatibility and the features that would address potential land use impacts. The discussion identifies the surrounding uses as industrial uses to the west and southwest, and residential uses across Magnolia Street to the east. The impact analysis discusses potential conflicts related to the proposed uses with both the existing industrial uses and the residential uses. However, the discussion identifies existing and planned features that would avoid or help mitigate potential land use compatibility impacts.

RH-5 The comment expresses the commenter's preference for Alternative 1 compared to the proposed Project with restaurants, bars, shops, and hotel is noted and will be forwarded to the decision makers. No further response is required.

From: Lesley Harper <lesley.harper@cui.edu>
Sent: Friday, December 21, 2018 2:29 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Fwd: Notice of Availability of Magnolia Tank Farm Draft EIR

Mr Ramos,

Thank you for the opportunity to comment on the Draft EIR for the Magnolia Tank Farm proposed development.
Please see the attached letter and place it into your official file opposing the proposed plan as a resident/homeowner of Huntington Beach for over 30 years.

Lesley Harper, AIA, NCARB
Senior Director of Campus Planning and Development
Concordia University Irvine

---------- Forwarded message ---------
From: **Graham, Antonia** <Antonia.Graham@surfcity-hb.org>
Date: Mon, Dec 17, 2018 at 2:59 PM
Subject: Notice of Availability of Magnolia Tank Farm Draft EIR
To:

Attached please find the Notice of Availability of the Magnolia Tank Farm Draft EIR.

Please contact Ricky Ramos should you have any questions. He can be reached at rramos@surfcity-hb.org

Thank you,

Toni

Antonia Graham, MPA, M.S., Env Sp

Assistant to the City Manager

Office of the City Manager

City of Huntington Beach

2000 Main Street, Huntington Beach, CA 92648

(714) 536-5537 – Antonia.graham@surfcity-hb.org

Mr Ramos,

Thank you for the opportunity to comment on the Draft EIR for the Magnolia Tank Farm proposed development.	LH-1
I attended the Public Scoping meeting on November 7, 2017 and am surprised that much of the public suggestions and promises made by the applicant were not incorporated into the proposed Specific Plan. There was significant public turnout to vocalize our displeasure with the proposed plan. Generally, the discontent was with the proposal to include **any kind of lodging or retail uses** in a primarily residential neighborhood as well as increasing the housing density. The Applicant promised to incorporate public facilities at the meeting, including a competition pool for use by the public as well as Edison HS athletes and improvements to Banning Street Library which in it's current state should be an embarrassment to the HB Public Library system. What happened to those promises? Why is the City letting this developer "off the hook"?	LH-2
Why are the surrounding neighbors so unhappy with the primary proposal? Lodging, let alone low income lodging, is NOT a compatible land use with schools and low density residential neighborhoods. The Draft EIR talks about providing a buffer - but the only buffer is for the wetlands. The surrounding neighborhoods and schools are not buffered whatsoever by this proposal, especially with the higher building heights, increased traffic and lack of parking.	LH-3
The proposed plan should be thrown out simply because the circulation and parking needs generated by the plan are severe and inadequately addressed. The safety, integrity and identity of the adjacent neighborhoods and schools are compromised. Huntington Beach has commercial and hospitality zones already identified and developed. There is NO NEED to bring those incompatible uses to our neighborhood. The citizens of Huntington Beach have been vocal and united in opposing this development. It's time for HB Planning to listen to our concerns and do the hard work of denying this specific plan application. Below are specific comments and concerns with the Draft EIR's proposed specific plan.	LH-4
Parking - the proposal calls for on-street public parking, and prohibits the residences from parking on the street. Not only is that an enforcement nightmare, but why would you do that to residents? I understand that the designer/developer is trying to get around parking requirements, but the City Planners should be smarter than that and make them address this need.	LH-5
Building Height - why is the lodge allowed to go 50 feet above the ground elevation when the residential only goes 35 feet? It's not only an incompatible use, but is incompatible visually.	LH-6
General Plan Goals: Land Use Goal 2D - "protects Surf City culture and character in neighborhoods...." Putting a lodge and medium density housing in a low density	LH-7

residential neighborhood is not protecting the culture and character of our neighborhoods. Who is going to choose to live there? No one. People will buy those homes for vacation rentals. The presence of the lodging almost guarantees that will happen. I am not opposed to medium density as such but when you mix in lodging and lack of resident parking, you have made sure that the housing will be used for AirBnB type vacation rentals. This is not an intelligent path when you are within 1/4 mile of an elementary school and high school. Get rid of the lodging and provide adequate street parking for residents and their guests.	LH-7 cont.
Land Use Goal 1D and Goal 4D - the scale, proportion and character of the proposed lodging is NOT compatible with the adjacent neighborhoods. Get rid of the lodging and keep the scale in concert with the adjacent neighborhoods.	LH-8
Land Use Goal 6 A – work with school for public benefit and access. Please show how this was done, there is no evidence of it in the proposed development.	LH-9
Land Use Goal 7A – preserve unique neighborhood and compliment and support existing uses. The proposed development does not protect the adjacent unique beach neighborhood and in fact degrades it.	LH-10
Land Use Goal 11 A. These commercial uses do not cater to the local resident demands – the proposed development is purely for tourism within an established residential neighborhood. It is surprising that the developer failed to hear what so many of the concerned citizens and voters told them at the public meetings.	LH-11
Land Use Goal 13 A – Encourage an increased range of goods and services for the resident's needs. This development does NOTHING for the surrounding residents, nor very little for the future residents of the medium density housing being proposed.	LH-12
CIRC 1 – The traffic study shows the significant degradation of traffic flow in and around the proposed development. The impact on PCH within neighboring Newport Beach is truly appalling. The intersections along PCH never go above an LOS of F with the addition of this project. The 18 projects studied produce 15,219 trips combined, but this proposed development produces an additional 5526 trips by itself – more than 6.5 times the average 845 trips generated by the other 18 projects. This proposed project puts 8 intersections, operating today at LOS B and C, into a failing LOS of E. The proposed street improvements brings those failing intersections to a LOS of D. There is absolutely no way that the City traffic engineers can approve this proposed development with any kind of professional integrity. Obviously, our streets cannot absorb the traffic generated by the proposed development. The alternate proposal of just medium density residential has a reasonable increase of 2,447 daily trips. But that is still 2.9 times the average of the other 18 trips.	LH-13
CIRC 2 – Parking is inadequately addressed and there is no evidence of enhanced mobility options.	LH-14

	Public Service and Infrastructure Goal 1D – This proposal does not promote community safety. In fact, with the increased transient population that a lodge, guest house and vacation rentals would generate, you are proposing to export the community safety problems and issues in downtown Huntington Beach to a residential neighborhood with two schools. This should cause everyone to pause and think through what is being proposed. Take out the lodge and guest house, and the medium density residential development can work with the surrounding neighborhood.	LH-15
	PSI 3 – This proposal is a missed opportunity to improve upon a neglected and forgotten public library on Banning Street.	LH-16
	PSI 4 – There is absolutely nothing in the proposed development which would produce "rich artistic and cultural dimension within the community identity". The mix of uses proposed would fit in downtown HB, but not here. This is not why we chose to live in this neighborhood.	LH-17
	PSI 5 – The additional traffic would tax an already overburdened neighborhood with two schools that experience tremendous traffic pressure around school start/end times. There will be consequences to not fully considering the safety of our children going to the neighborhood schools.	LH-18
	Housing Goal 1.1 – This proposal does not maintain the quality of the existing housing of the established residential neighborhood. Placing higher density housing and lodging in a low density residential neighborhood reduces the quality of our neighborhood – ask any real estate professional who is honest about the real impact of low income lodging on housing prices.	LH-19
	Housing Goal 2.1 – There is no diversity in the housing proposed, as only medium density is listed.	LH-20
	Housing Goal 2.2 – Residential and Hospitality (Lodge and Guest Houses) are NOT compatible uses. This is intended for residential and retail, commercial offices or the like.	LH-21
	Housing Goal 3.1 – There is no balance in the proposed uses. It's only lodging or medium density housing.	LH-22
	Housing Goal 3.6 – There are no child care needs considered in this proposal. Why is it marked as fulfilled?	LH-23

Respectfully,

Lesley Harper, AIA

30 Year HB Resident

Letter 16: Lesley Harper

Comment Letter Dated December 21, 2018

LH-1 The comment is noted and will be forwarded to the decision makers. No further response is required.

LH-2 The comment regarding the Applicant's promise to incorporate public facilities and discontent for lodging or retail uses is noted and will be forwarded to the decision makers. It should be noted that the Applicant and the City are negotiating a Development Agreement that would provide public benefits. If the Development Agreement, beyond the monetary benefits, includes physical improvements, a separate CEQA document may be required to address the potential significant impacts emanating from those improvements. These benefits would not be part of the environmental document and would be separately disclosed.

LH-3 The comment regarding incompatibility with surrounding uses will be forwarded to the decision makers. Section 4.9, Land Use and Planning, of the Draft Program EIR provided a detailed discussion of compatibility with the surrounding area and provided rationale as to why the proposed Project would not have a significant compatibility impact. As identified in the discussion, the proposed uses are not immediately adjacent to existing surrounding uses. To the east, Magnolia Street (100-foot right-of-way) with a landscaped median separates the project site from the existing residential uses, and a six-foot high block wall further separates the existing residential uses from Magnolia Street. Furthermore, the plan includes a number of provisions that would create additional buffers with the existing uses. The proposed Magnolia Park along the eastern edge of the site along Magnolia Street creates an enhanced buffer between the existing residential uses and the project site.

Additionally, the Specific Plan Design Guidelines include integration of architectural design elements and landscaping complementary of the urban beach environment and its coastal recreation resources. The proposed Project elements, including connection to facilitate public access to coastal recreation and trails systems near the project site as well as planned recreational amenities would serve as a habitat buffer and provide an opportunity for environmental educational programs. As described throughout the Draft Program EIR, Alterative 1 would not include the lodge/guesthouse and associated visitor-serving retail and dining uses.

Finally, it should be noted that the California Coastal Act encourages lower cost visitor serving recreational facilities. Public Resources Code Section 30213 states that:

> "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred."

Public Resources Code Section 30222 states:

> "The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry."

LH-4 The comments regarding safety, integrity, and identity of the adjacent neighborhoods and schools in addition to opposition to the proposed development will be forwarded to the decision makers.

The issues of circulation and parking have been discussed in detail in the Draft Program EIR in Section 4.14, Transportation/Traffic and Section 3.0, Project Description. The discussion is also presented in the Topical Responses pertaining to Transportation/Project Traffic and Parking in Sections 3.1.1 and 3.1.2 of these Responses to Comments.

Additionally, please refer to Response LH-3, above, related to the Project's compatibility with adjoining uses and buffers.

LH-5 The comment regarding disapproval of the proposed Project related to on-street public parking and enforcement issues is noted and will be forwarded to the decision makers.

LH-6 The comment regarding building heights of the proposed lodge and residential uses and their visual incompatibility is noted and will be forwarded to the decision makers.

As described in Section 4.1, Aesthetics, of the Draft Program EIR, while the maximum height limit for the CV area is 60 feet for elevator shafts, mechanical equipment and architectural features (i.e. non-habitable space), only 15 percent of the CV area can have this height; otherwise, the maximum building height limit in the CV area would be 50 feet. The area immediately adjacent to the proposed Magnolia Park has a height limit of 40 feet. This design concept would allow a gradual increase in height, reducing the massing of the lodge/guesthouse. Additionally, it should be noted that the proposed Project is a mixed-use development, and as such the height does not necessarily need to be uniform throughout the development. Rather the height is associated with the type of use. Regardless, the comment regarding the design configuration is not a CEQA issue, and no further response is required.

LH-7 The comment regarding Land Use (LU) Goal 2D is noted. The comment expresses disapproval of the proposed Project (mixed-use) and parking. The comment will be forwarded to the decision makers.

For a discussion of parking, please refer to the Topical Response pertaining to Parking in Section 3.1.2 of these Responses to Comments.

Section 4.9, Land Use and Planning, of the Draft Program EIR provided a detailed discussion of compatibility with the surrounding area and provided rationale as to why the proposed Project would not have a significant impact. The discussion

identifies a number of design guidelines that aim at creating an aesthetically cohesive and high-quality development that compliments the area. It should also be noted that the proposed uses are not immediately adjacent to these existing uses. These locations include existing rights-of way separating the project site from the existing surrounding uses. In addition, the proposed Project includes a number of provisions that would create additional buffers with the existing uses. For additional discussion, please refer to Response LH-3, above.

It should also be noted that the proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups and is not being designed as a typical hotel common on PCH and Beach Boulevard. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel provides for specific groups interested in the overall environment of the area, including the Huntington State Beach and Magnolia Marsh. Therefore, as identified in the Draft EIR, no significant environmental impacts would occur as a result of locating the proposed uses in this location.

LH-8 The commenter believes the Project is not compatible with Land Use (LU) Goal 1D and 4D. and with the adjacent neighborhood. The comment is noted and will be forwarded to the decision makers. Please refer to Responses LH-3, LH-6, and LH-7 related to the Project's land use compatibility, proportion, scale, and character in comparison to the surrounding uses.

LH-9 The comment regarding LU Goal 6A and public benefit and access to schools is noted; however, the Huntington Beach General Plan Goal LU-6 pertains to Long-Term School Capacity and school site adaptation to meet changing needs of the community, and therefore, does not apply to the proposed Project. No further response is required.

LH-10 The commenter believes that the Project is not compatible with the adjacent neighborhood and inconsistent with LU Goal 7A and degrading the adjacent beach neighborhood is noted and will be forwarded to the decision makers.

Section 4.9, Land Use and Planning, of the Draft Program EIR provided a detailed discussion of compatibility with the surrounding area and provided rationale as to why the proposed Project would not have a significant impact and would be appropriate in this location, as the Specific Plan Design Guidelines would include integration of architectural design elements and landscaping complementary of the urban beach environment and its coastal recreation resources. In addition, the Proposed Project would include development standards to provide appropriate public use coastal access, open space and coastal-related development standards and design guidelines to encourage public use of the existing coastal elements within and surrounding the project site and encourage the protection of the adjoining Magnolia Marsh. Therefore, as identified in the Draft Program EIR, no significant environmental impacts would occur as a result of locating the proposed uses in this location in relation to preservation of the excising neighborhoods.

LH-11 The comment regarding LU Goal 11A and the commercial uses not catering to the local residents' demands is noted and will be forwarded to the decision makers. The LU Goal pertains to commercial land uses providing goods and services to meet

regional and local needs. The Project includes a commercial/retail component to meet regional and local needs. Thus, the Project does not conflict with this goal. No further response is required.

For a discussion of the lodge/hotel within a residential neighborhood, please refer to Response LH-7, above, regarding compatibility with adjacent uses.

LH-12 The comment regarding LU Goal 13A related to the "expansion of the range of goods and services provided to accommodate the needs of all residents and the market area" is noted and will be forwarded to the decision makers. Please refer to response LH-11 related to the expansion of goods and services.

LH-13 The comment regarding CIRC 1 and impacts pertaining to increased traffic trips is noted and will be forwarded to the decision makers. For a detailed discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

It should be noted that the commenter is incorrect in stating that the traffic study shows significant degradation of traffic flow in and around the proposed development. As shown in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the proposed Project and Alternative 1 would not significantly impact the key study intersections along Magnolia Street between Hamilton Avenue and Pacific Coast Highway (i.e. key study intersections #18 [Magnolia Street/Hamilton Avenue], #23 [Magnolia Street/Banning Avenue], #26 [Magnolia Street/Pacific Coast Highway] and #34 [Magnolia Street/Bermuda Drive]) under Existing plus project, Year 2026 plus project, and Buildout plus project traffic conditions.

It should be further noted that the commenter is also incorrect stating that eight of the key study intersections, currently operating at LOS B and LOS C, would operate at LOS E with the proposed Project. The commenter is comparing Existing traffic conditions with Buildout traffic conditions. As shown in Section 4.14, Transportation/Traffic, of the Draft Program EIR, although these eight intersections are forecast to operate at unacceptable levels of service under Buildout traffic conditions without the Project, the levels of service with the Project remain unchanged. Further, although two of the thirty-four study intersections would be impacted under Buildout traffic conditions, the two intersections would operate at an acceptable level of service with recommended improvements.

LH-14 The comment regarding CIRC 2 and inadequate assessment of parking and mobility options is noted and will be forwarded to the decision makers. For a detailed discussion of parking, please refer to the Topical Response pertaining to Project Parking in Section 3.1.2 of these Responses to Comments. No further response is required

LH-15 The comment regarding transient population and exporting the community safety problems and issues in downtown Huntington Beach to the area with two schools is speculative, and the implication that the same would occur in the project area is commenter's opinion. However, it should be noted that as identified in Section 4.12

(Threshold 4.12ii), Public Services, of the Draft Program EIR, with the increase in police protection services, less than significant impacts would result.

Regarding land use compatibility with existing uses, please refer to Response LH-3, above. Additionally, the comment expresses disapproval of the proposed Project (mixed-use) and a preference for residential development. The comment will be forwarded to the decision makers. No further response is required.

LH-16 The comment regarding PSI 3 improving the public library on Banning Street is noted and will be forwarded to the decision makers. No further response is required. However, it should be noted that the Applicant and the City are negotiating a Development Agreement that would provide public benefits. If the Development Agreement, beyond the monetary benefits, includes physical improvements, a separate CEQA document would be required to address the potential significant impacts emanating from those improvements. These benefits would not be part of the environmental documents and would be separately disclosed.

LH-17 The comment regarding PSI 4 pertaining to "Social and Community Services" is noted. However, this goal is not applicable to the proposed Project. No further response is required.

LH-18 The comment regarding PSI 5 and increased traffic and associated issues with children's safety is noted. It should be recognized that there are sidewalks on both the north and south sides of Banning that currently accommodate school children attending Eader Elementary School. Additionally, a school crossing guard assists students who cross Banning before and after school. A crosswalk currently exists across Magnolia at Banning, which would serve future students from the Project.

For a discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

LH-19 The comment regarding Housing Goal 1.1 and maintaining the quality of the existing housing is noted and will be forwarded to the decision makers. Please refer to Responses LH-3, LH-7, and LH-8, above, related to the Project's compatibility to adjoining uses. Additionally, please note housing prices are not a CEQA issue, and as such no further response is required.

LH-20 The comment regarding Housing Policy 2.1 and lack of diversity in housing is noted and will be forwarded to the decision makers. Section 4.9, Land Use and Planning, of the Draft Program EIR provided a discussion of the proposed Project housing types, including single-family detached and attached homes. The Project Applicant is proposing to comply with the City's affordable housing requirements, as described in the Magnolia Tank Farm Specific Plan. In light of the above provision, the discussion in Section 3.5.3, Planning Area 3 – For-Sale Residential (Section 3.0 Project Description) on page 3-7 is hereby revised to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

> *The Project Applicant is proposing to comply with the City's affordable housing requirements, as described in the Magnolia Tank Farm Specific Plan.* ~~Section~~

~~230.26 of HBZSO requires that at least 10 percent of all new residential construction be affordable units~~. ~~An affordable housing plan would be submitted to the City at the time of Tentative Map submittal for future projects.~~

The above revision is also made in Table 4.9-2, Project Comparison to City of Huntington Beach General Plan Elements (Section 4.9 Land Use and Planning) on page 4.9-17 to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

TABLE 4.9-2
PROJECT COMPARISON TO CITY OF HUNTINGTON BEACH GENERAL PLAN ELEMENTS

Policy	Compliance with Policy
LU-C: Improve the availability of affordable housing and accessible transportation options for service workers.	**Proposed Project Would Not Conflict** ~~The proposed Project would be developed in compliance with the affordable housing provisions in Section 230.26 of the HBZSO, which requires new residential projects of three or more units in size to include a minimum of 10 percent of all new residential construction be affordable units.~~ *The Project Applicant is proposing to comply with the City's affordable housing requirements as described in the Magnolia Tank Farm Specific Plan.* ~~by paying an affordable housing in lieu fee, pursuant to the development agreement currently being negotiated between the Project Applicant and the City. In addition, as required by provisions in Section 230.26, sale units included in the project would be made available to moderate-income households, as defined by Health and Safety Code Section 50093, or applicable successor statute.~~ Additionally, the proposed Project would promote active transportation, and connection to facilitate public access and provide for bicycles through lower speed shared roadways within the community and connection to the Class II bicycle lane on Magnolia Street. No conflict with this policy would occur. **Alternative 1 Would Not Conflict** The above discussion would also apply to Alternative 1. No conflict with this policy would occur.

LH-21 The comment regarding Housing Policy 2.2 and residential and hospitality not being compatible uses is noted and will be forwarded to the decision makers.

Section 4.9, Land Use and Planning, of the Draft Program EIR provided a detailed discussion of the proposed Project mixed-used development elements. As described, the lodge/guesthouse would include visitor-serving amenities within the lodge/guesthouse in addition to visitor and resident-serving uses including retail and dining facilities.

LH-22 The comment regarding Housing Policy 3.1 and lack of balance in uses is noted and will be forwarded to the decision makers. Section 4.9, Land Use and Planning, of the Draft Program EIR provided a detailed discussion of the Project's consistency with housing affordability in Huntington Beach. As discussed, the Project Applicant is proposing to comply with City's affordable housing requirements, as described in the Magnolia Tank Farm Specific Plan. The proposed Project would include a variety of housing types and sizes that would accommodates different segments of the

population in the area. Additionally, the Project includes different types of housing (single-family attached and detached), lodge/hotel, retail and restaurant uses, which present a balance of uses. No further response is required.

LH-23 The comment regarding Housing Policy 3.6 and childcare facilities is noted and will be forwarded to the decision makers. The City currently does not have a zoning requirement to provide childcare facilities within residential developments. No further response is required.

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Letter 17

From: Steve Southwick <teqsdad@socal.rr.com>
Sent: Thursday, January 03, 2019 9:28 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank Farm Comment

Please, no high density housing, hostels or any other proposals that will lead to more traffic to this area! We already have more than our share of homeless people, transient parking, trash, criminal trespass and theft. There is nothing in either of these political proposals that help any of the local residents. The more grandiose the idea the more it potentially reduces our living environment. The only upside of these nightmares is to feed the over inflated ego of the politicians who do t live near here. SS-1

Letter 17: Steve Southwick

Comment Letter Dated January 3, 2019

SS-1 The comment regarding high density housing and "hostels" resulting in increased traffic, criminal activity and theft, trash, transient parking, and increased homeless population in the area is noted and will be forwarded to the decision makers.

Regarding high density residential, it should be noted that as discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential.

The Project does not propose a hostel. The proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem.

For a detailed discussion of traffic and parking, please refer to the Topical Responses Transportation/Project Traffic and Parking in Sections 3.1.1 and 3.1.2, of these Responses to Comments.

The comment regarding criminal activity and theft, trash, and increased homeless population are not CEQA issues. No further response is required.

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Letter 18

From: Yvette Arango <ognara4@me.com>
Sent: Tuesday, January 15, 2019 2:11 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: EIR Magnolia Tank Farm

Mr. Rick Ramos-City of Huntington Beach City Planner,

We are homeowners in SEHB. We are very upset about the proposed construction project on the Magnolia Tank Farm property. We have lived in our home for 10 years now. We purchased our home in this area, due to its community neighborly feeling.	E&YA-1
Not only is the city looking to change zoning for this project but this project will bring many changes to this quiet neighborhood. We are very concerned with the environmental impacts as well as significant impact on noice and traffic on Magnolia street between Hamilton and PCH.	E&YA-2
We are also deeply concerned about the initial plan for medium impact housing and a low cost "hostel" type of housing. This is not welcomed in our neighborhood. We all pay A LOT in property taxes and value our home immensely to allow this type of venue into our community.	E&YA-3
We're not sure what the city council's motives other than greed for the city, but this is not acceptable in a family community. We and a good majority of our neighbors feel the same. We hope this project gets reviewed on behalf of the citizens of Huntington Beach.	E&YA-4

Sincerely,

Ed & Yvette Arango
Ognara4@me.com

Letter 18: Ed and Yvette Arango

Comment Letter Dated January 15, 2019

E&YA-1 The comment regarding opposition to the proposed development is noted and will be forwarded to the decision makers. No further response is required.

E&YA-2 The comments regarding zone change, increased traffic and noise are noted and will be forwarded to decision makers. The Zoning Map Amendment would implement a new zoning designation, Specific Plan with Coastal Zone Overlay (SP-18-CZ), providing customized land use regulations in response to the special characteristics of the site and to guide redevelopment.

As discussed in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the proposed Project and Alternative 1 would not significantly impact the key study intersections along Magnolia Street between Hamilton Avenue and Pacific Coast Highway (i.e. key study intersections #18 [Magnolia Street/Hamilton Avenue], #23 [Magnolia Street/Banning Avenue], #26 [Magnolia Street/Pacific Coast Highway] and #34 [Magnolia Street/Bermuda Drive]) under existing plus project, Year 2026 plus project and Buildout plus project traffic conditions.

The Project's potential noise impacts were disclosed in Section 4.10, Noise, of the Draft Program EIR. As shown in Table 4.10-10, the cumulative traffic noise level increase for all roadway segments in the project vicinity would be less than significant, including on Magnolia Street between Hamilton and Pacific Coast Highway. The Draft Program EIR demonstrated that the proposed Project would only have a temporary significant and unavoidable impact related to construction noise during pile-driving activities. All other impacts for the proposed Project would be less than significant with mitigation.

E&YA-3 The commenter erroneously believes the Project proposes "low cost 'hostel' type of housing".

As discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential.

The proposed lodge includes a guesthouse-style, budget-oriented, facility that is geared toward families and groups. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem. The comments regarding paying taxes and home value are not CEQA issues, and as such no further response is required.

E&YA-4 The comment is noted and will be forwarded to the decision makers. It does not raise any issues pertaining to CEQA, no further response is required.

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Letter 19

Joslin de Diego
9002 Rhodesia Drive
Huntington Beach, CA 92646
714.478.0503 / joslinmarie@gmail.com

RECEIVED
JAN 25 2019
Dept. of Community Development

Ricky Ramos, Senior Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: EIR for the Magnolia Tank Farm Project

Dear Mr. Ramos:

My name is Dr. Joslin de Diego. I am not a medical doctor but I earned my doctorate from University of Southern California. I am a product of Huntington Beach, I grew up here, went to school here and have lived here for over 30 years. I am a member of the Children's Needs Task Force and my children go to school at Eader Elementary.	JDD-1
Tonight, I would like to address the issue I have with the EIR for the Magnolia Tank Farm. I have had extensive training in studying data and statistics in reports; however, as I read through this report I am having difficulty sifting through the amount information given and lack of information found. For example, the Traffic Impact Analysis Appendix is 2,708 pages long. I believe there is a need to extend the report's public review period.	JDD-2
This series of projects will have a major impact on my family and community. For example, there are 2 ongoing projects right now: the AES power plant and the ASCON remediation. And, there are potentially 2 more major projects in the Poseidon and Shopoff's Magnolia Tank Farm Project. My concern is that this EIR hasn't fully addressed the impact of these huge projects taking place concurrently. Given that fact alone, I believe it is the right thing to do to give ample time to properly vet this project.	JDD-3
Another concern I have is the impact of these projects on traffic and the wetlands. In looking at the traffic impact (Appendix J – figures 3-2 and 5-3 in the draft EIR) it is very clear that traffic will increase exponentially. And if my understanding is correct, traffic would increase by hundreds of cars at peak driving hours. In the EIR, very little is noted on the impact, it simply states that traffic will increase. How does this increase in traffic and population impact the wetlands? What are our values as a community in preserving our precious resources?	JDD-4
Another concern regarding the EIR is that it doesn't appear to fully address all potential and current projects. When looking at data, it is important to review all plausible options to reveal all possible consequences. Simply stated, a true picture will not be revealed when viewing these projects individually. Each project alone may have a relatively small impact, but what is the cumulative impact when all projects are combined? When will that data be made available to the community for review? How can we effectively evaluate impact when we are not looking at all possible factors?	JDD-5

My final concern is the ASCON Remediation project and its effect on the new Magnolia Project. New signage publicizes the sites contamination. The site contaminants such as arsenic, nickel and lead. Lead is known to cause irreversible damage to a developing brain. I fear the close proximity of the two sites and seepage of contaminants into the Magnolia Tank Farm. Can you be assured, given the report, that individuals living in those potential homes will not be affected by those contaminants? And if they are affected, how does the city intend on paying the future lawsuits? JDD-6

Sincerely,



Joslin de Diego 1/23/19

Letter 19: Joselin de Diego

Comment Letter Dated January 23, 2019

JDD-1 The comment regarding the commenter's credentials is noted. The comment is noted but does not raise any issues pertaining to CEQA, no further response is required.

JDD-2 The comment pertaining to the length of the Draft Program EIR and the Traffic Impact Analysis in particular, as indicated in the comment, is noted. It should be noted that in light of requests by the public, the City of Huntington Beach extended the already robust public review period (i.e., 60 days as opposed to the CEQA-mandated 45 days) by another 30 days, ending on March 18, 2019. The 90-day public review period provided ample opportunity to review the Draft Program EIR and submit comments on the document.

JDD-3 Regarding the adequacy of the public review period, please refer to Response JDD-2, above. In terms of the other projects identified in the comment (i.e., AES Generating Stations/Power Plant, ASCON Landfill Site Remediation, and Poseidon Desalination Plant), the comment is not clear on what specific impacts would result from these projects, and their impacts are not relevant to the proposed Project. While these projects were specifically identified in Table 4-1, Approved and Pending Projects in the Cities of Huntington Beach, Newport Beach, and Costa Mesa, in Section 4.0 of the Draft Program EIR, each project has gone or will be going through the same process as the Magnolia Tank Farm Project. Appropriate environmental documentation, pursuant to CEQA, has been or will be prepared for each of the three projects. Additionally, discussions of the cumulative impacts of the proposed Project in light of all related projects identified in Table 4-1, have been included in each of the topical sections of the Draft Program EIR. For a detailed discussion of this issue, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

JDD-4 For a detailed discussion of traffic and associated issues, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1, of these Responses to Comments. It should also be noted that the required traffic impact analysis is not relevant to the wetlands impacts.

Regarding impacts on wetlands in vicinity of the site, the impacts were discussed in detail in Section 4.3, Biological Resources, of the Draft Program EIR. The discussion acknowledged that Magnolia Marsh, within the adjacent Huntington Beach Wetlands to the southwest of the project site is considered an Environmentally Sensitive Habitat Area (ESHA) by the City of Huntington Beach and the Coastal Commission. The Huntington Beach Wetland Conservancy operates an interpretive center open to the public and offers docent-led tours of the Magnolia Marsh, which would be further enhanced by the Project in coordination and cooperation with the Conservancy.

The land use plans of the proposed Project and Alternative 1 are designed to reduce potential impacts to the ESHA, across Huntington Beach Channel. The CC area is proposed to create upland buffer to the marsh. The minimum 70-foot wide CC area is

located adjacent to the Orange County Flood Control property. When combined with the width of the flood control property including the channel and the proposed 70-foot CC area, there would be a 215-foot development setback from Magnolia Marsh. Additionally, walls and fences would be located along the property line adjacent to the channel. These elements adjacent to Magnolia Marsh and flood control channel would create a buffer between the future uses within the project site and the designated ESHA.

The provisions of the Specific Plan and compliance with the HBZSO would further ensure that the ESHA remains unaffected directly by construction, operation, or maintenance activities. In addition, future development projects under the Specific Plan are subject to project-level design and environmental review, as well as approval by the City, which would ensure impacts remain less than significant.

As analyzed in the Draft Program EIR, indirect impacts (e.g., noise, light, dust, bird strikes, domestic animals, and invasive plant species) to wildlife using Magnolia Marsh and ESHA would be addressed by regulations, mitigation measures, and project design features.

JDD-5 Please refer to Response JDD-3, above, regarding cumulative projects.

JDD-6 The comment regarding the ASCON Landfill Site remediation and its effect on the proposed Project is noted. Comprehensive soil investigations have been performed at the project site and metals were not detected in excess of their applicable regulatory screening levels except for a single detection of lead that slightly exceeded the most stringent screening level. Groundwater conditions at the project site were analyzed recently by EnvApps and detailed in its reports published in 2018. EnvApps most recent groundwater sampling results indicate that arsenic is present in groundwater, but the arsenic did not exceed the applicable regulatory standard. The arsenic is believed to be naturally occurring, not the result of migration from the ASCON Landfill Site or on-site contamination. No other constituent of concern was detected in on-site groundwater in excess of its regulatory standard.

Groundwater has been extensively studied at the ASCON Landfill Site and the results of the three most recent groundwater monitoring events are summarized in reports prepared by Geosyntec Consultants in 2017 and 2018. The direction of groundwater flow from the ASCON Landfill Site is in the opposite direction of (i.e. away from) the project site. The only contaminant (crude oil) was present along the property line shared with the ASCON Landfill Site. The source of contamination at the northern boundary of the site is believed to be the leaking pipe. If the pipeline and any associated contamination above cleanup standards have not been addressed prior to issuance of grading permits for the development, additional response may be needed to prevent future migration of crude oil onto the project site.

Letter 20

From: Kristi Peckham <kristi.peckham@gmail.com>
Sent: Friday, February 01, 2019 8:58 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Project at Magnolia and PCH

Mr. Ramos, I understand that you are the contact point to voice our concerns for any new development along PCH near downtown. My husband and I are 100% against ANY new projects that will bring more congestion to our area and destroy open space. We have lived downtown for 17 years and are extremely concerned with the diminishing quality of life for those of us who live here and our large tourist population that wants to enjoy a "small town" feel. Please use your influence to STOP any further development of our downtown and it's surrounding areas.

KP-1

Thank you in advance for your help,
Kristi Peckham

Letter 20: Kristi Peckham

Comment Letter Dated February 1, 2019

KP-1 The comment regarding opposition to the development with implications in terms of increased congestion and destroying open space is noted and will be forwarded to the decision makers. The comment does not specifically identify the environmental impacts. In terms of congestion in the area, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

The comment regarding the open space is not clear whether or not the commenter refers to the project site. In the absence of a clear reference, it is assumed the comment refers to the project site. It should be noted, that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

The comment regarding "quality of life" is not a CEQA issue, and as such no further response is required.

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Letter 21

From: larry mcneely <lmwater@yahoo.com>
Sent: Friday, February 01, 2019 10:26 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Shopoff Development ie Magnolia Tank Farm Project.

I am writing this to express my opposition to this project. As a lifetime resident of this city for 65 years I have seen the damage done to our community by these special interests developers and their HDD projects. It is my feeling that any open areas still left in our city should remain just that open. We are now overwhelmed with traffic and congestion our services are now overtaxed and this now must be stopped. I do realize that the table has been set and the wheels have been greased Shopoff has made its political campaign contributions to Michael Posey Barbara Delgeize and Patrick Brenden and it is well known by our community that Pay for Play is alive and well. These council members are not natives to our community they did not grow up here they did not attend our schools yet they approve these projects. It is my goal to fight this project and retain what little is left of our open spaces our lifestyle and culture. Please help me in this effort and deny this project. Thank you Larry Mc Neely former President of the Downtown Business Owners Association.

LMN-1

Letter 21: Larry McNeely

Comment Letter Dated February 1, 2019

LMN-1 The comment regarding opposition to the Project is noted and will be forwarded to the decision makers.

Section 4.14, Transportation/Traffic, of the Draft Program EIR provided a detailed discussion and analysis of issues pertaining to circulation, including congestion in the area. For additional discussion of traffic and congestion, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

Regarding the issue of open space, it should be noted, that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

The comment pertaining to the council members is not a CEQA issue, and as such no further response is required.

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Letter 22

From: durgerian mike <diggerbelly@yahoo.com>
Sent: Friday, February 01, 2019 6:44 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>

Subject: I oppose the project at PCH and Magnolia. it is one of the few open spaces left. Please do not approve this.

Showoff Development just say NO !!!!!!
Thank you
mike durgerian

MD-1

Life is like a bowl of strawberries. Eat up or it gets sour.

Letter 22: Mike Dugerian

Comment Letter Dated February 1, 2019

MD-1 The comment's preference for the site remaining as open space is noted and will be forwarded to the decision makers. It should be noted that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur. The remainder of the comments related to local politics are not related to CEQA. They will be forwarded to the decision makers for their consideration.

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Letter 23

From: s w <silvanawoscoff@yahoo.com>
Sent: Friday, February 01, 2019 10:32 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Development on Magnolia and PCH-No!!! Shopoff Devt

To whom it may concern:

It is very disturbing to hear about the purposed development located at Magnolia and PCH, the Shopoff Development. This project request is taking away one of our last open spaces and this development sits on a bluff over our protected wetlands also. It is a terrible idea and I'm against this plan as a long time resident of HB. I dislike the overbuilding and the HDD in our community. I am opposed of such a buildout. SW-1

Thank you,

Silvana Woscoff
Sent from my iPhone

Letter 23: Silvana Woscoff

Comment Letter Dated February 1, 2019

SW-1 The comment regarding the project site being one of the last open spaces left is noted and will be forwarded to the decision makers. Please note the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur. Additionally, it should be noted that rezoning the site is not a prohibited action, and it could occur anywhere within the City and evaluated on its own merit.

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Letter 24

From: Carrie <stevencarrie@verizon.net>
Sent: Saturday, February 02, 2019 3:09 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: EIR-Shophoff

Hello Mr. Ramos,

As a 50 year resident of Huntington Beach, I am opposed to changing the zoning for the proposed Shophoff development. The proposed development will increase traffic, noise, congestion and will create toxic fumes by stirring up dangerous toxins from the ASCON site. This proposal will not improve the quality of life in HB but rather do the opposite. I urge you to let others know how displeased the residents of SEHB are about the findings in the EIR. CM-1

Thank you,
Carrie Martin
9171 Haiti Drive

Sent from my iPad

Letter 24: Carrie Martin

Comment Letter Dated February 2, 2019

CM-1 The comment regarding opposition to rezoning the project site is noted and will be forwarded to the decision makers. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. In the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur. Additionally, it should be noted that rezoning the site is not a prohibited action, and it could occur anywhere within the City and be evaluated on its own merit.

For a discussion of traffic and congestion in the area, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

Regarding increased noise, the detailed analyses in Section 4.10, Noise, of the Draft Program EIR, determined that both short-term construction and long-term operation noise would be less than significant with compliance with interior and exterior noise standards, provided for in the City's Municipal Code and mitigation measures proposed. Additionally, based on the analysis, traffic-generated noise would also result in limited noise level increases along roadway segments in the project vicinity. Thus, with the exception of temporary vibration impacts during construction of the proposed hotel/lodge, all potential impacts would be less than significant with mitigation.

Regarding comment on toxic fumes from the ASCON Landfill Site, please note, impacts associated with hazards and hazardous materials are site specific. The actions on the project site would not result in releasing toxins from the ASCON Landfill Site, which is currently under remediation. Both Huntington Beach Fire Department (HBFD) and Department of Toxic Substances Control (DTSC) have been involved in reviewing site assessments performed to date. The DTSC is the lead oversight agency and compliance with MM HAZ-2 identified in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR, would ensure that all requirements imposed by DTSC for additional investigation, remediation or other response will be completed. DTSC's written concurrence signifying the successful completion of all required investigation and remedial action must be obtained prior to issuance of a grading permit. The DTSC's closure letter will be submitted to HBFD for its review prior to commencement of the Project. These safeguards assure that future site occupants will not be exposed to risk from hazardous materials.

Additionally, it should be noted that while the Findings and Statement of Overriding Considerations (published for the project by the DTSC on June 18, 2015), acknowledged "the potential for short-term environmental impacts as described in the Final EIR, the Remedial Action Plan (RAP) will nonetheless further DTSC's mission statement by providing for the long-term protection of public health and the environment in and around the ASCON Landfill site."

Letter 25

From: Jean Habdankq <jehabdank@earthlink.net>
Sent: Saturday, February 02, 2019 7:43 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Proposed building @ PCH & Magnolia

We elected those on the new board to keep Huntington Beach with a small town atmosphere. We don't need more huuuge developments on the beach., especially by the wetlands. We have enough large hotels with Shoreline, the Hilton, the Hyatt and Pasea on PCH. There are additional smaller ones within 1-3 miles of the beach. Don't just jam them in so we'll feel like rats with only large buildings at the beach. Do some homework and put something smaller and more interesting in that location if you must. JH-1

Thanks,
Jean Habdank
18722 Racquet Land
Huntington Beach, CA. 92648

Sent from my iPad

Letter 25: Jean Habdank

Comment Letter Dated February 2, 2019

JH-1 The comment opposing the Project and the proposed development is noted and will be forwarded to the decision makers. It does not raise any issues pertaining to CEQA, as such no further response is required. It should be clarified that as described in Section 3.0, Project Description, of the Draft Program EIR, the proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups and is not a hostel. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem.

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Letter 26

From: Regan Copeland <copelandcabana@gmail.com>
Sent: Saturday, February 02, 2019 12:01 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: NO BUILDING AT THE WETLANDS

We do not want anymore building along PCH!! Keep our views and wetlands how they are!!! RC-1

Letter 26: Regan Copeland

Comment Letter Dated February 2, 2019

RC-1 The comment regarding opposition to the proposed development along PCH and keeping views and wetlands as they exist will be forwarded to the decision makers. However, it should be noted that the Draft Program EIR included detailed discussion and analysis of visual impacts and wetlands in Sections 4.1, Aesthetics and 4.3, Biological Resources. The analyses determined that the proposed Project would result in less than significant or less than significant with mitigation impacts pertaining to views and the adjacent wetlands.

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Letter 27

From: renee demers <iemdirector@yahoo.com>
Sent: Saturday, February 02, 2019 8:56 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: A concern

To whom it may concern,
I am an ex Long Beach Police Officer, a single parent , a soccer coach and a small business owner, lived here my whole life. The quaint atmosphere here has always been perfect .
But the recent appearance of these apartments all around the city and all the new developments are going to increase population, which then will increase crime.
Our city has been the perfect place to live, everything you want or need within reach. Please don't ruin it by overbuilding and overpopulation .
PLEASE

RD-1

Renee Demers
CEO/PRES
IEM
714-457-2250

Letter 27: Renee Demers

Comment Letter Dated February 2, 2019

RD-1 The comment regarding recent development of apartments in the City and overbuilding, resulting in increased population and crime will be forwarded to the decision makers. The comment is general and pertains to planning/policy and does not raise any specific issues regarding the Project. No further response is required.

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Letter 28

From: Ron <ron@reportingmatters.com>
Sent: Saturday, February 02, 2019 9:26 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: The Tank Farm

As a resident of Huntington Beach since 1972, I've long recognized the toxic eye-sore called the tank farm, now benignly being referred to as precious open space. I understand that as an abandoned, toxic tank farm, the city couldn't do much with zoning other than zone the area open space, as development could never happen unless the area was cleaned up. Because that has now happened, the community wants the developer to incur the costs of ridding this community of a toxic eyesore, without the benefit of being able to develop the property. I suppose the question that ought to be asked is which would the community prefer: the continuation of a toxic, decaying eyesore or a modern, tax generating, income producing, tourist attracting hotel? Give me the hotel any day of the week. Over the past two decades, Huntington Beach has, step-by-step, become a destination resort city. Why would anyone stay at a hotel in Anaheim to go to Disneyland, when they could enjoy an ocean view hotel just a few miles from Disneyland or Knotts Berry Farm. It is foolish to think that the city never tacitly approved this development when it was approached with someone remediating the site. Was anyone really going to step in and make a charitable contribution to the local area by remediating the toxic tank farm and leaving it as park? The only way, we as a community, get to rid ourselves of these eyesores is to recognize that those who do the deed need to be rewarded. If we don't reward them, then the eyesores remain. Let the developer build the most luxurious hotel, with the best amenities possible. It will surely beat the socks off the presence of a toxic, no trespass, decaying tank farm, unless of course the tank farm was generating more revenue and tourists than the proposed hotel. Perhaps you, or those who oppose the development can tell me just how much revenue and tourists the farm has generated over the past 50 years.

RD-1

Ron Davis
631 Frankfort Ave
HB

Letter 28: Ron Davis

Comment Letter Dated February 2, 2019

RD-1 The comment regarding support for the Project highlighting its benefits, including its beneficial aesthetic impacts compared to existing conditions, will be forwarded to the decision makers. No further response is required.

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Letter 29

From: Yvonne Jacobs <ymjacobs@msn.com>
Sent: Saturday, February 02, 2019 12:57 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Stop the overbuilding and HDD BUILDING in HB!

Please stop the overbuilding and HDD in Huntington Beach!

The whole feel of our city is changing FOR THE WORSE if this continues....stop the damage that has already been done and preserve what is left - PLEASE!!! YJ-1

Yvonne Jacobs
HB resident for over 20 years

Sent from my iPhone

Letter 29: Yvonne Jacobs

Comment Letter Dated February 2, 2019

YJ-1 The comment regarding overbuilding, high density development in Huntington Beach, and the change in the City for the worse is noted and will be forwarded to the decision makers. The comment is general and pertains to the City-wide policies. It does not raise a specific issue pertaining to CEQA, as such no further response is required.

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Letter 30

From: Brent Galyon <brent_galyon@yahoo.com>
Sent: Sunday, February 03, 2019 9:16 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank farm area development

As a homeowner in south Huntington Beach I understand the resentment of the pleas by some of the residents. Although I believe some development is beneficial to the city and residents through the creation of parks and increased tax revenues for the city.	BG-1
The issue is responsible development. The residents of Huntington Beach have come to see issues not in their interests, but only for the benefit of a few developers, special interests, and our city representatives.	BG-2
The potential of constructing the Poseidon desalination plant is by no means in any interest of anyone in Huntington Beach. We just need to look at the Poseidon project disaster in Carlsbad that is still creating fiscal and environmental problems for north San Diego county. We do not need overpriced water with outdated technology. There are more economical ways to create water (ie water use efficiency) if deemed necessary by our city planners.	BG-3
The other development in question is the housing/hotel development on the site. While I agree that creating new housing is necessary for the growth of our city, the plan for an inexpensive hotel and high density housing does not help the land values for the tax revenues surrounding the area being potentially developed. Incorporating single family homes preserves the family atmosphere and current property values of the south Huntington Beach community.	BG-4

Thank you for your time!

Regards,
Brent Galyon

Letter 30: Brent Galyon

Comment Letter Dated February 3, 2019

BG-1 The comment regarding creation of parks and increased tax revenue for the City is noted and will be forwarded to the decision makers. It does not raise any issues pertaining to CEQA, as such no further response is required.

BG-2 The comment regarding responsible development is noted and will be forwarded to the decision makers. It does not raise any issues pertaining to CEQA, as such no further response is required.

BG-3 The comment regarding the Poseidon Desalination Plant is noted but is not relevant to the proposed Project. No further response is required.

BG-4 Section 4.9, Land Use and Planning, of the Draft Program EIR provided a detailed discussion of compatibility with the surrounding area and provided rationale as to why the proposed Project would not have a significant impact and would be appropriate in this location. It should also be noted that the proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel provides for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh. Therefore, as identified in the Draft Program EIR, no significant environmental impacts would occur as a result of locating the proposed uses in this location.

Additionally, it should be noted that as discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential.

The comment regarding "property values" is not a CEQA issue, and as such no further response is required.

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Letter 31

From: Robin Rustan <rustyssurfvilla@gmail.com>
Sent: Sunday, February 03, 2019 7:15 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Cc: downtowngregg@gmail.com; ryan rustan (Sugar the surfing Dog) <rustosurf@gmail.com>
Subject: No HDD Devopment at PCH and Magnolia

Ricky Ramos,
City Planner

My family has been downtown for 68 yrs and the Citizens of HB have always voiced their opposition to High Development in Huntington Beach starting with Jack Kelly HB City Coucilman who was tied to the lumber industry and voted to build those high rises on the beach at 9th Street and PCH There should of been 0 Construction on the Beach in1968 I was drafted into Vietnam War and came home to this being built against the HB Citizens wishes. Nothing's changed and look at Bolsa Chica Consrvancy with Linda Moon telling me we had to give something away because Signal Hill pushed their way into building these homes on the bluff tops of the Bolsa Chica Wetlands when they should of been protected by Bolsa Chica Consrvancy. RR-1

Now you have the City of HB telling it's residents it's OK to re-zone the Magnolia and PCH wetlands for High Development Building which is totally illeagal to build on any wetland by Coastal Comission rules and regulations but you will override this because your the HB City Council with power of the pen like Bolsa Chica Wetlands. The Residents of HB including myself want 0 development in these Costal Wetlands and any HB City Councilman who votes yes on this Development should be impeached and thrown in jail. I live in mainland Mexico 7 months a year because of all the HDD and return to my HB Resident in the Summer otherwise I would be in HB City Council to speak on this matter so here's my e-mail oposing any Constructon in the Wetlands at Manoilia and PCH RR-2

Seriously Concerned HB Resident for 68 yrs
Mr. Robin Rustan
210 10th Street
Huntington Beach, CA. 92648

Letter 31: Robin Rustan

Comment Letter Dated February 3, 2019

RR-1 The commenter's opinion regarding the changes in the City for the worse is a not comment related to the Draft Program EIR; it is noted and will be forwarded to the decision makers. The comments regarding Signal Hill and Bolsa Chica Wetlands are not relevant to the proposed Project. No further response is required.

RR-2 The comment expresses opposition to the proposed development and rezoning of the project site. It will be forwarded to the decision makers. It should be noted, that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

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Letter 32

From: Ryan Chapline <ryan.chapline@cbrands.com>
Sent: Sunday, February 03, 2019 1:54 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Input - Magnolia Tank Farms

Dear Mr Ramos,

I am a South HB homeowner/ resident and would like to give input regarding the Magnolia Tank Farm project. I prefer proposal one (mixed use project with lodge and retail), but I have a concern with the ambiguity around the verbiage "budget-oriented family/overnight accommodations". I live in the fashion shores neighborhood and do not want to see a Best Western/ Extended Stay of America style hotel go up right next to my million dollar house. Am I right with my assessment of what is meant by budget oriented accommodations? If so, I would reluctantly say proposal 2 is better (housing only). RC-1

I truly hope "budget-oriented family/overnight accommodations" means something different like a bed and breakfast. If so, I would like to see proposal 1 come to fruition. The local residents are looking forward to more retail close to home, but want to maintain our property values. In this case the word "budget" sounds like it would have a negative effect on the value of our homes. I hope this input helps. Thank you for soliciting the communities input. RC-2

Ryan Chapline
9022 Regatta Dr, HB 92646
ryanchapline@hotmail.com
Cell: 714-697-5645

Letter 32: Ryan Chapline

Comment Letter Dated February 3, 2019

RC-1 The comment questions what is meant by budget-oriented family/overnight accommodations and expresses a preference for an alternative. The budget-oriented accommodations are provided in a portion of the lodge with guesthouse-style rooms that are geared toward families and groups. Budget-oriented overnight accommodations are one type of lower cost visitor serving facility necessary to maximize public access and ensure that individuals and families of all income levels who live further from the coast are able to access and recreate at the coast. The Coastal Act's requirement to maximize access and promote budget-oriented visitor and recreational facilities is critical in providing opportunities for individuals and families from underserved communities to visit the coast when they may not be able to do so otherwise due to costs, including costs for overnight accommodations.

Additionally, given the location within the Coastal Zone and proximity to Magnolia Marsh, the lodge/hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem.

Also, the comment regarding preference for Alternative 1 in case a hotel such as a Best Western is proposed, is noted and will be forwarded to the decision makers. It does not raise any issues pertaining to CEQA, and no further response is required.

RC-2 The commenter expresses preference for the proposed Project if a bed and breakfast is proposed as the budget-oriented accommodations. The comment regarding property values is noted and will be forwarded to the decision makers. It does not raise any issues pertaining to CEQA, and no further response is required.

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Letter 33

From: C. L. Stapleton <cindystapleton@gmail.com>
Sent: Monday, February 04, 2019 11:54 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm Proposed development

Dear Mr. Ramos,

I am writing to you today to express my opposition to the proposed 'Shopoff Hotel/Hostel'. CS-1

It is no secret, that the residents of HB are tired of the over-development of our city. My neighbors, as well as myself have lived here well over 30 years. We have raised our families, established our lives here, attended our churches, schools and beaches. We support and love our community and are disgusted by the rampant overbuilding of our city.

And now, the City is entertaining an offer to build more??? When is it going to end? I understand the motivation is to bring more conventions and tourisim to our city? Well we have an abundance of hotels up and down PCH as well as Beach Boulevard as well as many options up and down PCH in neighboring cities. CS-2

If adding more traffic, congestion and lowering our quality of life is the goal, then we are surely going to achieve that.

Stop the madness, and listen to the People. No. More. Building. No more High Density. CS-3

Sincerely,
Cynthia Stapleton

Letter 33: Cynthia Stapleton

Comment Letter Dated February 4, 2019

CS-1 The comment regarding opposition to the "Shopoff Hotel/Hostel" component of the Project is noted and will be forwarded to the decision makers. It should be clarified that as described in Section 3.0, Project Description, of the Draft Program EIR, the proposed lodge incudes guesthouse-style, budget-oriented rooms that are geared toward families and groups and is not a hostel. Budget-oriented overnight accommodations are one type of lower cost visitor serving facility necessary to maximize public access and ensure that individuals and families of all income levels who live further from the coast are able to access and recreate at the coast. The Coastal Act's requirement to maximize access and promote budget-oriented visitor and recreational facilities is critical in providing opportunities for individuals and families from underserved communities to visit the coast when they may not be able to do so otherwise due to costs, including costs for overnight accommodations.

CS-2 The comment regarding opposition to the overdevelopment in the City and the Project is noted and will be forwarded to the decision makers. The comment does not raise any issues pertaining to CEQA, no further response is required.

CS-3 The comment questions the goal of the project and lowering the quality of life. The comment is noted and will be forwarded to the decision makers. The comment does not raise any issues pertaining to CEQA, no further response is required.

For a discussion of traffic and congestion in the area, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

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Letter 34

From: Russell Sager <russell.a.sager@gmail.com>
Sent: Monday, February 04, 2019 5:18 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Pro Shoppoff Development

Hello Mr. Ramos,

I have been a Huntington Beach resident for 6 years, and I support a plan to rezone the Magnolia/ PCH area into multi-family and commercial. While I do support the plan to rezone this area, I would like to see the Planning Commission and City Council require at least 75% of the units built be available for purchase. I would like to see the housing supply of our city increase, but only if the residents will be able to own a piece as their own. I would NOT like our city to end up like Irvine where the corporation Irvine Company owns almost all the high density housing. Residents who are able to own a piece of their city leads to a great community. Hordes of renters will dilute what makes surf city great. Additionally, I also approve of the plan to build a small hostel (not hotel). RS-1

Thank you,
Russell Sager

Letter 34: Russel Sager

Comment Letter Dated February 4, 2019

RS-1 The comment regarding support for rezoning the project area, requiring at least 75 percent of the units to be available for purchase, and building a small hostel (not hotel) is noted and will be forwarded to the decision makers. It does not raise any issues pertaining to CEQA, and no further response is required.

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Letter 35

From: krica256@aol.com <krica256@aol.com>
Sent: Tuesday, February 05, 2019 11:15 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Shopoff Developemtn re-zoning request

Dear Mr. Ramos,

As a Huntington Beach resident I am writing to you to voice my opposition to re-zoning the property by Magnolia and PCH as requested by Shopoff Development. I can't believe that the city will even consider it. This property is zoned for open public space and it is next to the protected wetlands. It makes no sense to approve hotels and more dense housing in this property. Please stop the Re-zoning requests from developers that don't care about our city. CSS-1-1
Please let me know if I need to write to city council as well or will this get to them? Or let me know if you need more from me to count my opposition vote on this.

Sincerely,
Christina Silva-Salgado

Letter 35: Christina Silva-Salgado (1)

Comment Letter Dated February 5, 2019

CSS-1-1 The comment regarding opposition to the proposed development and rezoning of the project site is noted and will be forwarded to the decision makers. It should be noted, that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

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Letter 36

From: Gary Tarkington <garytarkington@msn.com>
Sent: Wednesday, February 06, 2019 11:27 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Building HDD!
Importance: High

I have come to understand that there is a purposed monster development located located at Magnolia and PCH. This project is known as the Shopoff Development. The developer of this project is asking our city council to approve a Land Use and Zoning change from Open Public Space and re-Zone it for the multi story hotel and a housing development. Taking away one of our last open spaces and this development sits on a bluff over our protected wetlands. THIS SHOULD NOT HAPPEN!! AT-1

Please DO NOT approve ANY LAND USE and ZONING CHANGE!! We do not have much open land left, and the small amount that we still have should remain protected!! We do NOT need any money money and land grabs!

Thank you for your consideration!
Ann Tarkington
92646

Letter 36: Ann Tarkington

Comment Letter Dated February 6, 2019

AT-1 The comment regarding opposition to the proposed development and rezoning of the project site is noted and will be forwarded to the decision makers. It should be noted, that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

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Letter 37

February 7, 2019

The Honorable Erik Peterson
and Councilmembers
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: SUPPORT FOR SHOPOFF REALTY PLANS FOR TANK FARM

Dear Mayor Peterson:

I would like to express my support for Shopoff Realty Investments' proposal for homes and a hotel on the Tank Farm property in Huntington Beach. As a member of the Building Industry Association of Orange County, I am an advocate for responsible development, thoughtful planning and development projects that shed a positive light on our industry. MSR-1

Fellow BIA member Shopoff is proposing a project that not only complements and provides suitable transitions to the existing surrounding land uses, but also improves the area by removing a blighted property and replacing it with uses that bring much-needed funds to the city as well as desperately needed housing options to the area. In this case, the plan places compatible housing next to existing residential. The hotel is placed near existing industrial uses and overlooking the wetlands separated with a large buffer to protect this resource while also promoting its educational value to residents and guests alike. MSR-2

As the housing crisis in southern California continues, we are desperate for new housing—move-up opportunities for grown children moving back to their "hometown," expanding families needing a larger floor plan, and empty-nesters downsizing. MSR-3

From an economic perspective, revitalization of the Tank Farm can only increase neighboring property values and provide a much-needed boost to Southeast Huntington Beach. And, of course, taxes generated will undoubtedly benefit the city's infrastructure, public safety and other city-funded needs. MSR-4

In my opinion, this project will only provide positive changes to the area. I hope that you agree and vote YES when it is brought before you for approval.

Sincerely,



Mark S. Reader, PE
BIA Member

Letter 37: Mark S. Reader

Comment Letter Dated February 7, 2019

MSR-1 The comment regarding support for the Project, responsible development, and thoughtful planning is noted and forwarded to the decision makers. No further response is required.

MSR-2 The comment regarding the Project providing a suitable transition to existing surrounding land uses, improving a blighted property, and producing tax revenue for the City is noted and will be forwarded to the decision makers. No further response is required.

MSR-3 The comment regarding the need for new housing in Southern California is noted and will be forwarded to the decision makers. No further response is required.

MSR-4 The comment expressing that the Project would increase neighboring property values and provide a "boost" to southeast Huntington Beach is noted and will be forwarded to the decision makers. These comments do not raise CEQA issues, as such no further response is required.

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Letter 38

From: Craig Peterson - BPD Kansas City <Craig.Peterson@bunzlusa.com>
Sent: Sunday, February 10, 2019 6:08 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: (EIR) for the Magnolia Tank Farm. "Notice of Availability (SCH No. 2107101041)

My name is Craig Peterson and I live at 9032 Rhodesia Dr HB 92626. We have lived and owned in HB since 1996. All three of my kids have been born and raised in this area.

In response "Notice of Availability (SCH No. 2107101041)

CP-1

My concern is the impact for further development in our area and do not want to see the Tank Farm area be re-zoned for anything other than it's current "industrial status". Please fight the coastal commission on any push to change that.
I am strongly against any hotel/hostel/retail/dining. I would hope the city would support the schools, parks and residential area that it is and understand the changing that would continue to have a negative impact on our community. Please protect our area and Huntington Beach!

CP-2

The notice gives two development options both of which I do not want, as it changes the zoning for what that area is currently. If it does get re-zoned, I obviously would want it to move the 2nd option and single family units.

CP-3

Thanks for your support!

Craig Peterson
714-813-0404

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Letter 38: Craig Peterson

Comment Letter Dated February 10, 2019

CP-1 The comment regarding the commenter's family history in the area is noted but does not raise any issues pertaining to CEQA. No further response is required.

CP-2 The comment expressing opposition to the proposed development and rezoning of the project site is noted and will be forwarded to the decision makers. The comment does not specifically identify the environmental impacts. It should be noted, that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

CP-3 The comment expresses opposition to both development alternatives and rezoning of the project site. However, the single-family alternative is preferred if rezoning occurs. The comment is noted and will be forwarded to the decision makers. No further response is required.

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Letter 39

Work Order: #139517

Opened: 02/10/2019

Closed: 02/12/2019

This issue is resolved | Est. Resolution Date: Not Yet Set

Planning

STREET ADDRESS

☒

By : Christina Silva-Salgado

Email : krica256@aol.com

Phone : 714-307-7101

Device :

Media Submitted
None

COMMENTS & ADDITIONAL NOTES

Shopoff Development at Magnolia/PCH. Dear City Council members, as a citizen of Huntington Beach I am writing to voice my opposition to re-zoning the property by Magnolia and PCH.I remember attending a Meet the Candidates event last year prior to city council election and I remember ALL candidates claiming being against excessive development. Now will be a good time to show you meant it. Sincerely, Christina Silva-Salgado

CSS-2-1

Status Changed: 02/12/2019 5:00 PM **Robin Estanislau**

Work Order #139517 status has changed from assigned to resolved.
Christina, Your comments have been shared with Senior Planner Ricky Ramos for inclusion in the project record that will ultimately be presented to the City Council. Please note: The public comment period for the Magnolia Tank Farm EIR has been extended to March 18. For more information on this project, visit: https://www.huntingtonbeachca.gov/government/departments/planning/major/major-projects-view.cfm?ID=62. Robin Estanislau City Clerk

Share with Citizen: YES

Issue Type/Subtype Changed: 02/12/2019 4:58 PM **Robin Estanislau**

Workorder #139517 Issue type changed from Agenda & Public Hearing Comments to Planning.

Share with Citizen: NO

Status Changed: 02/11/2019 11:41 AM **Johanna Dombo**

Work Order #139517 status has changed from new to assigned.

Share with Citizen: YES

Letter 39: Christina Silva-Salgado (2)

Comment Letter Dated February 12, 2019

CSS-2-1 The comment expressing opposition to rezoning of the project site is noted and will be forwarded to the decision makers. The site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

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Letter 40

From: Jim Higgins <jim_higgins@verizon.net>
Sent: Tuesday, February 12, 2019 3:15 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: The Magnolia Tank Farm Project

Ricky, I assume I am only one of many who is writing you objecting to the Magnolia Tank Farm project and commenting on the EIR. I am hoping like most of my neighbors in SEHB that the project "goes away" but if that doesn't happen, then PLAN B consisting of the second option in the EIR (Alternative 1) would be (grudgingly) acceptable. The fact remains we would all like the area to be cleaned up and put into a condition where contamination is removed so it is no longer a hazardous threat to the community and the area can be enjoyable to all. The apparent desire by some to turn HB from a "garden community" which we had years ago into a HDD environment to address low cost and homeless issues is a misguided goal not shared by the majority of HB's citizens. If the job of the City Council is to represent their constituents, then their decision regarding the Tank Farm project should be a "no brainer" since their constituents do not want it. If their loyalties lie elsewhere, then they're in the wrong jobs.

JH-1-1

When we were asked to provide our concerns earlier, like a good citizen I commented that the city should be very concerned about future lawsuits if there becomes an accumulation of incidences of people in the vicinity of the ASCON dump site and the Tank Farm becoming ill or (Heaven Forbid!) contacting cancer. Excavating huge amounts of soil and unleashing unknown amounts of toxins into the air that get carried by the wind toward residents in the local area in order to build a huge hotel-like structure is also not addressed in the EIR. The result if this should happen would be an unprecedented amount of lawsuits for which the city and its citizens would have to pay. I have yet to hear a response to this concern.

JH-1-2

Thanks you for listening to this one family that is very concerned about the direction we seem to be headed. Jim and Lorry Higgins, 9401 Pier Drive (since 1976).

Letter 40: Jim Higgins (1)

Comment Letter Dated February 12, 2019

JH-1-1 The comment regarding opposition to the project and acceptance of Alternative 1 (in case development does not go away) is noted and will be forwarded to the decision makers. The comment regarding the City Council is noted but does not raise any issues pertaining to CEQA, no further response is required.

JH-1-2 The comment asserts that excavation required of the Project would result in releasing toxins and is not addressed in the Draft Program EIR. Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR, summarizes numerous investigations and reports related to hazardous materials prepared for the project site. Two mitigation measures, MM HAZ-1 (preparation of a Soils Management Plan) and MM HAZ-2 (Department of Toxic Substances Control No Further Action approval) are proposed to ensure that the potential for release of hazardous materials into the environment would be mitigated to less than significant.

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Letter 41

Work Order: #138664

Opened: 02/05/2019

Closed: 02/12/2019

This issue is resolved | Est. Resolution Date: Not Yet Set

Agenda & Public Hearing Comments

SUB TYPE

City Council Meeting

STREET ADDRESS

By : Larry McNeely

Email : lmwater@yahoo.com

Phone : 714-421-8411

Device :

Media Submitted
None

COMMENTS & ADDITIONAL NOTES

While I expressed my findings of the Shopoff effort to set the stage for their development in our city by buying the votes of three city council members. I would like to bring to your attention some of the quotes from Bloomberg News and The Shoploff web site. Shoploff is a venture capital investments company specializing in underdeveloped mismanaged land assists. Using entitlements to achieve the desired developments through general plan amendments and zone changes and variances. So there you have it Shopoff is gaming the system through the amending our General Plan ? variances ? zone changes ? mismanaged land assists ? I say Shopoff if you want to develop in our city find a location that fits our general plan and zoning and forget variances. Plan your project to fit the laws and standards that our community expects. It is no secret that Shopoff has gamed our system and our community first by joining our HB chamber of commerce as a executive board member while having no business or physical location in our city. Shopoff is located in Irvine Ca. Shopoff being a executive board member guides its supported PAC money to its chosen city council candidates. While Shopoff has showered its chosen council members with campaign donations to enhance their causes it is looking for the Pay for Play to take effect and these council members to vote to approve its pending project. I find no compelling reason to change our Land Use designation from open space or provide any zoning changes to develop this land that only serves the special interests of the developers scheme to enhance their investors profits. The speakers at this last city council meeting gave many reasons why this does not fit in our community. I urge this council to vote NO on this development we have a limited amount of open space in our city and we need to keep our wetlands void of developments and the intrusion of hotels and housing creeping up to the shores of our Federally Protected Wet Lands. It will be no surprise to me to see Posey Delgleize and Brenden support this project, our city is not their home town they did not grow up here or attend our schools they do not have the history here to know the importance to protect our remaining open spaces. I ask the remaining local city council members to protect the over development of our community, this includes our new member Kim Carr who was raised on our city boarder and knows our history and plights. Thanks for your attention on this issue.

LMN-1

Status Changed: 02/12/2019 5:01 PM **Robin Estanislau**

Work Order #138664 status has changed from assigned to resolved.
Mr. McNeely, Your comments have been shared with Senior Planner Ricky Ramos for inclusion in the project record that will ultimately be presented to the City Council. Please note: The public comment period for the Magnolia Tank Farm EIR has been extended to March 18. For more information on this project, visit:
https://www.huntingtonbeachca.gov/government/departments/planning/major/major-projects-view.cfm?ID=62. Robin Estanislau City Clerk

Share with Citizen: YES

Status Changed: 02/11/2019 11:45 AM **Johanna Dombo**

Work Order #138664 status has changed from new to assigned.

Share with Citizen: YES

Issue Type/Subtype Changed: 02/11/2019 11:45 AM **Johanna Dombo**

Workorder #138664 Issue type changed from City Council to Agenda & Public Hearing Comments and subtype City Council Meeting.

Share with Citizen: NO

Letter 41: Larry McNeely

Comment Letter Dated February 12, 2019

LMN-1 The comment regarding opposition to the proposed development and the need for a general plan amendment and rezoning of the project site is noted and will be forwarded to the decision makers. It should be noted, that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

The comments regarding the City Council are noted but do not raise any issues pertaining to CEQA, as such no further response is required.

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February, 12th 2019

Letter 42

To:
Ricky Ramos, Senior Planner
City of Huntington Beach
Community Development Department
2000 Main Street, Huntington Beach, CA 92648

Regarding the Magnolia Tank Farm Concerns, Complaints, and Considerations:

The 15 units per acre should not be allowed. The Project is surrounded by neighborhoods with a density of 6 to 7 detached single family homes per acre. The specific plan should require the same density as the surrounding neighborhoods.	MR-1
Parking with the density of 15 units per acre will not allow enough street parking. Additionally, with the proposed number of units, there is not enough area for off-street parking considering an average for single family dwellings is well over 2 cars per unit.	MR-2
The Building height per table 3.4 in the specific plan of 35' for residences and 50' for the Hotel will block the view from the rear of homes on Kiowa Lane. Please consider building height restrictions so as to not block our view, also, not to block public view along magnolia.	MR-3
The Traffic increase in the existing tract of homes across Magnolia and especially on Bermuda and Kiowa Lane was not considered in the Traffic Study. This increase in traffic should be considered because of parents taking their children to Eader Elementary in the morning and picking them up in the afternoon. The parents will use the Bermuda entrance to the existing tract to take and pick up children at the front of the school or the bridge at the rear of the school crossing the Talbert canal.	MR-4

Thank you for recording and considering these issues.

MIke Regus
35225 Linda Rosea Road
Temecula, CA 92592

Letter 42: Mike Regus

Comment Letter Dated February 12, 2019

MR-1 The commenter's preference for similar density as the surrounding neighborhoods is noted. Although the existing surrounding neighborhoods may have different residential densities than what is proposed on the project site, it should be noted that the ASCON Landfill Site is located immediately to the north and has a General Plan designation of Residential Medium Density. Therefore, the Project's proposed General Plan Amendment to Residential Medium Density is not inconsistent with surrounding uses in terms of land use designation. Section 4.9, Land Use and Planning, of the Draft Program EIR includes a detailed discussion of the Project's land use consistency with surrounding land uses and regulatory planning documentation. Based on the analysis and the existing and proposed buffers, it was determined that the Project would have a less than significant impact.

MR-2 The comment regarding inadequacy of parking is noted and will be forwarded to the decision makers. For a discussion of this issue, please refer to the Topical Response pertaining to Project Parking Section 3.1.2 of these Responses to Comments.

MR-3 The comment regarding the Project blocking views is noted and will be forwarded to the decision makers. Section 4.1, Aesthetics, of the Draft Program EIR, Aesthetics, provides an evaluation of the aesthetic impacts and visual changes that would result from the proposed Project from public roadways and surrounding residential areas. It should also be noted that while consideration was given to how the Project would alter the views for the existing residential homes across Magnolia Street, these are private views and are not protected by any code or policy. With respect to views from Magnolia Street, it was acknowledged in Section 4.1, Aesthetics, of the Draft Program EIR that visual changes would occur; however, the visual quality of the site would not be considered a significant adverse aesthetic impact given the proposed improvements and landscaping enhancements. This would be an improvement for some viewers.

MR-4 The comment regarding the scope of the traffic study is noted and will be forwarded to the decision makers. With concurrence from the City Traffic Engineer, existing and future traffic operating conditions were evaluated for 34 key study intersections in Section 4.14, Transportation/Traffic, of the Draft Program EIR. For a discussion of the analysis, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

Further, as shown in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the proposed Project and Alternative 1 would not significantly impact the key study intersection of Magnolia Street/Bermuda Drive (key study intersection #34) under existing plus project, Year 2026 plus project, and Buildout plus project traffic conditions.

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Letter 43

From: Brad Koonts <bradkoonts@gmail.com>
Sent: Wednesday, February 13, 2019 9:21 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Comments for the Draft Program EIR for the MTF Project
Bradley Koonts
9061 Aloha Dr.
Huntington Beach, CA 92646

Comment for the Draft Environmental Impact Report for the Magnolia Tank Farm Project located at 21845 Magnolia Street, Huntington Beach, CA 92646.

Option 1

The first option calls for a mixed-use development comprised of a 211,000 sqft lodge/guesthouse, with 19,000 sqft of ancillary visitor-serving retail and visitor serving retail and dinning, with up to 250 for sale residential units.

My concerns with the first option is who would own/operate the lodge, traffic associated with the lodge guests and residential unit owners, additional vehicle traffic to downtown Huntington Beach (proximity is not within walking distance to any of the local attractions other than the beach), and no symmetry with the residential units in close proximity. BK-1

I must question how prices would be regulated to ensure a "cost-effective" method of lodging that has been described to us in prior meetings. Supply and demand dictate prices, so unless the government would offset the prices through supplementing more of our tax dollars, I see the prices aligning with that of Downtown HB. If the lodge is owned/operated by a for profit entity, they will definitely look to maximize profits. BK-2

I cannot fathom the congestion this option would create within itself. The acreage consumed by the lodge, it's ancillary retail and dinning is not noted here, however, the Costal Conservation area and Parks is, with a total of 5.6 acres. 250 residential units at 15/acre equals about 17 acres. This leaves a total of 6.3 acres for the lodge, ancillary retail and dinning, roads, etc. BK-3

I must wonder what a lodge would do to the home values in the area as well. I feel that it would be harder to sell a home in close proximity to a lodge, considering the noise, traffic, etc. BK-4

Option 2

The second option (Alternative 1) consists of redevelopment of the project site with up to 250 for sale, residential units, parks, and open space.

My concern with this option is with the symmetry of the housing compared to the area, however, unless another alternative exists to create housing that would align with the symmetry of the surrounding area, then I would like to recommend this option since it is the closest. I feel this option provides for a more family friendly environment that promotes pride in ownership, and sense of community. BK-5

This option closely aligns with the primary reasons me and my wife decided upon HB to call home. The sense of community we have experienced since living here is second to none, and I can safely say that as we have lived in numerous states over the years.

Letter 43: Bradley Koonts

Comment Letter Dated February 13, 2019

BK-1 The comment regarding the lodge operator is noted but does not raise any issues pertaining to CEQA, as such no further response is required.

The comment argues that the Project would result in additional traffic and lack of symmetry with existing residences. For a discussion of traffic and congestion, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments. Section 4.9, Land Use and Planning, of the Draft Program EIR provided a land use compatibility evaluation of the Project and surrounding land uses. Based on the analysis and the existing and proposed buffers, it was determined that the Project would have a less than significant impact.

The comment also asserts that the Project is not within walking distance to any local attractions other than the beach. The Project provides internal and external pedestrian connectivity incorporating Magnolia Street, visitor-serving commercial areas, residential neighborhoods and areas overlooking Magnolia Marsh as well as access to the beach.

BK-2 The comment regarding the lodge price aligning with downtown Huntington Beach pricing is noted and will be forwarded to the decision makers. The comment does not raise any issues pertaining to CEQA, no further response is required.

BK-3 The comment asserts that the Project would result in congestion within itself and incorrectly identifies acreages for the Project. The following Table 3-1 from Section 3.0, Project Description, of the Draft Program EIR, provides the net acreage for each of the planning areas, including Planning Area 4 (lodge, guesthouse, and associated retail). As shown in Table 3-1, the acreages are clearly identified, including the 19,000 square feet for the retail. In addition, planned roads within each planning area are assumed in the acres provided.

TABLE 3-1
PLANNING AREA SUMMARY, PROPOSED PROJECT

Development Types	Maximum Density/Intensity	Net Acres	Maximum Development	Total Open Space Acres
PA 1: CC Area				
Coastal Conservation Area	--	2.8	--	2.8
PA 2: OS-PR Area				
Parks	--	2..8	--	2.8
PA 3: RM Area				
For-Sale Residential (RM)	15 du/ac	18.9	250 units	--
PA 4: CV Area				
Lodge	175 guest rooms	4.4	Up to 230,000 gsf (211,000 gsf Lodge and Guesthouse; 19,000 gsf retail)	--
Guesthouse[1]	40 rooms			
GRAND TOTAL		**28.9**	**250 units/ 230,000 gsf of commercial visitor**	**5.6**

PA: Planning Area; CC: Coastal Conservation; (--) not provided as not being applicable; OS-PR: Open Space-Park and Recreation; RM: Residential; CV: Commercial Visitor; du/ac: dwelling units per acre; gsf: gross square feet

[1] Guesthouse provides budget-oriented overnight family/group accommodations (e.g., families, youth sports and non-profit organizations).

Source: Magnolia Tank Farm Specific Plan Number 18, August 2018.

BK-4 The comment regarding "property values" is not a CEQA issue, and as such no further response is required.

BK-5 The comment regarding support for Alternative 1 is noted and will be forwarded to the decision makers. No further response is required.

Letter 44

From: Mary Ann Celinder <macelinder@gmail.com>
Sent: Thursday, February 14, 2019 6:05 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank farm property

My husband and I have lived next to Edison high since 1978.

We are very concerned about the plans to build on the tank farm property. K&MC-1

The local schools would be negatively impacted by the proposed housing. The streets would be affected by the additional traffic. K&MC-2

Building next to a toxic dump site can't be healthy for anyone. As I write this, water from the dumpsite is overflowing into the streets and flowing to the ocean and wetlands. How would that be fixed? K&MC-3

It is too close to the wetlands. What would happen to "squirrel" park where we regularly walk out dogs? Would the open space be maintained?

We urgently oppose re-zoning the property, It's too close to residential neighborhoods. K&MC-4

Karl and Mary Ann Celinder
21341 Fleet Lane
Huntington Beach, 92646

Letter 44: Karl and Mary Ann Celinder

Comment Letter Dated February 14, 2019

K&MC-1 The comment regarding concern for development on the site is noted but does not raise any issues pertaining to CEQA. No further response is required.

K&MC-2 The comment regarding impact on local schools and increased traffic is noted and will be forwarded to the decision makers. Section 4.12, Public Services, of the Draft Program EIR, provides an evaluation of Project impact on local schools that students from the Project would attend. The Project would be required to comply with the California Government Code (payment of State-mandated school fees) as indicated in RR PS-4 (refer to Section 4.12.7, Mitigation Program, in Section 4.12). based on detailed analysis in that section, it was determined that impacts on schools were less than significant with implementation of RR PS-4.

For a discussion of Project traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

K&MC-3 The comment argues that the water from the "dumpsite" flows onto streets and ultimately to the ocean and wetlands. It is assumed that the commenter is making reference to the ASCON Landfill Site, which is located adjacent to the north of the Magnolia Tank Farm project site. Please note that impacts associated with hazards and hazardous materials are site specific and the ASCON Landfill Site is not the proposed project site. The ASCON Landfill Site is currently under remediation. The Remedial Action Plan, approved by the Department of Toxic Substances Control, and associated EIR have been issued, and the EIR analyzed the potential impacts of the ASCON Landfill Site remediation project. No further response is required.

K&MC-4 The comment regarding opposition to the rezoning of the project site is noted and will be forwarded to the decision makers. It should be noted, that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

The comment regarding proximity to the wetlands is noted but does not specifically raise an environmental question. Section 4.9, Land Use and Planning, of the Draft Program EIR provided a land use compatibility evaluation of the Project and surrounding land uses. Based on the analysis and considerations of existing and future buffers, the impacts were determined to be less than significant.

Regarding the disposition of Squirrel Park, as identified in Section 3.0, Project Description, of the Draft Program EIR, Squirrel Park, would be enhanced and converted into a passive, privately maintained, public park.

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Letter 45

From: Ira Leibowitz <ileibowitz@socal.rr.com>
Sent: Monday, February 18, 2019 10:52 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Shopoff Development

Sir,

I want to add my voice to those residents protesting the re-zoning of that area at Magnolia and PCH for the "Shopoff" project. We have enough buildings (especially hotels) along that corridor.

IL-1

There is also a concern for what kind of disturbance(s) may impact the wetlands.

Regards,

Ira Leibowitz

Letter 45: Ira Leibowitz

Comment Letter Dated February 18, 2019

IL-1 The comment regarding opposition to the rezoning of the project site is noted and will be forwarded to the decision makers. It should be noted, that the site was not meant to remain undeveloped in perpetuity The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

The comment regarding disturbance(s) to the wetlands is noted, but it does not specifically raise an environmental question. Section 4.9, Land Use and Planning, of the Draft Program EIR provides a detailed evaluation of land use compatibility of the Project and surrounding land uses. In addition, Section 4.3, Biological Resources, of the Draft Program EIR, provides an evaluation of the Project's impacts on Magnolia Marsh. In both instances, the analyses concluded that the impacts would be less than significant with existing and proposed project features.

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Letter 46

February 19, 2019

Ricky Ramos, Planner, rramos@surfcity-hb.org
City of Huntington Beach

RE: Proposal for Residential and a Hotel on the Former Tank Farm Property

Dear Mr. Ramos,

I'd like to formally submit my comments to the Draft Environmental Impact Report.

California has a housing crisis. Our state has a deficit of 3.5 million homes, according to the 2016 McKinsey Global Institute report. This gap is hurting everyone in California - including Huntington Beach residents. DS-1

I've lived in Huntington Beach for over 30 years. Now, sadly, some of my family members and friends who wanted to stay in Surf City or want their children to purchase a home here are priced out of the housing market.

As a local engineer, I work on many different types of residential developments for a variety of homebuyers. We see the trends change over each cycle in the housing industry. We see the need for many options for homebuyers. We need to build more quality housing developments – like the proposed Magnolia Tank Farm. It's proposing up to 250 for-sale residences designed to fit in with surrounding neighborhoods by addressing height concerns, providing off-site improvements, protecting adjacent wetlands and adding to and making improvements to public open space, like Squirrel Park. DS-2

Additionally, the hotel they have planned along with the amenities that the neighbors can utilize will ultimately be a welcomed addition once built.

I approve of the alternative Shopoff is proposing and I hope it will move forward in the process to approval.

Sincerely,

Debra Schales

Cc: Mayor Erik Peterson erik.peterson@surfcity-hb.org

Letter 46: Debra Schales

Comment Letter Dated February 19, 2019

DS-1 The comment regarding the housing crisis and deficit is noted and will be forwarded to the decision makers. The comment does not raise a specific question pertaining to CEQA, as such no further response is required.

DS-2 The comment expresses support for the Project and highlights the benefits of the proposed development. The comment is noted and will be forwarded to the decision makers. No further response is required.

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Letter 47

From: Mark Dixon <ncsmt2014@gmail.com>
Sent: Thursday, February 21, 2019 9:13 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Cc: nancybuchoz@yahoo.com
Subject: Magnolia Tank Farm Environmental Impact Report

Good evening -

One of the promises of the developer is that adequate noise control steps will be taken in the design and construction of the property, to include special windows, HVAC and concrete walls. That's fine for the occupants of the new housing space; but what consideration has been given to the local residents and their rights to preserve the quiet of their neighborhood? Our homes were built in 1964, and while many have fitted more modern dual-pane windows, what else will be done BY THE DEVELOPER to ensure that our living space - and property values - are not degraded? MWD&SF-1

Your consideration will be appreciated.

Sincerely,

Mark W. Dixon
Sandra Fazio
21612 Bahama Lane
HB 92646
714 394-0075

Letter 47: Mark W. Dixon and Sandra Fazio

Comment Letter Dated February 21, 2019

MWD&SF-1 The comment regarding mitigating noise impacts to the neighborhood and protecting property values is noted and will be forwarded to the decision makers. Section 4.10, Noise, of the Draft Program EIR, provides an evaluation of the noise impacts associated with the Project and adequate noise mitigation to reduce potential significant impacts to less than significant. The analysis proposes implementation of MM NOI-4, which requires preparation of a final acoustical report to assess all potential off-site noise impacts associated with on-site operations to ensure compliance with the City's Noise Ordinance criteria for off-site sensitive land uses. With implementation of this measure, potential impacts from noise generated on-site would be less than significant for the existing off-site noise sensitive uses and no additional mitigation is required as it applies to on-site operations.

However, as acknowledged in Section 4.10, the Project would result in a significant and unavoidable noise impact related to groundborne vibration during construction for the proposed Project. MM NOI-3 (vibration control plan) would reduce construction vibration to the greatest extent feasible; however, the impact would remain significant and unavoidable. Operational groundborne vibration was determined to be less than significant.

The comment regarding property values is not a CEQA issue, and as such no further response is required.

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Letter 48

February 27, 2019

Ricky Ramos, Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Dear Mr. Ramos:

I'd like to submit this letter as comments to the EIR for the Tank Farm project.

I live in Huntington Beach off of Magnolia and Banning. My daughters both attended John H. Eader Elementary School and Edison High School. AMC-1

I am writing in support of the Magnolia Tank Farm project. In its current state, the property does not positively affect our property values or provide any amenities. I believe the redevelopment of this property will benefit the neighborhood as well as the surrounding community with amenities, open space and parks. AMC-2

The site is zoned under the Public/Semi-Public designation. I do not believe there are uses within this zoning district, that are economically viable, that would benefit the neighborhood more so than the proposed development and therefore support the change in zoning. AMC-3

I currently serve on the board of the Huntington Beach Wetlands Conservancy. I appreciate that the developer has taken the adjacent wetlands into consideration in their design and planning. They are proposing a plan that enhances the experience of all that visit the property, provides a buffer for the sensitive wildlife in the wetlands and highlights wetlands as an important nature asset. AMC-4

I appreciate the risk that the developer has taken with this property and the effort that they have taken to create something special, unique and complementary to our neighborhood and the adjacent wetlands.

I would like to ask that the City and the developer look into upgrades along Banning, including beautification and traffic calming but overall I support this project and encourage the City to approve the change in zoning and the project. AMC-5

Sincerely,

Ann McCarthy
9192 Kapaa Dr.
Huntington Beach, CA 92646

Letter 48: Ann McCarthy

Comment Letter Dated February 27, 2019

AMC-1 The comment is noted but does not raise any issues pertaining to CEQA, no further response is required.

AMC-2 The comment expresses support for the Project and highlights the benefits of the proposed development. The comment is noted and will be forwarded to the decision makers. No further response is required.

AMC-3 The comment expresses support for the rezoning of the Project site. The comment is noted and will be forwarded to the decision makers, and no further response is required.

AMC-4 The comment appreciating project design and planning in light of the adjacent wetlands and benefits of the proposed development on the wetlands is noted and will be forwarded to the decision makers, and no further response is required.

AMC-5 The comment requests that the City consider upgrades along Banning such as beautification and traffic calming. The comment is noted and will be forwarded to the decision makers. No further response is required.

The comment regarding support for the Project and the rezoning of the Project site is noted and will be forwarded to the decision makers, and no further response is required.

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Letter 49

From: HSB Education [mailto:education@hsb.surfrider.org]
Sent: Thursday, February 28, 2019 8:26 AM
To: James O'Malley <JOMalley@shopoff.com>; Tony Soriano <tsoriano@hsb.surfrider.org>
Subject: Re: Thank you - Tank Farm

Hi James,

Thank you again for meeting with Tony and myself in regards to the Magnolia Tank Farm (MTF) project. Your designs for the area were beautiful and the ideas were very forward thinking. Personally, living within a half mile of the site, and being active with Surfrider, I naturally have an interest in seeing that the project is fundamentally sound for our area. KCF-1

Whether you move ahead with the main project as you detailed out, or it is used as a Senior Housing/Convalescent development as you mentioned, there are still questions and concerns that many have after reviewing the EIR. I have listed some in an environmental piece, and some that address local concerns based on the preliminary plans and the EIR. These are some of the "Hot" issues of the residents in the area, and I hope they can be addressed. KCF-2

Environmental Concerns

- Seepage from ASCON through water migration due to rising water tables
- What fill level (dirt) with the final foundations be built upon? if King Tide reaches 7.4 feet and sea water is rising?
- Can you stabilize the fill so it is not affected by possible earthquakes? A lot of recent rains showed filled areas were susceptible to damage.
- How will sea level rise affect the site?
- You will capture the runoff water, could it be affected by the ASCON water? Will it just be pumped directly into the HB Channel?
- Building will be done in a limited Flood zone...Although homes are already there, should we compound the issue?
- Cumulative Impact of Area (new hotel, residences, Poseidon, AES with new Storage facility) All impact the wetlands.
- Impact on those homes next to site (noise, work and auto pollution lasting years)
- Building below the water table with eminent water rise (elevator shafts, underground parking)

KCF-3

Other Issues

- What is the evacuation plan for natural disasters? The ease for getting out
- What safety procedures and plans can be done to keep the homeless and vagrants from taking up residency in the beautiful parks?
- Is there a curfew in the wildlife area. The bridge that would span the wetlands? Would this be a piece for the Senior Housing too?
- How will emergency vehicles (fire trucks) be able to maneuver around? Streets seemed narrow and limiting.

KCF-4

Thank you so much for reviewing these concerns. As mentioned above, these concerns would be for either project going forward. We certainly look forward to meeting with your experts in the field and hearing more about the solutions to these concerns. KCF-5

Thank you again James. Tony and I look forward to hearing back from you.

Mahalo and Have a Great Day!

KC Fockler
714-747-3184

Letter 49: KC Fockler

Comment Letter Dated February 28, 2019

KCF-1 The comment is noted and will be forwarded to the decision makers. No further response is required.

KCF-2 The comment is noted and will be forwarded to the decision makers. No further response is required. Responses to environmental concerns and issues raised in the comments are provided below.

KCF-3 **Environmental Concerns**

Bullet 1 – Regarding the ASCON Landfill Site affecting the runoff water from the project site, it should be noted that as described in Section 4.8, Hydrology and Water Quality, of the Draft Program EIR, under the proposed condition, drainage from the project site would not co-mingle with runoff from the ASCON Landfill Site. Site drainage and runoff from the ASCON Landfill Site would not enter into the project site, and runoff from the project site would not enter into the ASCON Landfill Site.

As indicated in the Water Quality Management Plan (WQMP), prepared by Fuscoe, dated January 23, 2018, flows from drainage Area A enter a high-flow bypass splitter, where low flows will be pumped up to water quality features, and high flows will bypass the pumping well and tie directly into the proposed storm drain lines and will gravity flow from there to discharge to the Huntington Beach Channel. The runoff would not be pumped into the channel. As part of the new storm drainage system, biotreatment filters and a harvest and reuse rain-water collection system would be implemented to treat water quality runoff prior to discharge into the channel.

Bullet 2 – As discussed in Section 4.8, Hydrology and Water Quality, of the Draft Program EIR, the overall ground elevation of the interior portion of the site would be raised to an average of over 10.5 feet (NAVD88) and the building pads raised an additional 1 to 2 feet above the elevation of the roads within the interior of the site. This element of the Project is identified as a Project Design Feature (i.e., PDF HWQ-1) in the Hydrology and Water Quality section.

Bullet 3 – The project site is not included in an Alquist-Priolo Earthquake Fault Zone, and there are no known active or potentially active faults traversing the site. However, being in Southern California, a seismically active area, the project site would likely experience strong ground shaking during the life of the Project. The Project is required to comply with existing regulations and latest adopted edition of the California Building Code in addition to specific recommendations for the proposed Project and pertaining to ground improvements, which would reduce potential impacts associated with seismicity to a less than significant level.

Bullet 4 – The issue of Sea Level Rise (SLR) is described in detail in Section 4.8, Hydrology and Water Quality, of the Draft Program EIR. As concluded on page 4.8-42 of the Draft Program EIR, the impacts related to SLR are expected to be addressed by City-wide

and/or regional programs and projects in the future. The proposed Project would not contribute to SLR. Nevertheless, the proposed Project includes features that would address future SLR conditions. The following project design feature is included as part of the design:

- **PDF HWQ-1** The overall ground elevation of the interior portion of the site shall be raised to an average of over 10.5 feet (NAVD88) and the ground elevations of the building pads shall be raised an additional 1 to 2 feet above the elevation of the roads within the interior of the site.

With respect to impacts from ASCON Landfill Site water, the natural hydrogeological conditions work against the migration of contamination. These conditions are described in the most recent groundwater monitoring reports prepared by Geosyntec Consultants. The hydrogeology of the ASCON Landfill Site consists of an upper silty clay unit that overlies the groundwater-bearing unit, and the cross sections in the Geosyntec report indicate that this upper silty clay unit serves as a confining layer. This confining layer would serve to impede the downward migration of contaminants from the fill materials into the underlying groundwater. The top of the silty clay layer at the landfill is also at a higher elevation than the same hydrogeologic unit on the project site and would function as a barrier to migration of contaminants originating in the fill materials of the landfill toward the project site. The soil and groundwater data support this opinion. With the exception of metals and TDS that are attributable to the proximity to the Pacific Ocean, no contaminants were detected in groundwater beneath the project site that exceed applicable regulatory screening levels. The direction of groundwater flow from the landfill is northerly and northeasterly, away from the project site. Similarly, the direction of groundwater flow from the project Site is toward the ASCON Landfill Site and Magnolia Street.

In response to comment asking if water just be pumped directly into the Huntington Beach Channel, Section 4.8, Hydrology and Water Quality, of the Draft Program EIR provided a detailed discussion of this issue for existing as well as proposed conditions. As indicated in the Water Quality Management Plan (WQMP), prepared by Fuscoe, dated January 23, 2018, flows from drainage Area A enter a high-flow bypass splitter, where low flows will be pumped up to water quality features, and high flows will bypass the pumping well and tie directly into the proposed storm drain lines and will gravity flow from there to discharge to the Huntington Beach Channel.

Runoff from Drainage Area B (strip of land on the eastern site boundary, along Magnolia Street, proposed as Magnolia Park) would flow towards a storm drain line along Magnolia Street, which runs southerly to a small local pump at the low point. This would raise water surface elevations sufficiently to allow the flows to gravity drain into the Huntington Beach Channel through a new outfall.

The investigation and remedial work at the project site are ongoing. Both HBFD and the DTSC have been involved in reviewing site assessments performed to date. The DTSC is the lead oversight agency, and through its Site Mitigation and Restoration Program and is responsible for overseeing the evaluation and cleanup of contaminated properties throughout the state of California. DTSC staff is comprised

of experts such as geologists, toxicologists, risk assessors, and other scientists. DTSC's Human and Ecological Risk Office (HERO) provides expertise regarding chemical toxicity and the risk imposed by chemicals on human and ecological receptors. HERO staff develops and publishes risk-based screening levels for soil, groundwater and air based on toxicity criteria and exposure assumptions that are scientifically rigorous and considered to be among the most conservative standards in the country. Compliance with Mitigation Measure MM HAZ-2 ensures that all requirements imposed by DTSC for additional investigation, remediation or other response will be completed, including in the northern area of the project site within proximity of the landfill site. Risk-based target concentrations (RBTCs) approved by DTSC will serve as the screening levels (i.e. cleanup thresholds) for each constituent of concern. Soil exceeding the screening level shall be removed from the site and transported to a facility licensed to accept the waste. The RBTCs shall be calculated based on exposure assumptions and toxicity criteria published by DTSC as sufficiently conservative for residential land use. DTSC's written concurrence signifying the successful completion of all required investigation and remedial action must be obtained prior to issuance of a grading permit. The DTSC's closure letter will be submitted to HBFD for its review prior to commencement of the Project. These safeguards assure that future site occupants will not be exposed to risk from hazardous materials.

Bullet 6 – The comment states that the Project will be built in a limited flood zone and asks if the issue should be compounded even though there are existing residential in that area. As discussed in Section 4.8, Hydrology and Water Quality, of the Draft Program EIR, the project site is located outside the 100-year floodplain, as designated by FEMA's Flood Insurance Rate Map. The site is within the unshaded Zone X, which includes areas determined to be outside the 0.2 percent annual chance floodplain (500-year floodplain); areas with 1.0 percent annual chance flood (100-year floodplain) with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from the 1.0 percent annual chance flood. Additionally, as provided in the SLR adaptation plan in the Specific Plan, the overall ground elevations of the interior portion of the site would be raised to an average ground elevation of over 10.5 feet (NAVD88) and the building pads raised an additional 1 to 2 feet above the elevation of the roads within the interior of the site (see PDF HWQ-1) in Section 4.8, Hydrology and Water Quality. Additionally, tide gates would be provided at storm drain outlets at the Huntington Beach Channel and the two manholes adjacent to the property lines would be oversized. Therefore, with these features in place, flooding of the Project site is not expected to be exacerbated in the future.

Bullet 7 – For a discussion of cumulative issues, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments. As discussed in the Topical Response, Section 4.0, Impact Analysis Introduction, of the Draft Program EIR provided a list of cumulative and related projects in the area that were included in the analysis of cumulative impacts in all sections of the Draft Program EIR. The list included Poseidon Desalination Plant and AES Generating Station/Power Plant in addition to other projects. Based on the discussion of cumulative impacts in Section 4.3, Biological Resources, the site is currently undeveloped, includes ornamental vegetation, and does not serve as a locally or regionally designated wildlife corridor. Thus, the proposed Project would not contribute to a cumulative

loss of biological resources. However, due to the Project's adjacency to Magnolia Marsh, the Project's indirect impacts to wildlife at the marsh would be mitigated with implementation of MM BIO-2 through MM BIO-4. Additionally, removal of trees would comply with City Tree Removal Permit requirements including replacement of removed trees at ratio of 2:1, as required in MM BIO-5. Potential direct and indirect impacts to nesting birds and burrowing owls would be mitigated with MM BIO-1. Implementation of these measures would reduce the potential impacts to biological resources to less than significant. It is anticipated that all future cumulative project developments within the vicinity of the project site would be required to mitigate potential biological impacts.

Bullet 8 – Regarding impacts on existing residential uses, it should be noted that the issues of air quality and noise have been analyzed in detail in Section 4.2, Air Quality and Section 4.10, Noise, of the Draft Program EIR and based on technical support and substantial evidence conclusions were made as to the level of impacts. Based on significance of impacts, mitigation measures were proposed, as appropriate.

Based on the analysis in Section 4.2, Air Quality, the potential impacts are either less than significant or less than significant with compliance with regulatory requirement and implementation of mitigation measure (page 4.2-42). In terms of noise, as detailed in Section 4.10, Noise, of the Draft Program EIR, the analysis concluded that while the Project would have a significant and unavoidable impact associated with pile-driving activities during construction, all other impacts would be less than significant with implementation of mitigation measures.

Bullet 9 – The comment regarding building below the water table is noted. Construction of subterranean parking structures and elevator shafts below groundwater level is quite common along the coast of California. All elements of the Project would be engineered and constructed assuming the rise in groundwater/sea level identified within the Project SLR and Vulnerability Assessment and Adaptation Plan (VAAP). During construction at the proposed Project, temporary dewatering would occur during the initial stages to aid in construction of subterranean structures close to sea level. All subterranean walls and floors would be waterproofed and designed to account for the hydrostatic pressure, taking into consideration the highest predicted water levels at the site for the life of the structure.

KCF-4 **Other Issues**

Regarding the evacuation plan, as described in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR, the City of Huntington Beach has created an evacuation map, *Tsunami Evacuation Routes*, which identifies vehicle evacuation routes. Magnolia Street, as well as several other major north-south streets, are identified in the evacuation maps as a vehicle evacuation routes. The proposed development would include a signalized driveway located at the intersection of Magnolia Street/Banning Avenue and an unsignalized driveway along Magnolia Street and Bermuda Drive. However, neither driveway would alter or interfere with Magnolia Street as an emergency evacuation route, nor would they result in temporary closure of the street. Therefore, the Project would not interfere with adopted response plans or emergency evacuation routes.

The comment regarding keeping out the "homeless" from the area is noted and will be forwarded to the decision makers. The comment is not a CEQA issue, as such no further response is required.

Regarding a "curfew" in the wildlife area, provisions are in place to protect the wetlands/marsh area. Appropriate fencing and a gate would be installed along the western edge of the CC area to protect the marsh from unauthorized entry by the public. In addition to maintaining the existing chain link fence on the OCFCD property, fencing would be installed along the boundary between the CC are and the residential neighborhoods to keep residents and pets from entering the CC area. Fencing would be installed from Marsh Park to the northern property line.

Although the senior housing is an alternative to the Project, if selected, appropriate measures would be implemented to protect the wetlands/marsh.

Regarding fire truck maneuverability, as described in Section 3.0, Project Description, of the Draft Program EIR and identified in the Specific Plan, the internal backbone streets would consist of a 40-foot dimension from curb to curb (with parking on both sides). Additional internal private alleys with a minimum 24-foot dimension would provide access to each unit. The fire access roads will have to comply with the California Fire Code Section 503.1.1 and City Specification #401 for location, width, and turning radii. Fire access lanes are still under review and have not been approved by the HBFD at the time of submittal for these Project Implementation Code Requirements.

KCF-5 The comment is noted and will be forwarded to the decision makers. No further response is required.

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Letter 50

February 28, 2019

The Honorable Erik Peterson
Sent via E-mail to: erik.peterson@surfcity-hb.org

RE: Proposed Magnolia Tank Farm Project

Dear Mayor Peterson:

I am writing in support of the proposed plans for the Magnolia Tank Farm. As a member of the local business community, I am confident that a revitalization of this property will not only enhance the neighborhood aesthetically, but will also increase retail sales of surrounding businesses, creating economic vitality and new job opportunities for the area.	MC-1
Additionally, when an area is revitalized, oftentimes there is an aesthetic and economic "domino effect" within the city and surrounding community. Upgrading and improving this area of Huntington Beach will give incentive to the surrounding neighborhoods to improve their own properties, increasing local property values and beautifying the neighborhood. Furthermore, the new residents from this community will shop and dine locally, contributing to the retail sales tax base and helping to support local businesses. And, the new lodge would be a tax-revenue generator for public safety, infrastructure and other desperately needed funding for city services.	MC-2
Land is valuable and land development is becoming a task in creative planning in order to satisfy all involved. After careful review of the environmental documents, I am satisfied that the plans for the Tank Farm are a viable option for this property. Please approve the Specific Plan for the Tank Farm land. It will be good for the city and our local economy.	MC-3

Thank you.

Sincerely,

Matt Gramer
6312 Newbury Dr.
Huntington Beach, CA 92647

Letter 50: Matt Cramer

Comment Letter Dated February 28, 2019

MC-1 The comment expresses support for the Project and highlights the benefits of the proposed development, including economic vitality and job opportunities. The comment is noted and will be forwarded to the decision makers, as such no further response is required.

MC-2 The comment regarding Project benefits having a domino effect is noted and will be forwarded to the decision makers. No further response is required.

MC-3 The comment regarding support for the plans for the Magnolia Tank Farm is noted and will be forwarded to the decision makers. No further response is required.

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Letter 51

Dear Mr. Ramos,

As a resident and someone who works locally, I was concerned about the proposed Magnolia Tank Farm Lodge/Mixed Use project until I reviewed the draft Environmental Impact Report.

BB-1

It was surprising for me to learn that the MTF site is not currently zoned "open space." In fact it is zoned Public/Semi-Public or "P."

That means one of the alternative projects being proposed – like the high-density, senior care residential complex or 2b - is already conditionally permitted under today's "P" designation.

BB-2

I guess that means the master developer could build 2b having only to win City Planning Commission approval – and that limited review is upsetting to me.

It appears that the new MTF Specific Plan studied in the DEIR would actually prevent such a high-density development – any high-density development - from being built on the site.

And, just as important, the MTF Specific Plan would create new park and open space uses not possible under the existing "P" land use designation.

I was excited to learn that the master developer is required to create "Marsh Park" and increase public access to the adjacent wetlands for all to enjoy. *And I was told by one of my neighbors that the Huntington Beach Wetlands Conservancy is working with the developer to ensure that this wetlands preservation plan gets done.*

BB-3

Given these new details I believe that the proposed MTF project is the best one being studied by the City. It will enhance the quality of life for Huntington Beach residents – especially the endangered Least Terns, Savannah Sparrows and lone Ridgeway's Rail that call the Magnolia Marsh home.

And I hope it wins the City Council's approval because the ***last thing we need on this site is a high-density, senior care residential complex!***

BB-4

Sincerely,

Brad Bailey
President Titan Industries, Inc
15342 Graham St Huntington Bch, Ca 92649

Letter 51: Brad Bailey

Comment Letter Dated March 4, 2019

BB-1 The comment regarding the existing zoning of the Project site is noted but does not raise any issues pertaining to CEQA. No further response is required.

BB-2 The comment expresses opposition to Alternative 2B (Existing Designation-Senior Campus), which could be built under the existing zoning. The comment is noted and will be forwarded to the decision makers. The comment does not raise any issues pertaining to CEQA, as such no further response is required.

BB-3 The comment regarding support for the Project and its benefits is noted and will be forwarded to the decision makers. No further response is required.

BB-4 The comment expresses opposition to senior care residential on the Project site and expresses support for the proposed Project. The comment is noted, no further response is required.

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Letter 52

March 5th, 2019

Planning Commission Members/Council Members

Support: Magnolia Tank Farm Development

To Whom It May Concern-

I am writing to express my support for the proposed Magnolia Tank Farm development.

As a small business owner here in Huntington Beach, I am excited at the possibility of new tourist businesses and construction jobs being created here in Huntington Beach and appreciate the fact that these new jobs and businesses will help businesses such as mine. Promoting job creation and economic development in Huntington Beach will help our city, our businesses and our residents. I encourage you to support economic development in Huntington Beach by supporting this project when it comes before you. JC-1

Thank you for your consideration.

Sincerely,

Jose Cortez
Owner, Jose Shoe Repair
9610 Hamilton Ave.
Huntington Beach, CA 92648

Letter 52: Jose Cortez

Comment Letter Dated March 5, 2019

JC-1 The comment expresses support for the Project and highlights the benefits of the proposed development, including job creation and economic development. The comment is noted and will be forwarded to the decision makers. No further response is required.

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Letter 53

March 5th, 2019

Planning Commission Members/Council Members

Re: Proposed Magnolia Tank Farm Development

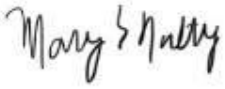
To Whom It May Concern-

Having reviewed the August 2018 Magnolia Tank Farm Specific Plan made available online, I feel this development is a very appropriate repurposed use of this land and, therefore, I support the proposed Magnolia Tank Farm development. MN-1

I have lived in Huntington Beach for over 20 years and have never found the site of the fuel tanks that lined Magnolia Street to be appealing to the eye. Removing the tanks was long overdue and I'm thankful that their removal has taken place. The Magnolia Tank Farm development is an aesthetically pleasing development that fits in with the surrounding neighborhood and will be a welcome change to the visual landscape of Magnolia St. MN-2

I urge you to approve the Magnolia Tank Farm development when it comes before your board or commission.

Sincerely,



Molly Nalty
9451 Portsmouth Dr.
Huntington Beach, CA 92646

Letter 53: Molly Nalty

Comment Letter Dated March 5, 2019

MN-1 The comment expressing support for the Project is noted and will be forwarded to the decision makers. No further response is required.

MN-2 The comment highlighting support for the Project and its aesthetic benefits is noted and will be forwarded to the decision makers. No further response is required.

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Letter 54

March 5th, 2019

Ricky Ramos
Huntington Beach Planning Commission
City of Huntington Beach
2000 Main St.
Huntington Beach, CA 92648

Re: Magnolia Tank Farm Development

Mr. Ramos-

Thank you for the opportunity to comment on the draft environmental impact report for the proposed Magnolia Tank Farm mixed use development. TL-1

I am writing this letter in support of the proposed Magnolia Tank Farm Development. I am a business owner in Huntington Beach and feel strongly that this project will help spur economic development in our community. Projects that bring workers and tourists to Huntington Beach will certainly stimulate the local economy, help local businesses thrive and increase our city's coffers through the subsequent increase in local sales tax dollars. TL-2

Thank you in advance for approving the Magnolia Tank Farm Development.

Sincerely,

Tommy Lee
Owner, VIP Cleaners
9116 Adams Ave.
Huntington Beach, CA 92646

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Letter 54: Tommy Lee

Comment Letter Dated March 5, 2019

TL-1 The commenter expresses appreciation for the opportunity to review the environmental impact report. The comment is noted, no further response is required.

TL-2 The comment expressing support for the Project and highlighting its benefits such as economic development is noted and will be forwarded to the decision makers. No further response is required.

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Letter 55

March 6th, 2019

Re: Public Art for the proposed Magnolia Tank Farm Development (Hamilton and Newland)

To Whom It May Concern-

I am writing to log my support for a Public Art project at the Magnolia Tank Farm development.

I understand the developers of this project intend to incorporate Public Art into this project in compliance with and in the spirit of the Huntington Beach Art Ordinance and Plan. This is great news for Huntington Beach, visitors and residents alike, and great news for local artists who will participate in this project. DM-1

As a Huntington Beach resident for over 30 years and over 80 years of family residency, as well as an advocate for Public Art in general, I urge you to support their project. DM-2

Thank you for your consideration.

Sincerely,

Dale Martinez

Dale Martinez
daleneuls@gmail.com

Letter 55: Dale Martinez

Comment Letter Dated March 6, 2019

DM-1 The comment expresses support for the Project and the use of Public Art into the proposed development. The comment is noted and will be forwarded to the decision makers. No further response is required.

DM-2 The commenter expresses support for the Project. The comment is noted and will be forwarded to the decision makers. No further response is required.

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Letter 56

March 7th, 2019

Planning Commission Members/Council Members

Re: Environmental Impact Report for the proposed Magnolia St. Tank Farm Project

Members-

I am writing to support for the Magnolia St. Tank Farm project.

I have spoken to the representatives of this project, looked at their marketing materials and I like what they are proposing for this site. It's about time something nice goes in there on Magnolia St.

SJ-1

This development will be good for Huntington Beach and I think you should approve it.

Don't let a small group of folks stop another good project in the name of the "environment". This project will help the "environment", not hurt it.

Sincerely,

Spring Jaentsch
9632 Hamilton Ave., Apt. B-4
Huntington Beach, CA 92646

Letter 56: Spring Jaentsch

Comment Letter Dated March 7, 2019

SJ-1 The comment regarding support for the Project and helping the environment is noted and will be forwarded to the decision makers. No further response is required.

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Letter 57

March 8th, 2019

Planning Commission Members/Council Members

Re: Draft EIR for the proposed Magnolia Tank Farm Development

To Whom It May Concern-

I hope you are well.

I am writing to log my support for the Magnolia Tank Farm development.

In addition to developing the space that formerly held industrial fuel tanks, I understand that the new owners of this land plan to improve and preserve Squirrel Park. This is great news for Huntington Beach and great news for the squirrels of Huntington Beach. In addition to this, I see that a Marsh Park will be created for use and enjoyment of the entire community. I'm already looking forward to this project. LL-1

Please approve this project.

Thank you for your consideration.

Sincerely,

Lori Labadie
19252 Hickory Ln.
Huntington Beach, CA 92646

Letter 57: Lori Labadie

Comment Letter Dated March 8, 2019

LL-1 The comment expresses support for the Project and highlights its benefits, such as improving the Squirrel Park and creating Marsh Park. The comment is noted and will be forwarded to the decision makers. No further response is required.

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Letter 58

March 8th, 2019

Planning Commission Members/Council Members

Re: Magnolia Tank Farm

Commissioners & Members-

I recently learned about the proposed Magnolia Tank Farm development and I think this project would bring nothing but benefits to our community.

I have lived in Huntington Beach for over 10 years and think that our city needs to do a better job attracting projects like the Magnolia Tank Farm development to the city since projects like these will produce local jobs and invigorate our local economy. MA-1

I thank you in advance for your consideration and urge you to approve the Magnolia Tank Farm development when it comes time for your commission or council to make a decision.

Sincerely,

Mike Arsenault
10238 Holburn Dr.
Huntington Beach, CA 92646

Letter 58: Mike Arsenault

Comment Letter Dated March 8, 2019

MA-1 The comment expressing support for the Project and highlighting its benefits, such as job creation and improving the economy is noted and will be forwarded to the decision makers. No further response is required.

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Letter 59

March 8th, 2019

Council Members/Planning Commission Members

To Whom It May Concern-

I am writing to express my support for the proposed Magnolia Tank Farm development.

I am a Huntington Beach resident and have examined the plans for the Magnolia Tank Farm development. I found the proposed development to be reasonable in size and a nice addition to Huntington Beach. The artists renderings look great! PGA-1

Before development takes place my concern is always the concern of traffic. It seems like the developers of this project have thought about the issue of traffic and have already addressed our concerns proactively. This development will not significantly increase traffic in our Huntington Beach and, therefore, I support this project moving forward. PGA-2

Please vote yes on the Magnolia Tank Farm.

Thank you for your consideration.

Sincerely,

Paula Garcia-Arsenault
10238 Holburn Dr.
Huntington Beach, CA 92646

Letter 59: Paula Garcia-Arsenault

Comment Letter Dated March 8, 2019

PGA-1 The comment regarding support for the Project and its size is noted and will be forwarded to the decision makers. No further response is required.

PGA-2 The comment expressing initial concern about Project traffic but being satisfied with the thorough evaluation is noted and will be forwarded to the decision makers. No further response is required.

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Letter 60

From: David Wetzel <davidwwetzel@gmail.com>
Sent: Monday, March 11, 2019 11:26 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm - letter in favor of proposal and EIR from a south east HB community member

Ricky Ramos,

I have attached a letter in support of the proposed Magnolia Tank Farm development and EIR for consideration be the Huntington Beach City Council. DWW-1

Thank you,

David Wetzel
9082 Bobbie Cr.
Huntington Beach, CA 92646
714-612-0198

March 11, 2019

The Honorable Erik Peterson
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: Magnolia Tank Farm: Comments on the EIR

Dear Mayor Peterson:

I'm a lifelong resident of the south east corner of Huntington Beach, having lived across the street from the Magnolia Marsh, Magnolia Tank Farm, and ASCON site for the last 15 years.	DWW-2
I would like to be very clear. I am in support of the alternative for a residential and hotel use at the former Magnolia Tank Farm project described in the EIR. The proposal to redevelop the property into a residential neighborhood and hotel / retail use (if required by final plan) would be a great addition to our neighborhood. I'm saddened that a vocal few continue to use the City Council as a roadblock to what, with constructive community input, could be developed into a complimentary neighborhood.	DWW-3
As I understand it from skimming through the EIR draft, the developer must include a new public hiking trail and offer free, docent-led tours to the public. The additional access to this public land would be a welcome change to areas that have not been available to the city residents and general public.	DWW-4
Additionally, I am appreciative of the plans for a lodge/hotel in this location. If the final requires this use, it would be a welcomed amenity and used by the residents in our area.	DWW-5

As you continue to shape the ultimate development at the Magnolia Tank Farm project, we would be appreciative of your and the city councils constructive focus to bring a complimentary neighborhood to our area. Will the new development mirror the roughly 6000 sq ft. neighboring lots, no. But can it be done in such a way that there is balance, yes. Please take into consideration the wishes of the majority versus the alternatives being voiced by a vocal few (retirement / heath care home, cemetery, or even mixed industrial). **Please VOTE in favor of this residential project.**

DWW-6

Thank you for consideration.

Sincerely,

David W. Wetzel
9082 Bobbie Cr.
HB CA 92646
714-612-0198

Letter 60: David W. Wetzel

Comment Letter Dated March 11, 2019

DWW-1 The comment is noted and will be forwarded to the decision makers. No further response is required.

DWW-2 The comment regarding having lived in Southeast Huntington Beach is noted, and no further response is required.

DWW-3 The comment regarding support for the proposed Project is noted and will be forwarded to the decision makers. The comment does not raise a specific CEQA issue, as such no further response is required.

DWW-4 The comment regarding Project amenities, such as the trail and docent-led tours is noted and will be forwarded to the decision makers. The comment does not raise a specific CEQA issue, as such no further response is required.

DWW-5 The comment regarding the lodge/hotel in this location as an amenity is noted and will be forwarded to the decision makers. The comment does not raise a specific CEQA issue, as such no further response is required.

DWW-6 The comment regarding development being complimentary to the existing neighborhood is noted and will be forwarded to the decision makers. The comment does not raise a specific CEQA issue, as such no further response is required.

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Letter 61

From: ssupernaugh@facilitybuilders.com <ssupernaugh@facilitybuilders.com>
Sent: Monday, March 11, 2019 1:05 PM
To: Peterson, Erik <Erik.Peterson@surfcity-hb.org>
Cc: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Shopoff Project

March 11, 2019

The Honorable Erik Peterson
and the City Council for
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

Subject: Shopoff Realty Investments Proposal for the Former Tank Farm

Dear Mayor Peterson:

I am a near neighbor of the proposed Shopoff redevelopment at the end of Magnolia. My family lives in the Sower's tract. I have reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. I believe the lodge with low density housing would be the best usage for the property. I believe the project EIR has sufficiently addressed possible effects this project may have on the environment, including traffic, parking, open space, etc. This opinion is based on my 30 years in the construction and environmental community including past work on major environmental cleanups including Superfund sites.	S&LS-1
Over the last few years, Huntington Beach has built enough high-density housing on Beach Blvd. and Pacific City, we need the low-profile lodge and housing proposed. This would promote a more financially stable, family centered environment. I also believe the lodge with its proximity to the wetlands could become a landmark resort property and solidify HB's environmental credentials.	S&LS-2

Sincerely,

Scott and Lynne Supernaugh

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

FB&E
Facility Builders & Erectors
3940 East Miraloma Ave
Anaheim, California. 92806
Phone: (714) 577-8060
Fax: (714) 577-8064
Scott Supernaugh
Project Manager
Cell:(714) 287-7182
facilitybuilders.com

Letter 61: Scott and Lynne Supernaugh

Comment Letter Dated March 11, 2019

S&LS-1 The comment expresses supports for the proposed mixed-use development and notes that the Draft Program EIR has sufficiently addressed the potential effects. The comment is noted and will be forwarded to the decision makers. No further response is required.

S&LS-2 The comment regarding support for the low-profile lodge and proposed housing is noted and will be forwarded to the decision makers. No further response is required.

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Letter 62

March 13, 2019

Ricky Ramos, Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Dear Mr. Ramos:

This letter is intended as comments to the Draft EIR for the Tank Farm project on Magnolia.

I am a resident of Huntington Beach and live in the Eader Park neighborhood. My wife and I have called this city our home for over 27 years. We have raised our two children in this community and have sent both to Eader, Sowers, and Edison. We love this City and appreciate all of the opportunities it provides. JMC-1

I am a registered civil engineer and have spent the last 30 years working on land development and public works projects. I've reviewed the Draft EIR and appreciate the effort that is involved in putting the technical studies and the document together. I am confident the findings are accurate as to the project impacts and mitigation measures necessary to satisfy each element studied. I am in favor of the alternative for the homes and lodge. JMC-2

While the Draft EIR looks at the overall project impacts, I believe that there are local concerns that can be addressed to make the project even better. One area of concern is Banning Avenue. The EIR indicates that the project will increase traffic on the street, but it will be within an acceptable level of service. However, I believe the condition of the roadway could result in unsafe conditions with the increased traffic. The street is currently striped as one lane in each direction with a wide travel lane. This results in vehicles traveling at high speeds and uncertain flow patterns as vehicles slow to turn into the elementary school and the adjacent residential tracts. With an increased trip count, this problem will be further exacerbated. I believe the project should consider traffic calming or complete street type solutions to mitigate the localized impact of the increased traffic on Banning Avenue. JMC-3

In regard to the development site plan, the housing types with the lowest density adjacent to current existing (lower density) homes is appropriate along with the placement of the lodge along the channel and wetlands We appreciate the inclusion of the buffer along Magnolia between the street and homes and the location of the lodge. The project proposed by project proponent is an acceptable alternative in my opinion. JMC-4

Sincerely,

John McCarthy
Huntington Beach Resident

Letter 62: John McCarthy

Comment Letter Dated March 13, 2019

JMC-1 The comment is noted, but does not raise an issue pertaining to CEQA, no further response is required.

JMC-2 The comment expresses support for the proposed mixed-use development and appreciates the effort and level of technical analysis in the Draft Program EIR. The comment is noted and will be forwarded to the decision makers. The comment does not raise a specific CEQA issue, as such no further response is required.

JMC-3 As shown in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the proposed Project and Alternative 1 would not significantly impact the key study intersections of Magnolia Street/Banning Avenue (key study intersection #23), Bushard Street/Banning Avenue (key study intersection #24) and Brookhurst Street/Banning Avenue (key study intersection #25) under existing plus project, Year 2026 plus project and Buildout plus project traffic conditions. Nonetheless, the comment regarding implementation of traffic calming measures on Banning Avenue is noted and will be forwarded to the decision makers.

JMC-4 The comment expresses support for the proposed configuration of uses on the site. The comment does not raise a specific CEQA issue, as such no further response is required.

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Letter 63

From: Gary Tarkington <garytarkington@msn.com>
Sent: Thursday, March 14, 2019 1:07 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Shopoff!
Importance: High

I am writing this to express my and my family opinion of this project. We DO NOT want this project! This project is for the development of a Special Interests Developer to change our General Plan and Zoning from what is now Open Public Space to a Large Hotel and Medium density housing development of 250 new million dollar homes.	AT-1
Shopoff a Irvine reality investment company has lobbied and invested $$$$$ to influence our city council members Patrick Brenden Barbara Delgleize and Michael Posey to support his private vanity project to develop our open public space.	AT-2
This project stands on the banks of our protected wetlands and adjacent to a toxic Superfund site. This project will set the stage for the encroachment of over development on the south side of our coastal areas outside our current hotel row. We can stop this change to our current zoning and general plan and require this developer to submit plans that are allowed and approved for this sensitive area.	AT-3
This IS NOT in the best interest of we the people of Huntington Beach who own our homes, and in general the rest of Huntington Beach.	AT-4

Thank you for considering this.

Ann Tarkington and family,
Huntington Beach, 92646

Letter 63: Ann Tarkington (and family)

Comment Letter Dated March 14, 2019

AT-1 The comment expresses opposition to the proposed Project and zoning the site from "Open Public Space". It should be noted, that the site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

AT-2 The comment regarding the City politics is noted but is not a CEQA issue, as such no further response is required.

AT-3 The Project's location in the vicinity of the wetlands is noted. However, it should be recognized that Section 4.3, Biological Resources, of the Draft Program EIR, includes a detailed discussion of the potential impacts on Magnolia Marsh. Based on the Biological Resources Technical Letter Report (provided as Appendix D to the Draft Program EIR) and the analysis in Section 4.3 of the Draft Program EIR, it was determined that in light of the existing and proposed features in place and mitigation measures, the potential impacts would be less than significant.

AT-4 The comment regarding the development not being in the interest of the people is noted and will be forwarded to the decision makers. It does not raise a specific CEQA issue, and no further response is required.

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Letter 64

Ricky Ramos, Senior Planner

City of Huntington Beach

2000 Main Street, Huntington Beach, CA 92648

rramos@surfcity-hb.org

March 14, 2019

Dear Ricky,

Thank you so much for your time to discuss the development plans of Shopoff Land Fund regarding the parcel known as Magnolia Tank Farms @ 21845 Magnolia Street, Huntington Beach.	BB-1
The project consists of 28.6 acres and is the former oil storage tank farm and pumping facility containing three 500,000 barrel tanks (approximately 63 million gallons). These hazards have been abated according to the applicant's EIR, but the threat of contamination from the site and from the adjacent properties, ASCON and the industrial use potential of the proposed Poseidon site, make this site not compatable for residential development. The current zoning is for Public use.	BB-2
Shopoff, now, is proposing two alternative proposals, both dependent on residential development; Proposal 1 with a highly questionable mixed-use development consisting of a HOTEL/RESORT + 250 for sale residential units. The Alternative (2) proposal drops the hotel/resort component, keeping the same number of residential units.	BB-3
This brings into play a whole host of problems. Let's deal with the HOTEL/RESORT first. The property lies within the State Coastal Conservancy which was amended in 2017 to include allowance for Lower Cost Coastal Accommodations Program. That program is still in planning, but requires "LOWER COST ACCOMMODATIONS, INCLUDING HOTELS, MOTELS, HOSTELS, CABINS, AND CAMPING opportunities. It is obvious Shopoff is trying to make it seem that the focus of this enterprise would try to fall along the lines of a true HOSTEL in order to be eligible for the Lower Cost Accommodations program. A glance at their proposed product Prototype "Freehand Hotels" shows a different story. Of the 215 rooms in that resort, only 40 of them would meet the description of a HOSTEL, basically a dorm/shared living space and baths with bunk beds for travelers https://freehandhotels.com/los-angeles/ where prices range from an average of $45.62/night for shared (for 4, 6, 8 guests) to $250 for Standard Twin....no prices given for the King or King Suite. Luxury restaurants and bars within the hotel limit certain ages and are not compatable with family groups, but attracts young singles. The project is located in downtown Los Angeles, not a comparable location to the subject at 418 W 8th Street, LA.	BB-4
There is included in the EIR site map an entrance off Magnolia for the "hostel", and one additional access on Magnolia for the 250 residences. That means that all the residents to have to enter and leave the project from one-way-in and the same one-way-out. With 250 residences, that would mean at least 500 to more than 600 car trips per day going in and out onto Magnolia Street. Magnolia has 2 lanes in each direction that is acts as a conduit from PCH. Kitty-corner to the ASCON site is Edison High School, with by itself generates massive traffic jams at all times of the year. Across the street from Edison is a	BB-5

City owned park with a pre-school that operates most of the year, with additional park/athletic field uses as well. Magnolia, in it's current configuration, cannot handle that much additional traffic.	BB-5 cont.
Shopoff's Alternative 2 proposal simply eliminates the questionable "hotel" component but retains all the problems associated with the residential component, except with the deletion of the "hotel", it could be anticipated that there will be some larger residences that generate more residential traffic entering and leaving Magnolia.	BB-6
A more appropriate use, retaining the current zoning of "Public" would be a 9 hole executive golf course (in light of Mile Square closing one of their courses) which limit the traffic impact on the surrounding neighborhood and minimize the health risks proposed by this and the surrounding industrial type uses that include AES and potentially, Poseidon. There is large demonstrated demand from the residents of Huntington Beach, Costa Mesa and other parts of Orange County for a facility of this type. If, the proposed Poseidon facility receives approval, that only increases the incompatibility of Magnolia Tank Farms for ANY residential uses.	BB-7

Bonnie Benton

19961 Rothert Ln.

Huntington Beach, CA

657-301-2836

Letter 64: Bonnie Benton

Comment Letter Dated March 14, 2019

BB-1 The comment is noted but does not raise an issue pertaining to CEQA, no further response is required.

BB-2 The comment regarding the previous use of the site has been acknowledged in the Draft Program EIR. As discussed in detail in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR, the site has gone through remediation, conducted by Southern California Edison, under the regulatory oversight of the California Department of Toxic Substances Control (DTSC). While the Huntington Beach Fire Department (HBFD) is the oversight agency with local jurisdiction, the HBFD has indicated that DTSC is the appropriate lead regulatory agency for environmental contamination outside the scope of City Specification #431-92. The HBFD will not approve any building or grading plans until the site has received a no further action letter from DTSC and the site's soil has shown compliance with City Specifications #429 and #431-92.

Regarding compatibility with the surrounding industrial uses, Section 4.9, Land Use and Planning, of the Draft Program EIR included a detailed discussion of compatibility, which identified that in light of the existing and proposed buffers and additional Project improvements and features, less than significant impacts would result. Specific comment regarding the industrial uses is not relevant to the Project. No further response is required.

BB-3 This comment is a summary of the two development alternatives but does not raise an issue pertaining to CEQA, as such no further response is required.

BB-4 The comment regarding the type of lower cost coastal accommodations, as proposed by the State Coastal Conservancy, is noted and will be forwarded to the decision makers. The comment does not raise any issues pertaining to CEQA, no further response is required.

The commenter regarding information on "Freehand Hotels" website and the lodge catering more to young singles with luxury bars and restaurants is noted and will be forwarded to the decision makers. It does not raise a CEQA issue, and as such no further response is required.

However, it should be noted that the proposed lodge includes a guesthouse-style, budget-oriented component that is geared toward families and groups. Budget-oriented overnight accommodations are one type of lower cost visitor serving facility necessary to maximize public access and ensure that individuals and families of all income levels who live further from the coast are able to access and recreate at the coast. Section 30213 of the California Coastal Act specifically requires lower cost visitor and recreational facilities to be protected, encouraged, and where feasible, provided. Therefore, as identified in the Draft Program EIR, no significant

environmental impacts would occur as a result of locating the proposed hotel/lodge in this location.

BB-5 For a detailed discussion of traffic issues, please refer to the Topical Response pertaining to Transportation/Traffic in Section 3.1.1 of these Response to Comments. Further, as shown in Section 4.14, Transportation/Traffic of the Draft Program EIR, the proposed Project and Alternative 1 would not significantly impact the key study intersection of Magnolia Street/Hamilton Avenue (#18) and the key study intersections of Magnolia Street/Banning Avenue (#23) and Magnolia Street/Bermuda Drive (#34), which serve as access points for Project under existing plus project, Year 2026 plus project, and Buildout plus project traffic conditions.

BB-6 The comment regarding Alternative 2 traffic is noted. For a detailed discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

BB-7 The comment regarding development of a 9-hole golf course will be forwarded to the decision makers. The comment does not raise an issue pertaining to CEQA, as such no further response is required.

Letter 65

From: MyHB <reply@mycivicapps.com>
Sent: Thursday, March 14, 2019 2:09 PM
To: James, Jane <jjames@surfcity-hb.org>
Subject: Status Updated - MyHB-#146361 Planning [02726]

MyHB
Status Changed - #146361

Work Order #146361 status has changed from new to assigned.

Status

assigned

Work Order

#146361

Issue Type

Planning

Staff Member(s)

Jane James

Notes

Magnolia Tank Farm development. Please do NOT allow high density development in this area. Also no big hotels or hostels.	LM-1
Single family homes would be the best with little or no condos or apartments. Also on another note would you at least plant some trees so that when I look down my street from Breton Lane I don't see the ugle new power plant. Our whole neighborhood think that it's an eyesore and our once pleasant view that way is now a big ugle wall of blue. Thank you!	LM-2

View the Report

Reporter Name

Linda Minko

Email

pmsurf@aol.com

Phone

714-960-2456

Report Submitted

MAR 14, 2019 - 1:51 PM

Please do not change subject line when responding.

Letter 65: Linda Minko

Comment Letter Dated March 14, 2019

LM-1 The comment regarding opposition to high density development and hotel and preference for single family is noted and will be forwarded to the decision makers. The comment regarding views of the power plant is not relevant to the proposed Project. No further response is required.

LM-1 The comment regarding opposition to high density development and hotel and preference for single family will be forwarded to the decision makers. However, it should be noted that as discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential.

LM-2 The commenter asks the Applicant to plant additional trees to block their views of the power plant. While this is not relevant to the CEQA analysis, it should be noted that the proposed Project itself will create a visual buffer between Magnolia Street and residential uses and the power plant. No further response is required.

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Letter 66

From: Mary Ellen Hurrell <meh.brightideas@gmail.com>
Sent: Thursday, March 14, 2019 1:04 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm Project known as Shopoff

I am a Huntington Beach resident of 23 years, having moved from south county and bought here in 1996. Needless to say, the city has changed considerably over those years.	MEH-1
While I'm not opposed to change, I think it should be carefully monitored, so it is change that benefits the city at large — not a handful of special interests. That pinion is expressed a lot, but not given the thought it deserves. It's not just blah, blah, blah; it's the essence of the city and it's people. We need to care for our city as if it were out child, and not let others abuse it for their own gain or pleasure.	MEH-2
PCH has become almost unnavigable for residents, and extending the development on the coast even further south and adjacent to wetlands requires responsible thought and action. I'm not an environmentalist, so that's not my angle, but I do care about high density and over development in general. **At the very least**, hold developers to our zoning and land laws, building codes, parking requirements, frontage limitations — without exemptions! These guidelines and restrictions are in place for a reason, and should not be sidestepped, enabling the bastardization of our beautiful city.	MEH-3
Take a page from Newport Beach, which does not have the growing issues of overdevelopment that we now have. We're turning our beautiful world tourist destination into just another tourist trap on the water.	MEH-4

Regards,
Mary Ellen Hurrell

Letter 66: Mary Ellen Hurrell

Comment Letter Dated March 14, 2019

MEH-1 The comment that there is a change in the City over the last 23 years does not raise any issues pertaining to CEQA, as such no further response is required. It will be forwarded to the decision makers.

MEH-2 The comment regarding careful development that would benefit the City at large will be forwarded to the decision makers. It does not raise an issue pertaining to CEQA, as such no further response is required.

MEH-3 The comment regarding overdevelopment and high density on the coast is noted and will be forwarded to the decision makers. It does not raise an issue pertaining to CEQA, no further response is required.

Regarding zone change and compliance with City requirements, as discussed throughout the Draft Program EIR, a specific plan has been prepared to focus on the distinctive characteristics of the property in the context of its surroundings by customizing the land use regulations specifically to that of the area and consistent with the City's vision for the property. All developments within the Specific Plan are subject to the requirements and provisions of Chapter 245 Coastal Development Permits of the HBZSO. A specific plan can include additional design guidelines and development standards, in consideration of the surrounding uses in the area, that would ensure a development, in this case the Magnolia Tank Farm Project, would comply with the requirements in achieving the objectives of the project.

MEH-4 The comment against overdevelopment will be forwarded to the decision makers. It does not raise any issues pertaining to CEQA, as such no further response is required.

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Letter 67

From: Mrdi <mrdi2003@yahoo.com>
Sent: Thursday, March 14, 2019 3:46 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank Site

Mr. Ramos, please leave the tank site area for park not more homes and especially not a hotel.	MDD-1
The traffic in our area is an atrocity now, the noise and air pollution is currently beyond tolerable. We need open space, not more traffic and pollution.	MDD-2
Do not re-zone the area.	MDD-3

Michael diDonato
Homeowner
S H B

Letter 67: Michael diDonato

Comment Letter Dated March 14, 2019

MDD-1 The comment regarding opposition to the proposed project and a preference for a park will be forwarded to the decision makers. It does not raise an issue pertaining to CEQA, as such no further response is required.

MDD-2 The issues of air quality, noise, and traffic have been analyzed in detail in Sections 4.2, 4.10, and 4.14 of the Draft Program EIR, respectively, and based on technical support and substantial evidence conclusions were made as to the level of impacts. Based on significance of impacts, mitigation measures were proposed, as appropriate.

Based on the analysis in Section 4.2, Air Quality, the impacts are either less than significant or less than significant with compliance with regulatory requirement and implementation of mitigation measure (page 4.2-42). In terms of noise, as detailed in Section 4.10, Noise, of the Draft Program EIR, the analysis concluded that while the Project would have a significant and unavoidable impact associated with pile-driving activities during construction, all other impacts would be less than significant with implementation of mitigation measures. For a detailed discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

MDD-3 The comment advocating for open space and opposing re-zoning the site is noted and will be forwarded to the decision makers. It does not raise an issue pertaining to CEQA, no further response is required.

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Letter 68

March 14, 2019

Mayor Erik Peterson
2000 Main Street
Huntington Beach, CA 92648

Dear Mayor Peterson,

I am a resident of Huntington Beach and have been for my entire life. Over the years, I have purchased 3 homes, all here in the city. I currently reside in one of them near Main Street. The other I still own is near Pacific City. This area of town is special to all of us; coastal properties are special. Of the three homes I purchased, all are within the coastal zone and probably had to go through a tremendous amount of scrutiny before they were built. I'm glad they were! RN-1

I've been following Facebook conversations relating to the Tank Farm project on Magnolia, another coastal project that it seems is being heavily scrutinized. I perused the city's web site to review the environmental documents. Based on the review of the details provided, I believe homes are the best option for this property and the lodge is a bonus. I greatly appreciate and enjoy Pacific City and the perks it has offered me as a nearby resident. I know the neighbors to this property will feel the same about this project once it's built. This is a good use of the property and a good fit for the community. RN-2

Thank you,

Rami Naber
415 Townsquare Lane
Huntington Beach, CA 92648

Letter 68: Rami Naber

Comment Letter Dated March 14, 2019

RN-1 The comment regarding the commenter's three homes in Huntington Beach is noted. It does not raise an issue pertaining to CEQA, no further response is required.

RN-2 The comment regarding support for the Project and desirability of the homes and the lodge is noted and will be forwarded to the decision makers. No further response is required.

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Letter 69

March 14, 2019

Planning Department
Ricky Ramos
City of Huntington Beach
rramos@surfcity-hb.org

Dear Mr. Ramos:

I am a long-term resident of Huntington Beach living in various parts of the city over the years.

One issue that has become very important to me over the years is the housing crisis. I've moved from an apartment to a townhome and now, with my expanding family, we are looking at single-family homes. We live in a very desirable location and we need more housing options. I've been reading on the HB forum about the Tank Farm project. Twenty-nine acres is a lot of area that can be utilized for new homes and, not just homes that are priced out of reach for young families. I understand what construction costs these days. If you force developers to build homes on larger lots, with the price of the land, you just priced young families out of purchasing one. It's just not economically feasible to build the same product today that was built 30 or 40 years ago. We need more of a variety these days and in this economy. SS-1

I've also been reading about the "lodge" they have planned. This property is so close to the beach that it's a prime spot for additional overnight accommodations. From what I've read, it sounds like more of a boutique-hotel style than anything that wouldn't fit in with the neighborhood or not complement the surrounding industrial uses, residential uses and the wetlands. SS-2

Someone mentioned the possibility of a senior care complex or convalescent hospital, since that is possible under the current zoning. Although, I believe we have a need for senior housing, I believe the best use of property in this location would be for a hotel and homes. SS-3

I hope the city council will approve this project.

Sincerely,

Suha Stoner
512 Amber Drive

Cc: Mayor Erik Peterson erik.peterson@surfcity-hb.org

Letter 69: Suha Stoner

Comment Letter Dated March 14, 2019

SS-1 The comment regarding the housing crisis and need for more housing options is noted and will be forwarded to the decision makers. The comment does not raise an issue pertaining to CEQA, no further response is required.

SS-2 The comment regarding the proposed lodge being appropriate in this location is noted and will be forwarded to the decision makers. The comment does not raise an issue pertaining to CEQA, no further response is required.

SS-3 The comment regarding the best use of the site, as the mixed use and hotel despite the need for senior housing, is noted and will be forwarded to the decision makers. The comment does not raise an issue pertaining to CEQA, no further response is required.

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Letter 70

From: Jeff Naber <jeffnabe@yahoo.com>
Sent: Friday, March 15, 2019 2:18 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: RE: Huntington Beach Project

Dear Mr. Ramos,

After having lived in the Bay Area most of my life, I finally made the move to Huntington Beach where I visited often and hoped to move one day. JN-1

What drew me here was the weather, the beach and my extended family. It wasn't until just the right house became available that I made the move. I was interested in a new home, but looked at existing homes as well. I am also a fan of smaller lot sizes and townhomes. I just don't have the time or the patience for keeping up a backyard. I'm not alone. Many people these days feel the same way. It is evident in local new home sales. That's the product being built and it is selling. JN-2

I am in favor of the Tank Farm proposal for homes on Magnolia. It would be a waste to leave it as is when we are in need of housing in California. I am also supportive of the plans for the lodge since the property is so close to the beach. It just makes sense. Based on a quick review of the environmental issues that were of concern to me, I would like to lend my support for this project. JN-3

Thank you for your consideration.

Jeff Naber

Townsquare Lane Resident

Letter 70: Jeff Naber

Comment Letter Dated March 15, 2019

JN-1 The comment regarding the move from Bay Area to Huntington Beach is noted but does not raise an issue pertaining to CEQA, no further response is required.

JN-2 The comment regarding the utility of smaller homes is noted and will be forwarded to the decision makers. The comment does not raise an issue pertaining to CEQA, as such no further response is required.

JN-3 The comment regarding the need for housing and support for the proposed Project is noted and will be forwarded to the decision makers. It does not raise an issue pertaining to CEQA, no further response is required.

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Letter 71

Michelle Weedon
21831 Summerwind Lane | Huntington Beach, CA 92646 | (714) 357-6005 mobile

March 15, 2019

The Honorable Erik Peterson and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Sent via e-mail to: *erik.peterson@surfcity-hb.org*

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I would like to express my support for Shopoff Realty Investments' proposal for homes and a lodge on the Tank Farm property in Huntington Beach. As a member of the building industry, I am an advocate for responsible development, thoughtful planning and development projects that shed a positive light on our industry. Redevelopment of this land is not only necessary for the property itself, but also for the surrounding community.	MW-1
The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.	MW-2
As a resident, I look forward to progress being made to this area in general. Our family bikes to brunch every Sunday (our kids range in age now from 18-31) and we have enjoyed the new options at Pacific City, which speaks volumes to what new development offers. We now frequent downtown in addition to Pacific City, and are already talking about the "new" places we'll get to explore with the proposed Lodge.	MW-3
In my opinion, this project will only provide positive changes to our neighborhood. I hope that you agree and vote YES when it is brought before you for approval.	MW-4

Sincerely,

Michelle Weedon

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 71: Michelle Weedon

Comment Letter Dated March 15, 2019

MW-1 The comment regarding support for the Project and importance of development of site is noted and will be forwarded to the decision makers. No further response is necessary.

MW-2 The comment highlighting the amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is required.

MW-3 The comment regarding new destination options in the City is noted and will be forwarded to the decision makers. No further response is necessary.

MW-4 The comment regarding the Project providing a positive change is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 72

From: M Dardis <mdardis@verizon.net>
Sent: Friday, March 15, 2019 5:12 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: : SCH NO 2017101041 EIR REPORT FOR THE MTF MAGNOLIA TANK FARM PROJECT

Ricky Ramos, Senior Planner
City of Huntington Beach
Community Development Department
2000 Main St Huntington Beach Ca 92648
rramos@surfcity-hborg

As a SEHB resident since 1972, have several questions and comments concerning what is actually going to be built at the Magnolia Tank Farm site. SEHB residents have seen 2 proposals from Shopoff Development who are the owners of the property on whom the EIR was undertaken, but there is one problem Shopoff Development is **not the builder** nor will have any interest on what is actually built. We have been told at various meetings and personal contact that under consideration are: hospital, a hotel, a hostel, and now are being told Senior Housing. So what is the real truth as I simply do not know. MD-1

Question #1 Why was an EIR undertaken when in fact Shopoff Development is not the builder. This is simply a "Bait and Switch" tactic on the part of the Developer to prevent any recourse back to them for any failures in the future including health problems. MD-2

Our recommendation is that this EIR be declared null and void and no further action to be undertaken until we know what is really being built.

Sustainable Development
With more than 239 people per square mile, California ranked as the 11th most densely-populated state in the country in 2010. Its rate of upward densification since 1970, when CEQA was enacted, places California 13th among the 50 states in increased densification rates over 40 years.

The pace of new residential construction considered as “infill” in California’s metropolitan areas compares favorably with other states. One study found that 80 percent of new residential units built in the San Jose-Sunnyvale-Santa Clara metropolitan area between 2000 – 2009 were infill development. In contrast, just 7 percent of new residential units built in Austin, Texas (with little environmental review) were infill development during the same period. MD-3

Metropolitan areas in California and New York have the greatest percentages of new infill housing development. This pattern has occurred despite the presence of extensive environmental review requirements in both California and New York.

California has 12 of the top 50 most walkable cities in the U.S., a key metric for sustainable development, based on Walk Scores for more than 2,500 cities. Rankings included San Francisco (#2 nationally), Oakland (#9), Long Beach (#10), and Los Angeles (#13). An analysis of changes in Walk Scores for 2015 to 2016 shows that all of these cities (and many other California cities) increased their scores as well, indicating ongoing improvements in pedestrian orientation. MD-3 cont.

A new metric by Trust for Public Land ranks the largest 100 U.S. cities in terms of park availability and other park-related factors. Eight cities in California scored higher than the national average for these 100 cities, including San Francisco, which ranked 5th among all cities scored.

Affordable Housing

California's affordable housing production, measured by the number of units receiving Low Income Housing Tax Credits (LIHTCs), shows the state ranking 9th highest per 100,000 of population in 2014. This is the best available metric of California's affordable housing production to compare across all 50 states, since LIHTCs are available on a per-capita basis across all states per federal law. In summary, a broad look at the evidence shows that litigation under CEQA has not increased since 2002, a fact that rebuts assertions that the vast majority of projects in California are now subject to lawsuits.

Furthermore, CEQA has been amended to institute streamlining procedures, and the evidence from San Francisco indicates that a very high percentage of approvals are subject to exemptions from CEQA, and that the number of EIRs prepared is small. MD-4

Importantly, **while critics claim that CEQA is constraining the California economy, key metrics show the strength of California's economy, rebutting that assertion.** Finally, **California also ranks high in sustainable development indicators, an outcome that almost certainly reflects CEQA's requirement that public agencies analyze environmental effects and mitigate them where feasible**

Question #2 What information did Psomas the EIR Consulting Firm cite for the specific area of SEHB. I only could find glittering generalities on the total geographic urban area on the city of Huntington Beach. MD-5

Question #3 As you are keenly aware as the Senior Planner, the HBZSO as it pertains to parking ordinances and increasing in the 1/2 car entitlements granted by Huntington Beach City Council. What are the lot sizes for each detached condo that is found in the Shopoff Development proposal in which they are not the Builder and thus, would not be held accountable let alone responsible. MD-6

SEHB has raised many questions as to the suitability of this project bound on the South by a 24/7 operating AES Electrical Plant and on the North a Toxic Dump site that has been there for over 50 years. MD-7

Thank you in advance for your response to the residents of SEHB.

Milt Dardis
22052 Capistrano Lane
Huntington Beach Ca 92646.

Letter 72: Milt Dardis

Comment Letter Dated March 15, 2019

MD-1 The comment regarding the type of development proposed is noted and will be forwarded to the decision makers. The Draft Program EIR analyzed two development alternatives (mixed use and residential) at the equal level of consideration throughout the EIR. Additionally, Section 5.0, Alternatives, of the Draft Program EIR, in compliance with the State CEQA Guidelines Section 15126.6(a)–(b) of the CEQA Guidelines (14 *California Code of Regulations* [CCR]), considered and evaluated a range of alternatives to the proposed Project, including a No Project/No Development Alternative and No Project/Existing Designation-Senior Campus Alternative (assisted living). These alternatives were developed in the course of Project planning and environmental review.

As discussion in Section 3.0, Project Description, of the Draft Program EIR, the Magnolia Tank Farm Specific Plan includes land use and customized zoning standards for the site, comprised of site-specific permitted uses and development standards. While future minor (technical or informational) modifications to the Specific Plan will be processed administratively and approved by the Community Development Director (Section 2.4, Minor Amendments, of the Specific Plan document), it should be noted that any modifications to the proposed uses that are covered by the Specific Plan, will require CEQA documentation, public hearings, and approval by the Planning Commission and City Council.

MD-2 Preparation of an EIR at this stage of a project is a standard practice. The purpose of the EIR is to provide an environmental review and analysis of the Project in its entirety and disclose the potential adverse impacts of the Project. As indicated in Response MD-1, above, the Draft Program EIR considered two development alternatives at the same level of consideration throughout the Draft Program EIR, as well as two alternatives in Section 5.0, Alternatives, of the Draft Program EIR.

The comment regarding lack of clarity on what will be built and the EIR be declared null and void will be forwarded to the decision makers. However, it should be noted that the Draft EIR specifically identified the proposed Project and alternatives to the Project. The potential environmental impacts of the proposed Project and alternatives were analyzed in detail in the relevant sections of the Draft Program EIR. As such, in light of the specific uses proposed and the analysis supported by technical reports, declaring the EIR null and void is not necessary.

An EIR is intended to provide an objective, factually supported, full disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts. An EIR is also one of the various decision-making tools used by a Lead Agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Prior to approving a proposed Project, the Lead Agency must consider the information contained in the EIR; determine whether the EIR was properly prepared in accordance with CEQA and the State CEQA Guidelines; determine that the EIR

reflects the independent judgment of the Lead Agency; adopt findings concerning the Project's significant environmental impacts and alternatives; and adopt a Statement of Overriding Considerations if the project would result in significant impacts that cannot be avoided.

City staff has reviewed all submitted drafts, technical studies, and consistency with regulations and policies and has commissioned preparation of the EIR to reflect its own independent judgment, including reliance on applicable City technical personnel as well as the City's CEQA consultant to review of all technical subconsultant reports. The Draft Program EIR prepared for the Project has disclosed the proposed Project and its alternatives and adequately and sufficiently analyzed the potential impacts, supported by substantial evidence. As such, the Draft Program EIR is in compliance with CEQA and CEQA Guidelines.

MD-3 The general comments regarding densification of California, infill development, sustainable development, and park availability will be forwarded to the decision makers. The comments do not raise any CEQA issues, and as such no further response is required.

MD-4 The commenter makes a number of general comments regarding California's affordable housing production and CEQA review. These opinions will be forwarded to the decision makers. The comments do not raise any CEQA issues, and as such no further response is required.

MD-5 The comment regarding lack of information on the specific area of Southeast Huntington Beach is noted; however, the comment does not provide clarification as to what type of information the commenter is referring to. Thus, no further response can be provided.

MD-6 The comment regarding parking ordinances is noted and will be forwarded to the decision makers. It should be noted that the EIR for the proposed Magnolia Tank Farm development is prepared at a programmatic level, and project-specific level of detail is not available at this time. Additionally, it needs to be recognized that future builders would be required to comply with parking requirements of the Magnolia Tank Farm Specific Plan before receiving a permit to build from the City. For a general discussion of parking issues and requirements, please refer to the Topical Response pertaining to Parking in Section 3.1.2 of these Responses to Comments.

MD-7 The comment is noted and will be forwarded to the decision makers. It does not raise a CEQA issue, as such no further response is required.

Letter 73

From: Dave Hedlund <dthedlund@gmail.com>
Sent: Saturday, March 16, 2019 1:32 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Cc: Dave Hedlund <dthedlund@gmail.com>
Subject: tank farm

Mr. Ramos

I am a 40 year resident of south eastern Huntington Beach.I have seen traffic and noise grow year by year.If this property must be developed please keep it low density.I don't see why anyone would want to live next to a superfund site,seems absurd to me.Huntington Beach needs to slow down development. DH-1

Thanks
Dave Hedlund

Letter 73: Dave Hedlund

Comment Letter Dated March 16, 2019

DH-1 The comments regarding the pace of development in Huntington Beach and preference for low density on the site will be forwarded to the decision makers. These comments are general, and no further response is required. Regarding traffic and noise, the Draft Program EIR included detailed discussions and analyses of the said topics, supported by technical studies, and provided determinations of the level of significance and mitigation measures, as appropriate. Section 4.10, Noise, of the Draft Program EIR provides a detailed discussion of noise in addition to vibration. The analyses under Threshold 4.10-2 concluded that while the Project would have a significant and unavoidable impact associated with pile-driving activities during construction, all other impacts would be less than significant with implementation of mitigation measures. For a detailed discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

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Letter 74

From: Kevin Broussard <Kevinb@doctorjauto.com>
Sent: Saturday, March 16, 2019 5:06 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank Farms

Dear Mr. Ramos,

All of the citizens in South Huntington Beach are very concerned about the new development at the tank farms. I purchased a home in south Huntington Beach because it was a quite part of Huntington Beach and I knew in time my property values would increase. This development needs to stop, it will create too much traffic and will burden the neighborhood of South Huntington Beach. I've heard a mention of a HOSTLE?? This should not me happening in Huntington beach**!!!** Please make this stop. KB-1

Sincerely,
Kevin Broussard

Letter 74: Kevin Broussard

Comment Letter Dated March 16, 2019

KB-1 The comments regarding property values and the atmosphere of the area do not raise any CEQA issues, as such no further response is required.

For a detailed discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

Regarding the comment on "hostel", it should be clarified that as described in Section 3.0, Project Description, of the Draft Program EIR, the proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups and is not a hostel. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem.

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Letter 75

From: Leslie Untener <moat0904@gmail.com>
Sent: Saturday, March 16, 2019 2:52 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Shopoff Magnolia Tank Farm Project

Mr. Ramos,

Wondering if the residential units include any low-income housing units? Also, what type of hotel/lodging is proposed for the site? LU-1

Thank you.
Leslie Untener
Sent from my iPhone

Letter 75: Leslie Untener

Comment Letter Dated March 16, 2019

LU-1 The inquiries regarding low-income housing and the type of hotel/lodge are noted. The EIR for the proposed Magnolia Tank Farm development is prepared at a programmatic level, as project-specific level of detail is not available at this time.

Regarding affordable housing, the Project Applicant is proposing to comply with the City's affordable housing requirements, as described in the Magnolia Tank Farm Specific Plan.

Additionally, while the design-level of detail is not available for the proposed lodge, as described in Section 3.0, Project Description, of the Draft Program EIR, the lodge is proposed as a 230,000-square-foot facility that would include a maximum of 175 guest rooms and guesthouse-style, budget-oriented, family/group overnight accommodations with 40 rooms. Budget-oriented overnight accommodations are one type of lower cost visitor serving facility necessary to maximize public access and ensure that individuals and families of all income levels who live further from the coast are able to access and recreate at the coast. The Coastal Act's requirement to maximize access and promote budget-oriented visitor and recreational facilities is critical in providing opportunities for individuals and families from underserved communities to visit the coast when they may not be able to do so otherwise due to costs, including costs for overnight accommodations.

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Letter 76

From: Rebecca Broussard <broussard.rebecca@gmail.com>
Sent: Saturday, March 16, 2019 5:39 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank Farm Development

We are residents of south HB and we heard about the development going in at the Tank Farms. I'm very concerned about the future traffic, noise, and the possibility of a hostile on that property. We pay over $10k in property tax and knowing that this area can be developed one street over from us. is very disturbing. I'm a teacher in HB and my husband is a small business owner. We want the small town feel. Not the Miami, Florida feel. Please re consider this development going in at Magnolia and Hamilton. It's a scary thought. RB-1

Sincerely,
Rebecca Broussard.

Sent from my iPhone

Letter 76: Rebecca Broussard

Comment Letter Dated March 16, 2019

RB-1 The comment regarding property tax and desire to maintain the small town feel of the area will be forwarded to the decision makers. The comment does not raise a CEQA issue, as such no further response is required.

Regarding traffic and noise, the Draft Program EIR included detailed discussions and analyses of the said topics, supported by technical studies, and provided determinations of the level of significance and mitigation measures, as appropriate. No further response can be provided here that has not already been discussed in the Draft Program EIR. Nevertheless, for a detailed discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

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Letter 77

From: Richard Armendariz <hbrichlinda@yahoo.com>
Sent: Saturday, March 16, 2019 10:39 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Fw: Magnolia Tank Farm

Mr. Ramos, as you know there are three different projects taking place in SouthEast Huntington Beach, The AES Plant which is nearing completion, The Magnolia Tank Farm hotel, hostel, housekeeping cabins and now labeled as senior citizens housing and the Ascom toxic sludge cleanup and each of them have submitted their independant EIR reports which have been approved by the city. However these three projects and a forth waiting in the wings, Poseidon, are not independant of one another.
Each is ajacent to the other. Each will have an impact on the other and the nearby marsh land and wildlife. All of the EIR's overlap and cannot be viewed independantly. The Ascom Toxic cleanup contains lead, arsenic and other carcinogens will and can creat cancer clusters in the area. Why would anyone stay at a hotel where they could inguest carsinegins,
The AES employees would also be subjected to the same carsinogens and the resulting noise from the plant will render the hotel and housekeeping cabins and the nearby homes inhospitable. RCA-1

The water runoffs from the toxic sludge will run into the hotel acreage during periods of flooding and this will also poison the wetlands.
If all three EIR's are viewed on the combined impact they will have on the SouthEast Area of Huntington Beach, the city should deny the required permits and projects,
The city is subjecting themselves to lawsuits as a result of ignoring the impact that the three projects will have on the citizens of Huntington Beach. RCA-2

Richard C. Armendariz
8161 Kingfisher Dr.
Huntington Beach, Ca. 92646

Letter 77: Richard C. Armendariz

Comment Letter Dated March 16, 2019

RCA-1 The comment regarding surrounding industrial uses (cumulative projects) is noted. Table 4-1, Approved and Pending Projects in the Cities of Huntington Beach, Newport Beach, and Costa Mesa, in Section 4.0 of the Draft Program EIR, identified a comprehensive list of cumulative projects in the area, including the ASCON Landfill Site, AES Generating Station/Power Plant, and Poseidon Desalination Plant among others. Each of these projects has gone or will be going through the same environmental process as the Magnolia Tank Farm Project. Appropriate environmental documentation, if required pursuant to CEQA, has been or will be prepared for each project. Furthermore, discussions of the cumulative impacts of the proposed Project in light of all related projects identified in Table 4-1, have been included in the topical sections of the Draft Program EIR and findings made regarding the potential cumulative impacts of the proposed Project in conjunction with other future developments in the area.

For a further discussion of this issue, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

It should also be clarified that the comment referencing the lodge/hotel as hostel, house-keeping cabins, and senior citizen housing is not accurate. The proposed use is a guesthouse-style, budget-oriented, facility that is geared toward families and groups and is not a hostel. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem

RCA-2 The comment references toxic sludge running into the hotel acreage during periods of flooding; however, the comment does not identify the sources of the "toxic sludge" nor provides any evidence into record for this assertion. Cumulative projects are discussed above in Response RCA-1. No further response is required.

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Letter 78

From: Terri Weiss <lweiss5260@aol.com>
Sent: Saturday, March 16, 2019 2:23 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm EIR

Mr. Ramos,

As city planner, I am wondering what you are what you are doing to protect our neighborhood from Shop Off. How is this EIR adequate while being done without the combination of all the other developments? And the noise, traffic, and air pollution will be unacceptable! This is all a huge negative for Southeast HB and the entire city. Please stand up for your citizens! TW-1

Respectfully,
Terri Weiss
HB Resident for 57 years

Sent from my iPhone

Letter 78: Terri Weiss

Comment Letter Dated March 16, 2019

TW-1 The comment asserts cumulative impacts were not addressed. Table 4-1, Approved and Pending Projects in the Cities of Huntington Beach, Newport Beach, and Costa Mesa, in Section 4.0 of the Draft Program EIR, identified a comprehensive list of cumulative projects in the area, including the ASCON Landfill Site, AES Generating Station/Power Plant, and Poseidon Desalination Plant among others. Each of these projects has gone or will be going through the same environmental process as the Magnolia Tank Farm Project. Appropriate environmental documentation has been or will be prepared for each project. Furthermore, discussions of the cumulative impacts of the proposed Project in light of all related projects identified in Table 4-1, have been included in the topical sections of the Draft Program EIR and findings made regarding the potential cumulative impacts of the proposed Project in conjunction with other future developments in the area.

For a further discussion of this issue, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

The issues of air quality, noise, and traffic have been analyzed in detail in Section 4.2, Air Quality, Section 4.10, Noise, and Section 4.14, Transportation/Traffic, of the Draft Program EIR and based on technical support and substantial evidence conclusions were made as to the level of impacts. Based on significance of impacts, mitigation measures were proposed, as appropriate.

Based on the analysis in Section 4.2, Air Quality, the impacts are either less than significant or less than significant with compliance with regulatory requirement and implementation of mitigation measure (page 4.2-42). In terms of noise, the detailed discussion in Section 4.10, Noise, of the Draft Program EIR concluded that while the Project would have a significant and unavoidable impact associated with pile-driving activities during construction, all other impacts would be less than significant with implementation of mitigation measures.

In addition, for a detailed discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

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Letter 79

From: Bonnie Marriott <bonmarriott@gmail.com>
Sent: Sunday, March 17, 2019 11:30 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm

Mr Ramos

I live right across the street from the tank farm in the tract east of Magnolia and south of Banning.	BM-1
In the EIR report Showoff keeps referring that their is parking on Magnolia, although that is true it is restricted to two hours durning the day and one hour at night. We already are the "free" parking lot for the State Beach. With all the homeless getting run off the main streets they are now coming into our tract. We are one of two tracts in the area in the Costal Commission District so we can't get parking permits. With all the beach parking come a mess and with all the concerts/events at the State Beach, nine this year, our neighborhood becomes one big parking lot, bathroom and trash dump. We have to deal with the noise of people coming back late at night and the noise, loud and foul langue. We don't need any more. I don't think the tank farm will have enough parking for residence never less visitors to the hotel. People won't pay to park in the parking lot and will also be parking in our neighborhood. Our children can't even ride their bikes around because of all the cars on the streets.	BM-2
The reflection off the windows of the hotel will shine right into our back yards and back of our houses. It has been prover that this increases the heat. Also they will be shinning into the wet lands. How will that affect the wildlife there? With a path way across the area will bring trash and cigarette butts and more trash in the wet lands. We don't need that.	BM-3
The houses should be built to the surrounding area standards, two story one to a lot with all the same standards. Also it will just be a matter of time till they start renting them out on short term rental.	BM-4
All the "Improvements" they want to do in regards to the open area will just bring more homeless into area. Most cities have removed their covered bus stops because of this. Open area for parties or gathering will be noisy. We do not have a six foot wall as they say in their report just what ever the homeowners have put up.	BM-5
With all we've had to put up with the AES building and moving of dirt in the tank farm we don't need more. Residences in the area have had sore throats, constance congestion, dry throats, hives and just dirt in our houses. We don't need more. The area need a better and larger area of hazard checks. Showoff says that the leak they plugged with dirt was coming from the ASCON area but ASCON says it isn't isn't. Needs to be checked.	BM-6
We feel we're just getting a run around and Showoff will say what ever they want to get this built. They have no concern of the surrounding area, traffic increases, over loading our schools and our health and well being.	BM-7
I think it will just drive our property values down and doesn't belong in the SEHB. There are no amenities in the area so the hotel will have a monopoly on price. There isn't even any guarantee of hiring HB residence first.	BM-8

Thank you
Bonnie Marriott
9042 Christine Dr
HB

Letter 79: Bonnie Marriott

Comment Letter Dated March 17, 2019

BM-1 The comment is noted. No further response is required.

BM-2 The comment regarding existing parking issues within the neighborhood is noted; however, it is not associated with the proposed Project. It is speculative to assume that the parking in the neighborhood will be further exacerbated by future residents and visitors in the existing residential neighborhood across Magnolia Street. No further response is required.

It should be noted that as discussed in the Draft Program EIR, developments are required to meet the parking standards within the development site. The Project would result in an incremental increase in the amount of parking available because public parking would be provided within the project site along the interior private Loop Road. Lodge valet parking would also be publicly available. All parking would be provided on-site with the required number of parking spaces specified by the Magnolia Tank Farm Specific Plan and Chapter 231 of the HBZSO (C 2.4.2a). With compliance with the City of Huntington Beach requirements and the provisions provided in the Specific Plan, the proposed Project would provide parking capacity to accommodate the future improvements. In light of the proposed accommodations, it is speculative to assume that the hotel guests will be parking in the existing residential neighborhoods.

BM-3 The comment regarding reflection off the windows of the hotel onto the backyards of existing homes and the wetlands is noted. Based on detailed discussion in Section 4.1, Aesthetics, of the Draft Program EIR, given the 100-foot right-of-way (Magnolia Street), the proposed Magnolia Park, and additional buffers between the existing residential uses and the proposed development, the reflection off the windows of the proposed hotel is not anticipated to impact the backyards of existing residential uses across Magnolia Street. Thus, in light of the distance and buffer, no impacts are anticipated.

The comment regarding reflection from the hotel/lodge windows onto the wetlands is noted. However, the Specific Plan requires to, "employ bird-safe design techniques, including but not limited to Bird Safety Glazing Films and or Bird Safety fritted glass on glass surfaces greater than 1 square foot facing the marsh in the first row of buildings/homes and fences closest to the marsh to minimize bird strike." The Specific Plan also requires to "use anti-glare glass or film and employ design elements to reduce glare onto Magnolia Marsh." With the provisions and requirements in place, the potential effect on the wildlife within the marsh would be avoided.

The concern regarding trash from the pathway affecting the wetland is noted. However, based on the discussion in Section 4.9, Land Use and Planning, of the Draft Program EIR, recognizing the sensitivities of the wetland, the CC area is proposed to create upland buffer to the marsh. The minimum 70-foot wide CC area is located adjacent to the Orange County Flood Control property. When combined with the

width of the flood control property outside of the channel, there would be a 100-foot development setback from Magnolia Marsh. Additionally, walls and fences would be located along the property line adjacent to the channel. These elements adjacent to Magnolia Marsh in addition to the channel would create buffers to the marsh. Therefore, in light of the said features in place, minimal impact on Magnolia Marsh from litter and trash is anticipated.

BM-4 The suggestion regarding residential building heights (number of stories) and the speculation that the units will become short-term rental will be forwarded to the decision makers. The comment does not raise a CEQA issue, as such no further response is required. However, it should be noted, that the opinion expressed that the units will become short-term rentals is speculative and is not required pursuant to the California Environmental Quality Act (CEQA). Section 15145 of the State CEQA Guideline does not require a lead agency to speculate on potential impacts.

BM-5 The comment regarding the improvements attracting more homeless population in the area is speculative and not a CEQA issue, as such no further response is required.

The comment regarding use of open space for parties or gathering resulting in noise is not clear and does not specify which open area is referenced. However, Section 4.10, Noise, of the Draft Program EIR, provided an evaluation of the potential noise impacts associated with the Project and identified mitigation measures to reduce impacts. Operation impacts associated with the Project were determined to be less than significant with mitigation. The comment regarding neighboring fence height is noted; however, no further response is required.

BM-6 Regarding cumulative impacts from AES Generating Station/Power Plant and ASCON Landfill Site, it should be noted that these are approved projects and their environmental documents demonstrate they would not result in significant impacts to existing residents. For further discussion, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

Regarding leakage of hazardous materials, it should be noted that the proximity to the landfill site has been considered in the investigation of the project site and soil and groundwater sampling have been conducted in the northern area of the project site near the landfill site boundary. The results of these investigations have not identified any contamination that migrated from the landfill to the project site, with one exception, a leaking pipe that impacted a localized area of soil. The impacted soil on the project site was removed, as discussed in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR. Remediation of impacted soil on the ASCON Landfill Site is being addressed in the final remedy under DTSC oversight.

The investigation and remedial work at the project site are ongoing. Both HBFD and DTSC, as the lead oversight agency, have been involved in reviewing site assessments performed to date. The DTSC, through its Site Mitigation and Restoration Program, is responsible for overseeing the evaluation and cleanup of contaminated properties throughout the state of California. DTSC staff is comprised of experts such as geologists, toxicologists, risk assessors and other scientists. DTSC's Human and Ecological Risk Office (HERO) provides expertise regarding chemical toxicity and the

risk imposed by chemicals on humans and ecological receptors. HERO staff develops and publishes risk-based screening levels for soil, groundwater, and air based on toxicity criteria and exposure assumptions that are scientifically rigorous and considered to be among the most conservative standards in the country. Compliance with MM HAZ-2 ensures that all requirements imposed by DTSC for additional investigation, remediation or other response will be completed, including in the northern area of the project site within proximity of the landfill site. Risk-based target concentrations (RBTCs) approved by DTSC will serve as the screening level (i.e. cleanup threshold) for each constituent of concern. All soil exceeding the screening level shall be removed from the site and transported to a facility licensed to accept the waste. The RBTCs shall be calculated based on exposure assumptions and toxicity criteria published by DTSC as sufficiently conservative for residential land use. DTSC's written concurrence signifying the successful completion of all required investigation and remedial action must be obtained prior to issuance of a grading permit. The DTSC's closure letter will be submitted to HBFD for its review prior to commencement of the Project. These safeguards assure that future site occupants will not be exposed to risk from hazardous materials.

The project site has undergone substantial assessment of soil, soil gas, and groundwater. A human health risk assessment was performed. The assessment of soil removed from beneath and around the former tank footprints indicated that the tanks had not leaked. The impacts to soil were relatively minor and the impacted soil was removed.

BM-7 The comment is noted and will be forwarded to the decision makers. For a discussion of traffic please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

The comment also notes pressure on existing schools. As discussed in Section 4.12, Public Services, of the Draft Program EIR, the number of elementary and middle school students generated by the Project would not exceed available capacity of the schools that would serve the proposed Project. Additionally, the Project will pay the mandated school fees as required by Section 65995 of the *California Government* Code, which would provide full and complete mitigation of potential impacts to schools.

BM-8 The comment regarding property values is not a CEQA issues, as such no further response is required.

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Letter 80

From: brenner4@earthlink.net <brenner4@earthlink.net>
Sent: Sunday, March 17, 2019 10:03 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia tank farm development

Good morning Mr. Ramos,

I am concerned that the EIR for the Magnolia Tank Farm Shopoff development does not take into account all the development going on around the proposed project. The noise and pollution created by the power plant and possible desalination plant are going to be of significance. The possible leaching of toxics from the Ascon site are a concern. The potential damage to the wetlands ecosystem from noise and activities and pollution are a concern. CB-1

I live in the neighborhood at Banning and Magnolia. Recently homeless people who used to park next to the park have been pushed out by parking restrictions. They have moved into our neighborhood, as parking is free there. We cannot restrict parking because we are in the coastal zone. For instance, recently a homeless group started parking in front of a house on Susan. The homeowner put his trash cans on the street to discourage them. They pushed a homeowner's trash cans out of the way with their car, set up on homeowners lawn, and refused to leave when the homeowner asked them to. The homeowner turned on his sprinklers, and they left only to come back later and destroy all the sprinklers. We are dealing with lots of parking issues already, and we are getting very disturbed by the problems. CB-2

Now the high density Shopoff project further threatens us with more parking pressure from people partying at the hotel restaurants and bars. We already have occasional concerts on the beach where people park in our neighborhood, pee on our lawns, yell late at night as they return to their cars, and litter with their beer bottles and trash. Again, more parking pressure from a hotel in our neighborhood is a threat to our safety and quality of life. How can Shopoff protect us from the threat that the party crowd poses to our neighborhood? CB-3

I also have concerns about putting a hotel with a bar next to Edison high school with evening activities. And it is also a very short distance from Eader with little kids crossing the street for many occasions. Traffic concerns combined with drinking could spell disaster for this location. It is not appropriate to put a resort destination hotel in a family neighborhood. CB-4

Thank you for listening and considering our concerns.

Candace Brenner
9142 Christine Dr.
Huntington Beach, CA
714-916-8260

Letter 80: Candace Brenner

Comment Letter Dated March 17, 2019

CB-1 The comment regarding surrounding development (cumulative projects) is noted. Table 4-1, Approved and Pending Projects in the Cities of Huntington Beach, Newport Beach, and Costa Mesa, in Section 4.0 of the Draft Program EIR, identified a comprehensive list of cumulative projects in the area, including the ASCON Landfill Site, AES Generating Station/Power Plant, and Poseidon Desalination Plant among others. Each of these projects has gone or will be going through the same environmental process as the Magnolia Tank Farm Project. Appropriate environmental documentation, if required pursuant to CEQA, has been or will be prepared for each project. Furthermore, discussions of the cumulative impacts of the proposed Project in light of all related projects identified in Table 4-1, have been included in the topical sections of the Draft Program EIR and findings made regarding the potential cumulative impacts of the proposed Project in conjunction with other future developments in the area.

For further discussion of this issue, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

Additionally, Section 4.9, Land Use and Planning, of the Draft Program EIR includes detailed analysis of compatibility with the adjacent uses, specifically wetlands and the ASCON Landfill Site, in this case, and identified that in light of existing and enhanced buffers, the impacts would be less than significant.

The issues of air quality, and noise have been analyzed in detail in Section 4.2, Air Quality and Section 4.10, Noise, of the Draft Program EIR and based on technical support and substantial evidence, conclusions were made as to the level of impacts. Based on significance of impacts, mitigation measures were proposed, as appropriate. Based on the analysis in Section 4.2, Air Quality, the impacts are either less than significant or less than significant with compliance with regulatory requirement and implementation of mitigation measure (page 4.2-42). In terms of noise, the analysis in Section 4.10, Noise, of the Draft Program EIR, concluded that while the Project would have a significant and unavoidable impact associated with pile-driving activities during construction, all other impacts would be less than significant with implementation of mitigation measures.

Regarding leaching of toxics from the ASCON Landfill Site, it should be noted that there is no evidence to support the commenter's statement regarding the toxicity of the ASCON Landfill Site. Proximity to the landfill has been considered in the investigation of the project site and soil and groundwater sampling have been conducted in the northern area of the project site near the landfill boundary. The results of these investigations have not identified any contamination that migrated from the landfill to the project site, with one exception, a leaking pipe that impacted a localized area of soil. The impacted soil on the project site was removed, as discussed in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR.

Remediation of impacted soil on the ASCON Landfill Site is being addressed in the final remedy under DTSC oversight.

CB-2 The comment regarding existing parking issues within the neighborhood is noted; however, it should be recognized that it is not associated with the proposed Project. Additionally, it should be noted that as discussed in the Draft Program EIR, developments are required to meet the parking standards within the development site. The Project would result in an incremental increase in the amount of parking available because public parking would be provided within the project site along the interior private Loop Road. Lodge valet parking would also be publicly available. All parking would be provided on-site with the required number of parking spaces specified by the Magnolia Tank Farm Specific Plan and Chapter 231 of the HBZSO (C 2.4.2a). With compliance with the City of Huntington Beach requirements and the provisions provided in the Specific Plan, the proposed Project would provide adequate parking capacity to accommodate the future improvements. Thus, in light of the proposed accommodations, it is speculative to assume that the hotel guests will be parking in the existing residential neighborhoods.

CB-3 The comment regarding parking from the proposed lodge/hotel is noted. For a detailed discussion, please refer to Response CB-2, above and the Topical Response pertaining to Parking in Section 3.1.2 of these Responses to Comments. It should be noted that the Project will be subject to the requirements of the Magnolia Tank Farm Specific Plan, as well as the HBZSO for requirements that are not customized in the Specific Plan.

CB-4 The comment regarding type and location of this Project is noted and will be forwarded to the decision makers. The comment regarding drinking and traffic at the hotel is speculative and a response is not required pursuant to the California Environmental Quality Act (CEQA). Section 15145 of the State CEQA Guideline does not require a lead agency to speculate on potential impacts. Additionally, this would be a law enforcement issue and does not specifically raise a CEQA issue. For further discussion of traffic and congestion, please refer to the Topical Response pertaining to Transportation/Project Traffic in Sections 3.1.1 of these Responses to Comments. In addition, Section 4.9, Land Use and Planning, of the Draft Program EIR provided a land use compatibility evaluation of the Project and surrounding land uses and no significant impacts were identified. No further response is required.

Letter 81

From: christopher smith <smithsabom@yahoo.com>
Sent: Sunday, March 17, 2019 4:07 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm project

Mr Ramos,

RE: Magnolia Tank Farm project

We are opposed to any development that will increase traffic on Banning avenue.

Our preference is to leave the zoning as is: light industrial (If I recall correctly).

We are opposed to any hotel / hostel / retail development. C&SS-1

If the lot is to be re-zoned and developed, we are for maintaining the same "look and feel" of the surrounding neighborhood i.e. 8 units/acre 6000 sq ft lot size, etc.

We do not want to see any high density housing.

Thank you for the opportunity to comment.

Christopher and Stephanie Smith
9632 Hightide Dr
HB, 92646

Letter 81: Christopher and Stephanie Smith

Comment Letter Dated March 17, 2019

C&SS-1 The comment regarding opposition to the proposed uses, rezoning, and impacts related to traffic is noted and will be forwarded to the decision makers.

For a discussion of traffic and increased trips on Banning Avenue, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

Regarding existing zoning, the site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

In response to reference about "hostel", it should be clarified that the Project does not propose a hostel. The proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem.

Regarding opposition to high density residential, it should be noted that the proposed residential component of the Project is medium density not high density as the commenter implies. As discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential. The suggestion regarding low density housing is noted and forwarded to the decisionmakers. No further response is required.

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Letter 82

From: Debbie Clark <debstevec@gmail.com>
Sent: Sunday, March 17, 2019 4:03 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank farm report

Hi Mr Ramos,

I live by the Magnolia Tank Farm and Ascon! How can this EIR be adequate when it is being done without the combination of all the other developments, I am very concerned. How can a motel be in the vicinity of Ascon? Will it be housing the homeless in the area? I am also concerned about more traffic, parking, Ascon, noise and air pollution. How is the city is going to protect our neighborhood from this developer and their plans to ruin our quality of life in SEHB. It is also very close to Edison High School. Thank you from a concerned neighbor! DC-1

Sincerely,

Debbie Clark

Letter 82: Debbie Clark

Comment Letter Dated March 17, 2019

DC-1 The comment regarding cumulative impacts is noted. Table 4-1, Approved and Pending Projects in the Cities of Huntington Beach, Newport Beach, and Costa Mesa, in Section 4.0 of the Draft Program EIR, identified a comprehensive list of cumulative projects in the area, including the ASCON Landfill Site, AES Generating Station/Power Plant, and Poseidon Desalination Plant among others. Each of these projects has gone or will be going through the same environmental process as the Magnolia Tank Farm Project. Appropriate environmental documentation, if required pursuant to CEQA, has been or will be prepared for each project. Furthermore, discussions of the cumulative impacts of the proposed Project in light of all related projects identified in Table 4-1, have been included in the topical sections of the Draft Program EIR and findings made regarding the potential cumulative impacts of the proposed Project in conjunction with other future developments in the area. While the EIR as a "disclosure" document should and does identify cumulative impacts in addition to project-specific impacts, a proposed project cannot hold other developments in the area responsible for meeting their obligations. The comment specifically identifies the ASCON Landfill Site and AES, which are not subjects of the Program EIR for the Magnolia Tank Farm Project, and as such no further response can be provided about these projects.

For further discussion of this issue, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

Additionally, Section 4.9, Land Use and Planning, of the Draft Program EIR includes detailed analysis of compatibility with the adjacent uses and identified that in light of existing and enhanced buffers and improvements, the impacts would be less than significant.

The comments regarding housing the homeless and quality of life are not CEQA issues, and as such no further response is required.

The issues of air quality (Section 4.2), parking (Section 3.0 and 4.14), noise (Section 4.10), and traffic (Section 4.14) have been analyzed in detail in the Draft Program EIR and based on technical support and substantial evidence conclusions were made as to the level of impacts. Based on significance of impacts, mitigation measures were proposed, as appropriate.

The comment regarding Edison High School being very close to the Project, does not specifically identify an environmental issue, as such no further response can be provided.

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Letter 83

From: Jan Madnick <janmadnick@gmail.com>
Sent: Sunday, March 17, 2019 6:49 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: draft EIR for Magnolia Tank Farm

Dear Mr. Ramos,

We have owned our home in Fashion Shores since 1976. You may not know this, but at that time Magnolia was just a dirt road. Obviously, there have been significant changes to our neighborhood and we aren't writing as opposed to all changes, but our opposition to the **draft EIR** and projects proposed for the **Tank Farm** stems from living through those changes and how they have affected our quality of life. Since our purchase in 1976:

•We saw Magnolia become a multi-laned road leading to PCH. Traffic and noise increased significantly as did the number of traffic accidents on the corner of Hamilton and Magnolia

•We have endured endless "clean-ups" of the ASCON site . Traffic, noise, and air pollution have been a significant part of each of these projects. J&LM-1

•We have seen increased traffic on Hamilton both when Victoria was increased to 4 lanes (with multiple homes built on the South side) and when new houses went up on Newland. There are time periods in the morning and evening when it is virtually impossible to go west on Hamilton out of Fashion Shores.

•We have actually had to drive through the track to Bermuda in order to exit our track particularly during school hours at Edison HS.

Regardless of various objectives stated in the EIR (and yes, we read through the entire thing) it is clear that none of the proposed projects can go through without zoning changes and approval of the Coastal Commission. Quite honestly, we aren't in favor or any of the projects as we fail to see the need.

•We worry about the Marshlands and wetland habitats despite assurances.

•We don't see the need for more hotels/restaurants and retail stores as enormous amount of land has already been developed east of Main Street.

•Despite claims, any housing development would not address the needs of low and middle income Californians---and HB is already being sued over that issue. J&LM-2

•Regardless of your traffic data, we have seen an increase in accidents and, in fact, the Hamilton/Brookhurst intersection is deemed one of the most dangerous in the country! There is no way that any development will not increase traffic density on both Magnolia and Hamilton as they are routes to the 405 and 55 respectively.

•The impact on Banning of increased traffic past the Elementary School and Library is unrealistic, as is the idea that putting a stop sign at the Bermuda exit to Magnolia would be efficient in regulating traffic flow.

We know that there were a couple of community meeting regarding this land use, but we were unavailable to attend. There is a strong sense of community here and we know that we are not alone in our opposition to the proposed project and alternatives. Huntington Beach is a wonderful community, and we feel deeply that this draft EIR does not accurately reflect all the issues which any of these developments will cause. J&LM-3

Sincerely,
Jan & Leon Madnick
9031 Regatta Dr.
HB 92646

Letter 83: Jan and Leon Madnick

Comment Letter Dated March 17, 2019

J&LM-1 The comment regarding opposition to the Project and the Draft Program EIR is noted and will be forwarded to the decision makers. The comment does not raise a specific CEQA issue, no further response is required.

The commenter's experience and changes in the area, such as increased traffic, since purchase of their home in 1976 does not raise a CEQA issue and are not relevant to the proposed Project, as such no further response is required. Additionally, the comment regarding "quality of life" is not a CEQA issues, as such no further response is required.

J&LM-2 The comment expressing opposition to the Project uses and alternatives will be forwarded to the decision makers. The comment regarding concern for marshland and wetland habitats is noted; however, Section 4.3, Biological Resources, of the Draft Program EIR included detailed discussion and analysis, supported by a technical report that acknowledged the sensitivities of the wetlands. The analysis determined that both direct and indirect impacts to the wetlands across Huntington Beach Channel would be less than significant or less than significant with compliance with regulatory requirement and implementation of mitigation measures. Additionally, project design features have been proposed that would provide additional buffer to the wetlands. The CC area is proposed to create upland buffer to the marsh. The minimum 70-foot wide CC area is located adjacent to the Orange County Flood Control property. When combined with the width of the flood control property including the channel and the proposed 70-foot CC area, there would be a 215-foot development setback from Magnolia Marsh, which exceeds the 100-foot buffer requirement of the HBZSO.

Regarding the issue of low- and middle-income housing, Section 3.0, Project Description, of the Draft Program EIR, as revised below, identifies that the Applicant is proposing to comply with the City's affordable housing requirement, as described in the Magnolia Tank Farm Specific Plan.

As discussed in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the traffic analysis evaluated the impacts of the proposed Project and Alternative 1 at 8 key study intersections along Magnolia Avenue and at 6 key study intersections along Hamilton Avenue/Victoria Street, inclusive of the intersection of Brookhurst Street/Hamilton Avenue (key study intersection #20). The traffic analysis revealed that the proposed Project would have a significant cumulative impact at the intersection of Brookhurst Street/Hamilton Avenue during the PM peak hour under Buildout plus project traffic conditions (Table 4.14-16 of the Draft Program EIR). Mitigation measures were identified at this location and the Project's impact fee payment was identified (MM TRAN-1). It should be noted that Alternative 1 would not significantly impact the key study intersection of Brookhurst Street/Hamilton Avenue under existing plus project, Year 2026 plus project, and Buildout plus project traffic conditions.

Further, as discussed in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the proposed Project and Alternative 1 would not significantly impact the key study intersection of Magnolia Street/Bermuda Drive (key study intersection #34) under existing plus project, Year 2026 plus project, and Buildout plus project traffic conditions. The key study intersection is forecast to operate at acceptable LOS C or better during the AM and PM peak hours with the proposed Project and Alternative 1, under all traffic analysis scenarios.

For further discussion of traffic issues, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

The claim regarding the intersection of Hamilton/Brookhurst being the "most dangerous in the country" is not based on any evidence. The intersection has not been identified as a high accident location in the City much less the country. The claim may be based on publications using non-industry standard methodology and data. The claim is unsubstantiated. No further response is required.

J&LM-3 The comment expresses opposition to the Project and states that the Draft Program EIR does not accurately reflect all the issues that would result from any of these developments. The comment is noted and will be forwarded to the decision makers. The reference of "these developments" is not clear. In light of lack of specificity, no further response can be provided.

Letter 84

From: Joe and Jill Tabera <jrthb1@msn.com>
Sent: Sunday, March 17, 2019 10:11 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia tank farm

I am very concerned about our living conditions with the development of the Magnolia Tank Farm. We have lived here for over 20 years and want to maintain the integrity of our neighborhood and environment. We absolutely do not approve of any hostels in our area. I believe this encourages vagabond type people and homeless. Single family homes that are similar to the current surrounding housing is what we want. Also our Banning library needs improvement to accommodate. There needs to be other entrances than Banning. The Banning entrance is close to our school and the traffic concerns us. Main entrance should be off of Newland. JT-1

Thank you, Jill Tabera

Sent from my iPhone

Letter 84: Jill Tabera

Comment Letter Dated March 17, 2019

JT-1 The comment expresses opposition to the Project and proposed uses and provides general recommendations regarding off-site improvements (i.e., Banning Library) and Project entries (preference for an entry off Newland and not Banning). The comment is noted and will be forwarded to the decision makers.

The comment regarding Project traffic and school children using Banning is noted. There are sidewalks on both the north and south sides of Banning that currently accommodate school children attending Eader Elementary School. Additionally, a school crossing guard assists students who cross Banning before and after school. A crosswalk currently exists across Magnolia at Banning, which would serve future students from the Project. Additionally, Section 4.14, Transportation/Traffic, of the Draft Program EIR discussed other modes of transportation, including pedestrian and determined that no potential conflict and impacts regarding safety is anticipated. The discussion also assessed the increased traffic on Magnolia Street and concluded that impacts would be less than significant. For additional discussion, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

The comment regarding the "hostel" attracting "vagabond type people and homeless" is speculative; however, it should be recognized that the Project does not propose a hostel. The proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem.

The comment regarding maintaining the "integrity" of the area, is not a CEQA issues, and as such no further response is required.

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Letter 85

From: Jon Ely <jon.ely@outlook.com>
Sent: Sunday, March 17, 2019 9:44 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm EIR - Comment

Ricky Ramos
City of Huntington Beach Planning Dept

Re: Magnolia Tank Farm EIR, Public Comment

Dear Mr. Ramos and City of Huntington Beach:

I am writing this email to express that the EIR that was commissioned for potential development on the former Magnolia Tank Farm site is woefully inadequate and ill-timed given surrounding land uses.	JE-1
While the EIR has some discussion relating to what the impacts of the proposed development will be during construction and after – the same old typical EIR boiler plate narrative referencing some noise and dust from construction and additional vehicle trips in the area - it completely misses the glaring fact that they are proposing residential development directly adjacent to a gigantic power plant, a planned desalination plant, and a toxic waste dump. Those ugly, loud, and even potentially dangerous surrounding land uses will impact the proposed residential units, whether there are 50, 100 or 200 units, and importantly influence the buyer profile for those units. While there may be some long-term/family-type buyers there, you can be rest assured that there will be many investor buyers and over time it will be an enclave of predominately rental units. Let's face it, that might be good place to rent and surf for a bit but longer term buyers will look elsewhere. Look at the Slater area of HB and the impacts of a Rainbow Disposal over time.	JE-2
Perhaps it should just stay as some sort of buffer use, maybe a 9 hole golf course, etc. It's simply not the City's fault that a land speculator purchased an old tank farm directly adjacent to these unsightly, noisy, and dirty uses and now wants to make some big dollars by changing a general plan designation and wedging some residential in there. Oh, you say the power plant is cleaner now?.... maybe the consultant should incorporate the detailed findings from AES' huge EIR with respect to emissions, light, and noise (they did not). Maybe the consultant should have incorporated the impacts of airborne agents from adjacent Nesi site (they did not).	JE-3
If anything, this EIR and talk of this development just simply needs to wait – wait for the power plant to be completed, wait to see what the impacts of the desal plant will be, and wait for the cleanup of the Nesi toxic waste dump to be cleaned up.....or at the very least detail those impacts on the subject development because that development, how those properties are treated over time, will impact the existing surrounding neighborhoods. There's no gun to the City's head here with respect to determining the optimal land use here. The City needs to do the right thing and in this circumstance, that might be nothing. Ahhh, that might not be what the land speculator wants to hear but nobody told them to buy that.	JE-4

Let's have some common sense here. Go down there, look around, call it like you see it with regard to this sad boiler plate EIR, and pass on any plan to put residential uses there. JE-5

Jon Ely
22102 Rockport Lane
Huntington Beach, CA 92646
714-357-6003

Letter 85: Jon Ely

Comment Letter Dated March 17, 2019

JE-1 The comment makes a general statement about the Draft Program EIR being inadequate and ill-timed and does not identify a specific issue, as such no further response is required.

JE-2 This general comment regarding the boiler plate EIR and development adjacent to the ASCON Landfill Site, AES Generating Station/Power Plant, and Poseidon Desalination Plant is noted and will be forwarded to the decision makers. Section 4.9, Land Use and Planning, of the Draft Program EIR included a detailed discussion regarding compatibility with the surrounding uses. The discussion identified the surrounding uses and indicated that the proposed residential uses interfacing the industrial uses to the west and southwest, and ASCON Landfill Site to the north, may result in impacts; however, the analysis identified that in light of the existing and proposed buffers and additional Project improvements and features, less than significant impacts would result. It should also be noted that the former landfill site has already gone through two major remedial efforts. In light of the remedial efforts in compliance with the California Department of Toxic Substances Control (DTSC) and with their final approval, no potential impacts are anticipated.

Furthermore, for a discussion of cumulative developments and impacts, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

The comment regarding the proposed residential uses turning into rental uses over time, expresses the opinion of the commenter. No further response is required.

JE-3 This general comment regarding a recommended use for the site, such as a 9-hole golf course, will be forwarded to the decision makers. The comment regarding incorporating the findings of the surrounding industrial uses in the Draft Program EIR for the proposed Project is not relevant to the Draft Program EIR. While the Draft Program EIR analyzed the potential cumulative impacts of the Project in conjunction with the surrounding uses, the EIR is not required to summarize/incorporate the findings of the analyses. No further response is required.

For a discussion of cumulative developments and impacts, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

JE-4 This general comment regarding the Project and that the development should be delayed is noted and will be forwarded to the decision makers.

Section 4.9, Land Use and Planning, of the Draft Program EIR included detailed discussion of compatibility with the surrounding land uses. The Draft Program EIR identified that in light of the existing and proposed buffers and additional Project improvements and features, less than significant impacts would result. It should also

be noted that the former landfill site has already gone through two major remedial efforts. In light of the remedial efforts in compliance with the California DTSC and with their final approval, no potential impacts are anticipated.

Regarding the AES Generating Station/Power Plant, it is a natural gas fueled power plant that generates electricity. It is currently undergoing construction and is anticipated to be operational in 2019. The California Energy Commission (CEC) approved the plans for the AES Plant in 2014.

JE-5 The comment makes a general statement about the Draft Program EIR being a boiler plate document and does not identify a specific issue, as such no further response is required.

Letter 86

From: Richard Smyser [mailto:smyser1@verizon.net]
Sent: Sunday, March 17, 2019 3:08 PM
To: 'rrmamos@surfcity-hb.org'
Cc: 'erik.peterson@surfcity-hb.org'; 'Lyn.Semeta@surfcity-hb.org'; 'Patrick.Brenden@surfcity-hb.org'; 'Kim.Carr@surfcity-hb.org'; 'barbara.delgleize@surfcity-hb.org'; 'jill.hardy@surfcity-hb.org'; 'mike.posey@surfcity-hb.org'
Subject: Magnolia Tank Farm

Dear Mr. Ramos and City Council Members,

The purpose of this letter is to express our concerns for the proposed Magnolia Tank Farm.

J&RS-1

We have lived in our home at 9072 Rhodesia Drive for 45 years. We have seen a lot of growth in the city.

The proposed development has not been well thought out and obviously the main thought of "The Developer" is to maximize a poor investment. We ask ourselves why anyone would want to live on a piece of contaminated dirt, next to a new electrical power plant, a Toxic Waste Dump, a water desalination plant, all on top of an active Earthquake Fault.

J&RS-2

The sales brochures for the development will not mention any of the above items, with the quaint and homey name "Magnolia Tank Farm", and pictures with the Pacific Ocean in the background.

I doubt very much that the members of our City Council would want to live at the MTF.

J&RS-3

Will the new residents of the proposed MTF be forced, during escrow, to sign a waiver that they are aware of the toxic waste dump (that used to be?), the traffic problems, the noise from the power plant and the desalination plant, and the earthquake fault, and that they have no Right to Sue the City, the City Council and the builder?

From a personal standpoint, the increased traffic will be a continuing headache for local residents, the construction

J&RS-4

site will create noise, excessive traffic, air and water pollution. We live in a small neighborhood where every street ends with the view of the construction/cleanup site across Magnolia. It is not a pretty sight. J&RS-4 cont.

Since we are senior citizens the idea of a "Senior Campus" on the site does not make us feel cared for. Are senior residents not as valued in Huntington Beach, so we could live on a site that still poses danger to our health and safety? Please take these concerns to heart and approve Alternative 2A. All the residents of Huntington Beach, regardless of their age, would benefit from that decision. J&RS-5

Sincerely,
Judy and Rick Smyser

Letter 86: Judy and Rick Smyser

Comment Letter Dated March 17, 2019

J&RS-1 The comment regarding concern for the Project is noted. The comment does not raise a specific CEQA issue, as such no further response is required.

J&RS-2 The comment regarding the Project not having been well thought out expresses the opinion of the commenter. No further response is required. Additionally, the comment regarding adjacency to industrial uses is noted. The issue of cumulative impacts of these development in conjunction with the Project is discussed in detail in the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

J&RS-3 The comment expresses the opinion of the commenter regarding the proposed Project. Additionally, the issues of toxic waste, traffic, noise, and earthquake faults have been analyzed in detail in Section 4.5, Geology and Soils (earthquake faults), Section 4.7, Hazards and Hazardous Materials (toxic waste), Section 4.10, Noise, and Section 4.14, Transportation/Traffic, of the Draft Program EIR, and based on technical support and substantial evidence conclusions were made as to the level of impacts.

Regarding earthquake faults, the analysis in Section 4.5 indicated that the project site is not included in an Alquist-Priolo Earthquake Fault Zone, and there are no known active or potentially active faults traversing the site. However, being in Southern California, a seismically active area, the project site would likely experience strong ground shaking during the life of the Project. The Project is required to comply with existing regulations and latest adopted edition of the California Building Code in addition to specific recommendations pertaining to ground improvements, which would reduce potential impacts associated with seismicity to a less than significant level.

The analysis in Section 4.10, Noise, of the Draft Program EIR concluded that impacts associated with increased noise levels, onsite and offsite, would be less than significant with compliance with regulatory requirements and implementation of mitigation measures, with the exception of the temporary vibration impacts during construction of the lodge, which remain significant.

The potential impacts associated with transportation/traffic would be mitigated to less than significant levels with the exception of impacts within other jurisdictions (i.e., Newport Beach and Caltrans intersections) that would be significant and unavoidable. Although these impacts are mitigable, the City of Huntington Beach does not have the authority to implement mitigation measures in those jurisdictions. For further discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

J&RS-4 The comment regarding noise, traffic, air, and water pollution is noted. These issues have been analyzed in detail in the relevant topical sections of the Draft Program EIR (i.e., 4.10, Noise, 4.14, Transportation/Traffic, and 4.8, Hydrology and Water Quality).

The findings were supported by technical analyses and data and thoroughly substantiated. No further response can be provided here that has not already been discussed in the Draft Program EIR. Nevertheless, for further discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

J&RS-5 The comment regarding preference for a senior campus is noted; however, it should be clarified that the Senior Campus is an alternative to the proposed Project, as discussed in Section 5.0, Alternatives, of the Draft Program EIR. The comment regarding support for Alternative 2A (No Program/No Development) is noted and will be forwarded to the decision makers. However, as discussed in Section 5.0, by leaving the site in its current undeveloped condition, the No Project/No Development Alternative would not attain any of the proposed Project objectives.

Letter 87

From: Karen Taylor <ktaylor46@earthlink.net>
Sent: Sunday, March 17, 2019 10:20 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank Farm

Please, this part of HB is all single family homes and should remain as such. I would prefer that the land remain undeveloped but if it must be developed it should be done so with the same zoning and planning as the surrounding community and not include any high density structures. Thanks! KT-1

Long time TAX paying resident (26+ years) Karen Taylor
8892 Burlcrest
714 248 1278

Sent from my iPhone

Letter 87: Karen Taylor

Comment Letter Dated March 17, 2019

KT-1 The comment regarding the type of development and preference for the site remaining undeveloped will be forwarded to the decision makers. The comment does not raise a CEQA issue and expresses the opinion of the commenter, as such no further response is required.

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Letter 88

From: Monica Broussard <monicamimibroussard@gmail.com>
Sent: Sunday, March 17, 2019 9:39 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm

Hello Ricky,

After reading the report I am very alarmed at the levels of chemicals that still exist on the site. It is no where near the levels that it needs to be in order to have the least amount of exposure to inhabitants. The signs on the fence warning us that this work is going on tells me that there is mixed information being distributed. MB-1

"We already know that high concentrations of arsenic in drinking water result in the highest known toxic substance disease risks from any environmental exposure," says Allan Smith, M.D., Ph.D., a professor of epidemiology at the University of California, Berkeley.

His studies of arsenic in public water in Chile and Argentina helped show that it causes lung and bladder cancer and other diseases. MB-2

We are concerned and we expect that you will do your due diligence in following up on these high levels of toxins.

Remember you have many lives in your hands.

Thank you,
Monica Broussard

Letter 88: Monica Broussard

Comment Letter Dated March 17, 2019

MB-1 The comment is concerned with chemicals on the project site. The project site is undergoing regulatory approvals for residential use. The lead agency is the state's Department of Toxic Substances Control (DTSC), The DTSC, through its Site Mitigation and Restoration Program, is responsible for overseeing the evaluation and cleanup of contaminated properties throughout the state of California. DTSC staff is comprised of experts such as geologists, toxicologists, risk assessors, and other scientists. DTSC's Human and Ecological Risk Office (HERO) provides expertise regarding chemical toxicity and the risk imposed by chemicals on humans and ecological receptors. HERO staff develops and publishes risk-based screening levels for soil, groundwater, and air based on toxicity criteria and exposure assumptions that are scientifically rigorous and considered to be among the most conservative standards in the country. Risk-based target concentrations (RBTCs) approved by DTSC will serve as the screening level (i.e. cleanup threshold) for each constituent of concern. All soil exceeding the screening level shall be removed from the site and transported to a facility licensed to accept the waste. The RBTCs shall be calculated based on exposure assumptions and toxicity criteria published by DTSC as sufficiently conservative for residential land use. Comprehensive site assessment has been undertaken and certain remedial actions have already been completed. MM HAZ-2 requires the Project Applicant to complete all site assessment and remediation in accordance with DTSC's requirements prior to the issuance of grading permits for the Project. The process being undertaken has substantial regulatory oversight, which assures that the Project would be safe for future site occupants.

MB-2 The comment regarding arsenic in drinking water is noted. Even though groundwater beneath the project site has been investigated as part of the protocol for obtaining regulatory approvals, on-site groundwater is not the water supply for future residents of the Project. The water supply for the proposed development would be piped to the site from a municipal water agency and would meet all local, state, and federal water quality regulations. Moreover, during the most recent groundwater investigation by EnvApps in August 2018, arsenic was not detected above its Maximum Contaminant Level (i.e. the regulatory standard) of 0.01 milligrams per liter (mg/l) in any of the groundwater monitoring wells on the project site.

The project site is located between the Pacific Ocean and the Talbert Gap Saltwater Barrier project injection wells to the east along Ellis Avenue. There are no municipal supply wells west of the Barrier, and no municipal supply wells are located within at least three miles of the site between the injection wells and the ocean. Groundwater at the project site is not the source of municipal water supply, and water supplies for residents in the area are from municipal supply wells located at least three miles from the project site on the eastern side of the Talbert Barrier; thus, there is no exposure to arsenic in groundwater beneath the project site.

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Letter 89

From: mckirachan@juno.com <mckirachan@juno.com>
Sent: Monday, March 18, 2019 11:32 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: MAGNOLIA TANK FARM DEVELOPMENT

Ricky Ramos (HB City Planner);

Please plan on adequate sidewalks, parking, and bike lanes on the west side of Magnolia Ave south of Hamilton. I believe that placing a pedestrian cross walk across Magnolia at Bermuda Drive was proposed if a sidewalk cannot be extended along the Ascon Landfill site property line.	B&FM-1
Please ensure that during any development of the Tank Farm site the developer minimizes impact to traffic and that construction vehicle traffic is not allowed to use Banning to enter the property. Banning is very dangerous these days around Eader Elementary school. I live on Malibu Lane and it is getting increasing hard to turn left when northbound on Malibu to get onto Banning at peak traffic hours, and this is before summer visitors and possible new neighbors if the tank farm site developed into higher density housing.	B&FM-2
We are also strongly opposed to a Hotel complex being approved as part of any future plan for the Tank Farm location. There are plenty of Hotels in the downtown area already and we do not want to see a commercial element approved for our currently residential neighborhood area. Thanks for reading and your consideration!	B&FM-3

Sincerely;

Beth and Fred McKirachan
22032 Malibu Lane
Huntington Beach CA, 92646

Letter 89: Beth and Fred McKirachan

Comment Letter Dated March 18, 2019

B&FM-1 The comment pertaining to the recommended features for the Project will be forwarded to the decision makers. It does not raise a CEQA issues, as such no further response is required.

B&FM-2 The comment regarding traffic impacts is noted. The proposed Project and Alternative 1 would be required to implement a Construction Management Plan (identified as regulatory requirement) during construction to minimize impacts to streets in the vicinity of the project site (i.e. Magnolia Street and Banning Avenue).

As discussed in Section 4.14, Transportation/Traffic, of the Draft Program EIR, construction related trips may result in some minor traffic delays along Beach Boulevard, Magnolia Street, and Pacific Coast Highway in the morning and afternoon hours. However, traffic impacts to the adjacent roadway network would be minimal. Since the Project is not anticipated to have a significant impact on any of the 34 key study intersections under Existing plus Project conditions, no significant impacts from construction traffic would result. Nevertheless, to minimize the potential impact of construction-related traffic on the local circulation system, as indicated above, the City of Huntington Beach routinely requires the implementation of a construction management plan, which is provided as RR TRAN-1. The measure will meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) and City of Huntington Beach requirements and include provisions that would avoid significant construction related impacts.

More specifically, regarding increased traffic on Banning Avenue, it should be noted that based on the analysis and discussion in Section 4.14, Transportation/Traffic, of the Draft Program EIR and as shown in Table 4.14-7, Existing Peak Hour Levels of Service, the key intersections along Banning Avenue (i.e., Magnolia Street at Banning Avenue; Bushard Street at Banning Avenue; and Brookhurst Street at Banning Avenue) all operate at acceptable level of service (LOS) during AM and PM peak hours during the existing and future conditions, as identified in Tables 4.14-8, 4.14-14, and 4.14-20, respectively. Thus, no significant impacts have been identified at these key intersections at any of the future conditions with Project.

For further discussion of traffic issues, please refer to the Topical Response pertaining to Transportation/Project Traffic and Traffic Analysis Study Area in Section 3.1.1 of these Responses to Comments.

B&FM-3 The comment regarding opposition to the hotel component of the Project will be forwarded to the decision makers. It is recognized that there are many hotels in the downtown area; however, the proposed lodge is a guesthouse-style, budget-oriented, facility that is geared toward families and groups. Given the location within the Coastal Zone and proximity to Magnolia Marsh, the hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem.

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Letter 90

From: Bob Vale <surfbob33@gmail.com>
Sent: Monday, March 18, 2019 9:14 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>; Villasenor, Jennifer <JVillasenor@surfcity-hb.org>
Subject: Jan-2019-Draft-MTF-Specific-Plan-Volume-I EIR - INPUT

Good morning Ricky and Jennifer,

Thank you for your assistance, please let me know you received this email. Please see concerns and input to the Jan-2019-Draft-MTF-Specific-Plan-Volume-I EIR below:

I'm concerned the Draft-MTF-EIR totally minimizes the potential risks and effects of being adjacent to the ASCON Hazardous Landfill.

BV-1

Section 1.5, Existing Conditions, (page 18) describes "The landfill operated from 1938 to 1984 when the landfill was closed. Originally the landfill received drilling waste from oil production in the Huntington Beach area until 1971. From 1971 to 1984 construction debris were disposed of at the site."

BV-2

The Draft-MTF-EIR doesn't point out that ASCON not only accepted waste from oil production, but it was once named ASCON Superfund, and that it accepted many extremely hazardous materials from various industries, such as chromic and sulfuric acids, aluminum slug, magnesium, potassium chloride, mercaptans, and styrene. The landfill had several different owners since 1938 and was accepting hazardous material waste long before the EPA was even established on December 2nd 1970. Many websites have details about the history of the ASCON Landfill, the hazardous material information above in this paragraph was taken from:
Fact Sheet #1
California Department of Health Services
Toxic Substances Control Program
Ascon Landfill (NESI Site)
Hazardous Waste Investigation
July 1991

- **The EIR should identify potential risks of developing land in the Specific Plan area adjacent to the ASCON Landfill.**
- **Hazardous materials that were accepted at ASCON, and hazardous materials that are still present since 1938 should be clearly identified in the EIR.**
- **The potential risks of hazardous materials seeping from the ASCON Landfill due to rising water tables and tides should be identified and quantified in the EIR.**

BV-3

The Draft-MTF-EIR also doesn't mention the Tank Farm is currently only separated from the ASCON Hazardous Landfill by a chain link fence. It's hard to imagine through the years the extremely hazardous materials from ASCON didn't seep under the chain link fence into the Tank Farm property. It's unknown if the property boundaries back in

BV-4

1938 were clearly defined and that no hazardous materials were inadvertently dumped in parts of the Tank Farm property.

- **The EIR should assure local residents, possible new residents, and the Wetlands Conservancy that extensive soil testing will be conducted per abandoned hazardous landfill requirements, not simply treated as an "abandoned oilfield".**
- **Extensive soil testing should be completed on the entire site, at varying depths, especially along the border of ASCON**.

BV-4 cont.

The ASCON Hazardous Landfill is not even mentioned in section 1.4, Property History (page 15 and 16). However, the Property History section goes all the way back to the mid 1800's describing its agricultural use, construction of the adjacent power plant (SCE) between 1957 to 1967, the heavy industrial use with a fuel oil storage facility since 1972, and the six-acre landscaped area to the east.

- **The EIR should provide an accurate history and description of the Tank Farm's neighbor to the north, the ASCON Hazardous Landfill.**

BV-5

Thank you,

Bob Vale
714-475-9221

Letter 90: Bob Vale

Comment Letter Dated March 18, 2019

BV-1 The comment regarding minimizing the potential effects of being adjacent to the ASCON Landfill Site will be forwarded to the decision makers. The Draft Program EIR conducted a thorough analysis of potential hazards and hazardous materials in Section 4.7, Hazards and Hazardous Materials, which was supported by several studies, including a compilation report (summarizing 40 technical reports), that were incorporated into the topical section of hazards and hazardous materials. Based on the findings of the studies and the analysis in the Draft Program EIR, it was concluded that the potential hazard and hazardous materials impacts associated with the Project would be mitigated to less than significant.

With respect to the potential for contamination at the ASCON Landfill Site to affect the Project site, the natural hydrogeological conditions work against the migration of contamination. These conditions are described in the most recent groundwater monitoring reports prepared by Geosyntec Consultants. The hydrogeology of the ASCON Landfill Site consists of an upper silty clay unit that overlies the groundwater-bearing unit, and the cross sections in the Geosyntec report indicate that this upper silty clay unit serves as a confining layer. This confining layer would serve to impede the downward migration of contaminants from the fill materials into the underlying groundwater. The top of the silty clay layer at the landfill site is also at a higher elevation than the same hydrogeologic unit on the project site and would function as a barrier to migration of contaminants originating in the fill materials of the landfill site toward the project site. The soil and groundwater data support this opinion. No contaminants were detected in groundwater beneath the project site in recent monitoring events that exceed applicable regulatory screening levels. The direction of groundwater flow from the landfill site is northerly and northeasterly, away from the project site. Similarly, the direction of flow from the project Site is toward the ASCON Landfill Site and Magnolia Street.

Soil sampling conducted in the northern part of the project site did not identify any surficial migration of contaminants from the landfill site. The only exception was a limited volume of soil near the northern property line impacted by crude oil. That soil was excavated and removed from the Project site.

BV-2 The comment regarding the historic use of the ASCON Landfill Site is noted. The comment is not relevant to the proposed Project. No further response is required.

BV-3 The comment regarding the past history of ASCON Landfill Site will be forwarded to the decision makers. The seeping or other migration of contaminants from the ASCON Landfill Site that might affect the project site is covered in Response BV-1, above. The assessment of project site conditions did consider proximity to the ASCON Landfill Site. Both soil and groundwater samples have been collected in the northern area of the project site near the landfill site boundary. MM HAZ-2 requires the completion of any additional investigation or remediation imposed by DTSC prior to commencement of the Project.

As noted in Response BV-1, above, groundwater conditions at both the ASCON Landfill Site and the project site are consistent and the direction of groundwater flow from the landfill site is not toward the project site. Groundwater flows across both properties from the direction of the Pacific Ocean, thus rising tides would continue to maintain the current groundwater trends.

BV-4 The comment regarding migration and seepage of contaminants from the ASCON Landfill Site are included in Responses BV-1 and BV-3, above. Additionally, the project site has been investigated comprehensively, both before and after soil removals, and including the northern area of the project site near the landfill. MM HAZ-2 requires the Project proponent to ensure, prior to issuance of a grading permit, that any additional investigation or remediation required by the Department of Toxic Substances Control (DTSC) is satisfactorily completed until DTSC concurs in writing that the site meets the standards for residential use. The commenter misstates the standard for site testing; there are no "abandoned hazardous landfill requirements" applicable to the project site. That said, the site investigation to date has considered proximity to the ASCON Landfill Site as a potential source of contaminants. The most recent groundwater samples collected from the project site did not contain contamination exceeding applicable screening levels. The cross sections in the Geosyntec reports confirm that there are no landfill materials beyond the boundary of the landfill.

BV-5 The comment pertains to the historic hazardous conditions at the ASCON Landfill Site and not the project site. However, please note that while the ASCON Landfill Site is not part of the project site, it has been discussed in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR. The investigation of the project site has not identified any impacts by hazardous substances that migrated from the landfill. A small volume of soil near the northern property line was stained with crude oil, which as has been removed.

Letter 91

From: brianbertotti@aol.com <brianbertotti@aol.com>
Sent: Monday, March 18, 2019 7:30 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm

Have studied been done to look at the increased traffic, pollution, and noise by this proposed project? This seems like it is being planned without thought of the residence of HB. There are too many cars on the roads as it is. Trying to get around HB or surrounding cities is so frustrating as it is. BB-1

Brian Bertotti
HB home owner since 2001

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

Letter 91: Brian Bertotti

Comment Letter Dated March 18, 2019

BB-1 The comment regarding increased traffic, pollution, and noise is noted. The Draft Program EIR included detailed discussions and analyses of pollution, noise, and traffic issues in the relevant topical sections (i.e., Section 4.2, Air Quality; Section 4.10, Noise; and Section 4.14, Transportation/Traffic). All discussions and analyses were supported by technical studies/analyses that are included as appendices to the Draft Program EIR. Appendices C, I, and L include reports and technical support documentation for air quality, noise, and transportation/traffic, respectively. No further response can be provided here that has not already been discussed in the Draft Program EIR. Nevertheless, for a detailed discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

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Letter 92

From: Cari Swan <cswanie@aol.com>
Sent: Monday, March 18, 2019 1:40 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Comments to Draft EIR for the Magnolia Tank Farm Project

Dear Ricky,

I am writing to provide comment on the Draft Project EIR for the proposed Magnolia Tank Farm (MTF) Project.

Before I address specific categories of the EIR, I would first like to provide some general commentary. CS-1

After reading through the entire document, I am left with one very striking conclusion: the entire project is like desperately trying to shove a square peg into a very small round hole. It is often said that "a picture is worth a thousand words", and so I draw attention to Figure 1.3 Aerial Photo, Cira 1972 of the Draft Specific Plan #18. Anyone who is familiar with Southeast Huntington Beach knows with crystal clarity what this small triangle of land and the surrounding land represents: A history of industrial uses and related toxic and remediation challenges, not the least of which is an adjacent property, ASCON, which for years was a designated as a "Super Fund" toxic site thus making the MTF site a "dangerously unique site". CS-2

Also worthy of noting are the lovely assortment of illustrations, photos and artist renderings of the proposed project (In the Draft Specific Plan) that I found to be quite entertaining considering the location of the proposed site. It is categorically deceiving to paint a picture of a tranquil beachside development when the reality is that this site is SURROUNDED by the largest industrial power plant in Huntington Beach and could be home to a future desalinization plant (see Carlsbad) and a toxic remediation site. CS-3

My comments on the report:

The following categories were found to result in potentially significant impacts. I begin with the categories that proport to offer measures to mitigate. In general, I find that each "mitigation measure introduced to reduce the impact" is based on pure speculation or some level of *HOPE* or existing code that this hazard can be mitigated. What we *KNOW* from the various projects surrounding the site and prior experience is that "hope" has turned to MAJOR IMPACTS to the community. Ask any resident who is adjacent to the AES and ASCON projects to share what they are and have been experiencing for many years with many more years to come. CS-4

Air Quality – 4.2: The assessment and mitigation measures (4.2.9) completely fails to fully account for the CUMULATIVE IMPACT of surrounding projects. It makes some vague assumptions that the surround projects will meet certain thresholds, however, as the community has now fully experienced with the ASCON and AES projects, the reality is quite different. Numerous reports and violations have occurred during these projects that have already placed the community "at risk".

While I can appreciate that the preparers of this report can only report "likelihood" and assumptions that all surrounding projects will be compliant, again, I refer to the fact that this is a dangerously unique site. Even with the best of regulatory oversite, the community has experienced numerous hazards as part of the ASCON remediation. CS-5

Biological Resources – 4.3: This category is perhaps the most delicate and critical of all given that the proposed site sits adjacent (if not a vital part) of a fragile protected wetland (ESHA). Again, the mitigation measures (nesting birds, bird strike, pre-construction measures, sound wall, rules & regulations for residents, etc) appear thorough on paper but, in actuality have no provability or, worse yet, what happens if mitigation fails? When dealing with an ESHA, the results of failure could literally destroy a valuable habitat for generations or indefinitely. How does mitigation address failure to properly protect an ESHA? CS-6

Again, the attempt to address CUMULATIVE IMPACT is completely absent of any mention of assessing the surrounding projects occurring simultaneously with the MTF development. How can an EIR be considered worthy of certification that does thoroughly consider the cumulative impact of 3 MAJOR industrial project occurring on shared or adjacent property lines?	CS-6 cont.
Geology and Soils – 4.5: This category fails to even address the CUMULATIVE condition of soil on the adjacent ASCON toxic site and is completely inadequate. <u>This section alone should complete disqualify this EIR as being complete</u>.	CS-7
Hazards & Hazardous Material – 4.7: This category is basically surreal! Threshold 4.7-3 on one hand in this section acknowledges the sites hazardous substances found as a result of the shared use with ASCON and yet the mitigation measures make it appear that "mitigation is no big challenge"!! Again, if we apply CUMULATIVE IMPACT to this area, and look at the many years invested by ASCON, in conjunction with the DTSC, this EIR did not sufficiently consider the complete environmental impact of on-site and adjacent Hazardous Material. As a reminder, the MTF site and ASCON site share a common underground pipeline and at one point in history worked side by side in industrial uses. They continue to share an unobstructed common property line that has experienced decades of standing water and runoff from site to site. Without a complete review by the DTSC it is irresponsible to provide any conclusion in this category.	CS-8
Water Quality – Sea Level Rise – 4.8: Again, this category fails to address the CUMULATIVE condition of the surrounding projects already underway. This year's rainy season has already produced numerous challenges at the ASCON remediation project that were either unforeseen or not properly prepared for. After years or planning for the ASCON remediation, it is therefore understandable that those of us in the community are quick to question if, in fact, categories like this are really being properly addressed or if "boiler plate" mitigation measures are just tossed into the report with no means of accountability.	CS-9
<u>SIGNIFICANT AND UNAVOIDABLE</u>: **Noise – 4.10**: Again, this category fails to consider the CUMULATIVE aspects of the surround projects present and future. I call attention to the current ASCON project that has virtually trapped surrounding neighbors in their homes keeping doors and windows closed for days at a time. Same with the AES project and we have yet to evaluate the actual noise generation of the new AES plant that is now located substantially closer to nearby neighborhoods and will be a stone's throw away from the proposed development. If the Poseidon project is approved a whole new layer is added that is completely ignored in this report.	CS-10
Transportation and Traffic – 4.14: This category is <u>SIGNIFICANT and should be considered **UNMITIGATEABLE**</u>. The report suggests that by paying a "fair share payment/contribution" to the City of HB, Newport Beach and Caltrans there is somehow a magical solution to the intensity of traffic currently experienced in SE HB. Let me draw attention to another FAILED planned in the City of HB with respect to traffic, the Bella Terra and Beach Edinger Corridor Specific Plan. These plans also predicted significant traffic impact and yet the city chose to IGNORE the impact. As a results, residents are left dealing with horrific traffic, hazards and dangers to the surround neighborhoods. The proposed MTF project poses and even greater hazard and safety concern as there are simply not enough major arteries to relieve any added traffic burden. In addition, it also fails to look at CUMULATIVE effects from other new developments such as Pacific City which have resulted in added traffic to the SE HB main arteries.	CS-11
Finally, I would like to draw attention to one additional category that should have been listed as a potentially significant impact: **Land Use – 4.9**: The conclusion does not list this category as a significant Environment Impact and yet this is perhaps the 10,000 lb. gorilla in the room. While I can appreciate that the preparers of this report are limited to zoning and uses that are currently in place with the city of Huntington Beach, at what point does the "condition of the land and surrounding area" become a reality? I go back to my opening comment and point out that this site is NOT a suitable place for any development both in terms of the adjacent industrial projects, the hazardous condition of the land and proximity to an Environmentally	CS-12

Sensitive Habitat. It is completely irresponsible not to reflect on Land Use and ask, how could this site even be considered for the proposed uses of the MTF project?	CS-12 cont.
Thank you for the opportunity to comment on this critically important EIR. In conclusion, I believe there are far too many unanswered questions and concerns of CUMULATIVE IMPACTS of surround projects to provide a thorough assessment of Environment Impacts of this proposed project.	CS-13

Respectfully,

Cari Swan
20412 Mansard Lane, HB 92646

Letter 92: Cari Swan

Comment Letter Dated March 18, 2019

CS-1 The comment is noted. No further response is required.

CS-2 The comment on the existing and historic context/condition of the area is noted and will be forwarded to the decision makers. It does not raise a CEQA issue, as such no further response is required.

CS-3 The comment on proposed type of development juxtaposing the surrounding industrial uses is noted; however, the comment misrepresents the information in the Draft Program EIR. The Draft Program EIR does not mislead the decision makers or members of the public pertaining to the environmental setting of the Project. Consistent with Section 15125 of the CEQA Guidelines, Section 2.5 of the Draft Program EIR provides a detailed "description of the physical environmental conditions in the vicinity of the project". As part of this discussion, a broad generalized and a detailed setting is provided. The discussion identifies the surrounding land uses, including, but not limited to, the AES Generating Facility, the ASCON Landfill, the proposed Poseidon Desalination Plant, the Magnolia Marsh, and adjacent residential land uses. Section 2.5 identifies the past uses on the site, including the site being under oversight by the California Department of Toxic Substances Control (DTSC). Furthermore, each subsection (i.e., topical sections of the Draft Program EIR) in Section 4.0, provides an existing conditions section that provides a detailed discussion of the existing setting pertaining to the issue being evaluated in the subsection.

CS-4 The general comment on significant impacts and mitigation measures is noted. The commenter indicates that mitigation measures are based on speculation or some level of hope that the hazard can be mitigated. The mitigation measures are proposed to avoid or reduce the significant impacts of a project, identified through the analysis, to less than significant levels. As such, the Draft Program EIR only identified mitigation measures that would meet that objective and address and offset the potentially significant impacts of the Project. The purpose of a mitigation measure, in accordance with CEQA Guidelines Section 15126.4, is to avoid or substantially reduce the significant impacts of a Project, and a mitigation measure is not required for impacts found to be less than significant. Each of the mitigation measures in the Draft Program EIR have been structured to clearly identify the impact to be addressed and provide a specific approach for reducing the impacts to less than significant. The comment questions the reference to specific codes or regulations. Often the codes and regulations provide the basis for evaluating if an impact is significant. For example, the South Coast Air Quality Management District (SCAQMD) has identified standards related to air emissions of criteria pollutants. The regulations that have been adopted provide the basis for the mitigation measure performance standard and a mechanism for enforcement.

The comment specifically calls out hazards and includes references to the AES Generating Station/Power Plant and the ASCON Landfill Site. To this point there are

several clarifications that are necessary, as follows. As noted in the Draft Program EIR (Section 4.7), the project site has undergone remediation associated with the removal of the aboveground storage tanks, piping systems, and impacted soils below the tanks. All of the sampling locations that had contained petroleum hydrocarbons (TRPH/TPH) and PAHs in excess of residential screening levels were removed during the excavation activities. The standards and regulations identified in Section 4.7, Hazards and Hazardous Materials, reflect the requirements that need to be achieved. These are not presented as speculative or "hope-inspired", rather a firm performance standard that is tangible, feasible, and can and must be implemented. Secondly, it must be clarified that the condition of the Project site is dramatically different from the historic level of contamination on the ASCON Landfill Site. The two parcels, although adjacent to each other, have had different uses. The project site has been used for the storage of fuel, whereas in the past the ASCON Landfill Site had been used for the disposal of petroleum products (i.e., bunker fuel). Therefore, the conditions and remediation requirements are different. Finally, it should be noted the regulations being cited are current regulations and are not the regulations that were in place at the time that the ASCON Landfill Site was operational. In summation, the mitigation measures in the Draft Program EIR are not speculative or infeasible. The measures have been developed in accordance with CEQA Guidelines Section 15126.4.

CS-5 **Air Quality-4.2:** The comment regarding cumulative impacts in light of the ASCON Landfill Site and AES is noted. It should be noted that Table 4-1, Approved and Pending Projects in the Cities of Huntington Beach, Newport Beach, and Costa Mesa, in Section 4.0 of the Draft Program EIR, specifically identified a comprehensive list of cumulative projects in the area, including the ASCON Landfill Site, AES Generating Station/Power Plant, and Poseidon Desalination Plant. Each of these projects has gone or will be going through the same environmental process as the Magnolia Tank Farm Project. Appropriate environmental documentation, if required pursuant to CEQA, has been or will be prepared for each project. Furthermore, discussions of the cumulative impacts of the proposed Project in light of all related projects identified in Table 4-1, have been included in the topical sections of the Draft Program EIR, in this case air quality, and findings made regarding the potential cumulative impacts of the proposed Project in conjunction with other future developments in the area. While the EIR as a "disclosure" document should and does identify cumulative impacts in addition to project-specific impacts, a proposed project cannot hold other developments in the area responsible for meeting their obligations. The comment specifically identifies ASCON Landfill Site and AES, which are not subjects of the Program EIR for the Magnolia Tank Farm Project, as such no further response can be provided about these projects.

For a further discussion of this issue, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

CS-6 **Biological Resources-4.3:** The comment regarding biological resources and ESHA is noted. Section 4.3, Biological Resources, of the Draft Program EIR includes a detailed analysis, supported by a technical report that acknowledges the sensitivities of the adjacent ESHA environment. Recognizing the valuable and sensitive eco system of Magnolia Marsh, the analysis discussed the potential indirect impact of the Project on wetlands and the ESHA. To address the potential adverse impacts, mitigation

measures have been introduced to avoid and/or mitigate those impacts. Additionally, the Project has features in place that would create additional buffer and protection for the wetlands.

Additionally, it should be noted that the proposed mitigation measures would be monitored to ensure implementation. Therefore, a Mitigation Monitoring and Reporting Program (MMRP) will be prepared and adopted by the City Council in accordance with the requirements of Section 21081.6 of the California Public Resources Code, and as part of its certification of the adequacy of Final EIR. The principal purpose of the MMRP is to ensure that the Council-approved mitigation measures and regulatory requirements for the adopted Project are reported and monitored to ensure compliance with the measures' requirements. Thus, this mechanism will ensure implementation of the mitigation measures.

Regarding the issue of cumulative impacts, and more specifically, the three industrial projects (i.e., AES Generating Station/Power Plant, ASCON Landfill Site, and Poseidon Desalination Plant), please refer to Response CS-5, above, and the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

CS-7 It is unclear what the commenter means by "cumulative condition of soil on the adjacent ASCON toxic site" as it pertains to the geology and soils analysis. Presumably that is a reference to the need for slope stabilization along the northern edge of the Project site as it ascends to the ASCON Landfill Site. MM GEO-1 in Section 4.5, Geology and Soils, of the Draft Program EIR requires the Project proponent, prior to issuance of a grading and building permit, to prepare a geotechnical report evaluating the existing geotechnical conditions as they pertain to the final design of the Project. The geotechnical report shall be submitted to and approved by the City's Public Works Department and Building Division. Once the final design is complete, the geotechnical report is required to specify mitigation measures for potential liquefaction, slope displacement, lateral spread, and static settlement, and any further geotechnical engineering analysis as deemed necessary by the geotechnical engineer of record. The mitigation measures required for Project approval assure that any geological issues pertaining to the landfill/Project site boundary area will be satisfactorily addressed.

CS-8 The investigation of hazardous substances and remedial work at the Project site are ongoing. There will continue to be a complete and thorough review by DTSC, the lead agency. The soil and groundwater in the northern area of the Project site along the ASCON Landfill Site boundary have been well investigated. Both Huntington Beach Fire Department (HBFD) and DTSC have been involved in reviewing site assessments performed to date. Compliance with MM HAZ-2 in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR ensures that all requirements imposed by DTSC for additional investigation, remediation or other response will be completed, including in the northern area of the Project Site within proximity of the ASCON Landfill Site. DTSC's written concurrence signifying the successful completion of all required investigation and remedial action must be obtained prior to issuance of a grading permit. The DTSC's closure letter will be submitted to HBFD for its review prior to commencement of the Project. These safeguards assure that future site occupants will not be exposed to risk from hazardous materials.

While it is true that the ASCON Landfill Site shares a property line with the Project site, as discussed in Section 4.7 of the Draft Program EIR, the geologists and hydrogeologists who have investigated both sites for the presence and migration of hazardous materials concluded that the ASCON Landfill Site has not had a significant impact upon the Project site. No landfilled debris extends beyond the boundary of the ASCON Landfill Site. The natural hydrogeological conditions work against the migration of contamination associated with the landfilled materials. These conditions are described in groundwater monitoring reports prepared for the ASCON Landfill Site by Geosyntec Consultants. The hydrogeology of the ASCON Landfill Site consists of an upper silty clay unit that overlies the groundwater-bearing unit, and the cross sections in the Geosyntec report indicate that this upper silty clay unit serves as a confining layer. This confining layer would impede the downward migration of contaminants from the fill materials into the underlying groundwater. The top of the silty clay layer at the landfill is also at a higher elevation than the same hydrogeologic unit on the Project site and would function as a barrier to migration of contaminants originating in the fill materials of the landfill toward the Project site. The soil and groundwater data support these opinions. No contaminants were detected in groundwater beneath the Project site in recent monitoring events that exceed applicable regulatory screening levels. The direction of groundwater flow from the landfill is northerly and northeasterly, away from the Project site. Similarly, the direction of flow from the Project Site is toward the landfill and Magnolia Street.

CS-9 Please refer to Response CS-8, above, regarding water quality.

CS-10 For issues pertaining to proximity to ASCON Landfill Site, please refer to Response CS-8, above. Regarding cumulative noise, it should be noted that Section 4.10, Noise, of the Draft Program EIR, provided a detailed analysis of project-level and cumulative noise impacts, and it was determined that the potential cumulative noise impacts would be less than significant. Additionally, the comment erroneously asserts that Poseidon Desalination Plant has been ignored in the cumulative analysis. Table 4-1, Approved and Pending Projects in the Cities of Huntington Beach, Newport Beach, and Costa Mesa in Section 4.0, Impact Analysis Introduction, of the Draft Program EIR, included Poseidon Desalination Plant as item number 19 (table excerpt provided below). Therefore, Poseidon Desalination Plant was included and considered in the analysis cumulative projects in various topical sections of the Draft Program EIR.

TABLE 4-1
APPROVED AND PENDING PROJECTS IN THE CITIES OF HUNTINGTON BEACH, NEWPORT BEACH, AND COSTA MESA

19. Poseidon Desalination Plant	Construction of a 50-million gallons-per-day sea water desalination plant and product transfer pipelines.	21730 Newland Located across the Huntington Beach Channel (on the AES site) from the site.	Planning

CS-11 As discussed in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the potential impacts associated with transportation/traffic would be mitigated to less

than significant levels with the exception of impacts within other jurisdictions (i.e., Newport Beach and Caltrans intersections).

The comment erroneously states that the analysis failed to evaluate the cumulative impacts of the arterial network in southeast Huntington Beach. As discussed in Section 4.14.6, the traffic analysis considered both a list of cumulative projects and included an ambient growth factor. Table 4.14-12 lists the cumulative projects and Table 4.14-13 identifies the associated number of trips with each of the cumulative projects. As shown, the traffic analysis considered 18 cumulative projects, which included the Pacific City project. The 2026 and Buildout traffic conditions presented in Section 4.14.6 of the Draft Program EIR represent two cumulative scenarios that were evaluated.

The two intersections in the City of Huntington Beach identified as having project-related impacts are Brookhurst Street at Adams Avenue and Brookhurst Street at Hamilton Avenue. The improvement at the Brookhurst Street at Adams Avenue intersection is identified in the City of Huntington Beach Development Impact Fee Calculation and Nexus Report, which was incorporated into the *Fair Share Traffic Impact Mitigation Fee Program* (Chapter 17.65 of the City of Huntington Beach Municipal Code).[8] Additionally, these improvements are consistent with those identified in the *City of Huntington Beach General Plan Circulation Update*. The requirement to participate in the *Fair Share Traffic Impact Mitigation Fee Program* is identified in the Regulatory Requirement (RR) TRAN-2 as part of the Mitigation Program. Based on coordination with the City of Huntington Beach, the improvement for the Brookhurst Street at Hamilton Avenue intersection would also be accommodated under the *Fair Share Traffic Impact Mitigation Fee Program*. Specifically, Project LC 020 (Miscellaneous Traffic Signal/Intersection Improvements) is included in the Program to fund minor improvements at various locations throughout the City.[9] Therefore, by participating in the adopted *Fair Share Traffic Impact Mitigation Fee Program,* project-related contribution to cumulative traffic impacts would be mitigated to a level of less than significant.

For the two locations in the City of Newport Beach that were identified as having project-related impacts when the HCM methodology is used, improvements to offset the project-related traffic were also identified. Although the proposed measures are feasible and the applicant is required by MM TRAN-2 to enter into an agreement with the City of Newport Beach and/or Caltrans[10] regarding payment to offset the Project's contribution of cumulative impacts, these impacts were identified as significant and unavoidable because the City of Huntington Beach does not have the authority to

8 The *Fair Share Traffic Impact Mitigation Fee Program* is a bona-fide impact fee program prepared in accordance with AB 1600 and the Mitigation Fee Act. The program works as follows: The City adopts and periodically amends a capital improvement budget, which identifies transportation infrastructure necessary to accommodate future growth in the City. As development projects are approved, such projects pay into the fund and City monitors traffic patterns, prioritize needs, and uses the fund to construct identified public improvements.

9 This line item in the *Fair Share Traffic Impact Mitigation Fee Program* is used to upgrade signal equipment and related infrastructure, modify existing traffic signals, and provide other related intersection improvements including, but not limited to, intersection restriping, bicycle and pedestrian enhancements, and other related improvements to improve intersection traffic flow and safety over a twenty-year development window.

10 The City of Newport Beach and Caltrans have shared jurisdiction of the two intersections that would have a project-related traffic impact.

implement mitigation measures in those jurisdictions. In light of the agreement, the City of Huntington Beach will require the Project Applicant to provide a copy of an executed fair share agreement with the City of Newport Beach and/or Caltrans.

The comment pertaining to traffic impacts of Bella Terra and Beach Edinger Corridor Specific Plan will be forward to the decision makers; however, they are not relevant to the Project, and as such no response is required.

CS-12 The comment expressing the opinion of the commenter regarding the unsuitability of the site for development is noted. However, through detailed discussions in all topical sections of the Draft Program EIR, the issues of land use compatibility (Section 4.9) and hazards and hazardous materials (Section 4.7) were thoroughly discussed and analyzed, and determinations were made that the Project would result in less than significant impacts or less than significant with mitigation. No further response can be provided here that has not already been analyzed. Additionally, the comment asserts that there are surrounding projects, which were wrongfully left out of the cumulative impact analysis, without providing evidence into the record identifying such projects. However, it should be recognized that while the Draft Program EIR includes a comprehensive list of cumulative projects in Table 4.1 (Section 4.0, Impact Analysis Introduction), including the three surrounding industrial projects and an adequate assessment of potential cumulative impacts, each one of the three projects has or will have its own environmental documentation to analyze the potential impacts of that particular project.

Regarding proximity to the ESHA, it should be noted that the Project land use plans are designed to reduce potential impacts to the ESHA, across Huntington Beach Channel. The CC area is proposed to create upland buffer to the marsh. The minimum 70-foot wide CC area is located adjacent to the Orange County Flood Control property. When combined with the width of the flood control property including the channel and the proposed 70-foot CC area, there would be a 215-foot development setback from Magnolia Marsh, which exceeds the 100-foot buffer requirement of the HBZSO. Additionally, walls and fences would be located along the property line adjacent to the channel. These elements adjacent to Magnolia Marsh and flood control channel would create a buffer between the future uses within the project site and the designated ESHA.

Letter 93

From: Deryl Robinson <derylrobinson@outlook.com>
Sent: Monday, March 18, 2019 11:16 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: RE: Tank farm site

Hi Ricky
Thanks for sending the link.

I read the EIR and I am generally in favor of the project, with the following exceptions and preferences:

It should be all residential with possibly a small neighborhood retail center. We should try to avoid having visitor serving facilities (lodging) here. Huntington Beach already provides a generous selection of visitor serving facilities and we don't need any more. And this is in the midst of a residential neighborhood. Not really appropriate for a hotel.

DR-1

Residential should be for sale, single family detached and a few single family attached.

Nothing should be over 2 stories.

Neighborhood context should be a driving factor in the planning decisions.

Best regards,

Deryl Robinson
949-637-2607

From: Ramos, Ricky <rramos@surfcity-hb.org>
Sent: Wednesday, February 6, 2019 9:25:07 AM
To: Deryl Robinson
Subject: RE: Tank farm site

Hello Deryl. You can find some info on the project at https://huntingtonbeachca.gov/government/departments/planning/major/major-projects-view.cfm?ID=62.

From: Deryl Robinson <derylrobinson@outlook.com>
Sent: Tuesday, February 05, 2019 10:21 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank farm site

Greetings
I am a neighbor trying to learn more about the proposed Tank Farm site redevelopment, and I don't find any material about it on the Planning Dept website. Where can I find material available to the public?

Deryl Robinson
949-637-2607

Letter 93: Deryl Robinson

Comment Letter Dated March 18, 2019

DR-1 The comment expresses general support for the Project with specific recommendations for the uses. The comment will be forwarded to the decision makers. It does not raise any specific issues pertaining to CEQA, no further response is required.

However, it should be noted that the residential component of the project is all for-sale single-family and multi-family products.

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Letter 94

From: JANET WINELAND <janetwineland@icloud.com>
Sent: Monday, March 18, 2019 9:20 AM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm

Dear Mr. Ramos,

I'm expressing my deep concern over development at this site. I live at 9002 Bobbie Cir—end of the cul de sac and directly adjacent to Magnolia. The increase in traffic and noise pollution would negatively impact our lives here in Fashion Shores. Has the environmental study been adequate to encompass all concerns? Please consider protecting our neighborhood from mass development!! JW-1

Thank you,
Janet Wineland

Letter 94: Janet Wineland

Comment Letter Dated March 18, 2019

JW-1 The comment expresses concern over the proposed development and associated noise and traffic. The Draft Program EIR included detailed discussion of these topics in Section 4.10, Noise and Section 4.14, Transportation and Traffic.

The analysis of noise in Section 4.10 of the Draft Program EIR concluded that impacts associated with increased noise levels, onsite and offsite, would be less than significant with compliance with regulatory requirements and implementation of mitigation measures. For a discussion of traffic and associated issues, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

Regarding adequacy of the environmental document, the Draft Program EIR is a comprehensive document, prepared in accordance with CEQA *California Public Resources Code*, Section 21000 *et seq.* and the State CEQA Guidelines (Title 14, *California Code of Regulations* Section 15000 *et seq.*). Section 15151 of the State CEQA Guidelines defines the standards of adequacy for an EIR as follows:

> An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

The Draft Program EIR for the Magnolia Tank Farm Project meets the standards of adequacy and provides detailed analyses of all environmental topics, including noise and traffic (Sections 4.10 and 4.14, respectively) and supporting technical reports.

City staff has reviewed all submitted drafts, technical studies, and consistency with regulations and policies and has commissioned the preparation of the EIR to reflect its own independent judgment, including reliance on applicable City technical personnel as well as the City's CEQA consultant to review of all technical subconsultant reports. The Draft Program EIR prepared for the Project has disclosed the proposed Project and its alternatives and adequately and sufficiently analyzed the potential impacts, supported by substantial evidence. As such, the Draft Program EIR is in compliance with CEQA and CEQA Guidelines.

The comment regarding protecting the neighborhood from "mass development" will be forwarded to the decision makers.

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Letter 95

From: Kelly <ktdzns@aol.com>
Sent: Monday, March 18, 2019 2:49 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Tank farm

How or why are you planning on putting a high density tourist development in the middle of a residential and school area next to sensitive coastal protected wetlands is beyond me. This must be stopped and should be a clean up with a goal of making it a protected and cleaned up continued green space. KT-1

Kelly Thompson
Huntington Beach Resident
Sent from my iPhone

Letter 95: Kelly Thompson

Comment Letter Dated March 18, 2019

KT-1 The commenter's opinion regarding the type and location of the development is noted and will be forwarded to the decision makers. The comment does not raise a CEQA issue and expresses the opinion of the commenter, as such no further response is required. However, it should be clarified that the proposed residential uses are medium density not high density. As discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential.

Regarding compatibility with the existing uses, it should be noted that Section 4.9, Land Use and Planning, of the Draft Program EIR provided a detailed discussion and analysis of the Project's compatibility with the surrounding uses. The Draft EIR identified that in light of the existing and proposed buffers and additional Project improvements and features, less than significant impacts would result. Regarding adjacency to the wetlands, Section 4.3, Biological Resources, of the Draft Program EIR provided a detailed discussion of potential direct and indirect impacts of the Project to the wetlands. The assessment concluded that with the proposed project design features; compliance with regulatory requirements; and implementation of mitigation measures, impacts to the wetlands would be less than significant.

The commenter also asserts that "this must be stopped and should be a clean-up with a goal of making it a protected and cleaned up continued green space". The comment is not clear whether or not the commenter refers to the project site. In the absence of a clear reference, it is assumed the comment refers to the project site. The site was not meant to remain undeveloped in perpetuity. The site currently has a General Plan designation of Public (P) and a Zoning designation of Public-Semipublic with Oil Production Overlay and Coastal Zone Overlay (PS-O-CZ). The General Plan designation allows for uses such as government administration and related facilities including public utilities, residential care, schools, residential care, libraries, museums, public parking lots, infrastructure, religious, and similar uses. The Zoning designation allows for City-owned facilities and other uses. Therefore, even in the absence of the proposed Project, any type of development allowed under the General Plan and Zoning designations could occur.

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Letter 96

From: Lane Levin <forcelite@yahoo.com>
Sent: Monday, March 18, 2019 4:52 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: High density housing on the tanks site

Hello,
I live on Capistrano Lane in HB.

I wanted to express my concern for high density housing on the tank site. This is a purely residents area and to introduce high density would bring more traffic and pressure to the location. There is a school blocks away as well. Please consider a mix of use that will benefit us locals that is not high density . LL-1

Thanks
Lane Levin
22051 Capistrano Lane
Huntington Beach Ca 92646

Sent from my iPad

Letter 96: Lane Levin

Comment Letter Dated March 18, 2019

LL-1 The comment regarding the proposed type of development and recommendation for a mix of uses that would benefit the community is noted and will be forwarded to the decision makers.

Please note, the proposed residential uses are medium density not high density as the commenter states. As discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential.

For a discussion of increased traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

The comment regarding a school blocks away is not clear and does not identify a specific issue. As such, no response can be provided.

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Letter 97

From: Elizabeth Cutler < >
Sent: Monday, March 18, 2019 12:26 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm EIR Comments - Quality of Life, Traffic, Air Quality, Noise,

Mr. Ramos/City of Huntington Beach (rramos@surfcity-HB.org) -

I am concerned the City of Huntington Beach is putting development ahead of its residents qualify of life by introducing environmental impacts and safety concerns in our neighborhoods through possible approval of proposed development of the Magnolia Tank Farm into shopping center/stores/hotel and high-density housing. LC-1

From a traffic impact-only perspective, this is a similar situation to when the City of Newport Beach wanted to direct traffic from a Newport
Beach housing development on the bluffs above Miracle Mile across the Santa Ana River (on a new bridge at 17th Street built by funds from the City of Costa Mesa and Huntington Beach) to Banning Boulevard. If the City of Huntington Beach remembers, it took the Southeast Huntington Beach Neighborhood Association 20 years and 3 months (including a new EIR) to get that bridge crossing off the Orange County Master Plan of Arterial Highways. The same people who were worried about traffic impacts to our quality of life in SE Huntington Beach still live here and are still concerned about traffic impacts to residents who live north and south of Banning Avenue and to elementary school children who use Banning Avenue . LC-2

The following topics have not been adequately addressed in the Draft EIR and I am requesting additional analysis:

- Primary (Direct) Quality of Life impacts to residents living north and south of Banning Avenue. LC-3
- Primary (Direct) Traffic impacts along Banning Avenue, including residents, vehicles, bicyclists, elementary school and school children, not just at intersections along Magnolia Street. Also impacts to intersections with neighborhood streets LC-4
- The following also need to be addressed as secondary (indirect) impacts to increased traffic along Banning Avenue:
    - Air quality impacts from increased traffic conditions to residents north and south of Banning Avenue and to elementary school children walking to school and studying at Eader Elementary.
    - Noise impacts from increased traffic conditions to residents north and south of Banning Avenue and to elementary school children walking to school and studying at Eader Elementary.
    - Safety impacts to residents north and south of Banning Avenue trying to exist their neighborhoods.
    - Safety impact to bicyclist using Banning Avenue and to elementary school children walking to school and studying at Eader Elementary
    - Parking impacts to residential streets within neighborhoods north and south of Banning, users of the Banning library, those dropping off and picking up elementary school children at Eader Elementary

LC-5

Routing traffic from the development along Banning Avenue will increase current traffic conditions beyond the estimate of only residences who might use Banning Avenue to and from destinations (e.g., work, school, shopping, general travel to the freeway, etc.). Additional traffic impacts to Banning Avenue from general vehicle traffic needs to be analyzed because Banning Avenue will become a direct route to the proposed hotel/shopping/high density residential development because it will be a straight shot from the Banning stop light across Magnolia (rather than traffic turning right or left off of Magnolia). Additional traffic will back up on Banning waiting to cross Magnolia or turn right/left onto Magnolia. LC-6

BTW - the current traffic on Banning Avenue should be counted to identify the baseline for the primary traffic and secondary traffic impacts analyses. The City of Newport Beach project took publicly available traffic counts which had the actual traffic on Banning to be approximately 10,000/vehicles per day, when the actual count was less than 700 vehicles/day. The current traffic count on Banning will probably not exceed 800 or so vehicles per day, with the majority of the traffic occurring at pickup and drop off times for Eader Elementary.	LC-7
There may be other solutions to having the current three-way (T-intersection) at Banning turned into a four-way intersection. First, the TEMPORARY use of the intersection for construction of the new power plant can be restored back to a three way intersection (T-intersection) as it is currently not a permanent intersection. A new three-way intersection with Magnolia can be planned north or south of the restored Banning three-way (T-intersection), with traffic along Banning restricted through curbing or bollards.	LC-8
Parking permits could be issued to local residences for parking in neighborhoods north and south of Banning Avenue. The beach parking has become worse now that parking is no longer allowed on Magnolia north of Banning. The parking will become horrendous in our neighborhoods due to adding those wanting to shop at the new development or visit with residences in the new high-density housing to the beach-goer challenges now in existence (e.g., parking illegally, trash, no parking for residents).	LC-9
Also, why is high density housing being proposed immediately next to low density housing. Moderate density house should be considered to buffer the low density house from high-density proposed on the site. Height restrictions should also be placed on the proposed shops and housing so that residences east of Magnolia, north and south of Banning, do not have people looking into their backyards.	LC-10
Please consider these comments and re-analyze the applicable sections of the EIR to identify, understand, and avoid, minimize, and mitigate real impacts that will occur to residents located north and south of Banning Avenue and those attending Eader Elementary School. Please redact personal information (email, phone number) when including this letter in the Public Comments section of the public documentation for this project.	LC-11

Thank you.

- Liz Cutler

Letter 97: Liz Cutler

Comment Letter Dated March 18, 2019

LC-1 The comment expressing opposition to the proposed Project is noted and will be forwarded to the decision makers. The comment regarding quality of life is not a CEQA issue, as such no further response is required. It should also be noted that the proposed residential uses are medium density not high density as the commenter states.

Additionally, the general comment on "environmental impacts and safety" does not identify any specific issues, thus no further response can be provided.

LC-2 The comment referencing a City of Newport Beach project is not relevant to the proposed Project. No response is required. Regarding potential traffic impact, as discussed in detail in Section 4.14, Transportation/Traffic, of the Draft Program EIR, impacts associated with transportation/traffic would be mitigated to less than significant levels with the exception of impacts within other jurisdictions (i.e., Newport Beach and Caltrans intersections) that are significant and unavoidable. Although these impacts are mitigable, the City of Huntington Beach does not have the authority to implement mitigation measures in those jurisdictions. For a additional discussion of traffic issues, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

The comment regarding Project traffic and school children using Banning is noted and will be forwarded to the decision makers. There are sidewalks on both the north and south sides of Banning that currently accommodate school children attending Eader Elementary School. Additionally, a school crossing guard assists students who cross Banning before and after school. A crosswalk currently exists across Magnolia at Banning, which would serve future students from the Project.

LC-3 The comment regarding "quality of life" is not a CEQA issues, as such no further response is required.

LC-4 The comment expresses concern for traffic along Banning for residents, school children, bicyclists, and vehicles. It should be noted that based on the analysis in Section 4.14, Transportation/Traffic, of the Draft Program EIR, there is no evidence that the Project would result in safety issues for pedestrians (i.e., residents and school children), vehicles, and bicyclists. It should also be recognized that there are sidewalks on both the north and south sides of Banning that currently accommodate school children attending Eader Elementary School. Additionally, a school crossing guard assists students who cross Banning before and after school. A crosswalk currently exists across Magnolia at Banning, which would serve future students from the Project. Therefore, the comment is speculative and presents no evidence as to the potential future impacts pertaining to safety.

LC-5 The first bullet of the comment expresses concern relative to air pollution from increased traffic volumes along Banning Avenue and the Eader Elementary School.

Section 4.2, Air Quality, of the Draft Program EIR addressed localized emissions from both the construction and operations phases of the Project. Localized air pollutant emissions from vehicle traffic was assessed for its potential to cause carbon monoxide (CO) hotspots, as congested roadways are conducive to the formation of CO hotspots. Project generated traffic was evaluated in the assessment of CO hotspots and found to be below the screening criteria used for determining the potential for CO hotspots. Vehicle trips associated with the Project are primarily from passenger vehicles that are equipped with three-way catalytic converters, which breaks down the vast majority of health impacting pollutants. The volumes of Project and background traffic were not significant relative to localized air quality impacts at sensitive receptors such as nearby residences and schools. The SCAQMD has also reviewed the air quality analysis and did not provide comments stating any deficiencies relative to the assessment of air quality impacts from Project traffic

The second bullet of the comment relates to noise. Project related noise impacts were assessed in detail in Section 4.10, Noise, of the Draft Program EIR. Potential noise increases associated with the Project traffic were evaluated and found to result in noise level increases that are not perceptible in outdoor environments. As shown in Table 4.10-10, in Section 4.10 of the Draft Program EIR, noise level increase for all roadway segments in the project vicinity would be less than 3 dBA; Banning Avenue, between Magnolia Street and Bushard Street would result in a 1.8 dBA increase over existing in the cumulative buildout with Project condition. The Draft Program EIR determined that the cumulative long-term noise impacts would be less than significant. As such, it was determined that the Project would not result in significant traffic noise impacts at local residential uses or schools.

The third, fourth, and fifth bullets are related to pedestrian and bicycle safety. Regarding safety of children walking to school, it should be recognized that there are sidewalks on both the north and south sides of Banning that currently accommodate school children attending Eader Elementary School. Additionally, a school crossing guard assists students who cross Banning before and after school. A crosswalk currently exists across Magnolia at Banning, which would serve future students from the Project.

The last bullet is regarding potential parking issues. It should be noted that as discussed in the Draft Program EIR, developments are required to meet the parking standards within the development. The Project would result in an incremental increase in the amount of parking available because public parking would be provided within the project site along the interior private Loop Road. Lodge valet parking would also be publicly available. All parking would be provided on-site with the required number of parking spaces specified by the Magnolia Tank Farm Specific Plan and Chapter 231 of the HBZSO (C 2.4.2a). With compliance with the City of Huntington Beach requirements and the provisions provided in the Specific Plan, the proposed Project would provide adequate parking capacity to accommodate the future improvements. In light of the proposed accommodations, it is speculative to assume that hotel guests will be parking in the existing residential neighborhoods.

For further discussion, please refer to the Topical Response pertaining Parking in Section 3.1.3 of these Responses to Comments.

LC-6 The comment is noted. As discussed in Section 4.14, Transportation/Traffic of the Draft Program EIR (i.e. 4.14.6; Cumulative Impacts) an ambient traffic growth factor of one percent per year was utilized in the traffic analysis. The ambient traffic growth factor is intended to include unknown and future cumulative projects in the study area, as well as account for regular growth in traffic volumes due to the development of projects outside the study area. Applied to the Year 2017 existing traffic volumes, this factor results in a 9.0 percent growth in existing volumes to the near-term horizon year 2026.

Further, as discussed in Section 4.14, Transportation/Traffic of the Draft Program EIR, the proposed Project and Alternative 1 would not significantly impact the key study intersections of Magnolia Street/Banning Avenue (key study intersection #23), Bushard Street/Banning Avenue (key study intersection #24) and Brookhurst Street/Banning Avenue (key study intersection #25) under existing plus project, Year 2026 plus project, and Buildout plus project traffic conditions.

For additional discussion of traffic issues, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

LC-7 The comment is noted. As stated in Section 4.14, Transportation/Traffic, of the Draft Program EIR, existing AM peak hour and PM peak hour traffic counts were conducted at the 34 key study intersections in 2017 (Existing Intersection Conditions and Table 4.14-7, Existing Peak Hour Levels of Service), inclusive of the three Banning Avenue key study intersections (i.e. key study intersections #23, #24, and #25). Further, as discussed, the proposed Project and Alternative 1 would not significantly impact the key study intersections of Magnolia Street/Banning Avenue (key study intersection #23), Bushard Street/Banning Avenue (key study intersection #24) and Brookhurst Street/Banning Avenue (key study intersection #25) under existing plus project (Table 4.14-8), Year 2026 plus project (Table 4.14-14, and Buildout plus project traffic conditions (Table 4.14-20).

LC-8 The comment is noted. The location of the Project access points along Magnolia Street, directly opposite Banning Avenue and Bermuda Drive was reviewed by City of Huntington Beach Public Works Department staff. Further, as shown in Section 4.14, Transportation/Traffic, of the Draft Program EIR, the proposed Project and Alternative 1 would not significantly impact the key study intersections of Magnolia Street/Banning Avenue (key study intersection #23) and Magnolia Street/Bermuda Drive (key study intersection #34), which serve as access points for the Project under existing plus project (Table 4.14-8), Year 2026 plus project (Table 4.14-14, and Buildout plus project traffic conditions (Table 4.14-20). As discussed in the analysis, no impacts have been identified at any of the intersections along Banning Avenue, including Magnolia Street/Banning Avenue during any of the future "with project" scenarios. Therefore, in the absence of any potential impacts at the said locations during future conditions, a reconfiguration of the intersection is not deemed necessary.

LC-9 The comment regarding issuance of parking permits to local residences for parking in neighborhoods north and south of Banning Avenue is noted and will be forwarded

to the decision makers. For a discussion of parking related issues, please refer to the Topical Response in Section 3.1.2 of these Responses to Comments. The proposed Project would have adequate parking for the residents and visitors. No further response is required. It should be noted that the Project will be subject to the requirements of the Magnolia Tank Farm Specific Plan, as well as the HBZSO for requirements that are not customized in the Specific Plan.

LC-10 Section 4.9, Land Use and Planning, of the Draft Program EIR provided a detailed analysis of compatibility with the surrounding uses. As identified in the discussion, the proposed uses are not immediately adjacent to existing surrounding uses. To the east, Magnolia Street (100-foot right-of-way) with a landscaped median separates the project site from the existing residential uses, and a six-foot high block wall further separates the existing residential uses from Magnolia Street. Furthermore, the plan includes a number of provisions that would create additional buffers with the existing uses. The proposed Magnolia Park along the eastern edge of the site along Magnolia Street creates an enhanced buffer between the existing residential uses and the project site. In light of the 100-foot right-of-way and additional buffers, looking into the backyards of the existing residences along Magnolia would be unlikely.

Additionally, it should be noted that the proposed residential uses are medium density not high density as the commenter states. As discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential.

Section 4.1, Aesthetics, of the Draft Program EIR also provides detailed discussion of features that would provide buffers and compatibility with the existing residential development across Magnolia Street. For instance, although a lodge/guesthouse is proposed at the southern end of the site along Magnolia Street, the Specific Plan has established height limits for the Commercial Visitor (CV) area that steps back from the street. While the maximum height limit for the CV area is 60 feet for elevator shafts, mechanical equipment and architectural features (i.e. non-habitable space), only 15 percent of the CV area can have this height; otherwise, the maximum building height limit in the CV area would be 50 feet. The area immediately adjacent to the proposed Magnolia Park has a height limit of 40 feet. This design concept would allow a gradual increase in height, reducing the massing of the lodge/guesthouse.

LC-11 The comment regarding re-analyzing the sections of the EIR is noted. However, it should be recognized that the Draft Program EIR provided detailed analyses of all topics referenced in the comment. The analyses and findings were adequately supported by technical studies and substantial evidence. No further response can be provided that has not already been discussed in the Draft Program EIR. No further response is required.

Letter 98

From: Nancy Buchoz <nancybuchoz@yahoo.com>
Sent: Monday, March 18, 2019 4:30 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tank Farm Draft EIR

Dear Ricky and City Council,

I am writing to express my discontent with the draft EIR for the Magnolia Tank Farm.
There are many reasons for my email, but here are the reasons I feel most important to share. NB-1

1. Development states that it has significant and unavoidable impacts that cannot be mitigated.
Noise, Greehouse emissions, and Traffic. Currently the Ascon site, the AES site have major projects being done and along with their projects come the same significant and unavoidable impacts to the current neighborhood and residents.
As a resident, of over 46 years, I am unable to comprehend how it is okay to approve another project if it creates more unavoidable significant impacts to the area. Residents like myself are unable to mitigate noise, traffic and air quality now, with another project on the horizon it is becoming more and more difficult to live in our homes. We are unable to open our windows because of noise and dirt/dust/odor from ASCON, 6 days a week. When the weather gets warmer this will truly be like being in jail inside your home. Additional projects like MTF do not discuss the combination of concurring projects and the impacts they create by being done at the the same time. This EIR discusses many topics but very few discuss how the project can mitigate impacts to the existing residents, this is a serious oversight. One example is noise… NB-2

MTF EIR discusses noise levels coming from AES , and Poseidon (possibly) being in the upwards of 70-85 decibels, they discuss how they will build the walls of the new development with special concrete, and noise canceling windows and doors, and they will build a 75ft sound wall, all wonderful for the new homeowner, BUT WHAT ABOUT US? THE EXISTING HOMEOWNER???? No answers for that have been given to me yet. NB-3

EIR states traffic patterns and possible new patterns that could cause “temporary” congestion to the area? Temporary can be ten years? If Poseidon is built alongside with MTF while ASCON is still hauling toxic waste out of its site, there is a real possibility that this entire area would be inundated with unthinkable and unimaginable traffic congestion, along with unsafe roadways for pedestrians and bicyclists. Some folks have discussed the potential to close Magnolia to make for left or right turn lanes and the new entrance off of Bermuda drive? Road closures?? For us that is unacceptable as there aren’t very many ways to get to freeways or PCH from this neighborhood, just one. Being unable to mitigate traffic impacts is a serious issue in that lives can be lost due to a variety of reasons, like impatient drivers who are irritated that they are waiting three or four lights to get through, to the irate driver who tries to go around the traffic and winds up hitting someone on a bike, or worse. Traffic mitigation is vital to a peaceful neighborhood and not being able to provide it due to development should be UNACCEPTABLE. In addition, the term “temporary” is widely used in this EIR but the term isn’t a fair description of the amount of time that these developments concurring simultaneously will have on our neighborhood and the surrounding neighborhoods. Ten years is a huge amount of time to ask homeowner to “deal with it”. NB-4

I have told you previously I am concerned with the environmental impacts as well, This EIR disregards the HB Fire Depts recommendation to test “ all the soil” on the property, and only tested 18 small areas, NB-5

some had to be tested a few times and or weren't collected correctly and needed to be done a few times. For the past 70 years the soil on this land has been used as a oil dumping ground, it has also been sitting next to one of the most toxic landfills in our nation the entire time. The soil migration is a real issue, and the fact the EIR states they will mitigate oil issues as they come up (ASCON pipe) is ludicrous! Our families are breathing the air in SEHB, and we are counting on our city officials to make darn sure they aren't introduction chemicals from the soil into the air for our families and animals to breathe. Not enough testing of the soil was done (per the HB Fire Dept) because it wasn't legally what Shopoff had to do. Therefore, this makes the development dangerous, as the land isn't completely clean, and shouldn't be developed until it is. How is it that ASCON has to do all this soil remediation in the areas around the pits, and MTF doesn't have to do any???? In comparison, this site sitting next to ASCON has huge potential for toxic runoff and the chain link fence that separates it hasn't done anything to prevent these chemicals from migrating to it. Not enough testing has been done. This EIR only states the 18 areas it tested, not the entire site, yet the entire site was once a oil dumping ground. Not just the tanks, the area around them were found to have hydrocarbons. Why this isn't a more discussed impact I cannot understand.

NB-5 cont.

Lastly, the EIR makes no mention of the impact to the wetlands, it states how it will be preserved and protected. Signs saying "keep your animals out of the wetlands" won't cut it. With a hotel/hostel and the amount of residences proposed the noise, lighting, cars, people alone will have a hugely negative impact on an area that has been a peaceful and quiet place for animals to migrate too and nest seasonally. To disrupt this and build this enormous development will change the quality of life for residents but for the wildlife we protect as well.

NB-6

Realizing that the EIR is a disclosure document, I would encourage you to make sure that any and all future homeowners, or businesses that decide to live or set up shop on that land know the history of the toxicity of the land, and the possibility of what that would mean to their health if they choose to live or work there. There is no good use for the land except to keep it as it is zoned, public semi with an emphasis on the least amount of people being on it.

NB-7

Sincerely
Nancy Buchoz

Letter 98: Nancy Buchoz

Comment Letter Dated March 18, 2019

NB-1 The comment is noted. It does not raise any CEQA issues, as such no further response is required.

NB-2 The comment regarding significant and unavoidable impacts is noted. While the significant impacts pertaining to Vibration (evaluated under threshold 4.10-2 in Section 4.10, Noise) and Greenhouse Gas Emissions are associated with the proposed development within the City of Huntington Beach, the significant and unavoidable traffic impacts (at Superior Avenue/Balboa Boulevard at Pacific Coast Highway and Newport Boulevard at Pacific Coast Highway) are within different jurisdictions (i.e., City of Newport Beach and Caltrans), and as such the City does not have the authority to implement mitigation measures in those jurisdictions.

MM TRAN-2 in Section 4.14, Transportation/Traffic, of the Draft Program EIR requires the Project Applicant to enter into an agreement with the City of Newport Beach and/or Caltrans regarding payment to offset the Project's contribution of cumulative impacts. However, even with the fair share agreement, the proposed Project's impacts at these locations would remain significant and unavoidable. It should be noted that the City of Huntington Beach will require the Project Applicant to provide a copy of an executed fair share agreement with the City of Newport Beach and/or Caltrans.

Regarding other development projects in the area, it should be noted that Table 4-1, Approved and Pending Projects in the Cities of Huntington Beach, Newport Beach, and Costa Mesa, in Section 4.0 of the Draft Program EIR, specifically identified a list of cumulative projects in the area. Each of these projects has gone or will be going through the same environmental process as the Magnolia Tank Farm Project. Appropriate environmental documentation, if required pursuant to CEQA, has been or will be prepared for each project. Furthermore, discussions of the cumulative impacts of the proposed Project in light of all related projects identified in Table 4-1, have been included in the topical sections of the Draft Program EIR and findings made regarding the potential cumulative impacts of the proposed Project in conjunction with other future developments in the area.

For a further discussion of this issue, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

The comment related to activities on the ASCON Landfill Site is noted; however, no further response is required, as the comment pertains to another project not the subject of the Draft Program EIR for the Magnolia Tank Farm Project.

Regarding noise, it should be noted that Section 4.10, Noise, of the Draft Program EIR provided a detailed analysis of project-level and cumulative noise impacts and provided mitigation measures that would reduce the potential impacts to less than significant, with the exception of temporary vibration impacts during construction of the proposed hotel/lodge. Please also refer to Response NB-3, below.

NB-3 The commenter asks about cumulative noise levels impact on their existing residence from operation of AES Generating Station/Power Plant and Poseidon Desalination Plant. These are approved projects and their environmental documentation demonstrates they would not result in significant noise impacts to existing residents. Section 4.10, Noise, of the Draft Program EIR demonstrates that the proposed Project would not result in cumulative operational noise or traffic noise impacts to existing residential uses located across Magnolia. MM NOI-4 requires that a "Final Acoustical Report shall assess all potential off-site noise impacts associated with on-site operations to insure compliance with the City's Noise Ordinance criteria for off-site sensitive land uses."

NB-4 The comment regarding "temporary" traffic impact is noted and will be forwarded to the decision makers. Section 4.14, Transportation/Traffic section, of the Draft Program EIR, included a discussion and analysis of the construction traffic, which is considered temporary/short-term. As assessed in that section, construction related trips may result in some minor traffic delays along Beach Boulevard, Magnolia Street, and Pacific Coast Highway in the morning and afternoon hours. However, traffic impacts to the adjacent roadway network would be minimal and not long-term. Since the Project is not anticipated to have a significant impact on any of the 34 key study intersections under existing plus Project conditions, no significant impacts from construction traffic would result. Nevertheless, to minimize the potential impact of construction-related traffic on the local circulation system, the City of Huntington Beach routinely requires the implementation of a construction management plan, which is provided as RR TRAN-1. The measure will meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) and City of Huntington Beach requirements and includes provisions that would avoid significant construction related impacts.

NB-5 The comment regarding the ASCON Landfill Site soil remediation is noted. There is no historical evidence that the project site was used for the illicit abandonment of oil (i.e. – oil dumping) or any other hazardous material as the commenter states. The comment mischaracterizes the past usage and current conditions of the project site. There is also no evidence to support the commenter's statement regarding the toxicity of the ASCON Landfill Site migrating into the project site. Proximity to the landfill has been considered in the investigation of the project site and soil and groundwater sampling have been conducted in the northern area of the project site near the landfill site boundary. The results of these investigations have not identified any contamination that migrated from the landfill site to the project site, with one exception, a leaking pipe that impacted a localized area of soil. The impacted soil on the project site was removed, as explained in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR. Remediation of impacted soil on the ASCON Landfill Site is being addressed in the final remedy under Department of Toxic Substances Control (DTSC) oversight.

The investigation and remedial work at the project site are ongoing. Both Huntingtin Beach Fire Department (HBFD) and DTSC have been involved in reviewing site assessments performed to date. The DTSC is the lead oversight agency, and compliance with MM HAZ-2 ensures that all requirements imposed by DTSC for additional investigation, remediation or other response will be completed, including

in the northern area of the project site within proximity of the landfill site. DTSC's written concurrence signifying the successful completion of all required investigation and remedial action must be obtained prior to issuance of a grading permit. The DTSC's closure letter will be submitted to HBFD for its review prior to commencement of the Project. These safeguards assure that future site occupants will not be exposed to risk from hazardous materials.

The commenter asks why the landfill site has been required to conduct more remediation than the project site. One site is a landfill site; the other is a former tank farm. The sites had different historical uses, thus were impacted in different ways. The project site has undergone substantial assessment of soil, soil gas and groundwater. A human health risk assessment was performed for the project site. The assessment of soil removed from beneath and around the former tank footprints indicated that the tanks had not leaked. The impacts to soil were relatively minor, and the impacted soil was removed.

With respect to the potential for contamination at the ASCON Landfill Site to affect the project site, the natural hydrogeological conditions work against the migration of contamination. These conditions are described in the most recent groundwater monitoring reports prepared by Geosyntec Consultants. The hydrogeology of the ASCON Landfill Site consists of an upper silty clay unit that overlies the groundwater-bearing unit, and the cross sections in the Geosyntec report indicate that this upper silty clay unit serves as a confining layer. This confining layer would serve to impede the downward migration of contaminants from the fill materials into the underlying groundwater. The top of the silty clay layer at the landfill site is also at a higher elevation than the same hydrogeologic unit on the project site and would function as a barrier to migration of contaminants originating in the fill materials of the landfill toward the project site. The soil and groundwater data support this opinion. No contaminants were detected in groundwater beneath the project site in recent monitoring events that exceed applicable regulatory screening levels. The direction of groundwater flow from the landfill is northerly and northeasterly, away from the project site. Similarly, the direction of flow from the project site is toward the landfill and Magnolia Street.

In summary:

- Soil sampling conducted in the northern part of the project site demonstrates that surficial migration of contaminants from the ASCON Landfill Site does not appear to have occurred.
- The local hydrogeology has likely impeded the downward migration of contaminants from the fill materials into the shallow groundwater beneath the landfill or onto the project site.
- Any contaminants present in the shallow groundwater beneath the landfill site are flowing in a northerly direction away from the project site, and thus, would not impact the project site.

Groundwater beneath the project site is not impacted by environmental contaminants above applicable screening levels and is flowing northerly and northeasterly toward the ASCON Landfill Site and Magnolia Street, respectively.

The comment also states that the area around the tanks were found to have hydrocarbons. However, as disclosed in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR, soil sampling was conducted before and after oil tanks were removed in 2017. Exhibits 4.7-1 and 4.7-2 in Section 4.7 indicate the locations where soil samples were collected. Many of the 152 locations were tested at multiple depths up to a maximum depth of 5 feet bgs. Soil sampling prior to tank removal delineated the extent of soil impacted by petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs), which were the primary constituents of concern. Most of the elevated petroleum hydrocarbon impacts were located in near-surface soil along the perimeters of the tanks.

Tank removal (including the removal of the crude oil transfer lines) and excavation of shallow soil in these areas was completed in 2017 by WGR under the oversight of HBFD. Confirmation sampling verified that the tanks had not leaked. All of the sampling locations that had contained petroleum hydrocarbons (TRPH/TPH) and PAHs in excess of residential screening levels were removed during the excavation activities. On August 15, 2017, HBFD issued a written concurrence that "no further action" was needed.

NB-6 The comment regarding potential impacts to wetlands is noted. The impacts were discussed in detail in Section 4.3, Biological Resources, of the Draft Program EIR. The discussion acknowledged that Magnolia Marsh, within the adjacent Huntington Beach Wetlands to the southwest of the project site is identified as an Environmentally Sensitive Habitat Area (ESHA) in the City's certified Local Coastal Program. The Huntington Beach Wetlands Conservancy operates an interpretive center open to the public and offers docent-led tours of the Magnolia Marsh, which would be further enhanced by the Project in coordination and cooperation with the Conservancy.

The Project and Alternative 1's land use plans are designed to reduce potential impacts to the ESHA, across Huntington Beach Channel. The CC area is proposed to create upland buffer to the marsh. The minimum 70-foot wide CC area is located adjacent to the Orange County Flood Control property. When combined with the width of the flood control property including the channel and the proposed 70-foot CC area, there would be a 215-foot development setback from Magnolia Marsh, which exceeds the 100-foot buffer requirement of the HBZSO. Additionally, walls and fences would be located along the property line adjacent to the channel. These elements adjacent to Magnolia Marsh and flood control channel would create a buffer between the future uses within the project site and the designated ESHA.

The provisions of the Specific Plan and compliance with the HBZSO would further ensure that the ESHA remains unaffected directly by construction, operation, or maintenance activities.

Also, Section 4.3, Biological Resources, of the Draft Program EIR included detailed discussion and analysis of potential impacts on Magnolia Marsh and ESHA, supported

by a technical report. Recognizing the valuable and sensitive eco system of Magnolia Marsh, the analysis discussed the potential indirect impacts (e.g., noise, light, dust, bird strikes, domestic animals, and invasive plant species) to wildlife using Magnolia Marsh and ESHA. To address the potential adverse impacts, mitigation measures have been introduced to avoid and/or mitigate those impacts. Additionally, the Project has features in place that would create additional buffer, which exceeds the 100-foot buffer requirement of the HBZSO, and protection for the marsh and the ESHA.

NB-7 The comment regarding the disclosure of the history of the site to future residents is noted and will be forwarded to the decision makers. However, Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR provided a detailed and thorough analysis of the potential impacts pertaining to hazards and did not identify any impacts that cannot be mitigated to less than significant levels.

As identified in Section 4.7, mitigation measures have been identified to address the potential impacts. Implementation of MM HAZ-1 requires the preparation of a Soil Management Plan that contains procedures for responding to previously unknown contaminated soils that are encountered during grading. The Soil Management Plan describes how such soils would be handled in accordance with specific procedures approved in advance by the lead oversight agency, as well as citing other applicable regulatory requirements. In addition, MM HAZ-2 requires the Project Applicant to obtain a No Further Action letter or equivalent closure documentation from DTSC prior to the City of Huntington Beach issuance of grading permits. This would ensure that DTSC, as the lead regulatory oversight agency, has indicated that all onsite conditions have been addressed to DTSC-approved standards, which are deemed to be protective of human and public health. As the Draft Program EIR is a disclosure document, the analysis and findings are available to the public.

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Letter 99

From: Gary Yeo <gyeo@me.com>
Sent: Tuesday, March 19, 2019 7:43 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: ?????

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how this EIR can be adequate when it is being done without the combination of all the other developments GY-1

Gary Yeo
(714) 478-3361
gyeo@me.com

Letter 99: Gary Yeo

Comment Letter Dated March 19, 2019

GY-1 The comment generally asks how the EIR can be adequate since it is "done without the combination of all the other developments"? The comment is not clear on what specific impacts would result from "other developments" and which other developments were not included.

Table 4-1 in Section 4.0, Impact Analysis Introduction, of the Draft Program EIR, listed the approved and pending projects in the Cities of Huntington Beach, Newport Beach, and Costa Mesa, which have been used in the cumulative impact analysis in the Draft Program EIR. Each of these projects has gone or will be going through the same environmental process as the Magnolia Tank Farm Project. Appropriate environmental documentation, if required pursuant to CEQA, has been or will be prepared for each project. Furthermore, discussions of the cumulative impacts of the proposed Project in light of all related projects identified in Table 4-1, have been included in the topical sections of the Draft Program EIR and findings made regarding the potential cumulative impacts of the proposed Project in conjunction with other future developments in the area.

For a further discussion of this issue, please refer to the Topical Response pertaining to Cumulative Impacts in Section 3.1.3 of these Responses to Comments.

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Letter 100

From: Janine Stiffler <jstiffler@socal.rr.com>
Sent: Tuesday, March 19, 2019 8:57 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: MTF EIR

Dear Mr Ramos,

We encourage you to consider all the concerns that the EIR did and didn't address, toxic chemicals, traffic, and also over development in an inadequate space for the purpose of greed and profit. The residents in Huntington Beach have not felt heard by the city and your department in our opposition to the level of development in this neighborhood. JS-1

Sincerely,
Janine Stiffler

Sent from my iPhone

Letter 100: Janine Stiffler

Comment Letter Dated March 19, 2019

JS-1 The comment makes a general assertion, not supported by evidence in the record, that the Draft Program EIR did not address impacts associated with toxic chemicals, traffic, and overdevelopment. The Draft Program EIR included thorough and detailed analyses of all environmental topics, including Hazards and Hazardous Materials in Section 4.7 and Transportation/Traffic in Section 4.14, with the exception of overdevelopment, which is not a CEQA topic. The analyses supported by technical studies and substantial evidence did not identify any impacts associated with hazards that cannot be mitigated to less than significant levels. The potential impacts associated with transportation/traffic would be mitigated to less than significant levels with the exception of impacts within other jurisdictions (i.e., Newport Beach and Caltrans intersections) that would be significant and unavoidable. Although these impacts are mitigable, the City of Huntington Beach does not have the authority to implement mitigation measures in those jurisdictions.

For further discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

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Letter 101

From: Jim Higgins <jim_higgins@verizon.net>
Sent: Wednesday, March 20, 2019 1:39 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: EIR Comments

Ricky, Thank you for the opportunity to comment on the EIR. My questions are: (1) How is it possible that the current traffic situation in the SEHB area will not be worsened by the Shopoff development given the increased presence of people and vehicles that will inevitably occur; and,	JH-2-1
(2) how can the city defend against and pay for lawsuits which will inevitably arise if the Shopoff development proceeds as planned? There are inevitable future health law suits that will be filed against the city that will claim that carcinogens have been released into the air causing illnesses Since the EIR already accepts the presence of these carcinogens, what basis will the city have for claiming they don't exist? How can the EIR guarantee that these carcinogens will never harm anyone in the future?	JH-2-2
I'm not sure it qualifies as an argument against the EIR but one other question needs to be addressed somewhere along the line. On what basis would the members of the city council approve such a development as Shopoff proposes if virtually NO ONE who will be affected by this development supports it?	JH-2-3
Thanks for your time and efforts ensuring this development is properly scrutinized and all the negative effects are out in the open and satisfactorily addressed and mitigated before the project proceeds as Shopoff wishes. The lives of many Huntington Beach residents will be forever adversely impacted by this development. Jim and Lorry Higgins, residents at 9401 Pier Drive for 43 years.	JH-2-4

Letter 101: Jim Higgins (2)

Comment Letter Dated March 20, 2019

JH-2-1 The comment regarding increased traffic is noted. A detailed analysis of project-related traffic was provided in the Draft Program EIR and supported by a Transportation Impact Analysis, provided as Appendix J of the Program EIR. The analysis did not identify any significant impacts that cannot be mitigated with the exception of impacts, albeit mitigable, within a different jurisdiction. For further discussion of traffic issues, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments. Regarding cumulative impacts, please refer to the Topical Response pertaining to Cumulative Impact in Section 3.1.3 of these Responses to Comments.

JH-2-2 The commenter makes a speculative claim that lawsuits will inevitably arise from the proposed Project and asks how the City will defend such future lawsuits. It does not raise a CEQA issues, as such no further response is required. The comment regarding carcinogens and their release in the air resulting in cancer and leading to lawsuits is unsubstantiated, with no evidence provided in the record that the analysis of such impact has not been included in the analysis. However, it should be noted that Section 4.7 of the Draft Program EIR, Hazards and Hazardous Materials, summarized the numerous investigations and reports related to hazardous materials prepared for the project site. Two mitigation measures, MM HAZ-1 (preparation of a Soils Management Plan) and MM HAZ-2 (Department of Toxic Substances Control No Further Action approval) are proposed to ensure that the potential for release of hazardous materials into the environment would be mitigated to less than significant.

JH-2-3 This comment does not raise a CEQA issues, as such no further response is required.

JH-2-4 The comment does not raise a CEQA issues, as such no further response is required noted and will be forwarded to the decision makers. .

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Letter 102

From: Denise Jordan <dljordan1@gmail.com>
Sent: Thursday, March 21, 2019 10:50 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia Tankfarm

Are you going to protect us from this greedy developer? Our quality-of-life is important. You're going to drive everyone out of here. It's to dense, too much traffic, too close together, and it's low income housing that you're planning. We have enough low income housing. We don't need anymore housing anywhere. You are ruining Huntington Beach. Stop this development! DJ-1

Denise Jordan

Sent from my iPhone

Letter 102: Denise Jordan

Comment Letter Dated March 21, 2019

DJ-1 The commenter makes general comments regarding "quality of life" and believes it will be diminished with the proposed Project. Quality of life is not a CEQA issue, as such no further response is required.

The general comment pertaining to traffic and high density is noted and lacks specificity. It should be noted that the proposed residential uses are medium density not high density as the commenter states. As discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential.

For a detailed discussion of traffic, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

The comment incorrectly identifies the residential development on the site as "low income housing". As identified throughout the Draft Program EIR, the residential component of the Project would consist of up to 250-unit for-sale medium-density residential units within neighborhoods of single-family detached and attached homes. No further response is required. The Applicant is proposing to comply with the City's affordable housing requirement, as described in the Magnolia Tank Farm Specific Plan.

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Letter 103

From: Lisa Simpson <lfsimpson@socal.rr.com>
Sent: Monday, March 25, 2019 9:20 PM
To: Ramos, Ricky <rramos@surfcity-hb.org>
Subject: Magnolia tank farm

Dear Mr Ramos,

I am extremely concerned about the proposed Magnolia Tank Farm Shopoff project and the urban density that would be created. The high density Shopoff project threatens us with more parking pressure from people at the hotel restaurants and bars. We already have activities on the beach where people are parking in our neighborhoods or riding bikes. I already avoid parts of our city because of dense building and traffic . The added parking and general trafficking from a hotel in our neighborhood is a threat to our safety and quality of life. We have school aged children and their families constantly walking, riding and driving in and around that area to and from school.I am also concerns about putting a hotel with a bar next to Edison high school with evening activities. And it is also a very short distance from Eader elementary school. Traffic concerns combined with drinking could spell disaster for this location. It is not appropriate to put a resort destination hotel or any kind of commercial business in a family neighborhood.

LS-1

Thank you for your time,

Lisa Simpson
20352 Camfield Lane
Huntington Beach,92646
Sent from my iPad

Letter 103: Lisa Simpson

Comment Letter Dated March 25, 2019

LS-1 The comment regarding urban density is noted and will be forwarded to the decision makers. No further response is required. However, it should be noted that as discussed throughout the Draft Program EIR and in particular in Section 3.0, Project Description, the Project proposes a total of 15 dwelling units per acre (Alternative 1 proposes 11 dwelling units per acre). Per the City of Huntington Beach General Plan and Land Use Map, the density of 15 dwelling units per acre is considered Medium Density (RM) residential. The comment also expresses concern for parking in the existing neighborhood and specifies parking issues in the neighborhood that are already occurring due to activities on the beach unrelated to the proposed Project. It is speculative to assume that the parking in the neighborhood will be further exacerbated by future residents and visitors parking in the existing residential neighborhood across Magnolia Street, particularly in light of the Specific Plan's proposed parking requirements that require all hotel and commercial parking spaces be accommodated on-site at ratios that are consistent with the current HBZSO standards.

It should be noted that as discussed in the Draft Program EIR, residential developments are required to meet the parking standards within the development site. The Project would result in an incremental increase in the amount of parking available because public parking would be provided within the project site along the interior private Loop Road. Lodge valet parking would also be publicly available. It should be noted that the Project will be subject to the requirements of the Magnolia Tank Farm Specific Plan, as well the HBZSO (Chapter 231) for requirements that are not customized in the Specific Plan. With compliance with the City of Huntington Beach requirements and the provisions provided in the Specific Plan, the proposed Project would provide adequate parking capacity to accommodate the future improvements. In light of the proposed accommodations, it is speculative to assume that hotel guests will be parking in the existing residential neighborhoods.

The comment regarding "quality of life" is noted but is not a CEQA issue, as such no further response is required.

The comment regarding the proximity of schools to the proposed hotel bar is the commenter's opinion, and as such no response is required. However, it should be noted that the Huntington Beach Police Department will provide service to the site and has enough capacity to meet the increased demand. In addition, alcohol related uses are subject to approval of conditional use permit through a public hearing process. Issues or concerns related to the operational aspects of an alcohol use would be reviewed by various City departments including the Police Department and addressed through code requirements and conditions of approval. For traffic related issues, please refer to the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments.

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Form Letter

Letter 104

March 4, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. BM-1

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. BM-2

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval. BM-3

Sincerely,

BART J. MINK, P.E., LEED AP
7715 NEWMAN AVE #104
HUNTINGTON BEACH, CA 92647

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 104: Bart Mink

Comment Letter Dated March 4, 2019

BM-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

BM-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

BM-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 105

March 4, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. CC-1

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. CC-2

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval. CC-3

Sincerely,

Christina Chittum
413 12th St., Apt. B
Huntington Beach, CA 92648

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 105: Christina Chiture

Comment Letter Dated March 4, 2019

CC-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

CC-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

CC-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 106

March 4, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. JM-1

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. JM-2

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval. JM-3

Sincerely,

JASON MORRIS
21292 BEACH BLVD. APT. 103
HUNTINGTON BEACH, CA 92648

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 106: Jason Morris

Comment Letter Dated March 4, 2019

JM-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

JM-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

JM-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 107

March 4, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. MT-1

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. MT-2

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval. MT-3

Sincerely,

Michael Tran
17332 Zeider Lane, Huntington Beach, 92647, CA

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 107: Michael Tran

Comment Letter Dated March 4, 2019

MT-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

MT-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

MT-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 108

March 5, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. AMM-1

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. AMM-2

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval. AMM-3

Sincerely,

2009 Alabama St., Huntington Beach, CA 92649

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 108: April McMillan

Comment Letter Dated March 5, 2019

AMM-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

AMM-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

AMM-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 109

March 5, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. DS-1

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. DS-2

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval. DS-3

Sincerely,

17041 Sims Lane, Huntington Beach 92649

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 109: Dana Sadarangani

Comment Letter Dated March 5, 2019

DS-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

DS-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

DS-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 110

March 5, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. JU-1

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. JU-2

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval. JU-3

Sincerely,

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 110: Jerry Uselton

Comment Letter Dated March 5, 2019

JU-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

JU-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

JU-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 111

March 5, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. JR-1

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. JR-2

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval. JR-3

Sincerely,

5562 Middlecoff Dr. Huntington Beach

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 111: Josh Ruiz

Comment Letter Dated March 5, 2019

JR-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

JR-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

JR-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 112

March 5, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. SW-1

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. SW-2

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval. SW-3

Sincerely,

Sue Wilkins

7575 Quiet Cove Circle, Huntington Beach 92648
CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 112: Sue Williams

Comment Letter Dated March 5, 2019

SW-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

SW-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

SW-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 113

March 11, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. As an industry professional, I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community.

We are in desperate need of a variety of housing types in Huntington Beach, especially for residents who work in the city and want a move-up opportunity or would like to down-size. Employees of local businesses living outside of Huntington Beach would greatly benefit from new housing opportunities as well. IH-1

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

As a resident, I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval.

Sincerely,

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 113: Ian Harvey

Comment Letter Dated March 11, 2019

IH-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

IH-2 The comment regarding need for various housing types, benefits to City residents and employees of local business living outside of the City, and amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

IH-3 The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Variations of the Form Letter

Letter 114

February 19, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. The addition of a hotel with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach. DVS-1

I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval.

Sincerely,

Debra Valle Schales
8192 Evelyne Circle
HB, Ca 92646

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 114: Debra Valle Schales

Comment Letter Dated February 19, 2019

DVS-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space, the importance of the development, and the amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary. The commenter looks forward to approval of the Project.

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Letter 115

February 27, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I am aware of the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. RAC-1

The addition of a hotel with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach. RAC-2

I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval.

Sincerely,

Randy A. Coe

Randy Coe

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 115: Randy A. Coe

Comment Letter Dated February 27, 2019

RAC-1 The comment expresses satisfaction with evaluating all possible effects that the Project may have on the environment and supports redevelopment of the Project site. The comment is noted and will be forwarded to the decision makers. No further response is required.

RAC-2 The comment regarding support for the Project, educational opportunities related to wetlands, and upgrade to southeast Huntington Beach is noted and will be forwarded to the decision makers. No further response is required.

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Letter 116

March 14, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community.

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach. AS-1

I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval.

Sincerely,

Name: Adam Swanson

Address: 9733 Bickley Dr. HB 92646

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 116: Adam Swanson

Comment Letter Dated March 14, 2019

AS-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

The comment regarding amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 117

March 14, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community.

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach. JH-1

I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval.

Sincerely,

Name: JEFF HEMMES

Address: 410 21ST STREET #C HB 92648

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 117: Jeff Hennes

Comment Letter Dated March 14, 2019

JH-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

The comment regarding amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 118

March 14, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community.

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach. TS-1

I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval.

Sincerely,

Name: Taylor Smith

Address: 411 Oswego Ave. Huntington Beach, CA 92648

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 118: Taylor Smith

Comment Letter Dated March 14, 2019

TS-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

The comment regarding amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 119

March 15, 2019

The Honorable Erik Peterson
and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community.

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach. DA-1

I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval.

Sincerely,

Name: DANE ALEKSIC

Address: 6392 ALEXANDRIA DR.

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 119: Dane Aleksic

Comment Letter Dated March 15, 2019

DA-1 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

The comment regarding amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 120

March 15, 2019

The Honorable Erik Peterson
2000 Main Street
Huntington Beach, CA 92648
erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

I am a long-time resident of the city of Huntington Beach. I grew up here and attended local schools. I've chosen to raise my family here as well and so have many of my family members.

RB-1

As such, I have a vested interest in the economy of the city. Growth is a necessary part of keeping a local economy thriving. Development projects are a necessity for any city to sustain itself.

I have reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia. I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community.

The addition of a lodge with amenities for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

RB-2

I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval.

Sincerely,

Rima Batarse
Huntington Beach Resident

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 120: Rima Batarse

Comment Letter Dated March 15, 2019

RB-1 The comment identifies the economic benefits of growth for the City. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

RB-2 The comment expressing satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

The comment regarding amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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Letter 121

Ken & Susan Thomson
20602 Egret Lane
Huntington Beach, California 92646

March 18, 2019

The Honorable Erik Peterson and City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Sent via e-mail to: erik.peterson@surfcity-hb.org

RE: Shopoff Realty Investments Proposal for the Former Tank Farm/EIR Comments

Dear Mayor Peterson:

My wife and I are residents of Southeast Huntington Beach. We reviewed the Environmental Impact Report and other information on the proposal for the Tank Farm property on Magnolia.

I'm satisfied that the city is examining all possible effects this project may have on the environment, including traffic, parking, open space, etc. Redevelopment of this land is not only necessary for the property, but also for the surrounding community. Its redevelopment is long overdue.

K&ST-1

We prefer the addition of a lodge with amenities and beach access routes for the local community as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of Huntington Beach.

I look forward to progress being made to advance this project to planning commission and ultimately to city council for approval.

Thank you for your attention to this important project.

CC: Ricky Ramos, Senior Planner, City of Huntington Beach
Sent via e-mail to: rramos@surfcity-hb.org

Letter 121: Ken and Susan Thomson

Comment Letter Dated March 18, 2019

K&ST-1 The comment regarding review of the EIR and satisfaction with the analyses of issues, including traffic, parking, and open space and the importance of the development of the land is noted and will be forwarded to the decision makers. No further response is necessary.

The comment regarding amenities and educational opportunities related to the wetlands is noted and will be forwarded to the decision makers. No further response is necessary.

The commenter looks forward to approval of the Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

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4.0 CLARIFICATIONS AND REVISIONS AS PART OF THE FINAL PROGRAM EIR

Some of the revisions included herein are based on input received from the commenters during the public review period, and some are City-identified changes. None of these clarifications and revisions reflect a substantial change to the proposed development, nor they result in a new impact or intensification of an impact already identified in the Draft Program EIR. Additions to the Draft Program EIR are shown in *red italicized* text and deletions are shown in ~~red strikethrough~~ text.

4.1 CLARIFICATIONS AND REVISIONS TO THE DRAFT PROGRAM EIR

4.1.1 SECTION 1.0, EXECUTIVE SUMMARY

The following revisions have been made to the discussion in Section 1.4, Project Description Summary, on page 1-3, in Section 1.0, Executive Summary, of the Draft Program EIR.

> ~~The City is working with the ASCON property owner to acquire the necessary right-of-way for the construction of street frontage improvements to the segment of Magnolia Street north of the project site up to Hamilton Avenue and west on Hamilton to the ASCON property line.~~
>
> *The ASCON Landfill Site has dedicated the necessary right-of-way (for public street and utility purposes) to allow for ultimate street sections, pursuant to the City's General Plan, Circulation Element, at the proposed Project's Hamilton Avenue and Magnolia Street frontages. This dedication was offered to the City on Final Parcel Map No. 86-442 (recorded in Book 226, page 19 of Orange County Records). Since existing berms, fencing, and drains associated with the existing landfill site remain within these dedication areas, a License Agreement was executed in 2006 between the City and the ASCON Landfill Site owner, Cannery Hamilton, LLC. Upon completion of the current remediation project, the City will then pursue acceptance of said dedication area.*

The above revisions have been also made in Section 3.5.5, Coastal Access, under Public Parking, on page 3-10, in Section 3.0, Project Description, of the Draft Program EIR:

The following revisions have been incorporated to Table 1-1, on page 1-10, in Section 1.0, Executive Summary, of the Draft Program EIR:

MM AQ-1 Scrapers used for construction of the proposed Project or Alternative 1 after January 1, 2020 shall meet Tier 3 or better off-road emissions standards*; Tier 4 should be used if available*. The Construction Contractor shall provide a copy of each unit's certified Tier and/or engine specification to the City of Huntington Beach at the time of mobilization of each applicable unit of equipment.

a. Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction equipment

and vehicles must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each vehicle and equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.

b. Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485- CARE's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers and operators understand the idling requirement, post signs at the entry of the construction site and throughout the Project site stating that idling longer than five minutes is not permitted.

c. Encourage construction contractors to apply for SCAQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low emission heavy-duty engines to achieve near-term reduction of NOX emissions from in-house off-road diesel vehicles. More information on this program can be found at SCAQMD's website: http://www. aqmd. gov/home/programs/business/business - detail ?title=off-road-diesel-engines.

The above revisions have also been incorporated to MM AQ-1, on page 4.2-42, in Section 4.2, Air Quality, of the Draft Program EIR.

The following revisions have been made to Table 1-1, Summary of Potential Impacts, Mitigation Measures and Level of Significance, on page 1-17, in Section 1.0 Executive Summary, of the Draft Program EIR.

The project site's past land use activities associated with a fuel storage facility ~~and soil contamination from the adjacent ASCON Landfill~~ have resulted in the release of hazardous substances to project site soils, soil gas, and groundwater.

The above revisions have been also made in Section 4.7.5, Impact Analysis, on page 4.7-15, in Section 4.7 Hazards and Hazardous Materials, of the Draft Program EIR:

The following revision has been incorporated in Table 1-1, on page 1-16, in Section 1.0, Executive Summary, of the Draft Program EIR:

MM GHG-2 The proposed Project shall use electric powered landscaping equipment (i.e., mowers, blowers, chainsaws in Planning Area 4 (Commercial Visitor or CV area) and common areas maintained by the Home Owners Association in Planning Area 3 (Residential or RM area). *The proposed*

Project shall use electric or alternatively fueled sweepers with HEPA filters, if available.

The above revision is also incorporated in Section 4.6.8, Mitigation Program, on page 4.6-36, in Section 4.6, Greenhouse Gas Emissions, of the Draft Program EIR.

The following revision has been incorporated in Table 1-1, on page 1-17, in Section 1.0, Executive Summary, of the Draft Program EIR:

MM HAZ-2 Prior to issuance of grading permits, the Project Applicant shall have implemented all required site assessment and remedial actions to address residual contamination in soil, soil gas, and groundwater as prescribed by the California Department of Toxic Substances Control (DTSC) and under DTSC oversight. *Risk-based target concentrations (RBTCs) approved by DTSC will serve as the screening level (i.e. cleanup threshold) for each constituent of concern. All soil exceeding the screening level shall be removed from the site and transported to a facility licensed to accept the waste. The RBTCs shall be calculated based on exposure assumptions and toxicity criteria published by DTSC as sufficiently conservative for residential land use.* The Project Applicant shall obtain a "No Further Action" letter or other written concurrence from DTSC indicating the successful completion of remediation activities and submit this written documentation to the City of Huntington Beach Fire Department for approval. *Prior to issuance of grading permits, the Project Applicant shall demonstrate compliance with Fire Department Specification #429 (Methane) and #431-92 (Soil Quality).*

The above revision is also incorporated in Section 4.7.7, Mitigation Program, on page 4.7-17, in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR.

The following revision has been incorporated in Table 1-1, on page 1-22, in Section 1.0, Executive Summary, of the Draft Program EIR:

MM NOI-1

- A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise *within a reasonable amount of time and initial response shall be within 48-hours*. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and shall be required to implement reasonable measures to reduce noise levels.

The above revision is also incorporated in Section 4.10.7, Mitigation Program, on page 4.10-34, in Section 4.10, Noise, of the Draft Program EIR.

The following revision has been incorporated in Table 1-1, on page 1-23, in Section 1.0, Executive Summary, of the Draft Program EIR:

MM NOI-3 **Construction Vibration.** The results of the construction vibration analysis indicate that vibration damage could occur at structures within 100 feet of

pile driving activities *and would exceed the threshold associated with potential annoyance to sensitive uses within 300 feet*. Therefore, ~~once final plans for pile driving have been completed, should any structures be located within 100 feet of the perimeter of pile driving,~~ a vibration control plan shall be developed by the Project Applicant and approved by the City Community Development Department prior to issuance of building permits *for any structure requiring pile driving. As part of this plan, documentation on the feasibility of alternative methods of construction that would avoid or substantially reduce the impacts associated with pile driving shall be presented.* ~~The plan shall be implemented before, during, and after pile driving activity.~~ The plan shall consider all potential vibration-inducing activities that would occur and require implementation of sufficient measures to prevent exposure of nearby sensitive receptors to vibration levels in excess of the Vibration Damage Criteria presented in Table 4.10-9. The plan shall identify minimum setback requirements for pile driving activities for the purpose of preventing damage to nearby structures and preventing negative human response. The setback requirements shall be established based on the proposed construction activities and locations and the maximum allowable vibration levels identified for the site. Factors to be considered include the specific nature of the vibration producing activity, local soil conditions, and the fragility/resiliency of the nearby structures. *In addition, measures to reduce vibration levels to the maximum extent possible shall be identified to minimize the exposure of uses to vibrations resulting in annoyance.*

The above revision is also incorporated in Section 4.10.7, Mitigation Program, on page 4.10-35, in Section 4.10, Noise, of the Draft Program EIR.

4.1.2 SECTION 3.0, PROJECT DESCRIPTION

The following revisions have been made in in Section 3.5.3, Planning Area 3 – For-Sale Residential, on page 3-7, in Section 3.0 Project Description, of the Draft Program EIR:

The Project Applicant is proposing to comply with the City's affordable housing requirements, as described in the Magnolia Tank Farm Specific Plan. ~~Section 230.26 of HBZSO requires that at least 10 percent of all new residential construction be affordable units. An affordable housing plan would be submitted to the City at the time of Tentative Map submittal for future projects.~~

The following addition has been made in Section 3.5.7, Infrastructure (Circulation, Parking), on page 3-12, Project Description:

Parking

~~Public parking would be available along the Loop Road, unless restricted due to intersection turning movements and/or sight distance requirements that would result in the elimination of the on-street parking. As stated under Coastal Access, residential developments in PA 3 would be prohibited from using parking spaces on the Loop Road to meet minimum parking requirements.~~ *The proposed Project would result in an*

incremental increase in the amount of Parking available because public parking would be provided within the project site along the interior private Loop Road. Lodge valet parking would also be publicly available. All parking shall be provided on-site with the required number of parking spaces specified by the Specific Plan or Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) (C 2.4.2a) with the following differences and additional requirements: ~~Parking within PA 3 would comply with Chapter 231 of the HBZSO with the following differences and additional requirements:~~

- Detached cluster *and stub drive* homes shall comply with the ~~m~~*M*ulti-~~f~~*F*amily *Residential* parking requirements;
- ~~Small-lot homes shall comply with the Multi-Family Residential parking requirements;~~
- A tandem parking configuration may be *utilized* ~~provided~~ for both garage and driveway*s to meet* required parking for individual residential units (maximum ~~total~~ two *enclosed* parking spaces deep). *One driveway parking spot may be located behind enclosed tandem garage with the appropriate driveway depth;*
- Uncovered parking spaces for residential uses shall be located in parking bays within 200 feet of the unit served and are also permitted in driveways; and
- Senior projects are to comply with senior parking requirements as stated in the HBZSO Off-Street Parking Space Requirements.

On-street parking spaces on Magnolia Street that are lost due to the construction of the new community entry across from Bermuda Drive shall be mitigated by the addition of public parking spaces created along the Loop Road.

The above revisions are also applicable to the same discussion in Section 4.14, Transportation/Traffic Section (Threshold 4.14-5), on page 4.14-37.

The following revisions have been made in in Section 3.5.11, Walls and Fences, on page 3-17, in Section 3.0 Project Description, of the Draft Program EIR:

The proposed Project and Alternative 1 would include appropriate fencing and a gate along the western edge of the CC area to protect the Marsh from unsupervised entry by the public. The existing chain link fence on the OCFCD property would remain in place. To further keep people and pets from entering the CC area from Marsh Park to the northern property line, fencing would be installed along the boundary between the CC area and the residential neighborhoods. ~~Additionally,~~ *C*~~c~~ommunity walls are proposed on the northern boundary and along the Magnolia Park boundary. *Additionally, soundwalls would be located, as necessary, to meet the City noise standards.* Any walls, fences, or other devices to preclude public access to the CC area would not be allowed, except those approved as part of the Specific Plan.

4.1.3 SECTION 4.0, IMPACT ANALYSIS INTRODUCTION

The following revision has been made in Table 4-1, on page 4-6, in Section 4.0, Impact Analysis Introduction, of the Draft Program EIR:

TABLE 4-1
APPROVED AND PENDING PROJECTS IN THE CITIES OF HUNTINGTON BEACH, NEWPORT BEACH, AND COSTA MESA

Project	Proposed Land Uses	Location and Approximate Distance from Project Site	Determination/Status
City of Huntington Beach			
3. ASCON Landfill Remediation	Cleanup and remediation of the landfill.	Southwest corner of Magnolia Street and Hamilton Avenue. Located adjacent to the site.	~~Planning~~ *Final Remedial Action Plan (RAP) approved by DTSC on 6/9/15. As of January 18, 2019, field work at the ASCON Landfill Site has been initiated; however, at this time the schedule for completing remediation is uncertain.*

Section 4.1, Aesthetics

The following revisions have been included in Section 4.1.6, Cumulative Impacts, Proposed Project and Alternative 1, on page 4.1-22, in Section 4.1 Aesthetics, of the Program EIR:

> The ASCON landfill Site is a closed landfill that is currently under remediation. It has a land use designation of Residential Medium Density and a Specific Plan zone ~~and may~~ *that would* potentially *enable* redevelop*ment* with residential uses in the future. However, *the DTSC-approved Remedial Action Plan and its associated EIR for the ASCON remedy prohibits future residential development at the ASCON Landfill site* ~~as it stands, no development is planned for the ASCON site and it may remain in an undeveloped condition indefinitely~~.

Section 4.2, Air Quality

The following addition has been included under Threshold 4.2-4, on page 4.2-39, in Section 4.2, Air Quality, of the Draft Program EIR. The same revisions were also made under Threshold 4.7-3 in Section 4.7.5, Impact Analysis, page 4.7-15, in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR:

> As indicated in Section 4.7, Hazards and Hazardous Materials of this EIR, known areas of contaminated soil have been addressed ~~to the satisfaction of the Huntington Beach Fire Department, and the cumulative sampling data suggest no further action is required.~~ The Project Applicant and Southern California Edison continue to work with the state Department of Toxic Substances Control (DTSC) toward regulatory closure. ~~However, past activities on the project site as a fuel storage facility and the proximity of the ASCON~~

~~Landfill to the north resulted in the release of hazardous substances to project soil, soil gas and groundwater.~~ *In case any impacted soil is encountered,* ~~M~~ *m*itigation measures (MM HAZ-1 through MM HAZ-4) in Section 4.7 are in place to address potential exposure to unknown soil ~~conditions and to reduce the proposed Project and Alternative 1~~ impacts *encountered* during ~~and after~~ construction to less than significant.

The following addition has been included under Threshold 4.2-4, on page 4.2-39, in Section 4.2, Air Quality, of the Draft Program EIR. The same revisions were also made under Threshold 4.7-3, on page 4.17-15, in Section 4.7 Hazards and Hazardous Materials, of the Draft Program EIR:

However, past activities on the project site as a fuel storage facility ~~and the proximity of the ASCON Landfill to the north~~ resulted in the release of hazardous substances to project soil, soil gas and groundwater.

The following addition has been included under Threshold 4.2-4, on page 4.2-40, in Section 4.2, Air Quality, of the Draft Program EIR:

The project site is located approximately 130 feet to the east of the property line of the AES Generating Facility, which is currently being constructed at this site to replace the Huntington Beach Generating Station, which is scheduled to cease operation by December 2020. The new facility would be a natural gas power plant and would take approximately nine years to complete (HBEP Amendment 2017).[11] The new facility would require an authority to construct and a permit to operate from the SCAQMD. The permitting process would ensure that emissions from new facility meet the emissions limits established by the SCAQMD. Compliance with air permitting requirements would minimize emissions from this facility.

The "Huntington Beach Energy Project Petition to Amend (12-AFC-02C) Revised Air Quality and Public Health Assessment" (AES 2016) reanalyzed potential health risks associated with the AES Plant. During the operations phase of the AES Plant, the Point of Maximum Impact (PMI) resulted in a risk level of 4.3 cancer risk per million. The PMI is the point at which the highest cancer risk is anticipated outside of the AES Plant boundaries. The PMI is based on a receptor grid that extends up to 10 kilometers (6.2 miles) from the AES facility. The proposed project site is included within this analysis area. The SCAQMD considers cancer risk levels of 10 or greater in a million to result in a significant cancer risk. As such, the project site would be exposed to cancer risk levels below 10 in a million, which are not considered to be significant cancer risk exposure by the SCAQMD. Acute and chronic exposure at the PMI were substantially below the hazard risk level and would also result in a less than significant health risk exposure level at the project site.

The following addition has been included under Threshold 4.2-4, on page 4.2-40, in Section 4.2, Air Quality, of the Draft Program EIR:

CARB's 2005 Air Quality and Land Use Handbook (CARB Handbook) cautions against siting sensitive receptors near sources of substantial TACs. These sources include but are not limited to freeways, urban roadways with 100,000 or more average daily trips,

[11] The Huntington Beach Energy Project Amendment, including the environmental assessment and the California Energy Commission Decision was approved in May 2017.

distribution centers, and major service and maintenance rail yards. The recommended minimum distance from a freeway to sensitive receptors is 500 feet. The project site is approximately 4 miles from Interstate-405. Pacific Coast Highway has a projected future volume 44,779 average daily trips, which is below the 100,000 average daily trips per day threshold. Therefore, the project site is located substantially further than any of the distances listed in the CARB Handbook for land uses that emit TACs.

The Department of Toxic Substances Control (DTSC) approved a Final Remedial Action Plan (RAP) for the site on June 9, 2015 (DTSC 2015a). The RAP was evaluated in an Environmental Impact Report (EIR), which was released for public review on August 29, 2013 and certified on June 18, 2015. The California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations (SOC) was published for the project by the DTSC on June 18, 2015 (DTSCb). While the SOC identified unavoidable short-term air quality impacts, no long-term emissions of TACs that have the potential to significantly impact residents, visitors, or employees at the project site have been identified. The SOC further states "While acknowledging the potential for short-term environmental impacts as described in the Final EIR, the RAP will nonetheless further DTSC's mission statement by providing for the long-term protection of public health and the environment in and around the ASCON Landfill Site." (DTSC 2015b).

As of January 18, 2019, field work at the ASCON Landfill Site has been initiated; however, at this time the schedule for completing remediation is uncertain. The proposed Project is anticipated to be completed in 2026. As such, Project occupancy would occur subsequent to completion of the RAP.

Section 4.3, Biological Resources

The following revisions have been included in Table 4.3-2, Summary of Ornamental Tree Species, on page 4.3-28, in Section 4.3, Biological Resources, of the Program EIR:

TABLE 4.1-2
SUMMARY OF ORNAMENTAL TREE SPECIES

Scientific Name	Common Name	Number of Trees	Percentage
Schinus terebinthifolius	Brazilian peppertree	10	10.87
Eucalyptus lehmannii	Bushy yate	3	3.2
Platanus racemosa	California sycamore	2	2.17
Cupaniopsis anacardioides	Carrotwood	1	1.09
Ceiba speciosa	~~Coral tree~~ *Silk Floss Tree*	6	6.52

Section 4.5, Geology and Soils

The following revision has been incorporated in Section 4.5.1, Regulatory Setting, on page 4.5-3, under Soil Quality, in Section 4.5, Geology and Soils, of the Draft Program EIR:

> Soil Quality
>
> ~~The existing~~ *Any residual* soil contamination on site would be remediated under the oversight of the Department of Toxic Substances Control (DTSC) at residential standards. The site would be also required to show compliance with HBFD's City Specification's No. 429 and No. 431-95 for residential use. The HBFD would not approve any building or grading permits until the site's soil receives a "no-further-action" letter from the DTSC and demonstrates compliance with the HBFD's City Specification.

The following revision has been incorporated in Section 4.5.3, Existing Conditions, on page 4.5-6, in Section 4.5, Geology and Soils, of the Draft Program EIR:

> It is anticipated that any undocumented fill resulting from the temporary staging operations by AES would be removed or remediated during grading of the project site (LGC 2018). *However, the slope referenced along the northern property within the ASCON Landfill Site is temporary and would be replaced during the ASCON Landfill Site final remedy construction, presently underway, with an anticipated conclusion that is uncertain at this time. The replacement slope, which would be set back approximately 38 feet from the Magnolia Tank Farm property line, is designed to meet the maximum credible seismic event.*

The following addition is incorporated under Threshold 4.5-1, in Section 4.5.5, Impact Analysis, on page 4.5-10, in Section 4.5, Geology and Soils, of the Draft Program EIR:

> Results of the analysis indicate that effects of seismic slope displacement and/or lateral spreading have a potential for occurrence along the northern, and western margins of the project site (LGC 2018). *However, the slope referenced along the northern property within the ASCON Landfill Site is temporary and would be replaced during the ASCON Landfill Site final remedy construction, presently underway, with an anticipated conclusion that is uncertain at this time. The replacement slope, which would be set back approximately 38 feet from the Magnolia Tank Farm property line, is designed to meet the maximum credible seismic event.*

The following deletion is made under Threshold 4.5-1 in Section 4.5.5, Impact Analysis, on page 4.5-10, in Section 4.5, Geology and Soils, of the Draft Program EIR:

> ~~Additionally, results of the Geotechnical Study indicate that ground improvements would likely be required for stabilization of the slope between the northwestern pad and the Huntington Beach Channel and below the slope ascending to the ASCON site. The improvement area would likely be between 20 and 35 feet in width and 15 to 20 feet in depth below existing grade. Potential impacts from seismic slope displacement and lateral spread can be reduced through implementation of MM GEO-1, which would incorporate possible ground improvement options that would increase the strength within the slope, typically involving densification, mixing, or replacement, as explained in the Geotechnical Study, and would reduce the potential impacts related to seismic~~

~~slope displacement and lateral spreading to less than significant levels (LGC 2018). For the southwestern pad of the proposed Project, the potential seismic slope displacement (lateral spreading) was mitigated by the use of a series of piles supporting the proposed lodge structure in PA 4 or CV area. As stated above, the proposed Project would be required to conform to the latest adopted edition of the California Building Code (CBC 2016) and implementation of MM GEO-1, which would require preparation of additional geotechnical studies and incorporation of all recommendations defined therein as part of the final project design. Therefore, there would be less than significant impacts related to seismic shaking and seismic ground failure in the form of liquefaction, seismically induced settlement, and lateral spreading for the proposed Project.~~

Section 4.6, Greenhouse Gas Emissions

The following addition has been incorporated to Section 4.6.8, Mitigation Program, on page 4.6-36, in Section 4.6, Greenhouse Gas Emissions, of the Draft Program EIR:

MM GHG-5 *Employers in Planning Area 4 (Commercial Visitor or CV area) shall establish a mechanism to encourage and coordinate ride sharing, vanpooling/carpooling or other transit opportunities and shall offer transit incentives to employees. This measure may be satisfied through the creation of a public message board or other reasonable alternative means of communication.*

Section 4.7, Hazards and Hazardous Materials

The following revision has been incorporated to Section 4.7.1, under Occupational Safety and Health, on page 4.7-3, in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR:

OSHA also establishes standards regarding safe exposure limits for chemicals to which construction workers may be exposed. Safety and Health Regulations for Construction (~~29 CFR 1926.65~~ *California Code of Regulations, Title 8, subchapter 4,* Appendix C), contains Compliance Guidelines for construction activities, which include occupational health and environmental controls to protect worker health and safety.

The following revision has been incorporated to Section 4.7.1, under Soil/Groundwater Contamination, on page 4.7-3, in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR:

~~Site contamination occurred as a result of past activities at the project site and adjacent sites.~~ While it is possible that this ~~could subject the~~ *site could be subject* to federal enforcement action under CERCLA, the current oversight of the hazardous substance investigation ~~and remediation~~ is being provided by DTSC and local agencies under applicable state laws and DTSC case closure is required prior to commencement of proposed Project or Alternative 1 construction.

The following revision has been incorporated to Section 4.7.1, Regulatory Setting, under State, on page 4.7-4, in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR:

> Future commercial users of the project site may be subject to these requirements, depending on the use of chemicals at such businesses; however, the proposed ~~loge~~ *lodge*/guesthouse and visitor-serving retail uses are not expected to handle hazardous materials in quantities that would require the filing of a Hazardous Materials Business Plan.

The following revision has been incorporated to Section 4.7.5, Impact Analysis, under Threshold 4.7-1, on page 4.7-11, in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR:

> Compliance with South Coast Air Quality Management District Rule 403 will assure that fugitive dust emissions during earthwork are controlled to levels that are less ~~that~~ *than* significant to on-site and off-site receptors.

The following revisions have been incorporated in Section 4.7.3, Existing Setting, Summary of Site Investigation Results, on page 4.7-9, in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR:

> In June 2017, WGR performed soil excavation along the northern boundary of the site adjacent to the ASCON Landfill Site. A sample was collected at the property line in the remedial excavation adjacent to the piping *that straddles the project site and the adjacent site* ~~extending to the south from the ASCON Landfill~~. No further excavation was performed beyond the property line, as it would have required entry onto the adjacent site. The WGR report indicated that a small section of piping was observed *extending* from the *northern excavation wall* ~~ASCON property and entering the project site~~. The small section of pipe that was observed was "capped" with earthen materials (dirt) and still contained crude oil. The area along the north property line was excavated to dimensions of 10 feet by 20 feet wide and 6 feet deep. WGR reported that the crude oil-impacted material was successfully removed to the west, east, and south; however, subsurface crude oil was still present along the property line and to the north on the ASCON Landfill Site. The source of contamination at the northern boundary of the site is believed to be the leaking pipe ~~on the ASCON property~~ (Tait 2017*8*). If ~~this off-site leak~~ *the pipeline and any associated contamination above cleanup standards have* ~~has~~ not been addressed by ASCON prior to issuance of grading permits for the development, additional response may be needed to prevent future migration of crude oil onto the project site.

The following revisions have been incorporated under Threshold 4.7-3 in Section 4.7.5, Impact Analysis, on page 4.7-14, in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR:

> The pipeline ~~ASCON Landfill is further discussed below as the~~ *is a potential* source of soil contamination ~~related to the pipeline that extends from the ASCON Landfill property to~~ *at* the project site.

The following revisions have been incorporated under Threshold 4.7-3 in Section 4.7.5, Impact Analysis, on page 4.7-14 (under Hazardous Soil, Soil Gas, and Groundwater), in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR:

> However, past activities on the project site as a fuel storage facility ~~and the proximity of the ASCON Landfill to the north~~ resulted in the release of hazardous substances to project soil, soil gas and groundwater.

The following revisions have been incorporated under Threshold 4.7-3 in Section 4.7.5, Impact Analysis, on page 4.7-15 (under Hazardous Soil, Soil Gas, and Groundwater), in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR:

> ***Impact Conclusion:*** *The project site's past land use activities ~~associated with a fuel storage facility and soil contamination from the adjacent ASCON Landfill~~ have resulted in the release of hazardous substances to project site ~~soils, soil gas and groundwater. These impacts would be potentially significant. However,~~* Known impacts associated with these past activities have been remediated and regulatory review and closure by DTSC is pending. *~~I~~Implementation of MM HAZ-1 through MM HAZ-4 would reduce ~~the proposed Project or Alternative 1 impacts~~* any residual contamination encountered *during ~~and after~~ construction to less than significant pursuant to Threshold 4.7-~~2~~ 3.*

Section 4.8, Hydrology and Water Quality

The following revision has been incorporated in Section 4.8.3, Existing Conditions, Existing Water Quality, Existing Project Site, on page 4.8-15, in Section 4.8, Hydrology and Water Quality, of the Draft Program EIR:

> The water quality issues and the pollutants of concern related to the former use of the oil storage tanks on the project site ~~and the adjacent ASCON Landfill~~ are addressed in Section 4.7, Hazards and Hazardous Materials.

Section 4.9, Land Use and Planning

The following revisions have been incorporated in Table 4.9-2, Project Comparison to City of Huntington Beach General Plan Elements, on page 4.9-17, in Section 4.9 Land Use and Planning, of the Draft Program EIR:

TABLE 4.9-2
PROJECT COMPARISON TO CITY OF HUNTINGTON BEACH GENERAL PLAN ELEMENTS

Policy	Compliance with Policy
LU-C: Improve the availability of affordable housing and accessible transportation options for service workers.	**Proposed Project Would Not Conflict** ~~The proposed Project would be developed in compliance with the affordable housing provisions in Section 230.26 of the HBZSO, which requires new residential projects of three or more units in size to include a minimum of 10 percent of all new residential construction be affordable units.~~ *The Project Applicant is proposing to comply with the City's affordable housing requirements, as described in the Magnolia Tank Farm Specific Plan.* ~~In addition, as required by provisions in Section 230.26, sale units included in the project would be made available to moderate income households, as defined by Health and Safety Code Section 50093, or applicable successor statute.~~ Additionally, the proposed Project would promote active transportation, and connection to facilitate public access and provide for bicycles through lower speed shared roadways within the community and connection to the Class II bicycle lane on Magnolia Street. No conflict with this policy would occur. **Alternative 1 Would Not Conflict** The above discussion would also apply to Alternative 1. No conflict with this policy would occur.

The following revisions have been incorporated in Table 4.9-2, Project Comparison to City of Huntington Beach General Plan Elements, on page 4.9-30, in Section 4.9 Land Use and Planning, of the Draft Program EIR:

HAZ-C: Prohibit the future placement of sensitive land uses in close proximity to hazardous material and waste sites.	**Proposed Project Would Not Conflict** As previously discussed above under response HAZ-5B, the proposed Project would be developed within a remediated brownfield. The site is currently graded being used as a staging area. As described in Section 4.7, Hazards and Hazardous Materials, the project site is not listed as a Cortese hazardous materials site pursuant to Government Code Section 65962.5. However, the adjacent ASCON Landfill is listed as a Cortese site and remains listed as "active" for cleanup. Given the project site's past use as an oil storage facility ~~and soil contamination from the pipeline that extends from the ASCON property onto the project site that may have impacted site soils~~, the ~~project~~ *site* has undergone extensive testing ~~and remediation~~. Additionally, the ASCON landfill has also gone through two major remedial efforts that included removal of the waste materials, grading, and installation of stormwater control features and Best Management Practices (BMPs) and anticipates implementing a final remedial action plan in 2019 with oversight by the California Department of Toxic Substances Control (DTSC). No plans are in place for the ASCON site, and therefore no incompatibility issues are anticipated with the proposed residential uses on the proposed project site along the northern boundary.

The following revisions have been made in Section 4.9.5, Impact Analysis, page 4.9-72, in Section 4.9, Land Use and Planning, of the Draft EIR:

> The Magnolia Pacific Specific Plan was adopted in 1992 for a planned residential community on the ASCON Landfill site; however, ~~the plan is no longer allowed as a result of actions by DTSC~~ *the DTSC-approved Remedial Action Plan and its associated EIR for the ASCON remedy prohibit future residential development. A restrictive covenant will be*

placed on the property after DTSC certifies that the remediation is complete to assure appropriate limitations on any future development on the ASCON Landfill site.

The following revisions have been made in Table 4.9-2, Project Comparison to City of Huntington Beach General Plan Elements, Policy HAZ-C, in Section 4.9.5, Impact Analysis, on page 4.9-30, in Section 4.9, Land Use and Planning, of the Draft EIR:

Given the project site's past use as an oil storage facility ~~and soil contamination from the pipeline that extends from the ASCON property onto the project site that may have impacted site soils~~, the ~~project~~ *site* has undergone extensive testing ~~and remediation~~.

Section 4.10, Noise

The following revision has been incorporated under Threshold 4.10-4, in Section 4.10.5, Impact Analysis, on page 4.10-31, in Section 4.10, Noise, of the Draft Program EIR:

An additional phase of construction, the improvements ~~associated with the ASCON street improvements~~ *located along Hamilton Avenue and Magnolia Street, adjacent to the ASCON Landfill Site*, has been modeled, which is expected to utilize similar equipment to the grading phase as shown on Exhibit 4.10-5, Curb Construction – Off-site Residences.

The following revisions have been made in Section 4.10.6, Cumulative Impacts, on page 4.10-33, in Section 4.10, Noise, of the Draft Program EIR:

~~At this time, there is no established timeframe for construction activities on the ASCON site.~~ *The remedy construction for the ASCON Landfill Site began in January 2019.*

Section 5.0, Alternatives

The following revision has been made in Section 5.3.1, Alternative 2A – No Project/No Development Alternative, on page 5-11, in Section 5.0, Alternatives:

Hazards and Hazardous Materials

The No Project/No Development Alternative would not involve the use, transport, disposal, or emission of hazardous materials associated with the proposed Project. In addition, no soil disturbance that may uncover potentially impacted soils or disturb abandoned wells ~~and underlying contaminated groundwater~~ would occur under this alternative. At the same time, remedial actions needed to obtain California Department of Toxic Substances Control (DTSC) clearance (through a No Further Action determination) for the site would not be completed, as none would be necessary.

Section 6.0, Long-Term Implications of the Project

The following revision has been made in Section 6.3, Growth Inducing Impacts of the Proposed Action (Long-Term Implications of the Project), on page 6-3, in Section 6.0, Long-Term Implications of the Project:

> The only undeveloped site is ASCON Landfill Sie immediately to the north (with a General Plan designation of Residential Medium Density [RM])~~; however, no development is planned indefinitely for that site~~, which has been undergoing remediation.

4.2 REVISIONS TO THE EXHIBITS

No revisions have been made to any exhibits in the Draft Program EIR.

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5.0 LATE COMMENTS RECEIVED AS PART OF THE PLANNING COMMISSION STUDY SESSIONS

5.1 INTRODUCTION

As previously noted, the Draft Program Environmental Impact Report (Program EIR) for the Magnolia Tank Farm Project was circulated for a 90-day public review and comment period beginning on December 17, 2018 and ending on March 18, 2019. Comments received during the public review period, have been responded to in Section 3.0 of these Responses to Comments[12].

Two Planning Commission study sessions (August 13, and August 27, 2019) were held that focused on the Draft Program EIR. The comments were submitted via email and made verbally at the Planning Commission study sessions. To ensure a comprehensive record, written responses have been prepared to address the issues raised outside of the formal comment period regardless of whether such comments raised significant environmental issues or were general in nature.[13]

Although there is no CEQA requirement to respond to any of this correspondence, the City believes it is important to provide responses to all comments received. To facilitate the City's review of the comments received, the key issues raised in the correspondence have been summarized and a response provided.

None of the correspondence provides substantial evidence of a new or more severe impact than what was identified in the Draft Program EIR. The issues raised have all been addressed in the Draft Program EIR and/or have been raised in comments received during the public review period. For those issues in this latter category, responses are also included in Section 3.0 of this Responses to Comments document.

This section is organized into the following five subsections: 5.1 is an introduction; 5.2 is the summation and response to questions that are more general in nature; Section 5.3 are responses by Roux, to issues pertaining to hazardous materials; Section 5.4 are responses by LLG to comments focused on traffic; and Section 5.5 are the written comments received. The correspondence is included by the date received.

5.2 KEY ISSUES RAISED IN LATE CORRESPONDENCE AND AT THE PLANNING COMMISSION STUDY SESSIONS

Requests that the City not approve an amendment to the General Plan

The comments express opposition to the Magnolia Tank Farm Project and express an opinion that the General Plan should not be amended because it was already voted on. The comment does not raise a specific question regarding the analysis in the Draft Program EIR or make any

[12] A few late comments received shortly after the close of the public review period have also been included in Section 3.0.

[13] Section 15132(d) of the CEQA Guidelines, requires preparation of responses to comments that raise "significant environmental points raised in the review and consultation process"

substantive comment about the adequacy of the Draft Program EIR. For that reason, no further response is required. However, some background on General Plans is warranted.

The General Plan provides "for the physical development of the county or city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (Gov. Code Section 65300). Under state law, subdivisions, capital improvements, development agreements, and many other land use actions must be consistent with the adopted General Plan. The General Plan is implemented through the zoning and subdivision processes. However, as noted in the State General Plan Guidelines, "Planning is a continuous process; as such, the general plan should be reviewed regularly . . . regular reviews and updates reduce the potential cost of a comprehensive rewriting of their general plan, while keeping it timely and relevant to community needs." State law has incorporated provisions for General Plan Amendments, which can be specific to changing a particular land use designation but does not change the overarching policies of the General Plan or include comprehensive updates. The Magnolia Tank Farm Project proposes a site-specific change to the land use designation. This is the first step in the process for the City Council to evaluate suitability of the proposed land use, in light of the City's long-term needs.

As the City has noted in response to some of the correspondence that has been received, "Every property owner has a right to submit development applications for their property(ies) and staff is obligated to process such applications. Processing such applications does not infer approval or denial. In this case, because the requested actions are legislative in nature (General Plan and Zoning) the Planning Commission is only a recommending body and not an approval body. The City Council is the decision-making body in all legislative matters which includes all of the requests associated with this particular application."

Adequacy of the assessment of hazardous materials on the site and the suitability of the site for residential development

Community concerns regarding hazardous materials were identified in the comment letters received during the Draft Program EIR review period in addition to the late comments and comments provided at the Planning Commission study sessions. Hazards and hazardous materials were evaluated in Section 4.7 and Appendix H of the Draft Program EIR. Although presentations on this issue were provided as part of the August 13 and August 27, 2019 Planning Commission study sessions, many of the comments on this issue had already been submitted and the testimonies prepared.[14] Recognizing the complexity of this issue, Roux has prepared further explanation to respond to the comments. These responses are included as Section 5.3.

None of the information included in the August 13 or August 27, 2019 study sessions or in the materials presented by Roux and to the Planning Commission, constitutes significant new information, but rather it provides additional detail that further substantiates the information in the Draft Program EIR.

[14] Some of the written comments reflect the verbal testimony provided to the planning commissioners.

Citing the Executive Summary of the Draft Environmental Impact Report and expressing concerns on the completeness of the data

The City, not the Applicant, oversaw the preparation of the EIR by consultants hired directly by the City.[15] A third party review was conducted on all technical studies prepared by the Applicant's consultants. The body of the Draft Program EIR provided more than "glimpses of data". Less cover and table of contents, the Draft Program EIR was 756 pages. The technical studies were included as technical appendices, which are listed below.

Of the three technical reports addressing hazardous materials, one report was a compilation report. This report is a comprehensive summation of numerous technical studies that date back to soil samples taken in 1996. The compilation report, prepared by a Professional Geologist/Certified Hydrogeologist, was an effective way of synthesizing highly technical and volumnous amounts of material. The compilation report itself was 276 pages, not counting the cover and table of contents. To provide context of the amount of data that was used in the preparation of the Compilation Report, this document summarized 40 technical reports, totaling 323 megabits of data. The caliber of the report was developed to also be submitted to the California Department of Toxic Substance Control (DTSC) and the Huntington Beach Fire Department (HBFD). This was an effective method of presenting the site conditions, thereby allowing the Draft Program EIR to meet CEQA's requirement of providing the "public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts" (CEQA Guidelines Section 15125). This was more effective than providing thousands of pages of highly technical data that would not be understandable for the general public or decision makers. The supporting technical data were appropriately referenced. There were no requests during the public review period to review any of the supporting documentation. However, based on the comment at the August 13, 2019 Planning Commission study session, these supporting studies have been made available at the City for review. The availability of the documents was identified at the August 27, 2019 Planning Commission study session as part of the responses to issues raised at the August 13, 2019 meeting. These supporting studies are attached hereto and are hereby incorporatd into the Record of Proceedings for the Final Program EIR as part of the Findings of Fact prepared for the Project.

The supporting studies do not represent new information because the findings and basis for the findings is included in the Compilation Report. These studies are referenced in the Compilation Report provide the supporting documentation that further substantiates the findings of the Draft Program EIR.

As noted above, the other technical appendices to the Draft Program EIR included:

A Magnolia Tank Farm Specific Plan
B NOP, NOP Comment Letters, and Scoping Materials
C Emissions Calculations
D Biological Resources
    D-1 Biological Technical Letter Report
    D-2 Arborist Report

[15] The applicant is required to reimburse the City for the expenses related to the preparation of the EIR.

D-3 Tree Replacement for CEQA Compliance
D-4 Jurisdictional Delineation Report

E Phase I Cultural and Paleontological Assessment

F Geotechnical
F-1 Revised Geotechnical Study
F-2 Alternative 1 Site Configuration Recommendations – Addendum to Geotechnical Study

G Hazards and Hazardous Materials
G-1 Compilation Report of Environmental Investigations Update No. 1
G-2 Quarterly Groundwater Sampling Report (Second Quarter 2018)
G-3 Groundwater Monitoring Well Installation Report

H Hydrology and Water Quality
H-1 Infrastructure Technical Report for Hydrology
H-2 Preliminary Water Quality Management Plan (WQMP)
H-3 Sea Level Rise Vulnerability Assessment and Adaptation Plan
H-4 Orange County Property Encroachment Permit

I Noise and Vibration Impact Analysis

J Traffic Impact Analysis

K Infratrature Water and Sewer
K-1 Infrastructure Technical Report for Water and Sewer
K-2 Infrastructure Technical Report for Water and Sewer – Alternatives Memorandum

In addition to the above listed technical appendices provided as part of the Draft Program EIR, the Urban Crossroads Supplemental Air Quality Assessment is also included as Appendix L to the Draft Program EIR (Attachment D to these Responses to Comments).

Delay action on the Project until the clean-up on the ASCON Landfill Site is complete

Concerns were expressed regarding occupany of the Magnolia Tank Farm coinciding with remediation of the ASCON Landfill Site. The opinion on the timing of construction is acknowledged and has been forwarded to the decision-makers. It should be noted that, development of the proposed Project is not expected to be initiated until late 2020, and buildout would occur in 2026. While a specific date is not available at this time for completion of the active remediation of the ASCON Landfill Site, and occupancy of the proposed Project may occur prior to 2026, it is anticipated that the active remediation efforts would be substantially completed before occupancy of the Magnolia Tank Farm development.

Hazardous materials and toxins affecting mental health

A number of comments pertain to correlation between toxins from ASCON Landfill Site and the mental health of children. The illnesses cited include bipolar disease, schizophrenia, personality disorder, epilepsy, and Parkinson's disease. The commenters allege that the future Magnolia Tank Farm development will exacerbate the existing situtation with ASCON Landfill Site producing toxins. The comments further state that the wind or more specifically the Santa Ana winds will carry the toxins from the ASCON Landfill Site onto their homes. The comments recommend additional core samples, 10 meters down be conducted and the results released.

The correlation of toxic air contaminants (TAC) and the mental illnesses cited is not supported by substantial evidence. However, it is important to understand the context of the project site's exposure to toxic air contaminants from existing emission sources (i.e., AES power plant, ASCON Landfill Site, State Route 1 [SR-1]). As discussed in Section 4.2, Air Quality, of the Draft Program EIR, the Multiple Air Toxics Exposure Study IV (MATES IV), is the South Coast Air Quality Management District's (SCAQMD's) most recent in-depth analysis of the TACs and their resulting health risks for all of Southern California. The MATES IV Study for the South Coast Air Basin shows that cancer risk has decreased more than 55 percent between MATES III (2005) and MATES IV (2012), which indicates that health risks at the project site are less than the basin-wide average.[16] Those health risks were based on previous Huntington Beach Generating Station, and the new facility is anticipated to result in less air pollutant emissions. As such, the future residents and employees of the proposed Project and off-site receptors would not be exposed to high levels of TAC.

Not only do the regional studies demonstrate that the level of potential air toxins is less than the basin-wide average, it is unclear how the development of the Magnolia Tank Farm Project would contribute to such conditions. None of the uses proposed by the Project would substantially contribute to the background conditions.

As discussed in Section 4.7, Hazards and Hazardous Materials, of the Draft Program EIR extensive testing of the project site, including 152 soil test locations, 23 soil gas test locations, and 10 groundwater samples (including samples from three wells installed by EnvApps in May 2018) have been conducted for petroleum hydrocarbons and other constituents of concern. All of the sampling locations that had contained petroleum hydrocarbons (TRPH/TPH) and PAHs in excess of residential screening levels were removed during the excavation activities. On August 15, 2017, HBFD issued a written concurrence that "no further action" was needed.

Despite regulatory closure status, the Draft Program EIR has incorporated measures to address in the event that construction workers may encounter residual impacted soil during grading and other earthwork activities. The Soil Management Plan prescribed in MM HAZ-1 includes regulatory requirements and additional guidance concerning the proper monitoring, handling, segregation, stockpiling, dust control, testing, transport, and disposal of soils that are potentially impacted by hazardous materials and/or petroleum hydrocarbons. All Project remediation activities are required to comply with SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil and Rule 1466, Control of Particulate Emissions from Soils with Toxic Air Contaminants. Rule 1166 requires an approved mitigation plan be obtained from the SCAQMD prior to commencement of excavation, grading, or handling of VOC contaminated soils.

Based on this information, the Project would not contribute to an increase in ambient levels of TAC. Potential TAC associated with the remediation of the ASCON Landfill Site is currently underway. Although short-term air emissions have been identified with the implementation of the approved Final Remedial Action Plan (RAP) for the site, DTSC found that the potential for short-term environmental impacts associated with remediation will further DTSC's mission statement by providing for the long-term protection of public health and the environment in and around the ASCON Landfill Site. The precise timing for the completion of the RAP is not currently known, it is reasonable to expect much of the remediation would be completed prior to

[16] The SCAQMD's MATES IV Interactive map shows a carcinogenic risk of 613 per million, which is below the basin-wide average of 897 in a million-risk level.

occupancy of the units because prior to construction of the Project, further entitlements, which are outlined in Section 3.7 of the Draft Program EIR, are still required for the Project.

The Magnolia Tank Farm site should be condemned due to hazards materials

An opinion has been expressed that the Magnolia Tank Farm site should be condemned due to hazardous materials onsite. However, based on testing conducted over multiple years by various parties that do not include the applicant, there is no indication of substantial contamination onsite. Therefore, the public benefit that would be derived from acquiring the site, which is the basis for the condemnation, is not evident. The comment also does not identify which agency should initiate the condem atnation process (presumably the City of Huntington Beach or DTSC) nor why it would be in the agency's best interest to acquire the property. Currently it is the property owner's responsibility to remediate any contamination on the site, not the public agency's. Existing regulations, as well as measures identified in the Draft Program EIR require the Applicant to demonstrate that the site has been remediated to residential standards prior to the initiation of construction.[17] The DTSC would provide oversight on the testing to ensure all required remediation is completed. As noted in MM HAZ-2, below, the documentation would be submitted to the HBFD for approval. This measure would provide the City the necessary assurances that the site is not contaminated prior to construction.[18]

MM HAZ-2 Prior to issuance of grading permits, the Project Applicant shall have implemented all required site assessment and remedial actions to address residual contamination in soil, soil gas, and groundwater as prescribed by the California Department of Toxic Substances Control (DTSC) and under DTSC oversight. *Risk-based target concentrations (RBTCs) approved by DTSC will serve as the screening level (i.e. cleanup threshold) for each constituent of concern. All soil exceeding the screening level shall be removed from the site and transported to a facility licensed to accept the waste. The RBTCs shall be calculated based on exposure assumptions and toxicity criteria published by DTSC as sufficiently conservative for residential land use.* The Project Applicant shall obtain a "No Further Action" letter or other written concurrence from DTSC indicating the successful completion of remediation activities and submit this written documentation to the City of Huntington Beach Fire Department for approval. *Prior to issuance of grading permits, the Project Applicant shall demonstrate compliance with Fire Department Specification #429 (Methane) and #431-92 (Soil Quality).*

Development on an earthquake fault line may result in environmental damage

Concerns were expressed regarding the potential seismicity-related impacts. It should be recognized that as with all of Southern California, the project site lies in a seismically active region; however, it is not located on an earthquake fault line. Section 4.5 of the Draft Program EIR (page 4.5-5) acknowledges the northern portion of the Newport-Inglewood Fault Zone, known as the North Branch Fault (NBF) is located within Huntington Beach to the north of the project site. Strands of the NBF are considered active and are located within an Alquist-Priolo Earthquake Fault Zone. However, the closest portion of the NBF that is considered active is

[17] As noted on page 4.7-6 of the Draft Program EIR, federal, state, and local screening levels for various contaminants have been established based on the proposed use. Residential use has the most stringent standards.

[18] The red italicized text reflects modifications made to MM HAZ-2 through the Responses to Comments process.

located approximately 1 mile north-northeast of the project site. Since the site is not located within an Alquist-Priolo Earthquake Fault Zone, the potential for ground rupture is considered low.

PowerPoint Presentation – Response to EIR Proposed Rezoning of Public/Semi Public Usage

In a presentation at the August 27, 2019 Planning Commission study session, which was identified as a response to the Draft Program EIR proposed rezoning, the commenter presented City-wide mapping from the General Plan that identified constraints applicable to the project site. These included, aesthetics and geotechnical issues including, earthquake induced landslides, methane districts, tsunami zone, liquefaction potential, and flooding/Sea Level Rise.

It should be noted that as discussed below, this information was sufficiently and adequately disclosed in the Draft Program EIR, and the analyses were supported by substantial evidence. The assessments in the Draft Program EIR were not based on the merits of the Project, but rather on the potential physical impacts of the proposed Project. The analyses and discussion pertaining to the said topics were presented in Section 4.1, Aesthetics, 4.5, Geology and Soils, and 4.8, Hydrology and Water Quality, of the Draft Program EIR.

<u>Aesthetics</u>

The PowerPoint presentation provided oblique aerial photo of the site with text citing Threshold 4.1-1, which pertains to scenic vistas. Another slide presented an oblique aerial photo of the site with text citing Threshold 4.1-2, which pertains to damaging a scenic resource within a state scenic highway. There was no discussion on either of these slide that would provide substantial evidence that the analysis in the Draft Program EIR was inadequate. The PowerPoint presentation provided aerial photographs, which are not the views seen by the public; and therefore, consistent with CEQA would not be the basis of the analysis in the Draft Program EIR.

In accordance with Threshold 4.1.1 in Section 4.1, the Draft Program EIR disclosed that the proposed Project would have less than significant impacts on a scenic vista, as there are no scenic vistas in the vicinity of the Project, as defined by the City. However, the aesthetic analysis in the Draft Program EIR did not just conclude since there were no designated scenic vistas no additional analysis is required. Consistent with CEQA, the Draft Program EIR evaluated views of the project site from key public vantage points. The Draft Program EIR included 11 photographs depicting views of the site from surrounding areas. A key feature visible to the public from Magnolia Street is Squirrel Park. As noted in the Draft Program EIR, the proposed Project would provide a linear park along Magnolia Street, which would provide a visual buffer and maintain unobstructed views towards Magnolia Marsh and Huntington State Beach for southbound viewers. It was determined that with the improvements and enhancements in place, the proposed Project would result in a quality development and would be consistent with the visual character of the surrounding uses. The potential impacts would be less than significant. Thus, the conclusion of less than significant impact is supported, and no scenic vistas would be adversely affected.

Additionally, based on Threshold 4.1.2 in Section 4.1, of the Draft Program EIR, the discussion disclosed that the proposed Project would have no impact on an Officially Designated State Scenic Highway, as none exists in the vicinity of the site. It would have less than significant impacts on Pacific Coast Highway (an Eligible State Scenic Highway and Major Urban Scenic

Corridor, as defined by the City) because the proposed Project would not alter the foreground views and is only in the background views of passing motorists/travelers on Pacific Coast Highway. Impacts on Magnolia Street (a Minor Urban Scenic Corridor, as defined by the City) would also be less than significant since the existing landscaped setback area would be replaced with a landscaped linear park with substantial landscape improvements and replacement trees. Thus, it was determined that impacts on scenic highways and corridors would be less than significant. Therefore, potential impacts associated with scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway would be less than significant, as none exists on the site or in the vicinity of the Project site.

Landslides, Liquefaction, Settlement, and Lateral Spreading

The PowerPoint presentation provided mapping from the General Plan of geotechnical constraints that would be applicable to the Project. However, the presentation did not identify specific shortcomings in the analysis provided in the Draft Program EIR. Each of the geotechnical constraints identified in the presentation were evaluated in the Draft Program EIR. Section 4.5, Geology and Soils of the Draft Program EIR included a detailed discussion of Project's location within the liquefaction zone and seismic related issues of landslides, settlement, and lateral spreading. As stated in Section 4.5, potential secondary seismic effects of strong seismic ground shaking at the site include soil liquefaction and dynamic settlement. The Geotechnical Study indicated that saturated, loose to medium dense, near surface cohesionless soils demonstrate the highest liquefaction potential. According to the State of California's Seismic Hazard Zone Map for Anaheim and Newport Beach 7.5-Minute Quadrangle, and the Natural and Environmental Hazards Element of the updated General Plan "Seismic Hazard Zones (Liquefaction and Landslide)" Map, the project site is located within a high to very high liquefaction potential zone. The site-specific liquefaction analysis performed for the project site indicates a potential settlement of up to 2 inches. Thus, appropriate site-specific design-level geotechnical investigations would be required and specific design measures, in accordance with applicable building codes, would be incorporated. However, conformance with existing regulations, latest adopted edition of the California Building Code and MM GEO-1, in addition to specific recommendations for the proposed Project pertaining to ground improvements would reduce potentially significant impacts associated with seismic shaking and seismic ground failure in the form of liquefaction, seismically induced settlement, and lateral spreading to a less than significant level. Additionally, it should be noted that the risk of landslides is not relevant for the Project, as the site is flat and thus no potential impact related to landslides exists. Overall, the analysis adequately disclosed potential impacts and mitigation related to the said issues.

Methane Districts

As noted in the PowerPoint presentation, the General Plan does depict the project site as being located within a methane district. In the text taken from the General Plan, the presentation notes, the City requires methane risk reduction strategies in wide area of the community although substantial events involving methane are rare. The Draft Program EIR addressed the issue of methane and the City policies pertaining to the issue. In Section 4.9, Land Use and Planning, two policies pertaining to methane (C 10.1.11 and C 10.1.12) from the Hazards Element are evaluated. The analysis indicates the methane concentrations in the areas tested are well below Huntington Beach Fire Department (HBFD) screening levels for methane. The Project Applicant will comply with all required additional methane testing and mitigation measures with respect to the abandoned oil wells and any additional requirements by HBFD. More specific detail on the

test results is provided in Section 4.7, Hazards and Hazardous Materials. Methane concentrations in the areas tested indicate that a concentration of less than 15 parts per million by volume (ppmv) are well below the screening levels of 5,000 ppmv set by the Orange County Fire Authority and 1,000 ppmv established as guidance by DTSC, and thus are not considered significant. Additionally, MM HAZ-4, which requires, "Prior to issuance of grading permits, the Project Applicant shall submit site development plans to the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) for Construction Site Plan review. The Project Applicant shall implement any actions recommended by DOGGR, including but not limited to, well abandonment to current standards, venting, leak testing and setbacks. Documentation of compliance shall be provided to the HBFD for approval." Oil well abandonments will also be consistent with the requirements stated in Huntington Beach City Specification #422.

As noted in Section 4.7, of the Draft Program EIR, the City of Huntington Beach Specification #429, Methane District Building Permit Requirements outlines the requirements pertaining to methane gas. This City regulation identifies the need for testing, potential methane sources, documentation of oil/gas wells within the vicinity of the project site, the applicability of a methane mitigation system, and the requirements for methane mitigation design, including oil/gas well abandonment and building protection. HBFD will be responsible for ensuring that the site and the development complies with City Specification 429.

Flooding and Tsunami

Section 4.8, Hydrology and Water Quality of the Draft Program EIR included a robust discussion related to flooding under Thresholds 4.8-7 and 4.8-8 and Tsunami under Threshold 4.8-9. As the discussion indicated, the project site is located outside the 100-year floodplain, as designated by FEMA's Flood Insurance Rate Map. The site is within the unshaded Zone X, which includes areas determined to be outside the 0.2 percent annual chance floodplain (500-year floodplain); areas with 1.0 percent annual chance flood (100-year floodplain) with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from the 1.0 percent annual chance flood. Additionally, the Hydrology Report states that the water elevation in the Huntington Beach Channel during a 100-year flood event is estimated to reach over 8.5 feet (NAVD88). Since the crest elevation of the channel wall along the site is over 13 feet (NAVD88), flood waters would not overtop the channel wall and would not cause flooding of the low-lying areas on the project site. Thus, flooding is not expected to occur on the site.

In terms of tsunami and its potential impacts, the Draft Program EIR disclosed that the site is located within a defined tsunami inundation area. However, the extent and degree of tsunami flooding would decrease with the implementation of the proposed Project. This decrease is due to the increase in elevation of the project site that would reduce tsunami impacts as compared to existing conditions. Additionally, as standard practice, future residents and tenants would be informed of tsunami inundation maps and tsunami potential at the project site through the disclosure process, including emergency evacuation plans. The analyses for flooding and tsunami concluded that the impacts would be less than significant.

Sea Level Rise

Section 4.8, Hydrology and Water Quality, and Appendix H-3 of the Draft Program EIR, included a detailed discussion and analysis of the sea level rise. Additionally, a presentation on this issue was made at the August 27, 2019 Planning Commission study session.

Although a comprehensive regional response to sea level rise is important, it should be noted the Project would not contribute to sea level rise. No comments were made that raised issue on the technical analysis rather the comments raised a general concern of intensifying residential development in the coastal area given the risk of sea level rise. However, it should also be noted that the Project has incorporated a Project Design Feature (PDF) that raises the overall ground elevation of the interior portion of the site to an average of over 10.5 feet (NAVD88) and the ground elevations of the building pads would be raised an additional 1 to 2 feet above the elevation of the roads within the interior of the site. This PDF would provide the development sufficient protection from the projected sea level rise. Additionally, tide gates would be provided at storm drain outlets at the Huntington Beach Channel and the two manholes adjacent to the property lines would be oversized to allow future retrofit of pumps to overcome hydraulic grade line concerns related to potential SLR impacts. Therefore, flooding of the project site is not expected to be exacerbated in the future based on current projections of SLR through Year 2100 under the medium-high risk aversion scenario.

Function of the guesthouse

Issues have been raised by commenters regarding the functionality and appropriateness of the lodge/guesthouse in the context of the area. The proposed lodge/hotel is a guesthouse-style, budget-oriented, facility that is geared toward families and groups. Budget-oriented overnight accommodations are one type of lower cost visitor serving facility necessary to maximize public access and ensure that individuals and families of all income levels who live further from the coast are able to access and recreate at the coast. The Coastal Act's requirement to maximize access and promote budget-oriented visitor and recreational facilities is critical in providing opportunities for individuals and families from underserved communities to visit the coast when they may not be able to do so otherwise due to cost. Additionally, given the location within the Coastal Zone and proximity to Magnolia Marsh, the lodge/hotel would provide for specific groups interested in the overall environment, including proximity to the Huntington State Beach and Magnolia Marsh, and for visitors interested in taking advantage of the learning opportunities about Magnolia Marsh and the wetlands environment and ecosystem.

Even though comments have expressed concerns pertaining to such facility attracting homeless population in the area and resulting in criminal activity, theft, trash, and transient parking, it should be noted that 1) the lodge/guesthouse would have safeguards in place against the said activities that would ensure the appropriate management and safety of the facility, and 2) the comments expressed are opinion not supported by substantial evidence.

Traffic generated by the Magnolia Tank Farm Project

The traffic generated by the Project was comprehensively evaluated in the *Traffic Impact Analysis, Magnolia Tank Farm* (Traffic Impact Analysis or TIA), prepared by Linscott, Law & Greenspan, Engineers (LLG), which was included as Appendix J to the Draft Program EIR. The analysis was summarized in Section 4.14 of the Draft Program EIR. The TIA provides an

evaluation of the existing operating conditions at 34 key study intersections within the vicinity of the project site; estimates the trip generation potential of the proposed Project or Alternative 1; and forecasts future near-term (Year 2026) and long-term (Buildout) operating conditions with and without the proposed Project or Alternative 1. A comprehensive response to transportation and traffic comments is also provided in the Topical Response pertaining to Transportation/Project Traffic in Section 3.1.1 of these Responses to Comments document.

The trip generation data for the proposed Project and Alternative 1 are provided in Tables 4.14-4 and 4.14-5, respectively. The TIA conservatively utilized shopping center equations when developing the trip generation for the retail component of the Project to account for potential food uses. Also, while the retail may likely be heavily utilized by hotel guests, Project residents, and wetland visitors, the TIA conservatively assumed that a considerable majority of the retail trips will come from outside the Project. The analysis in the TIA demonstrated the proposed Project nor Alternative 1 would result in a traffic impact at any of the 34 intersections evaluated in the Existing Plus Project/Existing Plus Alternative 1 Scenarios.

In the 2026 Cumulative Scenario, utilizing the City's Intersection Capacity Utilization (ICU) methodology, the addition of ambient traffic growth and cumulative projects traffic would adversely affect 4 of the 34 key study intersections; however, the traffic associated with the proposed Project or Alternative 1 was not sufficient to be identified as substantially contributing to the adverse cumulative impact at any of the 34 key study intersections, when compared to the Level of Service (LOS) standards and significant impact criteria.[19] However, utilizing the Caltrans Highway Capacity Manual (HCM) methodology, the traffic contribution from the proposed Project or Alternative 1 would significantly impact the Superior Avenue-Balboa Boulevard/Pacific Coast Highway intersection, based on a comparison of the LOS standards and significant impact criteria.

In the long-range Buildout Scenario, 8 of the 34 key study intersections are projected to be deficient without the addition of the project-related traffic. The traffic associated with the proposed Project would significantly impact two of the 34 key study intersections, when compared to the LOS standards and significant impact criteria.[20] These are the Brookhurst Street at Adams Avenue and Brookhurst Street at Hamilton Avenue intersections. The increase in ICU with the addition of traffic from the proposed Project to the other 6 adverse intersections would not exceed the threshold of significance and therefore would not cause a significant impact. Using the HCM methodology, in the Buildout Scenario, the Newport Boulevard at Pacific Coast Highway intersection, as well as the Superior Avenue-Balboa Boulevard/Pacific Coast Highway intersection (previously identified as an impact in the 2026 Scenario) would be impacted by project-related traffic.

[19] Section 4.14.2 of the Draft Program EIR explains the methodology for determining a traffic impact. Impacts to local and regional transportation systems are considered significant if an intersection operates at a deficient level of service; and the project increases traffic demand at the study intersection by 1 percent of capacity (ICU increase ≥ 0.010). At unsignalized intersections, a "significant" adverse traffic impact is defined as a project that adds 1 percent or more traffic delay (seconds per vehicle) at an intersection operating at an adverse LOS.

[20] Alternative 1 would not substantially contribute to the cumulative impact in the Buildout Scenario.

The Draft Program EIR recommended mitigation to offset the project-related traffic for each of the locations. For the two intersections in the City of Huntington Beach identified as having project-related impacts, the following improvements have been identified as being required for these two intersections:

- *Brookhurst Street at Adams Avenue:* Widen and restripe the eastbound approach of Adams Avenue and convert the eastbound right-turn lane to a shared through/right-turn lane (i.e. fourth through lane). Widen and restripe the westbound approach of Adams Avenue to provide a fourth westbound through lane. Modify the existing traffic signal as necessary.
- *Brookhurst Street at Hamilton Avenue:* Modify the existing traffic signal to provide a westbound right-turn overlap phase during the PM peak period (i.e. 4:00 PM – 6:00 PM). Install signage to restrict southbound U-turns during the PM peak period (i.e., 4:00 PM – 6:00 PM).

The improvement at the Brookhurst Street at Adams Avenue intersection is identified in the City of Huntington Beach Development Impact Fee Calculation and Nexus Report, which was incorporated into the *Fair Share Traffic Impact Mitigation Fee Program* (Chapter 17.65 of the City of Huntington Beach Municipal Code).[21] Additionally, these improvements are consistent with those identified in the *City of Huntington Beach General Plan Circulation Update*. The requirement to participate in the *Fair Share Traffic Impact Mitigation Fee Program* is identified in the Regulatory Requirement (RR) TRAN-2 as part of the Mitigation Program. Based on coordination with the City of Huntington Beach, the improvement for the Brookhurst Street at Hamilton Avenue intersection would also be accommodated under the *Fair Share Traffic Impact Mitigation Fee Program*. Specifically, Project LC 020 (Miscellaneous Traffic Signal/Intersection Improvements) is included in the Program to fund minor improvements at various locations throughout the City.[22] Therefore, by participating in the adopted *Fair Share Traffic Impact Mitigation Fee Program,* project-related contribution to cumulative traffic impacts would be mitigated to a level of less than significant.

For the two locations in the City of Newport Beach that were identified as having project-related impacts when the HCM methodology is used, improvements to offset the project-related traffic were also identified. For the Superior Avenue-Balboa Boulevard/Pacific Coast Highway intersection, the recommended mitigation measure is to widen and/or restripe the westbound approach of Pacific Coast Highway to provide a second westbound left-turn lane and modify the existing traffic signal as necessary. The mitigation measure to offset the project-related traffic impact at the Newport Boulevard at Pacific Coast Highway intersection consists of restriping the second southbound left-turn lane on Newport Boulevard to a shared southbound left-turn/right-turn lane and modification of the existing traffic signal is recommended. Although both of these

[21] The *Fair Share Traffic Impact Mitigation Fee Program* is a bona-fide impact fee program prepared in accordance with AB 1600 and the Mitigation Fee Act. The program works as follows: The City adopts and periodically amends a capital improvement budget, which identifies transportation infrastructure necessary to accommodate future growth in the City. As development projects are approved, such projects pay into the fund and City monitors traffic patterns, prioritize needs, and uses the fund to construct identified public improvements.

[22] This line item in the *Fair Share Traffic Impact Mitigation Fee Program* is used to upgrade signal equipment and related infrastructure, modify existing traffic signals, and provide other related intersection improvements including, but not limited to, intersection restriping, bicycle and pedestrian enhancements, and other related improvements to improve intersection traffic flow and safety over a twenty-year development window.

measures are feasible and the applicant is required by MM TRAN-2 to enter into an agreement with the City of Newport Beach and/or Caltrans[23] regarding payment to offset the project's contribution of cumulative impacts, these impacts were identified as significant and unavoidable because the City of Huntington Beach does not have the authority to implement mitigation measures in those jurisdictions.

Existing Air Quality

Although the potential impacts associated with air quality were discussed in detail in Section 4.2 of the Draft Program EIR, comments were raised about potential effects on air quality and a reported recent readings of 57 for the pollutant Particulate Matter 10 (PM10)[24] at the monitoring station established at Eader Elementary School.[25] The comment identified concerns about the source of the pollutant and states "anything over 25 is considered bad air quality". The comment does not identify the unit of measure being used. The South Coast Air Quality Management District (SCAQMD) and the United States Environmental Protection Agency (USEPA) measure PM10 in micrograms per cubic meter ($\mu g/m^3$). If the 57 referenced in the comment is 57 $\mu g/m^3$, the value exceeds the State 24-hour standard for PM10, which is 50 $\mu g/m^3$; however, as discussed below, it would not be classified as unhealthful. Additionally, as shown in Table 4.2-1 of the Draft Program EIR, this value is under the federal 24-hour standard, which is 150 $\mu g/m^3$.

Air quality is also sometimes represented as an Air Quality Index (AQI), which is an index for reporting daily air quality to help elucidate how local air quality can impact human health. This method is used within the SCAQMD and by the USEPA. The AQI focuses on the health effects that the public may experience within a few hours or days after breathing polluted air.[26] The USEPA calculates the AQI for five major air pollutants, including PM10.[27] As a state with severe challenges to meeting federal CAA standards by their mandated deadlines, the state of California has established standards that are more stringent than federal standards for certain pollutants. The AQI ranges from 0 to 500, and the higher the AQI value, the greater the level of pollution and the greater the health concern. An AQI value of 100 generally corresponds to the National Ambient Air Quality Standard (NAAQS) for the pollutant, which is the level the USEPA has set to protect public health. AQI values below 100 are generally thought of as satisfactory. When AQI values are above 100, air quality is considered to be unhealthy—at first for certain sensitive groups of people, then for the general public as AQI values increase. There are six levels of health concern for AQI, as defined by the USEPA:[28]

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23 The City of Newport Beach and Caltrans have shared jurisdiction of the two intersections that would have a project-related traffic impact.

24 PM10 includes particles equal to or smaller than 10 microns in size. Particulate matter tends to occur primarily in the form of fugitive dust.

25 The monitoring equipment at Eader Elementary School is not one of the SCAQMD's official designated ambient air monitoring station. Based on preliminary research this location is one of four air quality monitoring stations established in 2019 in conjunction with the ASCON Landfill remediation program. The monitoring station at Eader Elementary School is measuring volatile organic compounds (VOC) and PM.

26 South Coast Air Quality Management District (SCAQMD). 2019 (September 16, last accessed). Air Quality Index Explained. Diamond Bar, CA.

27 The AQI is calculated using ground-level ozone, particle pollution (also known as particulate matter), carbon monoxide (CO), sulfur dioxide (SO_2), and nitrogen dioxide (NO_2). The Clean Air Act (CAA) sets federal standards for PM10, PM2.5, CO, NO_2, SO_2, and lead. However, Orange County is in attainment for the federal lead standards.

28 United States Environmental Protection Agency (USEPA). 2014 (February). AQI—Air Quality Index: A Guide to Air Quality and Your Health. Washington, D.C.: https://www3.epa.gov/airnow/aqi_brochure_02_14.pdf.

> **Good:** The AQI value for your community is between 0 and 50. Air quality is considered satisfactory, and air pollution poses little or no risk.
>
> **Moderate:** The AQI is between 51 and 100. Air quality is acceptable; however, pollution in this range may pose a moderate health concern for a very small number of individuals. People who are unusually sensitive to ozone or particle pollution may experience respiratory symptoms.
>
> **Unhealthy for Sensitive Groups:** When AQI values are between 101 and 150, members of sensitive groups may experience health effects, but the general public is unlikely to be affected.
>
> **Unhealthy:** Everyone may begin to experience health effects when AQI values are between 151 and 200. Members of sensitive groups may experience more serious health effects.
>
> **Very Unhealthy:** Values between 201 and 300 trigger a health alert, meaning everyone may experience more serious health effects.
>
> **Hazardous:** Values over 300 trigger health warnings of emergency conditions. The entire population is more likely to be affected by serious health effects.

The value of 57 monitored at the Eader Elementary School location, as stated in the comment, falls within the "Moderate" category (51-100), as identified in the AQI.[29] Therefore, although the value of 57 may have exceeded the State's 24-hour standard for PM10, it is generally considered to be within the range of "Moderate" air quality. As noted by the SCAQMD, "AQI values below 100 are generally thought of as satisfactory. When AQI values reach above 100, air quality is considered to be unhealthy for certain sensitive groups of people. The higher the AQI values climb above 100, increasingly more people may become susceptible to the effects of the unhealthy air".[30]

As far as the source of the PM10, the source cannot be definitively identified. As noted in the Draft Program EIR, particulate matter tends to occur primarily in the form of fugitive dust. This dust appears to be generated by both local sources and by region-wide dust during moderate to high wind episodes. These regional episodes tend to be multi-district and sometimes interstate in scope. The principal sources of dust in urban areas are from grading, construction, disturbed areas of soil, and dust entrained by vehicles on roadways.

PM10 is generally emitted directly as a result of mechanical processes that crush or grind larger particles or from the re-suspension of dusts, most typically through construction activities and vehicular travels. PM10 generally settles out of the atmosphere rapidly and is not readily transported over large distances. In contrast, PM2.5 is directly emitted in combustion exhaust and is formed in atmospheric reactions between various gaseous pollutants including NOx, sulfur oxides (SOx), and VOCs. PM2.5 can remain suspended in the atmosphere for days and/or weeks and can be transported long distances, as many as several hundred miles.

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[29] Regardless if the 57 value is a direct PM10 reading or a calculated AQI value, this level would be considered Moderate air quality. The EPA has provided a calculator that provides an API based on the PM10 levels. A PM10 value of 57 $\mu g/m^3$ is equivalent to 52 AQI. The calculator is provided at https://airnow.gov/index.cfm?action=airnow.calculator.

[30] (SCAQMD 2019)

Cumulative effect of the AES, ASCON Landfill, and the Magnolia Tank Farm Project on the community

Comments were raised regarding the potential cumulative impacts associated with the AES Generating Station/Power Plant, the ASCON Landfill, and the Magnolia Tank Farm Project all occurring simultaneously. The focus of most of the comments pertained to cumulative air emissions and potential pollutant loads exceeding "thresholds that SCAQMD call safe".[31] Although prefaced as concerns about cumulative impacts, the comments also question who can be contacted if emissions are exceeding standards. To adequately answer these questions, this response has been organized into three parts. The first part provides an overview of the current air quality conditions and known exceedances of air quality standards, followed by a discussion on the cumulative analysis conducted in the Draft Program EIR, and finally the regulations that would be in place during construction.

Existing Air Quality Conditions

Section 4.2 of the Draft Program EIR provides a detail analysis of the potential air quality impacts (Project specific and cumulative) associated with the Magnolia Tank Farm Project. As part of that analysis, the Draft Program EIR describes the regulatory setting, methodology used for the analysis, and provides an overview of the current air quality based on the closest SCAQMD monitoring stations. The USEPA is responsible for setting and enforcing the NAAQS for criteria pollutants in compliance with the Federal Clean Air Act, which are intended to protect the public health and welfare from the effects of air pollution (these standards are shown in Table 4.2-1 of the Draft Program EIR). Specific geographic areas are classified as either "attainment" or "nonattainment" areas for each pollutant based upon the comparison of measured data with the NAAQS. "Attainment" areas have concentrations of the criteria pollutant that are below the NAAQS, and a "nonattainment" classification indicates the criteria pollutant concentrations have exceeded the NAAQS. The State of California has also adopted air quality standards that are equivalent to or more stringent than the national standards. As shown in Table 4.2-2 of the Draft Program EIR, the Orange County portion of the South Coast Air Basin is classified as nonattainment for ozone and particulate matter (both PM10 and PM2.5).

Although the South Coast Air Basin may be classified as nonattainment for ozone and particulate matter, the overall air quality in the basin has improved over the years. As discussed in Section 4.2 of the Draft Program EIR, the SCAQMD rule development through the 1970s and 1980s resulted in dramatic improvement in Basin's air quality.[32] Nearly all control programs developed through the early 1990s relied on (i) the development and application of cleaner technology; (ii) add-on emission controls, and (iii) uniform CEQA review throughout the Basin. Industrial emission sources have been significantly reduced by this approach, and vehicular emissions have been reduced by technologies implemented at the state level by the California Air Resources Board (CARB). The SCAQMD is the lead agency charged with regulating air quality emission reductions for the entire Basin. The SCAQMD created Air Quality Management Plans

[31] Several of the comments referenced that air emissions exceeded the thresholds SCAQMD call safe. The response, immediate above on Existing Air Quality, provides an overview of the California and National Ambient Air Quality Standards (NAAQS), as well as the Air Quality Index, which is used to when determining if air quality is unhealthy.

[32] Graphs 1 through 4 on pages 4.2-16 through 4.2-18 of the Draft Program EIR depict the dramatic reduction in the number of days that ozone, particulate matter, and carbon monoxide standards were exceeded each year over the past few decades.

(AQMPs), to identify strategies for meeting both the California Air Quality Standards and NAAQS. The 2016 AQMP evaluates integrated strategies and measures to meet the following NAAQS:

- 8-hour O_3 (75 parts per billion [ppb]) by 2032[33]
- Annual PM2.5 (12 micrograms per cubic meter [µg/m^3]) from 2021 to 2025
- 8-hour O_3 (80 ppb) by 2024
- 1-hour O_3 (120 ppb) by 2023
- 24-hour PM2.5 (35 µg/m^3) by 2019.

Cumulative Analysis in the Draft Program EIR

The approach and methodology for the cumulative analysis is presented in Section 4.0.1, Cumulative Impact Assumptions, of the Draft Program EIR as well as in the introduction of the cumulative section for each topical area (Section 4.1 through Section 4.16). The Draft Program EIR explains that the evaluation of the potential cumulative impacts for the proposed Project relied upon both the list approach (CEQA Guidelines Section 15130(b)(1)(A)), which includes specific projects that, because of their size or proximity to the Project site, have the potential to cause cumulative impacts; and the growth projections approach (CEQA Guidelines Section 15130(b)(1)(B)) which considers the growth associated with adopted general plans for the affected local jurisdictions; and regional development projections.

The list of cumulative projects (see Table 4-1 of the Draft Program EIR) includes the approved and pending projects in the cities of Huntington Beach, Newport Beach, and Costa Mesa, which have been used in the cumulative impact analysis for the traffic, air quality, greenhouse gas emission, and noise analyses. A total of 53 projects, including the AES Generating Station/Power Plant and the ASCON Landfill have been included in this listing. These projects, together with the Orange County Projections (OCP) growth projections, are assumed in the cumulative scenarios. In the cumulative impact section for each topical area the potential impact of the proposed Project was evaluated within the context of the cumulative development.

The cumulative analysis for air quality relies on the SCAQMD's policy with respect to cumulative impacts associated with the criteria pollutants and their precursors. Briefly, if the project's direct impacts are less than significant then the impacts would also be cumulatively less than significant.[34] Therefore, because of the minimal amount of project-related emissions relative to significance thresholds, and because of compliance with SCAQMD rules, the SCAQMD does not consider these emissions to be cumulatively considerable. The single threshold of significance used to assess Project direct and cumulative impacts has in fact "worked" as evidenced by the track record of the air quality in the Basin dramatically improving over the course of the past decades. As stated by the SCAQMD, the District's thresholds of significance are based on factual and scientific data and are therefore appropriate thresholds of significance to use for this Project.

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[33] On October 1, 2015, the USEPA lowered the 8-hour O_3 standard to 0.070 ppm (70 ppb). The SIP (or AQMP) for the 70 ppb standard will be due 4 years after the attainment/nonattainment designations are issued by the USEPA, which is expected in 2017. Thus, meeting the 70 ppb standard will be addressed in a 2021 AQMP.

[34] SCAQMD. 2003 (September 5). Attachment to BOARD MEETING DATE: September 5, 2003, AGENDA NO. 29**.** White Paper on Regulatory Options for Addressing Cumulative Impacts from Air Pollution Emissions. http://www.aqmd.gov/home/governing-board/agendas-minutes

For hazardous materials, Section 4.7.6 further acknowledges that some of the projects listed also have potential impacts associated with hazardous materials, but that remediation is on-going, and the environmental concerns associated with hazardous materials are site specific. Each cumulative project is required to comply with applicable laws and address any issues related to hazardous material or wastes so as not to result in potentially significant cumulative impacts. In summary, the Draft Program EIR's level of evaluation is consistent with the CEQA guidance for cumulative analysis and is consistent with practices commonly implemented by the City of Huntington Beach and other jurisdictions.

Additionally, it should be noted the overall approach in analyzing the Project's cumulative impacts is highly conservative, as both cumulative impact approaches (i.e., the list approach per Section 15130[b][1][A] and the growth projections approach per Section 15130[b][1][B]) of CEQA Guidelines) were used in the analysis. Therefore, the Draft Program EIR likely overstated potential cumulative impacts.

Regulations during Construction

The Draft Program EIR provides an overview of some of the rules and regulations promulgated by the SCAQMD that regulates emissions during construction (see pages 4.2-9 and 4.2-10). A primary area of concern during construction is fugitive dust, which is regulated by SCAQMD Rule 403. This regulation requires actions to prevent, reduce, or mitigate fugitive particulate matter emissions. These actions include applying water or chemical stabilizers to disturbed soils; managing haul road dust by applying water; covering all haul vehicles before transporting materials; restricting vehicle speeds on unpaved roads to 15 miles per hour (mph); and sweeping loose dirt from paved site access roadways used by construction vehicles. Alternatively, an application of dust suppressants can be applied in sufficient quantity and frequency to maintain a stable surface. Rule 403 also requires grading and excavation activities to cease when winds exceed 25 miles per hour.

If during construction the contractor is not complying with these requirements, the City of Huntington Beach Public Works Department would be the first point of contact. The City would be best able to verify if the contractor is not in compliance with the requirement and ensure the continued enforcement of this requirement.

Although construction impacts associated with contaminated soils are not anticipated because the applicant will need to demonstrate that soils meet residential standards and the HBFD requirements (see the expanded MM HAZ-2 provided above), the Draft Program EIR has recommended the adoption of MM HAZ-1, which requires a Soil Management Plan. As noted in the mitigation measure, "the Soil Management Plan shall include contingency procedures for, identification of potential contaminants through use of field screening equipment; sampling and laboratory analyses, if necessary; soil segregation; temporary soil stockpiling specifications; on-site or off-site treatment and disposal options for soil in accordance with applicable law; and a health and safety plan for workers involved in the earthwork phase of the project. The Soil Management Plan shall be submitted to the City of Huntington Beach Fire Department for review and approval."

Need for more affordable housing, not high-end housing

The Project will facilitate providing more affordable housing in the City of Huntington Beach. Section 230.26 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) requires new residential projects of three or more units in size to provide for affordable housing. This can be accommodated by providing a minimum of 10 percent of the new residential construction as affordable units or through the payment of an affordable housing in-lieu fee. The Project Applicant is proposing to comply with the City's affordable housing requirements, as described in the Magnolia Tank Farm Specific Plan.

Building on the banks of the protected wetlands

As noted in the Draft Program EIR, the project site is separated from the Magnolia Marsh by the Huntington Beach Flood Control Channel, which provides regional flood control to the area. The channel, which includes metal sheet piles on the inland bank and forms the western boundary of the project site, was built in the 1950s.

As noted in the Project Description (Section 3.5.1 of the Draft Program EIR), the Coastal Conservation area (CC) area provided as Planning Area 1 (PA-1), is designed to create upland habitat that functions as a buffer to the Magnolia Marsh. This design feature extends from the southwestern property line, 70 feet inland along the entire length of the site's southwesterly boundary. When combined with the 145-foot wide Orange County Flood Control District (OCFCD) property, which includes the Huntington Beach Channel, there would be a minimum 215-foot setback of development from Magnolia Marsh. These design features were developed in consultation with the Huntington Beach Wetlands Conservancy.

Impact of noise on wildlife

Impact of noise on wildlife was evaluated as an indirect impact in Section 4.3, Biological Resources. The potential for a short-term construction noise impact was identified. Therefore, implementation of Mitigation Measures MM BIO-1, which allows the biologist to redirect construction activities if it is determined that nesting birds are being disturbed by project noise and/or other project activities, and MM BIO-2, which requires implementation of a temporary 14-foot tall construction sound wall, would reduce these potential impacts to less than significant levels. In addition to the construction sound wall, a 20-foot-high temporary noise barrier/curtain would be required at the base of the pile drivers (this applies only to the proposed Project). Long-term, the Project would not result in substantial noise levels that would have significant impacts on wildlife.

Other indirect impacts evaluated, included lighting, dust on vegetation, bird strikes, invasive plant species, and introduction of domestic animals in proximity to the Magnolia Marsh, a designated Environmentally Sensitive Habitat Area.

Pile-driving activities affecting the neighbors to the east of the Magnolia Tank Farm site

The impact of pile driving was questions by commenters. The potential impacts and implications of pile driving was disclosed in the Draft Program EIR and identified as a significant, unavoidable impact. Section 4.10, Noise, of the Draft Program EIR included a detailed discussion and objectively disclosed the potential impacts of pile driving. The discussion indicated that the Commercial Visitor Zone of the proposed Project would require pile driving activities for

construction of its lodge/guesthouse uses. A deep foundation system is required to support the building loads of the proposed structure such that the loads of the structure are transmitted to firm supporting strata approximately 20 to 30 feet below the bottom of the subterranean parking level. Due to the high groundwater levels at the site which vary based on tidal fluctuations and the generally unconsolidated alluvial materials, driven piles are the only practical deep foundation system that can perform this task from a constructability viewpoint. In addition, the discussed pointed out that alternate deep foundation systems are more subject to liquefaction induced down drag. Alternate deep foundation systems such as Cast in Drilled Holes (SIDH) or Displacement Piles are not considered viable solution.

The analysis disclosed that the closest residential structure from the pile driving location would be approximately 220 feet. It is expected that at this distance, the closest off-site residence would experience vibration levels of up to 76 VdB (0.025 PPV [in/sec]). This vibration level from construction equipment would be below the FTA 94 VdB (0.2 in/sec PPV) threshold for damage potential; however, it would exceed the 72 VdB threshold for residences due to frequent events, thus resulting in potential annoyance to the surrounding uses. Specifically, residences within 300 feet of pile driving activities would potentially be subject to vibration levels that could cause annoyance. However, since vibration would not result in structural damage, vibration levels would not result in the exposure of off-site receptors to substantial excess vibration impacts.

With the implementation of MM NOI-3, below, which would require a detailed project specific vibration control plan, construction vibration impacts would be reduced to the greatest extent feasible. However, at this time it cannot be stated with certainty that the vibration impacts would be reduced to less than the 72 VdB; therefore, this may be a significant unavoidable impact and no additional mitigation is available for the proposed Project.

MM NOI-3 **Construction Vibration.** The results of the construction vibration analysis indicate that vibration damage could occur at structures within 100 feet of pile driving activities *and would exceed the threshold associated with potential annoyance to sensitive uses within 300 feet*. Therefore, ~~once final plans for pile driving have been completed, should any structures be located within 100 feet of the perimeter of pile driving,~~ a vibration control plan shall be developed by the Project Applicant and approved by the City Community Development Department prior to issuance of building permits *for any structure requiring pile driving. As part of this plan, documentation on the feasibility of alternative methods of construction that would avoid or substantially reduce the impacts associated with pile driving shall be presented.* ~~The plan shall be implemented before, during, and after pile driving activity.~~ The plan shall consider all potential vibration-inducing activities that would occur and require implementation of sufficient measures to prevent exposure of nearby sensitive receptors to vibration levels in excess of the Vibration Damage Criteria presented in Table 4.10-9. The plan shall identify minimum setback requirements for pile driving activities for the purpose of preventing damage to nearby structures and preventing negative human response. The setback requirements shall be established based on the proposed construction activities and locations and the maximum allowable vibration levels identified for the site. Factors to be considered include the specific nature of the vibration producing activity, local soil conditions, and the fragility/resiliency of the nearby structures. *In addition, measures to reduce vibration levels to the*

maximum extent possible shall be identified to minimize the exposure of uses to vibrations resulting in annoyance.

The Project taxing services and adding to the load for the wastewater treatment plant

The comment does not identify a basis for identifying that the Project would tax services. As noted in Section 4.12 of the Draft Program EIR, although a Project-specific impact on public services was not identified, pursuant to Huntington Beach Municipal Code fees are required to fund the cost of providing public services. The fees covering fire and police protection are document in the Huntington Beach Municipal Code Chapters 17.74 and 17.75, respectively. The Draft Program EIR has identified these requirements as Regulatory Requirement (RR) PS-1 and RR PS-3, respectively. Additionally, a component of the increased property taxes resulting from the Project improvements would be used to fund these services. Similarly, school fees, authorized under Section 65995 of the California Government Code, are collected by municipalities at the time building permits are issued and conveyed to the affected school district in accordance with a defined fee structure.

Similar to public services, potential impacts on utilities were also evaluated. Section 4.16 of the Draft Program EIR evaluated potential Project impacts on water, wastewater, and storm drains. The Orange County Sanitation District has provided a Sewer Capacity Verification memorandum, date February 9, 2018 that indicated that it has sufficient treatment capacity in its facilities to accept wastewater from the Project. This memorandum is included in Appendix C of Infrastructure Report for Water and Sewer, Appendix K-1 of the Program Draft EIR.

General concerns were identified, including traffic, lack of parking, wildlife (i.e., coyotes) entering existing residentia areas, problems with homelessness, the number of sober living facilities, noise and traffic from beach concerts, and amount of industrial uses in the area

Existing conditions are included in the Draft Program EIR to provide context for assessing the potential impacts related to the Project. Concerns with traffic, parking, homelessness, and coyotes in residential areas are experienced throughout Orange County. Full resolution of these issues is not required, nor reasonably realistic, prior to the City Council consideration of the Project. The Project's contribution to traffic has been fully addressed in the Draft Program EIR (see above). Additionally, the Project would result in an incremental increase in the amount of parking available because public parking would be provided within the project site along the interior private Loop Road. Lodge valet parking would also be publicly available. All parking shall be provided on-site with the required number of parking spaces specified by the Specific Plan or Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) (C 2.4.2a).

Concerns expressed on potential impacts on the quality of life

Concerns were raised about the potential impacts on the quality of life for the surrounding community. CEQA does not define the phrase "quality of life." Rather, CEQA requires that the physical effects of a project be examined and disclosed; CEQA does not prescribe how those effects combine to influence "quality of life."

It is noted that, the physical environment is an important component of an individual's perception of the overall positive or negative quality of his or her life. There also are many potential components other than the physical environment (e.g., personal health, employment,

commute length, income, and accessibility of services) that contribute to an individual's perception of the quality of his or her life. The relative importance of the various elements of the physical environment varies by individual.

The specific physical effects anticipated to occur with development of the Project are addressed in the Draft Program EIR. Those topical areas with the greatest potential to affect quality of life are discussed in Section 4.0 of the Draft Program EIR. This section of the Draft Program EIR addresses 16 topical areas including, but not limited to, air quality, noise, and traffic, all of which would be contributors to one's perception of quality of life. Therefore, to the extent that the physical effects are perceived as affecting one's quality of life, the information required under CEQA is provided in the Draft Program EIR. The evaluation of how these impacts combine to affect one's "quality of life" is an interpretive matter not addressed under CEQA. As provided for in Section 15021 of the State CEQA Guidelines, the City Council, in making a decision on whether to approve the Project, will balance the potential impacts to the benefits. The CEQA Guideline states, "CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors . . .".[35]

Can the Planning Commission selecting Alternative 1 rather than the proposed Project

Given that the Draft Program EIR evaluted the proposed Project and Alternative 1 at an equal level of consideration, Alternative 1 can be selected as the "Project" that would be developed on the project site. However, it should be noted, given that the approval of the Project and certification of the EIR are dicretionay actions, the City Council, and not the Planning Commission, can decide to select Alternative 1 as the proposed Project. If that is the decision of the City Council, the *Magnolia Tank Far Specific Plan* would need to be updated to reflect Alternative 1 (residential) and its associated components (i.e., all references to the Commercial Vistor uses would be removed).

The science behind determining the glare from vehicles leaving Bermuda and Banning

Comments were raised regarding potential glare impacts on existing residences across Magnolia Street. Section 4.1, Aesthetics, of the Draft Program EIR provided detailed analysis of potential light and glare emanating from the Project. The threshold used for evaluating light and glare is taken from the Environmental Checklist contained in the CEQA Guidelines. The threshold evaulates if the Project would introduce "substantial light or glare, which would adversely affect day or nighttime views in the area." As described in Section 4.1, vehicles exiting the site after dark could generate light and glare impacts at the adjacent residences. To minimize this potential impact, the roadway entries to the site have been aligned with Bermuda Drive and Banning Avenue to avoid vehicle headlights shining directly onto adjacent residences. Additionally, the layout of the development across Magnolia Street would also serve to minimize the lighting effects. The residences are back facing onto Magnolia Street and there is a 6-foot block wall, which would serve to shield the intrusion of vehicle lights as the cars wait to turn onto Magnolia Street. With this design, impacts related to glare would be less than significant. Although, despite

[35] It should be noted, the Draft Program EIR identified three significant unavoidable impacts: (1) greenhouse gas emissions (the majority associated with mobile sources); (2) construction vibration associated with pile driving; and (3) traffic impacts in Newport Beach. There is a requirement for mitigation of the traffic impacts; however, the City of Huntington Beach would not have the authority to assure these improvements are implemented. Therefore, for purposes of CEQA the impacts have been identified as potentially significant and unavoidable.

the features and customized design in place, in light of fully developed character of the area, some amount of light and glare from vehicle headlights would be inevitable but would not be substantial. The light associated with the headlights would be consistent with the effects of vehicle lighting elsewhere in the City Huntington Beach or any urban area.

Conflict of interest rules and selection of the environmental consultant

A concern was expressed regarding the environmental consultant selection and whether or not the consultant would work for the applicant/developer. It is a standard practice that the lead agency, in this case the City of Huntington Beach, select the CEQA consultant through a competitive bid process and in accordance with a set of selection criteria. The CEQA consultant for the preparation of the EIR for the Magnolia Tank Farm Project was selected following the City procurement procedures. The consultant firm reports to the City staff. This process sets the foundation for preparation of a CEQA document that is objective and fair and does not represent the interests of any of the parties involved. The developer pays for preparation of the CEQA document through the lead agency. While the CEQA document is funded by the developer, the CEQA consultant prepares the document in coordination with and at the direction of the lead agency, and upon completion of the document, it goes through multiple rounds of review by the lead agency's various departments. Comments made by the lead agency are addressed by the CEQA consultant until all comments are addressed to the satisfaction of the lead agency before the document is released for public review.

In light of the above discussion, the CEQA consultant for the proposed Project has been selected in a fair and competitive process, and the environmental consultant works directly with the City staff and is considered a consultant to the City.

Finished height elevation of the Project

Questions were asked about the finished height of the site. The height of the site will be six feet above Magnolia's elevation, which is about 12 feet above mean sea level (AMSL).

As indicated in Section 3.0, Project Description, of the Draft Program EIR, maximum building height within Planning Area 3 (for-sale residential) would be 35 feet, which is comparable with the height of the existing residences across Magnolia Street (Figure 3.5, Existing Magnolia Street Section). Elevator penthouse or non-habitable floor space (i.e., stairs or landings) to access the roof and similar structures and necessary mechanical appurtenances may exceed the permitted height limit by no more than 10 feet.

Section 3.0, of the Draft Program EIR, also identifies the maximum building base height limit in the Planning Area 4 (commercial visitor) area would be 50 feet; however, elevator shafts, mechanical equipment and architectural features (i.e. non-habitable space) may exceed the base height by up to 10 feet for a maximum height of 60 feet. Only 15 percent of the CV area can have a height of 60 feet, and any 60-foot height feature would be setback a minimum of 40 feet from the planning area boundary.

Additionally, the overall ground elevation of the interior portion of the site would be raised to an average of over 10.5 feet (NAVD88) and the ground elevations of the building pads would be raised an additional one to two feet above the elevation of the roads within the interior of the

site (PDF HWQ-1 in Section 3.0, Project Description and Section 3.8, Hydrology and Water Quality, of the Draft Program EIR).

Air Quality Management District's comment letter – boiler plate or specific concerns

A question was asked about the detailed letter from the South Coast Air Quality Management District (SCAQMD) and whether or not their letter was a standard letter or was it specific to the proposed Project. Although the letter was specifically written for the Magnolia Tank Farm project, the letter contained both general/standard comments and comments that were site-specific and tailored to the proposed Project. It should be noted, the City has prepared detailed responses to address the concerns identified by the SCAQMD, as part of responses to comments.

The comment regarding the project site's exposure to toxic air contaminants from existing emission sources (i.e., AES power plant, ASCON Landfill Site, State Route 1 [SR-1] as well as the past use of the project site as a fuel oil storage facility) is project-specific. In responding to this point, additional detail was provided to demonstrate potential health risks is below the SCAQMD threshold and the project site was not being exposed to TAC from the surrounding land uses. Additionally, none of the uses proposed by the Project would substantially contribute to the background conditions.[36] The response also references the discussion of the MATES IV, which indicates that health risks at the project site are less than the basin-wide average. Those health risks were based on previous AES Generating Facility, and the new facility is anticipated to result in less air pollutant emissions. As such, the TAC impact to future residents and employees of the proposed Project and off-site receptors would be less than significant.

Some of the requests for more aggressive mitigation is common to comments made by the District on other projects. Many of the requested measures were incorporated although the reduction in emissions afforded by the measures was not required to meet the SCAQMD thresholds.

Accuracy of the Environmental Impact Report

Comments were expressed about the accuracy of the Draft Project EIR and whether or not it truly identifies environmental issues and is a true assessment of the site. The Draft Program EIR was prepared in accordance with the CEQA (*California Public Resources Code*, Section 21000 *et seq.)* and the State CEQA Guidelines (Title 14, *California Code of Regulations* Section 15000 *et seq.*). The CEQA (Section 21002.1) states that the purpose of an EIR is to identify the significant effects of a project on the environment, to identify alternatives to the Project, and to indicate the manner in which those significant impacts can be mitigated or avoided. Section 15151 of the State CEQA Guidelines defines the standards of adequacy for an EIR as follows:

> An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but

[36] Section 4.2 of the Draft Program EIR contained a quantitative analysis of the Project's emissions, which were below the regional mass and localized emission standards established by the SCAQMD for criteria pollutants. The Project's contribution to TAC would also less than significant because exposure to diesel exhaust from construction of the proposed Project or Alternative 1 would be well below the 30- or 70-year exposure period and is not anticipated to result in an elevated cancer risk to exposed persons.

> the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

In accordance with Section 15121(a) of the State CEQA Guidelines, the Program EIR is an informational document that will inform public agency decisionmakers and the general public of (1) the significant environmental effects of the Project; (2) possible ways to minimize the significant effects; and (3) reasonable alternatives to the Project. Decisionmakers are required to consider the information in the EIR, in determining whether to approve, deny or modify the Project.

Many of the comments implied an inadequacy of the EIR by identifying concerns or citing information from the General Plan. However, these comments do not reflect that these issues are indeed addressed in the Draft Program EIR. Other comments reflect opinions but do not provide any substantial evidence to support those opinions. The EIR provided objective, sounds, and detailed analyses for all the environmental topics included in the EIR. All determinations and conclusions were based on substantial evidence.

The risks out-weight any benefits

An opinion frequently expressed is that the risks of development out-weight the benefits. The proximity of the site to AES Power Plant and the ASCON Landfill are commonly cited as the basis for the risks. The project site is located approximately 130 feet to the east of the property line of the AES Generating Facility, which is being constructed as natural gas power plant. As noted in Section 4.2, Air Quality, the facility would require an authority to construct and a permit to operate from the SCAQMD. The permitting process would ensure that emissions from new facility meet the emissions limits established by the SCAQMD. Compliance with air permitting requirements would minimize emissions from this facility. An analysis of the potential health risks was conducted for the AES Power Plan. The analysis demonstrated that during the operations phase of the AES Power Plant, the Point of Maximum Impact (PMI) resulted in a risk level of 4.3 cancer risk per million. The PMI is the point at which the highest cancer risk is anticipated outside of the AES Power Plant boundaries. The PMI is based on a receptor grid that extends up to 10 kilometers (6.2 miles) from the AES facility, which includes the proposed project site. The SCAQMD considers cancer risk levels of 10 or greater in a million to result in a significant cancer risk. As such, the project site would be exposed to cancer risk levels of 4.3 in a million, below 10 in a million, which are not considered to be significant cancer risk exposure by the SCAQMD. Acute and chronic exposure at the PMI were substantially below the hazard risk level and would also result in a less than significant health risk exposure level at the project site.

The ASCON Landfill Site, located immediately to the north of the Project site, was also addressed in Section 4.2, Air Quality, of the Draft Program EIR.

The DTSC approved a Final RAP for the site on June 9, 2015. Although the Statement of Overriding Considerations (SOC) adopted by DTSC for the ASCON Landfill project identified unavoidable short-term air quality impacts, no long-term emissions of TACs that have the potential to significantly impact residents, visitors, or employees at the project site have been

identified.[37] As noted above, although the precise timing for the completion of the RAP is not currently known, it is reasonable to expect much of the active remediation would be completed prior to occupancy of the units because prior to construction of the Project, further entitlements, which are outlined in Section 3.7 of the Draft Program EIR, are still required for the Project.

In light of the above information, there is no substantial evidence that implementation of the Project would result in substantial risks to the environment or future residents.

Shopoff Reality charitable contributions, violation of the Securities and Exchange Act, civic involvement, and political contributions

These are not issues addressed by CEQA and have no bearing on the physical impacts of the Project. Other regulations are in place that address potential conflicts of interest.

5.3 RESPONSES PERTAINING TO HAZARDOUS MATERIALS

Two Planning Commission study sessions focusing on the Draft Program EIR were held on August 13 and August 27, 2019, at the City of Huntington Beach City Hall to discuss the proposed Magnolia Tank Farm Project and the associated Draft Program Environmental Impact Report (Draft Program EIR). Roux, a consultant who is specialized in hazardous materials, provided a presentation on the site conditions as it pertains to hazardous materials. Verbal comments pertaining to the hazardous materials section of Draft Program EIR were raised at the study sessions. In addition to comments made during study sessions, comments were received from the public and Planning Commission members via email. Mauricio Escobar of Roux verbally responded to comments pertaining to hazards/hazardous materials and site conditions at the August 27, 2019 and September 10, 2019 Planning Commission study sessions. The responses support the analysis and conclusions in Section 4.7, Hazards and Hazardous Materials of the Draft Program EIR. A summation of the responses are provided herein for documentation of the issues.

Additionally, Roux prepared responses to comments expressed and issues raised by the Planning Commissioners and members of the community at the Planning Commission study sessions. The responses are provided, below:

SUMMATION

Concern that an airport once operated within boundaries of the Magnolia Tank Farm Site, which could have impacted the subsurface with airport associated contaminants

Historical aerial photographs and USGS topographic maps were gathered and presented during responses at the study sessions showing that a historical airport was not present on the Magnolia Tank Farm Site but was instead present on land to the west of ASCON Landfill Site.

[37] The SOC further states "While acknowledging the potential for short-term environmental impacts as described in the Final EIR, the RAP will nonetheless further DTSC's mission statement by providing for the long-term protection of public health and the environment in and around the ASCON Landfill Site."

Concerns about potential contamination associated with unidentified concrete waste and construction debris at the perimeter around Magnolia Marsh

Concrete debris on the Magnolia Tank Farm Site have not been observed in the historical aerial photos observed by Roux. Also, the Magnolia Marsh has always been off-site and to the southwest of the Magnolia Tank Farm.

Lack of notification during remediation of asbestos and lead when tanks were removed

A commenter indicated that asbestos and lead were found during demolition of the tanks and that the residents were not notified. It should be noted that we cannot confirm the source of this information regarding asbestos and lead, and that no document is available that states this was the case. However, it should be clarified that the prior property owners (Plains All American) did send notifications regarding removal and demolition of the tanks to property owners within a 500-foot radius of the project site. Additionally, asbestos and lead were not reported as contaminants found on the site.

Based on documentation summarized in the Draft Program EIR, soil sampling prior to tank removal delineated the extent of soil impacted by petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs), which were the primary constituents of concern. Most of the elevated petroleum hydrocarbon impacts were located in near-surface soil along the perimeters of the tanks. All of the sampling locations that had contained petroleum hydrocarbons (TRPH/TPH) and PAHs in excess of residential screening levels were removed during the excavation activities. It should be noted that asbestos and lead were not reported as contaminants found on the site. All materials removed from the site were done in compliance with federal, state, and local requirements. Additionally, on August 15, 2017, Huntington Beach Fire Department (HBFD) issued a written concurrence that "no further action" was needed regarding the removal of the tanks and the impacted soil beneath the former tank locations. The accuracy of or source for the reference to asbestos and lead being on the site is uncertain.

Exactly what chemical was found at 90 ppm and where was it found?

The text of the 1996 Baseline Tank Study Report on the bottom of page 3 and continuing to the top of page 4 states "The petroleum hydrocarbons (TPH) found in the soil within the tank basins varied from ND to 90 PPM at the 6-inch depth."[38]

[38] This information is taken from Appendix A to the *Compilation Report of Environmental Investigations*, prepared by Tait Environmental Services, Inc. (Tait Compilation Report), which was included as Appendix G in the Draft PEIR. The full report prepared by Southern California Edison was not included in the Tait Compilation Report because all that was needed was testing results. As noted at the August 27, 2019 Planning Commission study session, all 40 documents used in the preparation of the Tait Compilation Report are now available at the City.

In this context, ND stands for Not Detected. PPM is an acronym for parts per million, indicating a concentration of the TPH.

Disregard for Huntington Beach Fire Department's (HBFD) statements that the Human Health Risk Assessment (HHRA) was not appropriate for a residential site and that grid sampling may be appropriate

The HHRA was a due-diligence document prepared when Shopoff was acquiring the site for internal evaluation and discussions. HBFD deferred oversight of the environmental assessment to the Department of Toxic Substances Control (DTSC). SCE and Shopoff are currently working with DTSC to attain approval for residential redevelopment of the Magnolia Tank Farm property.

Benzopyrene and dibenzo-anthracene (cancer-causing chemicals) at the northern boundary and Pit F, above residential limits

As reported in the WGR May 26, 2017 "Remedial Excavation Summary Report, Above Ground Storage Tank (AST) T3," the detections of these two chemicals at depths of 0.5 feet below ground surface were due to the use of an imported engineered fill material designed to have limited permeability and to provide structural stability for the ASTs. The engineered fill material was removed, and the results of the confirmation soil samples collected below the removed material indicated no detections of the two chemicals. The commenter referenced Pit F, which is located on the ASCON Landfill Site, not the Magnolia Tank Farm.

Crude oil migrating along surface bedding planes and observable along the north property

The commenter is likely referencing crude oil and water mixture that originated from an orphan crude oil pipeline that was cut at the northern property boundary, not from bedding planes. During the 2017 excavation completed by WGR, the crude oil impacted soil was removed from the Magnolia Tank Farm property. Shopoff is in communications with the ASCON Landfill Site responsible party group and ASCON's DTSC oversight project manager regarding removal of the crude oil pipeline and impacted soil on the ASCON Landfill Site at the Project boundary. Additionally, Shopoff has requested that the HBFD and the Magnolia Tank Farm DTSC Team also request that ASCON remove the remaining pipeline on their property.

Concerns regarding the potential for soil gas seeping into the future homes, inadequacy of the number of soil gas samples tested, use of 0.001 attenuation factor instead of 0.03 for calculation of indoor air risk, and testing done in the wrong locations (only around the perimeter of the property, not under former tank locations or proposed residential building locations). The 2013 soil gas testing showing benzene, ethylbenzene, naphthalene, chloroform, trimethylbenzene, dichlorobenzene, and trichlorobenzene

The number and locations of soil gas samples collected in 2013 were selected to provide an even distribution over the Magnolia Tank Farm property and provide sufficient assessment of the soil vapor beneath the property.

The 2013 soil gas sampling and analysis performed by WGR consisted of the collection of 14 soil gas samples. As shown on Figures 6 and 7 in the EnvApps 2017 RTC document, 7 of the locations were located within 100 feet of the site boundary while the other 7 locations ranged between 100 to 400 feet inwards from a site boundary. Although specific locations of houses have not been designed yet, 6 of the 14 locations are within the area planned for residential development under the "Proposed Project", as shown on Exhibit 3-3 in the Draft EIR. As shown in the EnvApps

January 5, 2018 RTC document, the Volatile Organic Compounds (VOCs) in soil vapor are below residential screening levels.

The methods used to calculate the potential migration of soil vapor into future indoor air (soil vapor screening levels) are conservative, DTSC approved, and appropriate for this application. The DTSC is overseeing and will provide final approval of the number and locations of soil gas points, the attenuation factors to be implemented, and the acceptability of any detected chemicals in the soil gas.

The 2016 soil gas sampling event only tested for methane

The 2016 soil gas investigation was focused on methane because the 2013 soil gas sampling results did not indicate that other VOCs were a concern.

Contaminants may be present on the site from previous use as an oil field and as a tank farm that have not been found during the previous assessments

There has been extensive soil sampling at the Site for a multitude of possible contaminants under the oversight of the DTSC.

Section 4.7 of the Draft Program EIR, Hazards and Hazardous Materials, summarizes the numerous investigations and reports related to hazardous materials prepared for the project site. Additionally, the Soil Management Plan prescribed in MM HAZ-1 includes additional guidance concerning the proper monitoring, handling, segregation, stockpiling, dust control, testing, transport and disposal of soils that are potentially impacted by hazardous materials and/or petroleum hydrocarbons and which may be encountered during future development activities.

Cross contamination of groundwater, deep-soil, and top-soil due to adjacency to ASCON Landfill Site and the potential for contaminants to migrate along utility corridors and trenches after development

The commenter stated that there is cross contamination due to adjacency to a superfund toxic dump, only separated by a chain-link fence. Roux's presentation on August 13, 2019 Planning Commission study session discussed this issue in depth. The numerous soil, soil vapor, and groundwater samples as discussed in the Tait Compilation Report indicate that cross contamination form the ASON landfill has not occurred.

Additionally, in terms of underground utilities, it should be noted that the trenches for them will not cross over the northern boundary of the Magnolia Tank Farm, and therefore will not be a conduit for contamination from the ASCON Landfill Site to the Magnolia Tank Farm.

Why is the project not on Envirostor and DTSC's respective websites?

Files posted by the DTSC for the Magnolia Tank Farm are found on the Envirostor website under the HBGS address of 21652 Newland Street and Global ID # 60001194.

2013 - TPH above recommended limits in the soil. 2016 - RFI Report recommended closure of Shopoff's portion of the generating station. Why?

The soil with reported TPH impacts above limits identified in 2013 was excavated and removed from the Magnolia Tank Farm property.

The human and ecological risk office having concerns with the methodology and the conclusions of the RFI Report. Why?

DTSC Human and Ecological Risk Office (HERO) had two comments to the EnvApps Response to Comments (RTC) concerning the RFI report; those are presented in Appendix N of the Tait Compilation Report.

In a January 23, 2018 email, HERO stated that "In general, SCE provided the information requested by HERO and agreed to incorporate recommendations provided by HERO into the revised Draft RFI report." HERO had the following comments:

1) LARWQCB soil screening levels for TPH should be chosen assuming that groundwater at the site is designated for beneficial use.

2) WGR used Tedlar bags for soil vapor samples collected in 2013 and the 2015 Active Soil gas Advisory recommended analyzing soil gas collected in Tedlar bags within 6 hours of collection.

Sources of elevated levels of metals and TPH in groundwater on Magnolia Tank Farm site and ASCON Landfill Site?

Page 30 of the Tait Compilation Report does say that drinking water standards were exceeded for these compounds. However, MM HAZ-3 in the Draft Program EIR prescribes that the Project Applicant will record a DTSC Land Use Covenant (LUC) that prohibits the use of groundwater beneath the project site for potable use. Certain constituents in groundwater may exceed drinking water standards and the salinity prevents its use for drinking water. MM HAZ-3 provides a legal mechanism to restrict the groundwater from consumption for potable uses in order to avoid risk to human receptors.

What is beneficial?

In Appendix N of the Tait Compilation Report the DTSC email from Shukla Roy-Semmen, dated January 23, 2018 stated that groundwater at the site (Magnolia Tank Farm) is designated for beneficial use. The State of California categorizes groundwater basins and the aquifers in them as to whether or not they are to be managed as potential beneficial groundwater sources. The State has categorized the groundwater below the Magnolia Tank Farm and the surrounding areas for beneficial use.

The ASCON Land fill Site is adjacent and to the north, how can there be no impact from the landfill when only a chain link fence separates the two properties?

Proximity to the landfill has been considered in the investigation of the project site, soil, and soil vapor and groundwater sampling have been conducted in the northern area of the project site near the landfill boundary with results that show no impact from the landfill site on the Magnolia

Tank Farm property. Historical reports of groundwater flow direction indicate a consistent northerly direction which means that groundwater from the ASCON Landfill Site flows away from the Magnolia Tank Farm. Remediation of impacted soil on the ASCON Landfill Site is being addressed in the final remedy under DTSC oversight.

A Pipeline that remains below ground on the ASCON Landfill Site is a possible source of petroleum hydrocarbons that may impact the Magnolia Tank Farm soil. Why community has not been told?

The pipeline was present on both the Magnolia Tank Farm and the ASON properties. The pipeline and a limited volume of soil impacted by crude oil near the property line was removed from the northern area of Magnolia Tank Farm. The pipeline is still present beneath the ASCON Landfill Site, and Shopoff is working with DTSC and the HBFD to request that ASON remove it and any associated impacted soils near the Magnolia Tank Farm.

Residential Safety: Long-term health effects and VOC's detected in the soil gas exceeded EPA resident ambient air RSL's per the Tait Compilation Report

The Tait Compilation Report refers to the March 25, 2104 WGR report. The WGR report stated that chemicals in soil gas were detected above EPA Region 9 residential air quality maximum contaminant concentrations. The WGR statement is true; however, there are different screening standards that apply to soil gas as opposed to gas levels in the atmosphere because soil gas is not representative of what people breath (i.e., residents do not breath in soil gas). A calculated screening level is the correct comparison. As shown on Table 14 of the January 5, 2018 EnvApps report, detected soil vapor concentrations at the Magnolia Tank Farm Site are below applicable standards when the correct screening levels are used.

Was there any air monitoring during AES construction and at the Magnolia Tank Farm site?

Roux has not been aware of any air or dust monitoring performed at the Magnolia Tank Farm site to date. Regarding monitoring at AES, that would be a question for AES and/or the City, as Shopoff is not responsible for AES. Based on information in the Daily Pilot on July 12, 2019[39], ASCON intends to monitor for VOCs and dust at four locations in the community: Edison High School, Edison Community Park, Eader Elementary School, and Rhodesia Drive and Breton Lane.

[39] https://www.latimes.com/socal/daily-pilot/news/tn-dpt-me-ascon-air-monitoring-20190712-story.html

5.4 RESPONSES PERTAINING TO TRAFFIC

Linscott, Law & Greenspan, Engineers (LLG), subconsultant to Psomas, prepared responses to comments expressed and issues raised by the Planning Commissioners and members of the community at the August 13 and August 27, 2019 Planning Commission study sessions.[40] The responses are provided, below:

The intersection of Magnolia Street and Bermuda Drive

The proposed Project will construct the west leg of the intersection of Magnolia Street/Bermuda Drive. This location will be controlled by a two-way stop (side-street stop) and will operate as a full access driveway with an existing left-turn lane into the project site from the northbound Magnolia Street direction. No crosswalks are proposed across Magnolia Street given that this location will be unsignalized. The intersection of Magnolia Street/Bermuda Drive was evaluated and is forecast to operate at acceptable LOS C or better during the AM peak hour and PM peak hour under all analyzed traffic conditions with the proposed Project.

Truck routes during grading and construction

The truck routes during Project construction will be established/determined as part of the Project's Construction Management Plan that will be reviewed by City of Huntington Beach staff. The identified truck routes shall comply with City designated truck route streets per City code.

Are the traffic impacts being driven by the Hoag Hospital expansion?

The traffic impacts are driven by the Project and not solely by any individual cumulative project. However, the Hoag Hospital Expansion trips contribute to the without Project condition, but do not directly relate to the determination of the Project traffic impacts. It is important to note that per CEQA requirements, the traffic analysis needs to include all planned and approved cumulative projects in the area identified by City Planning Department staff (i.e., City of Huntington Beach, City of Newport Beach, and City of Costa Mesa).

Small variations in the level of service results for the proposed Project and Alternative 1

The difference in LOS and traffic impacts between the proposed Project and Alternative 1 is minimal. Although Alternative 1 generates less traffic than the proposed Project, the resulting levels of service are the same or similar. This is due to the fact that the individual LOS grades (i.e. LOS A, B, C, D, E and F) have a broad range before the LOS changes (i.e. up to 10 percent).

Trip generation for the retail component of the Project – internal trips

The traffic analysis included an internal capture reduction as part of the Project trip generation as recommended by ITE to account for the internal trips expected between the hotel/residential and retail components and the Project.

[40] Memorandum from Keil D. Maberry, P.E. and Daniel A. Kloos, P.E. with Linscott, Law & Greenspan Engineers (LLG), to Ricky Ramos, City of Huntington Beach, dated September 18, 2019.

Internal capture percentage utilized for the Project trip generation

As recommended by ITE, the trip generation for the proposed Project assumed a daily internal capture of 8 percent, an AM peak hour internal capture of 2 percent and a PM peak hour internal capture of 8 percent to account for the internal capture between the hotel/residential and retail components of the proposed Project. It is important to note that the internal capture was based on only half of the Project retail trips to provide a conservative forecast.

Trip generation for the proposed Project and Alternative 1 in Table 4.14-13 – Cumulative Projects Traffic Generation Forecast

The trip generation of the proposed Project and Alternative 1 has been added to Table 4.14-13 – Cumulative Projects Traffic Generation Forecast for comparison purposes only (see Table 4.14-13).

Directions of the recommended improvements for Superior Avenue/Balboa Boulevard at Pacific Coast Highway and Newport Boulevard at Pacific Coast Highway

The traffic study recommended widening and restriping the westbound approach of Pacific Coast Highway to provide a second westbound left-turn lane at the intersection of Superior Avenue/Balboa Boulevard at Pacific Coast Highway. The traffic study recommended restriping the second southbound left-turn lane on Newport Boulevard (i.e. southbound off-ramp) to a shared southbound left-turn/right-turn lane at the intersection of Newport Boulevard/Pacific Coast Highway.

Key impacted study intersections to the south or east of the project site

The traffic analysis actually assumes more Project traffic travelling to/from the project site via north and west. The Project's anticipated distribution patterns were determined based on discussions and input from City staff during the traffic scoping process.

How was the Pacific City cumulative project accounted for in the traffic study?

The existing traffic counts conducted in August 2017 for the traffic study already include the existing trips associated with the Pacific City commercial component (i.e. 191,000 SF), which is completed. The traffic study included only the apartment portion of Pacific City (i.e. 516 apartments) as a cumulative project since this portion of the project was under construction during collection of the existing traffic counts in August 2017.

What is the criteria for installing a crosswalk at an intersection?

Crosswalks are typically installed on all four legs of an intersection when that location is controlled by a traffic signal. The traffic signal ensures that pedestrians can cross a major roadway safely when motor vehicles at the intersection are stopped. Given that the intersection of Magnolia Street/Banning Avenue is controlled by a traffic signal, the proposed Project will install crosswalks on the south and west legs of the intersection, in addition to the current crosswalks on the east and north approaches, in order to provide pedestrian connection/flow for the Project.

Was the traffic analysis based on LOS or Vehicle Miles Travelled (VMT)?

The traffic study was conducted based on LOS. VMT is not currently required by the City of Huntington Beach and will not be mandatory per CEQA until July 1, 2020.

TABLE 4.14-13 (Draft Program EIR)
CUMULATIVE PROJECTS TRAFFIC GENERATION FORECAST[a]

No.	Cumulative Project Description	Daily 2-Way	AM Peak Hour			PM Peak Hour		
			Enter	Exit	Total	Enter	Exit	Total
1	Hilton Waterfront Beach Resort Expansion	1,304	43	30	73	48	46	94
2	Pacific City[b]	2,048	26	127	153	115	55	170
3	Oceanside Properties Mixed Use Building (Morning Jade)	156	6	3	9	5	9	14
4	Main Street Commercial Building	428	6	5	11	15	17	32
5	PCH Mixed Use Development	1,036	42	32	74	43	29	72
6	Delaware Street Residential Care Facility[c]	237	8	4	12	9	11	20
7	Holly Lane Townhomes[d]	186	2	12	14	11	6	17
8	Gothard Street Townhomes[e]	122	2	7	9	7	4	11
9	414-424 Main St.	407	6	3	9	15	17	32
10	9960 Garfield Ave.	200	9	6	15	8	12	20
11	8081 Yorktown Ave.	49	5	1	6	1	5	6
12	818 PCH	156	2	6	8	7	4	11
13	Ebb Tide	784	15	46	61	52	30	82
14	Old Newport GPA Project	870	54	16	70	24	63	87
15	Hoag Memorial Hospital Presbyterian Master Plan Update Project	4,878	275	130	405	141	300	441
16	Lighthouse Project	651	9	32	41	31	19	50
17	Westside Gateway	1,296	19	62	81	62	37	99
18	Vivante Phase 2	411	8	14	22	16	13	29
	Cumulative Projects Total Trip Generation Potential	**15,219**	**537**	**536**	**1,073**	**610**	**677**	**1,287**
	Total Project Trip Generation	**5,526**	**192**	**231**	**423**	**271**	**213**	**484**
	Total Alternative 1 Trip Generation	**2,447**	**46**	**139**	**185**	**157**	**95**	**252**

[a] Unless otherwise noted, Source: *Trip Generation*, 10th Edition, Institute of Transportation Engineers (ITE), Washington, D.C. (2017).
[b] Source: *Traffic Impact Analysis Report Pacific City,* prepared by LLG Engineers, dated 2003.
[c] Source: *Traffic Impact Analysis Delaware Street Residential Care Facility,* prepared by LLG Engineers, dated February 24, 2017.
[d] Source: *Traffic Impact Analysis Holly Lane Townhomes,* prepared by LLG Engineers, dated June 5, 2017.
[e] Source: *Traffic Impact Analysis Gothard Street Townhomes,* prepared by LLG Engineers, dated June 5, 2017.
Source: LLG Engineers 2018

Additionally, in response to Planning Commissioner John Scandura's request at the August 27, 2019 Planning Commission study session to provide an analysis at five key study intersections (i.e., Brookhurst Street at Pacific Coast Highway, Superior Avenue/Balboa Boulevard at Pacific Coast Highway, Newport Boulevard at Pacific Coast Highway, Placentia Avenue at Victoria Street,

and Harbor Boulevard at Victoria Street) without the Hoag Memorial Hospital Presbyterian Master Plan Update cumulative project, LLG prepared a Supplemental Analysis for the said intersections without the hospital. The Memorandum (Supplemental Analysis), prepared by LLG, is included as Attachment C, Supplemental Analysis Without Hoag Hospital Cumulative Project, to these Responses to Comments.

5.5 LATE CORRESPONDENCE RECEIVED

All late correspondence received on the Draft Program EIR for the Magnolia Tank Farm Project are included on the following pages.

Ramos, Ricky

From: Rob and Lesley Harper <lr_harper@yahoo.com>
Sent: Tuesday, November 28, 2017 9:47 AM
To: Ramos, Ricky
Subject: Shopoff Development

Hi Rick,

I realize that the EIR will study all of the normal environmental impacts - like traffic and noise. However, please consider studying the economic effects of the proposed project by shopoff in SEHB. As a resident, we are concerned that becoming a low income tourist destination will negatively impact our traffic, economy and housing values. We are also concerned about experiencing an increase in crime due to the transient (tourist) traffic increase in the area. We are tired of having packages stolen off of our front porches and cars stolen from our driveways, not to mention drug deals happening on our streets. SEHB is in need of better dining and shopping, economic boosting businesses - not a low income (hostel) or high density residential development. We could use better public facilities - like a high school with full facilities - re: a competition pool and a decent public library branch.

Thank you for taking these concerns into account when the EIR is done.

Rob and Lesley Harper
21571 Hanakai Lane, HB

HUNTINGTON BEACH
WETLANDS CONSERVANCY
A Nonprofit Corporation
www.hbwetlands.org

21900 Pacific Coast Highway
Huntington Beach, CA 92646
(714) 536-0141

SLF – HB Magnolia, LLC
2 Park Plaza, Suite 700
Irvine, CA 92614

November 5, 2018

RE: Collaboration between the Conservancy and Shopoff Realty Investments – Tank Farm Project

To Whom It May Concern,

The Huntington Beach Wetlands Conservancy (Conservancy) is a volunteer-led organization with a board of directors and an executive director. The goal of the Conservancy is to acquire, restore, and protect the coastal wetlands of Huntington Beach between Beach Boulevard and the Santa Ana River. The Conservancy annually reviews its plans to set its strategic direction (including defining programs), long-term funding needs to support wetlands management, interpretative programs, staffing, etc.

The Conservancy is aware that Shopoff Realty Investments (SRI), on behalf of SLF – HB Magnolia, LLC, has submitted applications to the City of Huntington Beach for the Magnolia Tank Farm Project. It is our understanding that the Magnolia Tank Farm Project proposes a Specific Plan, as explained to the Conservancy and detailed in the application submitted to the City of Huntington Beach as of February 13, 2017, to redevelop the property with a wetlands-themed boutique lodge with visitor serving commercial, residential uses and open space.

Due to the proximity of the now-restored Magnolia Marsh, and the soon to be restored Upper Magnolia Marsh (the "Magnolia Marsh") to the Tank Farm Property, development pursuant to the proposed Specific Plan will provide an opportunity for coastal visitors and residents to enjoy views of the Magnolia Marsh wetlands and also provide opportunities for wetland stewardship, educational and outreach programs. The Conservancy believes such programs will greatly enhance the coastal visitor experience. The Tank Farm Property bordering the HBFC Channel would also expand scientific observational opportunities for Magnolia Marsh, thereby encouraging the study of the Magnolia Marsh, a valuable wetlands resource.

SRI and the Conservancy have been engaged in discussions aimed at developing a detailed wetlands interpretive program that expands the Conservancy's existing offerings. Discussions regarding a possible controlled access point and expanding the existing docent-led tour program are in the works. The objectives are to expand public access and to develop educational programs in a manner that will insure the protection and preservation of the Magnolia Marsh as a wetlands resource. We are confident that we will achieve the stated objectives.

Best Regards,

Gordon W. Smith, PhD , Chairman, Board of Directors

From: Surf City Pipeline
To: Ramos, Ricky
Subject: Surf City Pipeline: You have been assigned a new Request #: 28605
Date: Thursday, February 02, 2017 2:46:28 PM

Request # 28605 from the Government Outreach System has been assigned to you by Judy Demers.

Request type: Question
Request area: Planning - All Reassigned Inquiries to Planning
Citizen name: Mark Dixon
Description: Good Evening -

We were among a very large crowd that filled the all-purpose room at Eader School this evening to express our strong objection to the placement of a hotel on the property currently known as Huntington Beach Tank Farm.

Adding a hotel on the edge of a large concentration of single-family homes would negatively impact our property values and quality of life, bringing large numbers of vacationers close to schools and residential neighborhoods.

WE DO NOT WANT A DOWNTOWN ANNEX and all the noise, violence, drugs and alcohol that currently degrade the Downtown Area. Please consider the needs of families above those of developers and refuse to approve a plan that includes a hotel.
Respectfully,
Mark Dixon and Sandra Fazio

Expected Close Date: February 3, 2017

Click here to access the request

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

From: Surf City Pipeline
To: Ramos, Ricky
Subject: Surf City Pipeline: You have been assigned a new Request #: 28829
Date: Tuesday, March 07, 2017 9:23:58 AM

Request # 28829 from the Government Outreach System has been assigned to you by Judy Demers.

Request type: Comment

Request area: Planning - All Reassigned Inquiries to Planning

Citizen name: Deanna vale

Description: My family has lived for almost 12 years in Huntington Beach and we had no idea until recently that the Magnolia Tank Farm would be sold for a potential development until the Orange County Register reported it since the city and property owner was quiet about the land being for sale. Despite the fact that one of the worst toxic waste dumps in the country borders this land and is still not cleaned up, we have read that the developer claims the land is actually clean enough to build homes on. Has the city seen this study? Does the city trust that and adequate study was done on the potential toxic waste that may be under the top surface when they start digging for home foundations?

Expected Close Date: February 28, 2017

Click here to access the request

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

Ramos, Ricky

From: De Coite, Kim
Sent: Monday, May 06, 2019 10:10 AM
To: James, Jane; Ramos, Ricky
Subject: FW: Rezoning of Magnolia Tank Farm Area

Kimberly De Coite
Administrative Assistant
Department of Community Development
714-536-5276
kdecoite@surfcity-hb.org

From: Dombo, Johanna
Sent: Monday, May 06, 2019 9:54 AM
To: De Coite, Kim <KDeCoite@surfcity-hb.org>
Subject: FW: Rezoning of Magnolia Tank Farm Area

Forwarding…

Johanna Dombo
Executive Assistant
Office of the City Manager, City of Huntington Beach
714.536.5575
Johanna.dombo@surfcity-hb.org

From: Kathleen <saab900se@gmail.com>
Sent: Friday, May 03, 2019 8:15 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Rezoning of Magnolia Tank Farm Area

Dear HB City Council Members:

This is a request of the City Council to vote NO on the proposed rezoning for the Magnolia Tank Farm Development Project.

I have owned my home in the southeast corner of HB since 1978. In those days, Magnolia dead ended at Banning. There was a dirt footpath to the beach from Banning to PCH. Now Magnolia passes right through the wetlands as a four lane divided concrete road and ends at PCH.

The development of the Magnolia Tank Farm just off Magnolia and Banning, proposes a marsh buffer between it and the wetlands. They propose to build: 211,000 s.f. lodge, 19,000 s.f. of retail, 250 for sale dwelling units with a density of 15/acre.

BUT a marsh buffer does not protection make. Mother Nature is stronger and more unpredictable than we humans seem to recognize. In addition to the memorable Exxon Valdez and the BP spills, we have had oil spills here in HB. In all those occasions, we thought we had built in protections - even redundancies. But things go

wrong. And disasters occur. And damage is irreversible. With medium density housing comes sewer lines, electric and gas infrastructure. None of which can be 100% guaranteed against leakage or damage to the environment. The proposed project lies on an earthquake fault line and the soil is subjected to liquefaction in the event of a quake. The company cites three barriers as follows (their wording p3-5 from the Magnolia Tank Farm Specific Plan Project Report): "Currently, there are three barriers, both natural and man-made, between Magnolia Marsh and the western edge of the project site: the flood control channel open water area integrated with the adjacent sub- and inter-tidal (meandering shallow channels) and non-tidal marsh (pickle weed and dunes) components act as an aquatic barrier; the vertical sheet pile wall of the channel; and the adjacent channel maintenance road and existing fence."

Which of those would you trust your families safety and security with in the event of an earthquake? Which of these would provide 100% protection of the wetlands. The flood control channel? The pickle weed and dunes? Or perhaps the maintenance road and existing fence?

And there is no buffer for noise included anywhere in this project. You cannot say, oh the noise will be time limited and think that damage does not occur. The wildlife in the wetlands is sensitive to noise as well. We act as if that does not matter but noise levels have a disastrous effect on the health and propagation of wildlife.

Let this City Council's legacy be that they recognized the uniqueness and vulnerability of the HB wetlands and had the courage to take the appropriate course of action to further enhance its protection: say NO to added development on land that abuts this extremely sensitive environment; say NO to proposals that would produce medium density housing and a hotel, increase traffic, increase gas and electric infrastructures, produce extremely loud and long noise, increased dust, and create further parking congestion.

Thank you for your time.

Sincerely
Kathleen Mooney
22022 Hula Circle
Huntington Beach CA 92646
Tele: 714-963-0528
Email: saab900se@gmail.com

Do not use my contact information for any other purpose. Thank you.

Work Order: #149599

Opened: 03/30/2019

Closed: --

This issue is assigned | Est. Resolution Date: Not Yet Set

Planning

STREET ADDRESS

☒

By : Deryl Robinson

Email : derylrobinson@outlook.com

Phone : 949-637-2607

Device :

Media Submitted
None

COMMENTS & ADDITIONAL NOTES

Tank Farm - I am in favor of the development. I prefer no hotel. If a hotel is required make it as small as possible, and not over 3 stories.

Notes Added By staff: 04/03/2019 8:20 AM **Tania Moore**

Hi Jane, Would this go to Ricky?

Share with Citizen: NO

Assigned Worker: 04/03/2019 8:19 AM **Tania Moore**

Workorder #149599 has been assigned to Jane James.

Share with Citizen: NO

Assigned Worker: 04/02/2019 4:04 PM **Robin Estanislau**

Workorder #149599 has been assigned to Tania Moore.

Share with Citizen: NO

Issue Type/Subtype Changed: 04/02/2019 4:02 PM **Robin Estanislau**

Workorder #149599 Issue type changed from Agenda & Public Hearing Comments to Planning.

Share with Citizen: NO

Notes Added By staff: 04/02/2019 4:02 PM **Robin Estanislau**

Your comments have been forwarded to the staff planner on this project, Ricky Ramos.

Share with Citizen: YES

Status Changed: 04/01/2019 8:49 AM **Johanna Dombo**

Work Order #149599 status has changed from new to assigned.

Share with Citizen: NO

Issue Type/Subtype Changed: 04/01/2019 8:49 AM **Johanna Dombo**

Workorder #149599 Issue type changed from City Council to Agenda & Public Hearing Comments and subtype City Council Meeting.

Share with Citizen: NO

Ramos, Ricky

From: jenny pritchett <jennypritchett1@gmail.com>
Sent: Sunday, March 31, 2019 8:20 PM
To: Ramos, Ricky
Subject: Magnolia and Hamilton

This is a duplicate message from a different email address I use more regularly. See below:

I understand you are the planner in charge of the Magnolia and Hamilton Ascon project clean up and future development. I do not have a problem with the building of hotels, retail, homes, etc and if I do, I know I can move. However, what I do have a problem is that someone, sometime in the past before the clean up began, did not think about the wildlife that was being displaced. Because of that, our neighborhood (Fashion Shores) has a problem with coyotes.

Last Monday morning approximately 5:30 am I let my three dogs out in MY fully fenced backyard. It was dark but I found that peaceful, until now. With my dogs still out back, I turned to my left after hearing a noise and a coyote stood about six feet from me and my dogs. It had jumped over the fence. I made so much noise I scared it away and woke up every neighbor around me. My dogs were not hurt but easily could have been.

I also used to regularly walk my dogs after work in the dark with no issue. About a year ago I stopped after my second encounter with a coyote.

I am contacting you because now I am anxious when I let my dogs in the backyard after dark. I try to limit this practice but they are dogs and need to go out. This is property I am paying taxes on but no longer enjoy after dark because I'm worried about my dogs. So, to help ease my mind while I am at work or if the dogs must go out during the night I constructed a covered dog run that can be accessed through the dog door. Sometimes a dog needs to go out after midnight and normally I had no problem letting the dog out but now I do.

Therefore, because this is the result of poor planning and follow up, I expect the city to cover the costs associated with creating this dog run. I never would have built it otherwise since it limits what the dogs can do outside during the day. I am not a believer in caging dogs but for their own protection I've done it.

I will gladly send you the bills for the materials I used for this project. I am not billing you for my time but should. This is a multi-million dollar project and yes, I am a taxpayer and feel I should be safe on my property. Since obviously I am not, I expect to be reimbursed for what I paid to help keep me and my dogs safe.

Jenny Pritchett
21601 Bahama Lane

Ramos, Ricky

From: De Coite, Kim
Sent: Monday, April 22, 2019 9:40 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

Kimberly De Coite
Administrative Assistant
Department of Community Development
714-536-5276
kdecoite@surfcity-hb.org

From: Dombo, Johanna <Johanna.Dombo@surfcity-hb.org>
Sent: Monday, April 22, 2019 9:37 AM
To: De Coite, Kim <KDeCoite@surfcity-hb.org>
Subject: FW: Magnolia Tank Farm

Has this gone to the planning commission? Or should I forward these to you?

Johanna Dombo
Executive Assistant
Office of the City Manager, City of Huntington Beach
714.536.5575
Johanna.dombo@surfcity-hb.org

From: Jason Shelton <Jason_shelton@outlook.com>
Sent: Thursday, April 18, 2019 10:34 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm

Hello City Council members-

My name is Jason and I live in Seabury south neighborhood adjacent Edison park and behind the power plant (Newland/Hamilton). I grew up in this neighborhood and am now a long time homeowner with kids in local schools. I am also a Vice President at Boardriders, based in Huntington Beach.

I am writing to express my deep concerns and desire not to have more high density housing, hotels and retail at the Tank Farm site. The infrastructure can not absorb more traffic, parking, and lack of homeless support.

The area is inundated with industrial, homeless, traffic, lack of parking, noise and traffic from beach concerts, etc as it is. We have much more work in these areas to do before we further exacerbate the problems.

I very much wish to raise my family here, but the area is on the brink of being too much to bare as it is with the current issues.

Please do not approve high density housing, hotels or retail at that site.

Thank you very much for reading. I am happy to discuss in detail if you would like as well.

Best regards,

Jason Shelton
jason_shelton@outlook.com

Get Outlook for iOS

From: Gino J. Bruno <gbruno@socal.rr.com>
Sent: Monday, July 22, 2019 1:51 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>; Villasenor, Jennifer <JVillasenor@surfcity-hb.org>
Subject: Magnolia Tank Farm Project (Shopoff)

Planning Commissioners:

With respect to the proposed Magnolia Tank Farm development (the Shopoff project) that you will be "previewing" tomorrow afternoon, I urge you to look carefully and critically at the proposal, especially the traffic circulation aspect.

According to the developer's narrative dated January 2019, there will only be two points of ingress and egress for the entire project (yes, for the traffic generated by 250 dwelling units – with how many cars per unit? - , a 175-room Lodge, a 40-room hostel, and various retail and other commercial in the 29 acres) both of which entrances and exits would be on Magnolia, with one at Banning, and the other at Bermuda.

There could be no question in anyone's mind that this proposal would negatively and adversely impact current local residents, as well as our residents and visitors in general who traverse the area.

When the time comes for you to vote, I urge you to DENY this project.

Thank you.

Gino J. Bruno
Huntington Beach

-----Original Message-----
From: Darlene Butscher <darlenebutscher@yahoo.com>
Sent: Monday, July 22, 2019 3:37 PM
To: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: Opposed to Magnolia & PCH development

I am opposed to the Community Development Department changing our General Plan and Zoning to build a project on the banks of our protected wetlands off Magnolia and PCH. My understanding is that as this Plan Stands this project is NOT allowed and we shall not use a Specific Plan to override our set plan that has been through the approval process.

Please let me know if that is not the case.

We do not need the extra congestion around PCH. We have sufficient local businesses that are not thriving and we don't need this to detract from them.

Thank you

Darlene Butscher
221 Hartford Ave
HB 92648

From: Dan Jamieson <broker_advocate@hotmail.com>
Sent: Monday, July 22, 2019 2:29 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: comment, re July 23 study session, tank farm

July 23, 2019

Dear Planning Commission:

I urge the Commission to seriously consider rejecting the proposed zoning change on the Magnolia tank farm property, and keep the property as industrial use.

The proposal would allow 65% of the site to be developed as medium-density residential, and another 15% as visitor-serving. Yet, the property is immediately adjacent to the power plant and the Ascon site, not a suitable location for residential or visitor-serving. Additionally, the proposed higher-density residential does not fit with the nearest lower-density residential. Further, given the risk of sea-level rise, further intense residential development along the coast does not seem wise.

Sincerely,

Dan Jamieson
Huntington Beach

From: Lou <lightnlc@aol.com>
Sent: Monday, July 22, 2019 1:30 PM
To: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: General Plan

Uphold the General Plan and say NO to the developer..we will be there tomorrow 500 strong.

Sent from Mail for Windows 10

From: larry mcneely <lmwater@yahoo.com>
Sent: Monday, July 22, 2019 10:51 AM
To: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: Magnolia Shopoff Development.

As a reminder that our General Plan was updated in 2017 and DOES NOT allow the Shopoff Development. Remember The General Plan is the fundamental policy document to determine the appropriate physical development and character of Huntington Beach thru 2040. Friendly Reminder Ursula you are a relative new hire and you represent the Community and NOT the Developers who wish to skirt the General Plan and change Zoning to suite their investors profits. While many on our city council can be bought by the lobbyists money and influence your position is non-political and your guidelines are are clear. Every effort to make changes to our General Plan and Zoning must be stopped and the use of Specific Plans are a determent to our community standards and only a tool for the developers to override the public will. This Shopoff Development Plan MUST be denied.

Thank You
Larry Mc Neely .

Ramos, Ricky

From: Ramos, Ricky
Sent: Thursday, July 25, 2019 1:46 PM
To: Ramos, Ricky
Subject: FW: Proposed changes to the HB 2017 general plan and zoning

---

From: Mike Mengel <mjmengel@mindspring.com>
Sent: Monday, July 22, 2019 2:48 PM
To: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: Proposed changes to the HB 2017 general plan and zoning

Dear Ms. Luna-Reynosa

This email is for the express purpose of informing you that I am completely against the proposal by Shopoff to make a change to the City General Plan approved in 2017 for the planned development near the protected wetlands near magnolia and PCH. It is my understanding is that this proposal is to be presented to the Community Development Department at a meeting on July 23, 2019. I am totally opposed to any changes in the General Plan.

Thank you,

Michael Mengel
16581 Grunion Lane #304
Huntington Beach, CA 92649

mjmengel1@verizon.net
(714) 846-7196

From: Gary Tarkington <garytarkington@msn.com>
Sent: Monday, July 22, 2019 1:45 PM
To: ursula.luna@surfcity-hb.org
Subject: SHOPOFF BUILDING!!
Importance: High

This has been brought to all of the citizens of Huntington Beach. WE DO NOT WANT THIS!!! A Meeting on July 23rd Tomorrow A out of city developer Shopoff is petitioning our Community Development Department to change our General Plan and Zoning to build a huge project on the banks of our protected wetlands off Magnolia and PCH. His plan only supports his investors and adds to the over development and over crowding in our community. Our General Plan was last amended in Oct 2017 and is set until 2040. The General Plan is the fundamental policy document guide to determine the Appropriate Physical Development and Charter of the Huntington Beach 25 year planning horizon. As this Plan Stands this project is NOT allowed and we shall not use a Specific Plan to override our set plan that has been through the approval process. While some of our city council members have accepted huge payments and support from this developer to support his investors profits (Michael Posey - Barbara Delgleize and Patrick Brenden) we must make our voices heard.
I WANT MY VOICE TO BE HEARD! NO, NO, AND, NO! THIS MUST not BE PASSED/CONSIDERED!!
Ann Tarkington
Huntington Beach

Ramos, Ricky

From: James, Jane
Sent: Wednesday, July 24, 2019 1:19 PM
To: Ramos, Ricky
Subject: FW: HDD

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

-----Original Message-----
From: Kathleen Brown <heykathybrown@gmail.com>
Sent: Tuesday, July 23, 2019 10:38 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: HDD

PLEASE FIGHT ALL HDD in our city and EXPOSE those who take money from developers!! We are sick of our city being ruined!

Thank you.

Sent from my iPhone

Ramos, Ricky

From: Luna-Reynosa, Ursula
Sent: Tuesday, July 23, 2019 12:58 PM
To: Ramos, Ricky; James, Jane; Villasenor, Jennifer; Kiff, Dave
Subject: FW: Tank Farm/Shopoff development

From: Stacey Coburn <stacey@lrsrm.com>
Sent: Tuesday, July 23, 2019 12:32 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Tank Farm/Shopoff development

Hello Attention Planning Commission Members

AS a valued homeowner and local of HB, Ive lived near this tank farm for the last 10 years. I understand the history of this area and what lives within the soil of his location. I know there is a plan to build residential homes on this land. I urge you to stop the development of any homes to be built on this land.
Please vote NO on any development on this particular area of land.

Please enter this into the public record.

Thank you



Shopoff Realty Investments proposed two development scenarios in an area that was formally an oil storage and pumping facility at 21845 Magnolia St. in Huntington Beach. (Courtesy of the city of Huntington Beach)



Stacey Coburn Realtor (LICENSED AGENT) DRE#01481632
Property Management (22 yrs exp Professional Management services)
15 Hubble Suite 120, Irvine CA 92618 LRS Realty & Management, Inc
(818) 884-5155 office | (714) 756-1300 cell Stacey@LRSRM.com
www.LRSpropertymanagement.com | Video About LRS



Ramos, Ricky

From: Luna-Reynosa, Ursula
Sent: Tuesday, July 23, 2019 12:55 PM
To: Ramos, Ricky; James, Jane; Villasenor, Jennifer; Kiff, Dave
Subject: FW: HB Homeowner

From: Mrdi <mrdi2003@yahoo.com>
Sent: Tuesday, July 23, 2019 12:46 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: HB Homeowner

The tank farm proposed development is an ill conceived perpetration by money hungry developers. The local infrastructure is not capable and the city is opening itself up to continued liability claims for the cause of cancerous health problems that will be forthcoming for the location adjacent to ASCON.
A lodge with 40 dorm beds is an invitation to further abuse by the drug addicts that are currently flocking to HB.
A planned slum in the making, I am against this development.

Ramos, Ricky

From: MyHB <reply@mycivicapps.com>
Sent: Thursday, August 08, 2019 4:31 PM
To: Ramos, Ricky; James, Jane
Subject: Status Updated - MyHB-#175822 Planning [06635]

MyHB

Status Changed - #175822

Work Order #175822 status has changed from assigned to resolved.

Staff Note:
Thank you for your communication regarding the Magnolia Tank Farm project at Magnolia and Banning. Your comments will be shared with the Planning Commission and City Council, the decision makers on the project.

Status

resolved

Work Order

#175822

Issue Type

Planning

Staff Member(s)

rramos,Jane James

Notes

Zoning of development on Magnolia and Banning. I am against this and want to know if you are voting for it.

View the Report

Reporter Name

Marilyn Golden

Email

mcgolden25@gmail.com

Phone

714-454-1065

Report Submitted

JUL 23, 2019 - 3:46 PM

Please do not change subject line when responding.

Ramos, Ricky

From: James, Jane
Sent: Wednesday, July 24, 2019 1:16 PM
To: Ramos, Ricky
Subject: FW: Opposed to Magnolia &PCH

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Jeff Wilmot <surfbumtwo@gmail.com>
Sent: Tuesday, July 23, 2019 5:06 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Opposed to Magnolia &PCH

I am opposed to the Community Development department changing our GERNAL PLANSand zoning to a project on our wetlands!!!!!!!!!! Alsolutely OPPOSED!!!! Our city has gotten too CONGESTIVE!!! Full of SOBER LIVINGS; HOMELESS, We need more sidewalks, 4 ways stop signs, parks INSTEAD more shopping centers which means more bars and OVER CONGESTIVE!!!!!
Thank You

Ramos, Ricky

From: De Coite, Kim
Sent: Monday, August 05, 2019 5:31 PM
To: Ramos, Ricky; James, Jane
Subject: FW: Public Comments for Aug 5th meeting

Kimberly De Coite
Administrative Assistant
Department of Community Development
714-536-5276
kdecoite@surfcity-hb.org

-----Original Message-----
From: Dombo, Johanna <Johanna.Dombo@surfcity-hb.org>
Sent: Monday, August 05, 2019 2:00 PM
To: De Coite, Kim <KDeCoite@surfcity-hb.org>
Subject: FW: Public Comments for Aug 5th meeting

For you...

-----Original Message-----
From: Nancy Buchoz <nancybuchoz@yahoo.com>
Sent: Monday, August 05, 2019 12:47 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Public Comments for Aug 5th meeting

Dear Mayor Peterson and City Council,

I am writing to share my concerns regarding the proposed Magnolia Tank Farm as it is being discussed at the Planning Commission level currently.
My concerns are as follows.

The current situation with regards to Ascon Landfill and its halted remediated warrant a second look at the actual environmental condition of the land as it is today. The appropriate thing to do is to have a more comprehensive soil testing done with deeper borings being used as information seeking tools to help us understand the level of toxicity we are actually going to find if this land is excavated. Like Ascon, the soil was thought to be harmless in areas, but once unearthed, the chemical vapors and odors became more than a nuisance, they become instigators of community illness. In order to prudently process with any development we must “be overly careful” and err on the side of being almost too cautious as we definitely dont want to see Ascon part 2 occur for the residents of SEHB. I believe a more thorough gridline soil assessment would benefit our understand of this land as it is only a chain link fence away from some seriously dangerous chemicals as we all know now.
I believe the air pollution as it is currently being monitored in SEHB is at levels approaching consistenly harmful levels and this is from the documentation being distributed by SCAQMD and Ascon. Currently their air monitors have been reading our community because of the issues with Ascons and the faulted remediation, and its showing readings over the acceptable limits for PM10 at locations like Eader Elementary school. (which had a recent reading of PM10 57 anything over 50 is over and typically… anything over 25 is considered bad air quality) the levels were raised for Ascon per AQMD. To this day , no one understands why…. it can only be to create a legal avenue for the Ascon people to keep working while the residents continue to suffer from the effects of the bad air quality. As a resident, i believe is the city

councils responsibility to protect the residents from things like air pollution caused by overdeveloping of any one particular area. We had simultaneous projects occurring and its harming the air quality in Sehb and all this before the potential for more harm comes from a development at the Tank Farm. Today it is impossible to ascertain actually what project is causing the high levels of PM 10?? who would be required to stop work ??? AES??? ASCON??? Add to it another development and this could be a catastrophic situation, a real health crisis for those living in SEHB. Please halt the current proposed development at the Tank Farm and let the Ascon area and the AES area finish their work before we add more pollution and harmful chemicals into the air and into the citizens of SEHB. A no zone change and a more thorough review and potential third party look at the soil makes sense considering what we know now about Ascon and the area itself, through history.

Thank you for your consideration.

Nancy Buchoz

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 13, 2019 9:26 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm EIR Study . . .

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Gino J. Bruno <gbruno@socal.rr.com>
Sent: Monday, August 12, 2019 5:53 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: Magnolia Tank Farm EIR Study . . .

Planning Commissioners:

Regarding the Magnolia Tank Farms EIR . . .

Among other problems, the ingress and egress for all of the traffic generated by this proposed development (250 houses [how many cars per household?], 175-room hotel, 40-room hostel, plus retail/dining) will be only on the East side of the development, and only at two points: (a) Magnolia & Banning, and (b) Magnolia & Bermuda Drive.

That's it, people . . .

A bad plan . . . that will not get better.

Just ask a fifth grader if this would be good for our City.

Gino J. Bruno
Huntington Beach

Carolyn “Shammy” Dingus
Magnolia/Atlanta, HB
shammyds@mac.com

MTF Simply Not Suitable for Residential Use

- The MTF soil remains contaminated with toxic tases. These are most significant health risk associated with the petroleum contamination.The migration of hazardous vapors into building structures poses a serious hazard to the occupants.
- The volatile organic compounds (VOCs) can build up beneath the foundations of the building, concentrate, and subsequently leak inside the interior.
- A full assessment of VOCs needs to be completed in areas of known contamination and planned development; this has not been done at this property.

Inadequacy and Errors in Soil Gas Testing

- The 2016 tests are inadequate, specifically due to the limited number of soil gas samples (in consideration of the size of the property), and their locations **OUTSIDE** of areas of **known soil contamination**.
  - total of 23 soil gas locations have been sampled at the property; **this is less than one per acre,**
  - The soil gas samples were **NOT** collected the areas of the three (3) former tanks or piping **which have been documented with contamination**.
  - **Testing in 2013 showed multiple VOCs exceeded regulatory screening levels,** including: *benzene, ethylbenzene, naphthalene, chloroform, 1.3.5-trimethylbenzene, 1,4-dichlorobenzene, and 1,2,4-trichlorobenzene*
  - **The 2016 test** consisted of only 8 samples, and **only** tested for Methane.
  - The recommended sampling on a grid basis has not been performed
  - The lab results were not consistent with field results
  - Huntington Beach City Specification 429 requires methane testing at a distance of 1,000 feet from landfills and 100 feet from abandoned oil wells

Errors in Human Health Hazard Assessment

- The use of a .001 attenuation faction in the vapor in intrusion risk **is not appropriate for this site!**
  - Current 2015 EPA guidance and DTSC HERO Note #3 recommends an attenuation factor of **0.03**, **OVER AN ORDER OF MAGNITUDE LESS!**

- The formula in question is used to evaluate the **CANCER RISK** for the area. Obviously the accuracy is absolutely CRITICAL.
- Chemicals that were detected, but did not exceed published regulatory screening levels, were excluded from the HHRA

2018 Groundwater Monitoring Well Sampling

- The three groundwater monitoring wells **were NOT installed within the "down gradient" of the known areas of contamination!**
- None of the wells were installed in the areas of former tanks, oil wells, or piping
- The groundwater flows toward the northeast corner of the property. **NO wells were installed in this location!**

Regulatory Framework

- The regulatory oversight for the property is unclear,
- It is not understood why the Huntington Beach Fire Department **MAY** have been designated the lead agency.
  - The HBFD has stated that the contamination is beyond the limits of the HBFD jurisdiction, and that the DTSC and potentially other regulatory agencies should have the status as the lead agencies.
    - The HBFD and Shopoff have subsequently agreed that the DTSC is the lead agency for the site.
    - BUT he site is not listed on either the Envirostar or DTSC websites!
    - The inconsistent regulatory oversight of the property may have resulted in previously identified data gaps and subsequent recommendations not being addressed.

SUMMARY:

APPROVING THIS SITE POSES AN UNACCEPTABLE RISK OF LIABILITY FOR THE CITY OF HUNTINGTON BEACH

All progress on approving the changes to the city's General plan, rezoning, and Local Coastal plan MUST BE STOPPED IMMEDIATELY.

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 13, 2019 9:26 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

-----Original Message-----
From: Steve Farnsworth <hazmn54@gmail.com>
Sent: Tuesday, August 13, 2019 9:23 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Hazman <hazmn54@gmail.com>
Subject: Magnolia Tank Farm

Planning Commission,

I believe the only prudent thing to do with the Magnolia Tank Farm proposed EIR and development would be to put this project on hold until after the COMPLETE cleanup of ASCON and any adjacent property potentially impacted by ASCON (e.g., Magnolia Tank Farm). I can't imagine building homes just feet away from an active Superfund site.

Thank you for your consideration in this matter.

Steve Farnsworth

Sent from my iPad

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 13, 2019 2:20 PM
To: Ramos, Ricky
Subject: FW: Shopoff EIR Deny this Project.

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: larry mcneely <lmwater@yahoo.com>
Sent: Tuesday, August 13, 2019 2:19 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Shopoff EIR Deny this Project.

I watched the last planning meeting on Shopoff, What I find surprising in those conversations was the language in the questions like "when you build" etc like the approval was was a drawn conclusion. The questions should be framed as "If this was approved" "if the community backs this" I find no community benefit and thus no reason to grant a change in our approved and voted General Plan and Zoning. As the EIR concludes there many reasons to deny Traffic Congestion, Water Usage during droughts, Taxing our services and adding to the Waste Treatment Plants load. Not to mention the future city liabilities for the Toxic claims that are sure to arise. Listen to our community and the surrounding neighbors and Deny this investors Ponzi Scheme.

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 15, 2019 8:09 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm Study Session 8/13/19
Attachments: PlanningCommission81319.pdf

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Sharon M. <marmiejoe@msn.com>
Sent: Tuesday, August 13, 2019 9:26 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Claudia Perez <claudia.perez@asm.ca.gov>
Subject: Magnolia Tank Farm Study Session 8/13/19

A man and his corporation buys a plot of contaminated land with full disclosure that this toxic ground was judged in all wisdom as being uninhabitable for humans and zoned for public/semi public use only.

The man decides to change the zoning and questions the wisdom of the city, the residents, the local fire department and public safety agencies.

He does this with the audacity of the following serious problems:

1. 1) He submits an incomplete environmental impact report, which claims on the page and section entitled Executive Summary that "this is a full-disclosure document in order to (1) inform agency decision makers and the general public of the direct and indirect potentially significant environmental effects of a proposed action. . . " while only providing all of us with glimpses of data and no access to the original reports. Where are the original reports and how do you or I know that they are accurately reflected in this EIR.
2. 2) At least one report that IS included, The Baseline Tank Study Report, beginning on page 6 of the EIR Appendix G mysteriously leaves out pages 1-3 and page 4 begins with "varied from ND to 90 ppm at the 6-inch depth." You and I both want to know exactly WHAT chemical was found at 90 ppm and WHERE it was found.
3. 3) Ignoring completely the HB Fire Department's review on page 23 of Appendix G that "the site requires a full investigation with soil sampling on a grid basis across the entire property, and evaluation of the potential of off-site contamination (Ascon Landfill). The use of the existing data was insufficient to prepare a HHRA.
4. 4) Disregarding the HBFD review on page 24 of Appendix G that "the HHRA were not appropriate for a residential site with exposure to indoor air. The HHRA needs to be updated according to all DTSC-approved procedures following a FULL evaluation of soil, soil gas and groundwater at the site."
5. 5) And then we enter into the northern area of this contaminated purchase which proves the reality that his parcel and the landfill parcel connected to it are linked as one, toxicologically speaking and will never be fit for indoor or full-time human habitation;

- According to page 186 in Appendix G, Soil samples collected near the north property line has benzo(a)pyrene and dibenz(a,h)anthracene that were above the limits for residential limits. These two chemicals are known to be HIGHLY cancer-causing with the highest degree of toxicology rating. One of these chemicals was so abundant in Pit F, that it went beyond the ability to take measurement. And is found on the Tank Farm.
- According to page 20 of Appendix G, crude oil appeared to be migrating along near surface bedding planes and was readily observable along the northern property line. The crude oil

impacted material is . . . still present along the property line and too the north under the Ascon

facility.

- According to the same page of Appendix G, a short section of piping was observed leaving the

  Ascon Property and entering the . . . property. It was stuffed with dirt and still contained crude oil. The piping in this area was significantly degraded and crude oil had been discharged into the surrounding soil. Thus, it appears that the pipeline extending from the Ascon property may be an ongoing and continuing source of petroleum hydrocarbons impacting soils at the Shopoff site.

- Page 29 of Appendix G, Elevated concentrations of TPH along the northern property line may be related to past activities on the Ascon Landfill to the north.
- Page 29 again says that some of the VOCs detected in the soil gas exceed EPA Resident Ambient Air RSLs. The highest detected soil gas concentrations of benzene, ethylbenzene, naphthalene, chloroform, 1,3,5—trimethylbenzene, 1,4-dichlorobenzene, and 1,2,4- trichlorobenzene exceeded Indoor Air Residential and Tier 1 ESLS DTSC HERO as well as EPA Resident Ambient Air.
- on page 30 groundwater samples TPH, TBA and metals exceed in some of the groundwater samples collected and may be from Ascon Landfill.

  I stand here today on behalf of our collective wisdom and our shared hope of a healthy environment for today and for generations to come

  Do not certify or approve an unworthy EIR from a flawed business plan.

  Trust the zoning and General Plan that is in place. It works if we follow it. Do not let the poor business choice of a risky business gamble cause you or anyone in this room to gamble with the lives of the school children, residents, wildlife and future of our precious city. Say no to this ridiculous proposal of GPA and Zone Change and yes to what we all know to be best for everyone. It’s that simple.

Thank you,

Sharon Messick

Huntington Beach Landfill Awareness Project

9352 Molokai Dr.

Huntington Beach, CA 92646

909.636.6277

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 13, 2019 1:55 PM
To: Ramos, Ricky
Subject: FW: Shopoff meeting today

Importance: High

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Gary Tarkington <garytarkington@msn.com>
Sent: Tuesday, August 13, 2019 1:37 PM
To: commission@surfcity-hb.org
Subject: Shopoff meeting today
Importance: High

To the Planning Department of Huntington Beach,
Today August 13, 2019, you, the city Planning Department will be reviewing the Shopoff EIR, and asking our city to throw out its voted and approved General Plan and Zoning to build a outside investors development to gain profits for his investors.
This has got to be a diffinate NO!! This was ALREADY VOTED ON!! We DO NOT WANT OR NEED THIS!!!
The people of HB are watching this and you closely!
Ann Tarkington
Huntington Beach

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 15, 2019 8:04 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm Concerns
Attachments: Magnolia-Tank-Farm-Notes.docx; Tank Farm Planning Comm-8_13_19 copy.docx

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Tara Waters <tarabarton1111@gmail.com>
Sent: Wednesday, August 14, 2019 8:06 PM
To: Gregg Haulk <Ghaulk@hbcsd.us>; Grant.Cope@dtsc.ca.gov; Claudia.perez@asm.ca.gov; Alyssa.napuri@mail.house.gov; Ryan.billings@asm.ca.gov; laura.oatman@mail.house.gov; Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Claire.conlon@asm.ca.gov; charwick@hbuhsd.edu; Owen Crosby <ocrosby@hbuhsd.edu>
Cc: HBUHSD <marmiejoe@msn.com>; CITY COUNCIL <city.council@surfcity-hb.org>; Planning Commission <planning.commission@surfcity-hb.org>; Boardoftrustees@hbuhsd.edu; HBUHSD <Alexander.Gonzalez@mail.house.gov>
Subject: Magnolia Tank Farm Concerns

Greetings,

Attached is a summery of concerns from the community regarding the Magnolia Tank Farm DPEIR and some questions that have arisen based on the EIR. Please review for your background knowledge. I am available if you have questions or would like to discuss.

Thank you for your time.

Tara Barton
HB-LAP

909-223-9234

Magnolia Tank Farm Community Concerns:

The environmental data collected at the property is insufficient to support unrestricted use and residential development. The most significant health risk associated with the petroleum contamination is the migration of hazardous vapors into building structures. Petroleum compounds will "off-gas" volatile organic compounds (VOCs) which can build up beneath pavement and subsequently inside buildings. To determine the vapor intrusion risk, a full assessment of VOCs needs to be completed in areas of known contamination and planned development; this has not been done at this property.

The Human Health Risk Assessment (HHRA) performed for the property in 2016 is inadequate, specifically due to the limited number of soil gas samples (in consideration of the size of the property), and their locations outside of areas of known soil and groundwater contamination. Also, the 2016 HHRA has not been updated to follow current EPA/DTSC guidelines, specifically a revised attenuation factor used to calculate the expected concentrations of hazardous vapors inside buildings.

Additionally, much like the insufficient soil gas sampling at the property, groundwater sampling in 2018 was NOT performed in areas of known contamination, or in areas that groundwater would flow towards. The well locations are not suitable to determine the extent of groundwater contamination beneath the property.

GENERAL:

- Soil gas sampling performed in 2013 and 2016 is insufficient due to the limited number of sample locations and their locations outside documented areas of contamination.
    - A total of 23 soil gas locations have been sampled at the property; **this is less than one per acre,** which is not adequate to determine the vapor intrusion risk for future residential buildings across the property.
    - The soil gas samples were **NOT** collected the areas of the three (3) former tanks or piping **which have been documented with contamination**.
    - The Huntington Beach Fire Department (HBFD) has previously stated the existing data was insufficient to prepare a HHRA and not appropriate for a residential site with exposure to indoor air (HBFD Review of Existing Reports, 2017).
    - The HBFD has also stated that the property requires a full investigation on a grid basis across the entire property; which has not been completed (HBFD Review of Existing Reports, 2017).
    - The 2016 HHRA itself concludes further assessment may be warranted for impacts identified at the pipeline along the northern boundary and 3 former oil producing wells.

- The recommended sampling on a grid basis has not been performed. Additional soil gas assessment for VOCs should be performed in a comprehensive grid across the property, or at a minimum in areas of documented contamination.
-

2013 Soil Gas Assessment:

- The fifteen (15) soil gas samples collected in 2013 were NOT in areas that contamination has been documented.
  - The locations were along the perimeter of the property and/or outside the footprint of the former tanks and piping.
  - Even in consideration of inadequate locations, **multiple VOCs exceeded regulatory screening levels**. These contaminants included *benzene, ethylbenzene, naphthalene, chloroform, 1.3.5- trimethylbenzene, 1,4-dichlorobenzene, and 1,2,4–trichlorobenzene.*

2016 Soil Gas Assessment:

- The eight (8) soil gas samples collected in 2016 were limited to methane analysis (not all VOCs) and were not in the areas of the former tanks, former oil wells, or piping.
  - Only two (2) of eight (8) samples were submitted for laboratory analysis.
  - The laboratory results were inconsistent with the field screening results. One of the two samples showed detections of methane that were not identified in the field.
  - The DTSC has noted that the two (2) submitted samples were not analyzed within the appropriate time of six-hours.
  - Huntington Beach City Specification 429 requires methane testing at a distance of 1,000 feet from landfills and 100 feet from abandoned oil wells.
- It does not appear the testing requirements for methane have been met; additionally this assessment did not include analysis of VOCs.

2016 Human Health Risk Assessment:

- The use of a 0.001 attenuation factor used in the vapor intrusion risk assessment is not appropriate for the site. Current 2015 EPA guidance and DTSC HERO Note #3 recommends an attenuation factor of **0.03**, over an order of magnitude less.
- Chemicals that were detected, but did not exceed published regulatory screening levels, were excluded from the HHRA.
  - When performing a cumulative HHRA, exclusions based on their individual screening levels is not appropriate.
- Additional soil gas sampling in areas of documented contamination should be performed and the HHRA should be updated to include the additional data and recommended attenuation factor of 0.03.

2018 Groundwater Monitoring Well Sampling:

- The three groundwater monitoring wells (MW-1 through MW-3) were *NOT* installed within or "down-gradient" of the known areas of contamination.
    - None of the wells were installed in the areas of former tanks, oil wells, or piping.
    - The groundwater flow is reported towards the northeast corner of the property. No wells were installed in this location.
- Additional wells should be installed within areas of documented contamination, as well as the northeast corner of the property which is directly "down-gradient" of this contamination.

Regulatory Framework

The regulatory oversight for the property is unclear, and it is not understood why the Huntington Beach Fire Department may have been designated the lead agency.

- The Compilation Report (Tait 2017) indicates that the Huntington Beach Fire Department (HBFD) is the lead oversight regulatory agency for the project, which is inconsistent with other reports.
    - The HBFD has stated that the contamination is beyond the limits of the HBFD jurisdiction, and that the DTSC and potentially other regulatory agencies should have the status as the lead agencies.
    - The HBFD and Shopoff have subsequently agreed that the DTSC is the lead agency for the site.
- The inconsistent regulatory oversight of the property may have resulted in previously identified data gaps and subsequent recommendations not being addressed.

As a HB resident, mother, scientist, and activist I have a lot of questions, as does this community. You too should have these same questions. I believe the answers would conclude that it would be too big of a liability and negligent to approve the rezoning requests of Shopoff for the Magnolia Tank Farm project. This triangle of land in totality should be condemned and NEVER developed.

I do not understand the inconsistencies of the statements made by representatives of Shopoff Reality to the city of Huntington Beach and this Planning Commission. Representatives of Shopoff Reality have insisted that the Tank Farm site does not contain toxic soil or ground water. They have also stated ASCON has not affected Tank Farm soil or ground water.

- How can land that was once an oil field not contain contaminants?
- How can land next to a superfund toxic dump, only separated by a chain link fence, not contain cross contamination of ground water, deep soil, and top soil?
- When the 3 Tanks were removed from the site in 2017 did they contain asbestos and lead? The draft EIR states the Tanks did in fact contain asbestos and lead…so was that asbestos and lead released in to the air without warning to the public?
- Why is this project not on Environstar and DTSC's respective websites?
- Total Petroleum Hydrocarbons were found above recommended limits in the soil at Tank Farm in 2013. In 2016 soil tests were taken again and based on this data the RFI report recommended closure of Shopoff's portion of the generating station. Why?
- The Human and Ecological Risk Office has concerns with the methodology and conclusions of the RFI Report. Why?
- Ground water has been found with elevated levels of TBA, metals, and TPH at both Tank Farm and ASCON. What's the source?
- The April 18, 2018 Compilation Report of Environmental Investigation suggests ASCON is one source of the ground water's contamination yet additionally states DTSC has determined the ground water has beneficial use such as municipal, industrial, and agriculture. Why would known toxic ground water ever be used where exposure to humans and wildlife is a risk?
- The same report states "the pipeline extending from the ASCON property may be an ongoing and continuing source of petroleum hydrocarbons impacting the soils at the Shopoff site." Why is the community being told ASCON is not a contamination threat to Tank Farm then?
- The same report states "VOCs detected in soil gas exceeded EPA Resident Ambient Air RSLs." So why is this land considered a safe and appropriate place to build residential homes?
- Has the air been assessed and monitored during AES construction and at the Tank Farm site? Will the air be monitored for background proposes?
- Eader Elementary PM10 readings have been over 50ug/m3 (up to 67) and is not located in the known wind pattern of ASCON. What is the source of the particulate matter?
- What is the accumulative effects of AES, ASCON, and Tank Farm projects on the community?
- What will the long term health effects be to the community from exposure to toxins from AES, ASCON, and the proposed Tank Farm Project?

Shopoff does not live or work in Huntington Beach…he just wants to build on toxic land and spin a profit at the risk of poisoning the community. The community doesn't need high end houses, we need more affordable houses. If this land is too toxic for the affluent, its to toxic for the destitute. This land should be condemned forever.

- What is Shopoffs intent and overwhelming interest in Huntington Beach?
- Why has he sponsored large Gala's at GoldenWest College?
- Why has he contributed to politician's campaigns in Huntington Beach?
- Why does he donate large sums of money to the Huntington Beach Chamber of Commerce?
- Why does he donate large sums of money to pediatric brain cancer research to a charity founded by a family who lives next to Tank Farms and lost a child to DiPG?
- Why did Shopoff offer to donate millions of dollars to build the Aqua Center at Edison High School which is located across the street from Tank Farm and ASCON?

Ramos, Ricky

From: James, Jane
Sent: Wednesday, August 21, 2019 4:25 PM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Steve Farnsworth <hazmn54@gmail.com>
Sent: Wednesday, August 21, 2019 4:21 PM
To: Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm

Mayor, City Council Members and Planning Commissioners,

I am asking that you delay approving the development of the Magnolia Tank Farm property. I am not asking you to completely deny any development in the future, just delay it until a competent and certified "grid" sampling has been performed at the tank farm site. This grid sampling should be performed both before and after the remediation of the ASCON Superfund site and indicate any hazardous to human health contamination levels are at or below the OSHA and the EPA/DTSC acceptable levels for residential buildings.

Thank you for your consideration regarding this matter.

Steve Farnsworth
HB Resident

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 22, 2019 11:30 AM
To: Ramos, Ricky
Subject: FW: Tank Farm.

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Mrdi <mrdi2003@yahoo.com>
Sent: Thursday, August 22, 2019 8:59 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Tank Farm.

Building on the Tank Farm Site and exposing all of the future residents
to the contaminants that are present will result in lawsuits from which the City will never recover.

Mrdi

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:57 AM
To: Ramos, Ricky
Subject: FW: Shopoff Magnolia Tank Farm Project EIR Deny Vote NO

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: larry mcneely <lmwater@yahoo.com>
Sent: Friday, August 23, 2019 11:03 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Shopoff Magnolia Tank Farm Project EIR Deny Vote NO

Like many in the community I have read the Shopoff EIR which is quite a long document. This EIR has made many points that would give every reason to Deny this project. I am sure that those of you that have actually read it will agree. The one worry that I do have is a commissioner who would approve this because all the eyes (i) are dotted and the Ts crossed would give reason for approval. I must say the Most Important aspect of this review is that its not asking to go over a plan that is allowed, it is asking you to change approved zoning change the General Plan and to make exceptions with a Specific Plan. Based on the facts of these requests this project now falls into the category of Public Approval and Public Benefit which should override all support for a private investors profits motives over the will of the community. So To Be Clear I Ask that this Project Be Denied NO ON SHOPOFF

Thank You fro Your Consideration
Larry Mc Neely

PS. If your running for office listen to the Voters not the Developers they don't vote in our community.

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:55 AM
To: Ramos, Ricky
Subject: FW: Please. No more Air Quality stressors near Edison and Eader!

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Sharon M. <marmiejoe@msn.com>
Sent: Friday, August 23, 2019 3:27 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Please. No more Air Quality stressors near Edison and Eader!

Dear Planning Commissioners,
Please read this newly released study on the implications of air quality on the developing brains of children; and the risk already experienced by our children in Southeast Huntington Beach.

We implore you to refuse any zoning changes on the Magnolia Tank Farm, in light of the risk of serious mental illness due to the accumulated air quality issues we already experience.

https://www.medscape.com/viewarticle/917128?fbclid=IwAR1DdbgaFrtq7bnzSkeqG04VuW-VAyAuvfu2tTce3QYBhxcryHbEyK58z_8



Air Pollution Linked to Psychiatric Illness

New research has uncovered a strong link between air pollution exposure and an increase in the prevalence of psychiatric disorders, especially bipolar disorder.

www.medscape.com

Thank you,
Les and Sharon Messick

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 8:00 AM
To: Ramos, Ricky
Subject: FW: ASCON PROJECT

Importance: High

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Gary Tarkington <garytarkington@msn.com>
Sent: Friday, August 23, 2019 12:15 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: ASCON PROJECT
Importance: High

The Huntington Beach City Council,
According to the latest scientific evidence on SERIOUS MENTAL ILLNESS, the combination of chemicals your child was exposed to from the offgassing excavation has put your child at risk for developing bipolar disease, schizophrenia, personality disorder, epilepsy, and Parkinson's disease. This is from ASCON!
We want YOU the HB City council to fight the corporate polluter Ascon and new development on the Tank Farm that will make your child's bad air quality worse in the near future. Nothing jeopardizes a child's future like serious mental illness, which is now believed to be potentially brought on by neuroinflammation due to environmental toxins. This project is NOT RIGHT for many reasons! Please VOTE NO!!!
Ann Tarkington
Huntington Beach

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:57 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Dayna Bellanca <dayna@maryspath.org>
Sent: Saturday, August 24, 2019 5:39 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm

Hello,

Please refuse any zoning change at the Magnolia Tank Farm which will potentially increase the toxic exposure to our already cumulative toxins from the Ascon landfill. Children have died and more are getting sick.

Thank you,
Dayna Bellanca

--

Dayna Bellanca, Parenting and Child Development Coordinator
Mary's Path

Dayna@MarysPath.org

714-730-0930 ext. 13
18221 E.17th Street
Santa Ana, CA 92705

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CONFIDENTIALITY: This email (including any attachments) may contain confidential, proprietary and privileged information, and unauthorized disclosure or use is prohibited. If you received this email in error, please notify the sender and delete this email from your system.

MARY'S PATH
Changing Lives Two at a Time

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:58 AM
To: Ramos, Ricky
Subject: FW: The Proposed Shopoff Magnolia Tank Farm Project . . . .

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Gino J. Bruno <gbruno@socal.rr.com>
Sent: Saturday, August 24, 2019 8:57 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>; Planning Commission <planning.commission@surfcity-hb.org>
Cc: Kiff, Dave <dave.kiff@surfcity-hb.org>; Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>; Gates, Michael <Michael.Gates@surfcity-hb.org>
Subject: The Proposed Shopoff Magnolia Tank Farm Project . . . .

City Council Members and Planning Commissioners:

The developer of the Magnolia Tank Farm project is William Shopoff, or entities that he and/or his family controls (individually and collectively, “Shopoff”).

Commencing in at least October 2006 and continuing at least until very recently Shopoff is alleged to have engaged in a laundry list of financial shenanigans and trickeries that, after extensive investigation, resulted in an Enforcement Complaint being filed by FINRA dated January 10, 2019. FINRA (Financial Industry Regulatory Authority) is the not-for-profit organization authorized by Congress to ensure compliance with, among other things, the Securities and Exchange Act of 1934, as amended.

FINRA alleges Shopoff engaged in FRAUD in the sale of various securities relating to investments in proposed real estate developments, all in violation of the Securities and Exchange Act.

Here are only some . . . repeat SOME . . . of the alleged violations of the Securities and Exchange Act, laid out in specific detail in the FINRA complaint:

- From December 2010 through March 2017, Shopoff fraudulently sold nearly $12.6 million of promissory note investments (“Notes”) to at least 29 investors;
- From December 2010 through March 2017 Shopoff failed to disclose that some investment proceeds would actually be transferred to William Shopoff and his personal trust to pay his and his wife's personal expenses;
- From December 2010 through March 2017, Shopoff failed to disclose that some investment proceeds would be used to repay investors in previous Notes (a classic Ponzi scheme) ;
- From December 2010 through March 2017, although William Shopoff and his wife personally guaranteed the investments, Shopoff failed to disclose to the investors that the Shopoffs' assets were largely illiquid;

- From August 2014 through August 2016, Shopoff massively inflated his and his wife's cash assets in a financial statement given to a third-party due diligence provider assessing the Shopoffs' financial wherewithal;

- In October 2006 Shopoff caused to be prepared a certain Private Placement Memorandum (“PPM”) that offered for sale interests in certain real estate developments; the PPM contained misrepresentations and omissions of facts material to investors; and

- In March 2014 Shopoff caused funds to be transferred from real estate trusts into his personal bank account in order to artificially and falsely inflate the appearance of his liquid net worth in anticipation of Private Placement Offerings.

And Mr. Shopoff was doing this while, at the same time, he was schmoozing and in discussions with our City representatives, including elected officials, about his proposed project.

Is this someone our City should be doing business with while these very serious accusations of Federal law violations are pending?

I encourage you to read the detailed specifics of the complaint at:
http://www.finra.org/sites/default/files/fda_documents/2016048393501%20Shopoff%20Securities%2C%20Inc.%20BD%20142866%20William%20A.%20Shopoff%20CRD%201273471%20Stephen%20R.%20Shopoff%20CRD%205276325%20Complaint%20sl.pdf

Thank you.

Gino J. Bruno
Huntington Beach

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:58 AM
To: Ramos, Ricky
Subject: FW: ASCON Site

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Tracy MG <t_mg@yahoo.com>
Sent: Saturday, August 24, 2019 10:04 PM
To: Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: ASCON Site

To whom it may concern:

As a resident with children who lives in SE Huntington Beach I implore you go REFUSE any zoning change at the Magnolia Tank Farm which will potentially increase toxic exposure to our already cumulative toxins from Ascon and AES!!

How can you ignore the residents of this city and create such an incredible hazard for us! This is a travesty and I am blown away at the lack of respect for those of us who live here and want to put our trust into local government to keep us out of harms way.

Please keep our citizens and our city safe!!

Tracy Gohl
HB Resident

Sent from my iPhone

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:57 AM
To: Ramos, Ricky
Subject: FW: HB Home owner

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Mrdi <mrdi2003@yahoo.com>
Sent: Saturday, August 24, 2019 9:06 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: HB Home owner

PLEASE REFUSE any zoning change at the Magnolia Tank Farm which will potentially increase toxic exposure to our children and adult residents .

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 7:58 AM
To: Ramos, Ricky
Subject: FW: 19-902 Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: K Carroll <kcrissie7@gmail.com>
Sent: Monday, August 26, 2019 8:03 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: 19-902 Magnolia Tank Farm

Dear Planning Commission Members:

I am writing to oppose 19-902 Magnolia Tank Farm. This development will cause continue health hazards to the residents of Huntington Beach because of the toxic soil. The obvious additional reasons are increased traffic and accidents to the surrounding areas including increased congestion to PCH which is already over it's capacity and the water table. Our resources are over taxed and the resident's quality of life will greatly be impacted by this project. Please vote no on this project.

Thank you.

Kris Carroll

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 7:55 AM
To: Ramos, Ricky
Subject: FW: Comments on Magnolia Tank Farm -- Commission Meeting 8/27/19
Attachments: MTF Planning Commission 82719.pdf; Appendix-G -Soil and Groundwater tests 2013 pp20-22.pdf; MTF Planning Exhibits dropbox.pdf

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Shammy D <shammyd@mac.com>
Sent: Monday, August 26, 2019 10:05 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Comments on Magnolia Tank Farm -- Commission Meeting 8/27/19

Dear Commissioners:

I plan to make comments at tomorrow evening's meeting of the Planning Commission on the EIR for the Magnolia Tank Farm. Attached are my comments as well as a backup document. I am also attaching a backup document for my comments at the previous meeting on the MTF.

Carolyn "Shammy" Dingus
8932 Modesto Circle, Unit 1209E
Huntington Beach, CA 92646
808-778-4013
shammyd@mac.com

Basic Summary of Issues

Soil Gas Tests Inadequate and Erroneous

- Primary emphasis on EIR analysis has been on SOIL testing, but soil GAS testing is more important for RESIDENTIAL use.
- The amount of testing is inadequate. A total of only 24 soil gas samples have been tested. LESS THAN 1 PER ACRE. 16 samples taken in 2013 showed VOCs exceeding EPA limits (i.e., Benzene). In 2016, 8 additional samples were tested — but for METHANE ONLY.
- SOIL GAST TESTING ONLY DONE ON PERIPHERY — NO TESTING was done under the tanks. No consideration was given to the actual location of planned houses relevant to the location of tests. A test grid with several tests per acre, using a FULL-SCREEN analysis of VOCs is required. Too many assumptions have been made with VERY LITTLE ACTUAL DATA.
- An out of date Attenuation Factor (.001 vs. .03 current) was used in the HHRA (Human Health Risk Assessment) calculation, which resulting in an estimation of risk that UNDERSTATES BY AT LEAST 2 ORDERS OF MAGNITUDE THE ACTUAL HEALTH RISK AT THIS SITE.

Groundwater Tests and Planning Incomplete

- Likewise the groundwater testing was inadequate. It was SIMILARLY ONLY TESTED AT THE PERIPHERY OF THE PROPERTY with no regard to where houses would be located, and not tested at all under the tanks.
- The RELATIONSHIP between the groundwater, which carries GASES, was not considered. The groundwater may be a continuing source of soil gas which may penetrate the homes.
- NO CONSIDERATION WAS GIVEN TO THE HB CHANNEL as a CONTINUING SOURCE of pollutants in the groundwater. The Ascon toxic dump, as an example, has a history of being pump or overflowing into the channel.

SUMMARY: THIS PROJECT IS NOT READY FOR DECISION-MAKING

- Full-Screen VOC grid testing is required to test ALL the property, particularly the areas where residences may be located in the future.
- The calculations for health risks much be re-computed
- Greater attention to be payed to the COMMENTS MADE BY THE HBFD. They have done an excellent job of identifying problems with the project and environmental assessment.

THIS PROJECT IS BASICALLY A BAD IDEA

- As the SCAQMD has pointed out, this property is wedged between a heavy-duty industrial area and a toxic waste dump. The appropriateness must be considered in its TOTALITY.
- There will be unknown health risks for future residents, which the city may be liable for.
- There will be a lot of noise (i.e. pile driving), additional dust, chemicals releases, and construction traffic forced on existing residents who are already dealing with immense issues related to the remediation of the Ascon toxic dump.

groundwater investigations are discussed in Sections 6.2 and 8.1, respectively. Figures, tables, and other relevant documents are contained in Appendix B.

Work Performed: Work was completed in December, 2013. A total of 15 soil gas probe locations (SG1 through SG15) were installed across the site, primarily within the bermed areas of the tanks, along the eastern perimeter of the site, and in the Primary Fuel Pumping Area. All soil gas samples were collected from a depth of 3 feet bgs. SG9 was not sampled, as groundwater was encountered at a depth of 4 feet bgs. The soil gas probe locations are shown on Appendix B-Figures 2 and 2A. All samples were analyzed for TPH using EPA Method TO-3, for BTEX compounds using EPA Method TO-17, and for VOCs using EPA Method TO-15.

Investigation Results: Analytical Results are shown in Appendix B-Table 5. Laboratory results contained in the WGR Report are shown in parts per billion (v/v) and are listed on Appendix B-Table 5 as parts per billion (ppb). Results of the investigation are as follows:

- Benzene was detected in SG2 at 0.56 ppb.
- Toluene was detected in SG4 at 5.4 ppb, and in SG15 at 11 ppb.
- Ethylbenzene was detected in ppb in the following soil gas probes: SG4 (2.2), SG 5 (17), SG10 (2.6), SG12 (0.75), SG13 (2.0), and SG15 (1.4).
- Total xylenes were detected in ppb in the following soil gas probes: SG4 (10), SG 5 (8.4), SG10 (12), SG12 (3.4), SG13 (19), and SG15 (6.6).
- Naphthalene was detected in SG14 at a concentration of 2.1 ppb.
- TPH was not detected in any of the samples.
- Additional VOCs were detected in some of the soil gas samples.

Table 2 is a summary of the Soil gas results, Much of this information was contained in the laboratory reports in the appendices of the WGR report, and it is summarized on this table. Table 2 summarizes only the highest concentrations of each VOC from all of the soil borings. The concentrations of VOCs in the WGR report are in ppb or ng/sample. In the absence of definitive data from the laboratory reports or the WGR report, the assumption is made here that the ng/sample is based on 1 liter of sample, and that 1 ng/sample is equal to 1 ppb. Calculations were made to convert to ppp values to micrograms per cubic meter ($\mu g/m^3$). An on-line conversion table provided by Eurofins Air Toxics (Eurofins, 2017) was used to complete the conversion.

Summary: WGR noted that several of the compounds detected exceeded EPA Region 9 residential air quality maximum contaminant concentrations. Based on the data shown in Table 2, the highest detected concentrations of benzene, ethylbenzene, naphthalene, chloroform, 1.3.5-trimethylbenzene, 1,4-dichlorobenzene, and 1,2,4–trichlorobenzene exceeded CRWQCB-SFB Indoor Air Residential and Tier 1 ESLs, as well as EPA Region 9 Resident Ambient Air RSLs. None of the VOCs exceeded the CRWQCB-SFB Residential Sub-slab ESLs. DTSC HERO Note 3 contained only screening levels for benzene and toluene, and benzene exceeded the DTSC screening level. VOC concentrations are relatively low; however, further evaluation of the analyses with respect to DTSC Hero Note 3 listing and the U.S. EPA Region 9 Resident Ambient Air RSLs may be warranted.

7.2 EEI 2016: Site Investigation Report (EEI, 2016)

Objective: To evaluate shallow soils and soil gas for potential impacts from petroleum hydrocarbons and perform a focused methane soil gas survey to identify areas of subsurface contamination that may impact site redevelopment. This section covers the soil gas investigation only. The soils investigation is covered in above in Section 6.3. Figures, tables and other relevant documents are contained in Appendix C.

Work Performed: Work was completed in February, 2016. Soil gas probes were installed in 8 locations (M1 through M8) within the bermed areas of Tanks 1, 2, and 3, and in the area of the Motor Control building. The locations of the borings are shown in Appendix C-Figure 2. Samples were collected at a depth of 4 feet bgs in each of the soil gas probes. The samples were analyzed for methane using EPA Method 8015M.

Investigation Results: Analytical Results are shown in Appendix C-Table 2. Methane was detected at a concentration of 14 parts ppm volume (ppmv) in sample M7-4, which is located at the northeastern perimeter of Tank 1. A methane concentration below the laboratory reporting limit of 10 ppmv was detected in sample M3-4, which is located northeast of Tank 3.

Summary: The methane levels detected are well below the Orange County Fire Authority screening level of 5,000 ppmv. The methane levels detected in the samples collected during this investigation were not considered to be significant.

8.0 RESULTS OF GROUNDWATER INVESTIGATIONS

WGR completed a groundwater sampling investigation at the site in December 2013 in coordination with the soils and soil gas investigation as outlined above in Sections 6.2 and 7.1, respectively. That investigation is outlined in Section 8.1 below.

8.1 WGR, 2014: Phase II Site Assessment (WGR Southwest, 2014)

Objective: To evaluate the potential presence of contaminants in groundwater along the northern boundary of the site adjacent to the Ascon property to determine the potential for on-site migration of contaminants from the Ascon landfill. Groundwater evaluation of the eastern, western, and southern boundaries of the site was also undertaken during this investigation. Figures, tables, and other relevant documents are contained in Appendix B.

Work Performed: Work was completed in December, 2013. A total of 8 groundwater borings were completed on the site. GW1 through GW5 were completed along the northern boundary of the site adjacent to the Ascon Landfill. GW 6 was completed along the eastern boundary of the site. GW 7 was completed along the western boundary of the site in the Primary Fuel Pumping Area. GW 8 was completed in the southern tip of the site. All of the GW-series borings were located outside of the bermed areas of Tanks 1, 2, and 3. The groundwater samples were collected from a depth of 1.5 feet below the groundwater table in each boring using low-flow purge techniques. A groundwater sample could not be collected from GW8 due to the fine-grained

lithology (clay) at this location. The groundwater boring locations are shown on Appendix B-Figures 2 and 2A. Groundwater samples from wells GW1 through GW7 were analyzed for TPH (full hydrocarbon chain) using CA DOHS Method 8015 and for VOCs using EPA Method 8260B. In addition, groundwater samples from GW1 through GW5 were analyzed for SVOCs using EPA Method 8270; for pesticides using EPA Method 8081; for PCBs using EPA Method 8082; for herbicides using EPA Method 8151; and for metals.

Investigation Results: Analytical Results are shown in Appendix C-Table 4. Note that Table 4 reports the results in milligrams/liter (mg/l); however a review of the lab reports indicates that all results are reported in micrograms/liter (µg/l). Results of the investigation are as follows:

- TPH was detected within the range of C15 to C36 in samples GW3 at (130 µg/l), GW5 (1,400 µg/l), and GW7 (210 µg/l). A concentration of 760 µg/l TPH in sample GW5 is within the DRO carbon chain range, with the remaining TPH in the MORO carbon chain range.
- Tertiary butyl alcohol (TBA) was detected in samples GW2 (370 µg/l) and GW6 (260 µg/l).
- Ethanol was detected in sample GW5 (370 µg/l).
- Bisphthalate was detected in samples GW2 (13 µg/l) and GW4 (23 µg/l).
- No other VOCs or SVOCs were detected in the samples.
- No pesticides, herbicides, or PCBs were detected in the groundwater samples.
- Metal levels were determined to be naturally occurring.

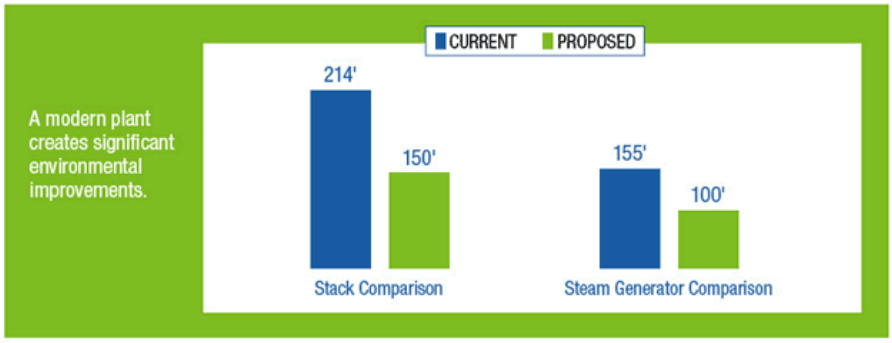
Summary: TPH concentrations in wells GW3, GW5, and GW7 exceed the CWRQCB-SFB ESL maximum Contaminant Level (MCL) for DRO of 150 µg/l and the CWRQCB-SFB Tier 1 ESL of 100 µg/l DRO. Some of the TPH in GW3, GW5, and GW7 appears be within the MORO range, which has a higher MCL, but this cannot be determined by the data in the report. TBA concentrations are above the CWRQCB-SFB ESL MCL of 12 µg/l for TBA. Bisphthalate detections were believed by WGR to be from the PVC casing used to collect the groundwater samples. WGR also stated that although the levels of metals was believed to be naturally occurring, several of the metals detections were above their respective MCLs, including arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, molybdenum, mercury, vanadium, and zinc. Each of wells GW1 through GW5 contained metals concentrations above their respective MCLs. The location of the site between the Pacific Ocean and the Talbert Gap Saltwater Barrier Project injection wells to the east has resulted in no municipal supply wells being located within 3 miles of the site. Therefore, the groundwater contaminants at the site are not considered a risk to the municipal water supplies.

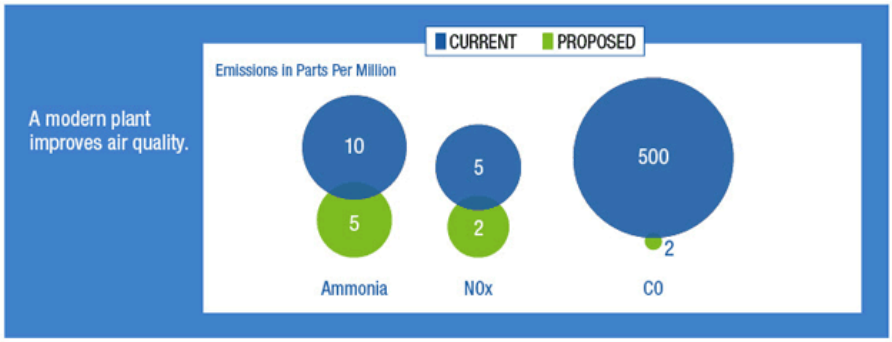
MTF Simply Not Suitable for Residential Use

- The MTF Property is located between the *SCE Generating Plant* (an industrial facility), *Ascon Toxic Waste Dump, and PCH,* all of which produce various gases and other toxic materials.
- **The combination of all three of these** makes this property unsuitable for for residential use.
- Generation of power at AES results in the release of both conventional and greenhouse gas (GHG) emissions.These conventional air emissions may consist of sulfur dioxide (SO2), nitrogen oxides (NOx), particulate matter (PM) and mercury (Hg). Also, the combustion of fuels results in the direct emission of Scope 1 GHGs, primarily carbon dioxide (CO2).

AES Huntington Beach

AIR QUALITY

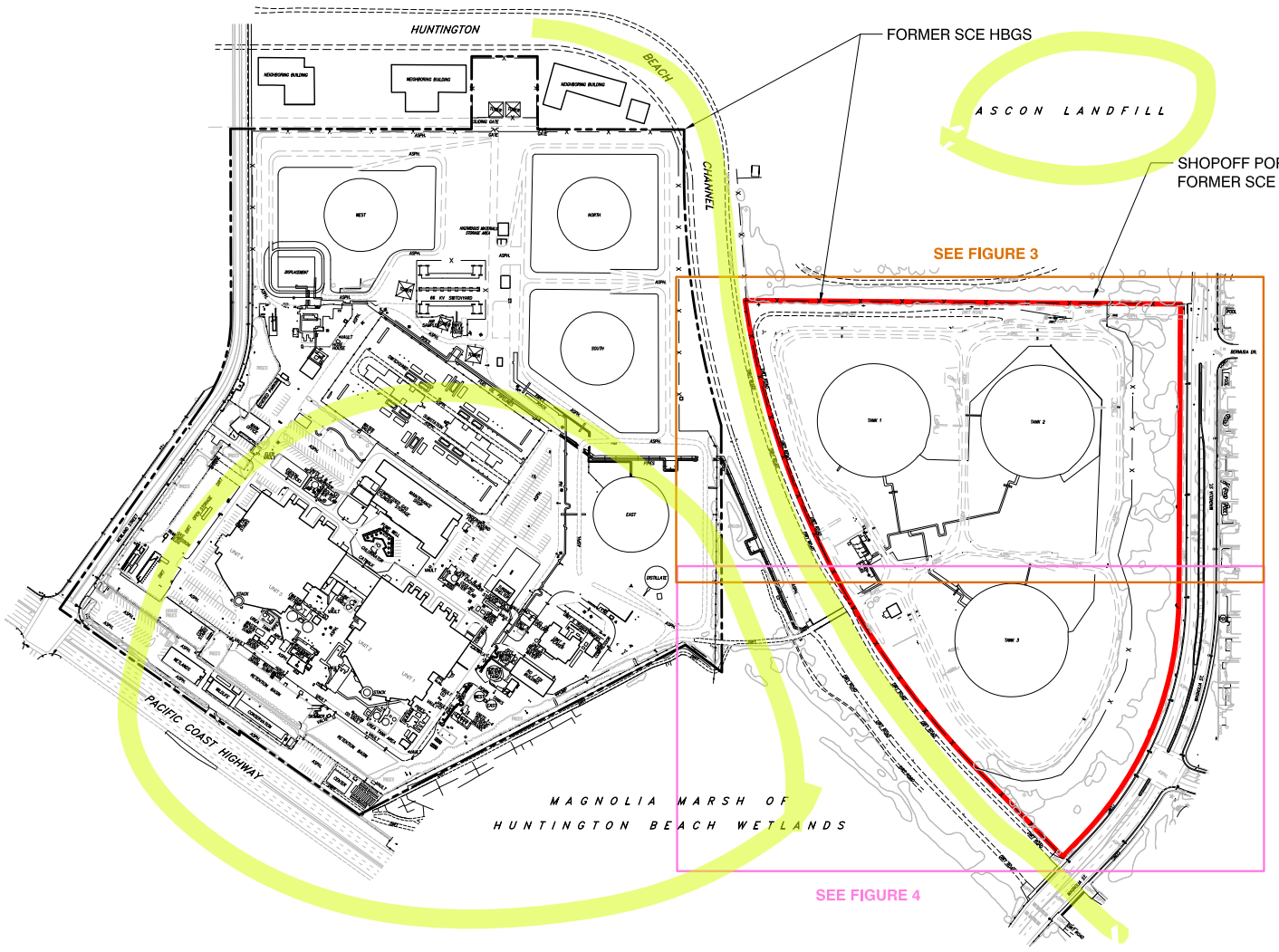




ASCON

- Over the years, many who live in nearby neighborhoods have complained about the health problems they have experienced which they believe are caused by the chemicals on site, the additional effects of remediation, and questioned whether living so close to the site has increased their risk for cancer,
- Arsenic, sulfuric acid and benzene acid are among the chemicals found at the landfill, and, if left there, they could contaminate the groundwater supply, experts say.

C:\Drawing Files\Environmental Applications\1411-02 - SCE HBGS\Fig 2. Site Map - 10/06/2017



N

LEGEND

- Property Boundary
- Figure 3 - EPTC Tanks 1 and 2
- Figure 4 - EPTC Tank 3

0 300 600

APPROXIMATE SCALE IN FEET

ENVAPPS

environmental applications, inc.

2130 Huntington Drive, Suite 300
South Pasadena, California 91030

SITE MAP

Project
Shopoff Portion
Former Southern California Edison
Huntington Beach Generating Station
21730 Newland Street
Huntington Beach, California 92646

Project Number	Figure
1411-02	2
Date	
October 6, 2017	

Appendix G p. 201

South Coast
Air Quality Management District
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(909) 396-2000 • www.aqmd.gov

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Huntington Beach, CA 92648

Draft Program Environmental Impact Report (DPEIR) for the Proposed Magnolia Tank Farms (SCH No. 2017101041)

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final PEIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct 250 residential units, a 211,000-square-foot hotel containing 215 rooms, a 19,000-square-foot retail building, a 2.8-acre conservation area, and a 2.8-acre park on 28.9 acres (Proposed Project). The Proposed Project is located at 21845 Magnolia Street on the northwest corner of Magnolia Street and Banning Avenue. Based on a review of Exhibit 3-2, *Local Vicinity,* in the DPEIR and aerial photographs, SCAQMD staff found that the Proposed Project is located adjacent to multiple sources of air pollution, such as the American Energy Services (AES) power plant, the Ascon Landfill site, and State Route 1 (SR-1). Additionally, the Proposed Project was historically used as a fuel oil storage facility as well as other oil-related facilities including pipelines and ancillary buildings[1]. Construction of the Proposed Project is expected to occur over five years from 2020 to 2025 and will become operational in 2026[2].

AES, PCH, ASCON

5-yr Construction

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's construction air quality impacts would be less than significant after the implementation of mitigation measure (MM) AQ-1[3], which requires scrapers used during construction activities to meet Tier 3 or better off-road emissions standards[4]. Additionally, the Lead Agency quantified emissions resulting from an overlapping construction and partial operation scenario occurring in 2025[5], in which 75% of residential units would be occupied and the remaining components of the Proposed Project would be fully operational, and then compared those combined emissions to SCAQMD's regional operational thresholds to find that the Proposed Project's air quality impacts would be less than significant.

SCAQMD Staff's General Comments

The Proposed Project is located in close proximity to power-generating facilities, landfill operations, and a freeway. These land uses have the potential to generate toxic air contaminants (TACs) and/or volatile

1 DPEIR. Section 2.4.1. *Property History*. Page 2-15.
2 DPEIR. Section 3.5.14, *Project Description: Phasing*. Page 3-20.
3 Construction emissions for 2021 were projected to be 104 pounds per day before implementing MM AQ-1 and 90 pounds per day after implementing MM AQ-1.
4 DPEIR. Section 4.2, *Air Quality*. Page 4.2-28 and 4.2-29.
5 *Ibid*. Page 4.2-31.

organic compounds (VOCs), and attract heavy-duty diesel-fueled trucks that emit diesel particulate matter (DPM), which the California Air Resources Board (CARB) has identified as a TAC based on its carcinogenic effects[6]. Therefore, the Lead Agency should analyze the potential health risks to residents who will live at the Proposed Project. The analysis will serve as substantial evidence to support the Lead Agency's finding that "the TAC impact to future residents and employees of the proposed Project or Alternative 1 and to off-site receptors would be less than significant[7]." Please see the attachment for more information. The attachment also includes recommended changes to existing MM AQ-1 that the Lead Agency should include in the Final PEIR.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project.

Response Req'd

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Robert Dalbeck, Assistant Air Quality Specialist, at RDalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

Attachment
LS:RD
ORC181219-04
Control Number

[6] California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: http://www.arb.ca.gov/regact/diesltac/diesltac.htm.

[7] DPEIR. Section 4.2, *Air Quality,* Page 4.2-40 through 4.2-41.

ATTACHMENT

Air Quality and Health Risk Assessment (HRA) Analyses

Health Risk Assessment Analysis from Freeways and Other Sources of Air Pollution

1. Notwithstanding the court rulings, SCAQMD staff recognizes that Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of SCAQMD's concern about the potential public health impacts of siting sensitive populations within a close proximity to major sources of air pollution, such as natural gas power plant facilities, landfills, and freeways, SCAQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

Health Impacts

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include, among others, construction of 250 residential units. Based on a review of Exhibit 3-2, *Local Vicinity,* in the DPEIR and aerial photographs, SCAQMD staff found that the Proposed Project is located adjacent to multiple sources of air pollution, such as the AES power plant, the Ascon Landfill site, and State Route 1 (SR-1). Additionally, the Proposed Project was historically used as a fuel oil storage facility containing three above-ground, 25 million-gallon tanks, as well as other oil-related facilities including pipelines and ancillary buildings[8]. Residents living at the Proposed Project would likely be exposed to toxic air contaminants (TACs) such as DPM from the transportation and idling of heavy-duty, diesel-fueled trucks associated with the nearby land uses. Therefore, SCAQMD staff recommends that the Lead Agency consider health impacts on future residents living at the Proposed Project by performing a HRA analysis to disclose the potential health risks on future residents at the Proposed Project in the Final PEIR[9]. This will facilitate the purpose and goal of CEQA on public disclosure and provide decision-makers with meaningful information to make an informed decision on project approval. This will also foster informed public participation by providing the public with information that is needed to understand the potential health risks from living in close proximity to sources of air pollution.

HRA Analysis + Public Disclosure

Guidance on Siting Sensitive Receptors Near Freeways and Other Sources of Air Pollution

2. SCAQMD staff recognizes that there are many factors lead agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between lead agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005[10]. This Guidance document provides recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A*

Incompatible Land Use?

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8 DPEIR. Section 2.4.1. *Property History*. Page 2-15.

9 SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

10 South Coast Air Quality Management District. May 2005. "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning" Accessed at: http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf.

Community Health Perspective, which can be found at: http://www.arb.ca.gov/ch/handbook.pdf. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Enhanced Filtration Units and Limitations

3. Many strategies are available to reduce exposure, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting sensitive receptors near land uses that emit TACs and/or attract or generate heavy-duty, diesel-fueled truck trips, such as landfills and power-generating facilities, it is essential that any proposed strategy must be carefully evaluated before implementation. SCAQMD staff recommends that the Lead Agency require the installation of MERV 13 filters or better at the Proposed Project and incorporate the following comments in the Final PEIR.

Filtration Systems in EACH UNIT

SCAQMD staff also recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters[11], a cost burden is expected to be within the range of $120 to $240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate TAC exposures.

Ongoing Costs of Electricity & Filters

Enforceability of Enhanced Filtration Units

4. If enhanced filtration units are required for the Proposed Project, and to ensure that they are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to TACs, SCAQMD staff recommends that the Lead Agency make the installation of enhanced filtration units a project design feature and provide additional details regarding the ongoing, regular maintenance, and monitoring of filters in the Final PEIR. To facilitate a good-faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final PEIR should include the following information:

a) Disclose the potential health impacts to prospective residents from living in a close proximity to sources of air pollution (e.g., power plant, landfill, SR-1 etc.) and the reduced effectiveness of the air filtration system when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);

Required Ongoing Responsibililty for Maintenance - City?

b) Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;

c) Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected and maintained regularly;

[11] This study evaluated filters rated MERV 13 or better. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf. Also see 2012 Peer Review Journal article by SCAQMD: https://www.iqair.cn/sites/default/files/documents/Polidori-et-al-2012.pdf.

d) Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
e) Provide information to residents on where the MERV filers can be purchased;
f) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
g) Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
h) Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;
City-wide Plan?
i) Set City-wide or Proposed Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
j) Develop a City-wide or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

Recommended Changes to Existing Mitigation Measure (MM) AQ-1

5. In the Air Quality Analysis, the Lead Agency found that implementation of four Tier 3 scrapers during site preparation of the construction phase would likely reduce the air quality impacts resulting from the Proposed Project's construction emissions. As currently written in the DPEIR, MM AQ-1 proposes that diesel-powered scrapers would be powered with CARB certified Tier 3 engines. To further reduce the Proposed Project's construction emissions, SCAQMD staff recommends that the Lead Agency revise MM AQ-1 to require the use of Tier 4 off-road equipment for all units of construction equipment of 50 horsepower (hp) or greater, where available. An example of potential changes are provided below.

MM AQ-1: All off-road diesel-powered equipment of 50 horsepower or greater ~~Scrapers~~ used for construction of the proposed Project or Alternative 1 ~~after January 1, 2020~~ shall meet Tier ~~3~~4 or better off-road emissions standards, where available. To ensure that Tier 4 Final construction equipment or better will be used during construction activities, this requirement shall be included in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities.
Construction Equip Limitations/Monitoring by City?
The Construction Contractor shall provide a copy of each unit's certified Tier and/or engine specification to the City of Huntington Beach at the time of mobilization of each applicable unit of equipment. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Construction Contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the City of Huntington Beach before using Tier 4 Interim emissions standards compliant construction equipment and/or other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, use of Tier 3 engines, reduction in the number and/or horsepower rating of construction equipment, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Additional Recommended Mitigation Measures

6. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. In the Air Quality Analysis, the Lead Agency estimated 104 lbs/day of NOx emissions during construction before the implementation of MM AQ-1, and 90 lbs/day of NOx emissions after the implementation of MM

Issues During 5-yr Construction (2026)

AQ-1. To further reduce the Proposed Project's construction and operational emissions, SCAQMD staff recommends that the Lead Agency review and incorporate the following mitigation measures in the Final PEIR. For more information on potential mitigation measures as guidance to the Lead Agency, please visit SCAQMD's CEQA Air Quality Handbook website[12].

Construction-Related Mitigation Measures

a) Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction equipment and vehicles must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each vehicle and equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.

b) Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 - CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers and operators understand the idling requirement, post signs at the entry of the construction site and throughout the Proposed Project site stating that idling longer than five minutes is not permitted.

c) Encourage construction contractors to apply for SCAQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at SCAQMD's website: http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines.

d) Require the use of zero-emission or near-zero emission heavy-duty trucks during construction, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty trucks visiting the Proposed Project during construction commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards. The Lead Agency should include this requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure and enforce compliance.

e) Require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx and ROG

[12] South Coast Air Quality Management District. Accessed at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook.

impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends that the Lead Agency require the Proposed Project to provide the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.

f) Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs throughout the Proposed Project to generate solar energy for the respective building.

Operation-Related Mitigation Measures

g) Require the use of zero-emission or near-zero emission heavy-duty vendor trucks that service the hotel during operation, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 g/bhp-hr. At a minimum, require that operators of heavy-duty trucks during operation commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for PM and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure and enforce compliance.

h) Provide incentives for employees in order to encourage the use of public transportation or carpooling, such as discounted transit passes or carpool rebates.

i) Implement a rideshare program for employees and set a goal to achieve a certain participation rate over a period of time.

j) Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.

k) Require use of electric or alternatively fueled sweepers with HEPA filters.

l) Maximize the planting of tress in landscaping and parking lots.

m) Use light colored paving and roofing materials.

n) Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

o) Use of water-based or low VOC cleaning products that go beyond the requirements under SCAQMD Rule 1113.

Compliance with SCAQMD Rules

On-going Risk

7. As stated above, the Proposed Project was historically used as a fuel oil storage facility containing three above-ground, 25 million-gallon tanks, as well as other oil-related facilities including pipelines and ancillary buildings[13]. While the Proposed Project site has been remediated, and in the event that during soil disturbance activities such as grading, petroleum hydrocarbons are encountered that may cause residual VOCs to become airborne, the Lead Agency should include a discussion to demonstrate compliance with SCAQMD Rule 1166 – Volatile Organic Compound Emissions from

[13] DPEIR. Section 2.4.1. *Property History*. Page 2-15.

Decontamination of Soil[14] and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants[15] in the Air Quality Section of the Final PEIR.

Other Comment Regarding the Remedial Status of the Ascon Landfill

8. SCAQMD staff found multiple inconsistencies regarding the remedial status of the Ascon Landfill site in the DPEIR. For example, the Lead Agency identified the status of the Ascon Landfill site as "Planning" in Table 4-1[16], then stated "the cleanup status of the ASCON Landfill is currently listed "active" on Envirostor"[17], and that there would be future "remediation activities at Ascon Landfill to the north"[18]. Therefore, SCAQMD staff recommends that the Lead Agency provide additional information to clarify the remedial status consistently throughout the Final PEIR.

Future Activity at Ascon?

[14] South Coast Air Quality Management District. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: http://www.aqmd.gov/docs/default-source/rule book/reg-xi/rule-1166.pdf.

[15] South Coast Air Quality Management District. Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants. Accessed at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf.

[16] DPEIR. Table 4-1, *Approved And Pending Projects In The Cities Of Huntington Beach, Newport Beach, And Costa Mesa,* Page 4-6.

[17] DPEIR. Section 4.7, *Hazards and Hazardous Materials,* Page 4.7-14.

[18] DPEIR. Section 4.1.6, *Cumulative Impacts,* Page 4.1-22.

Inadequacy of Soil Gas Testing

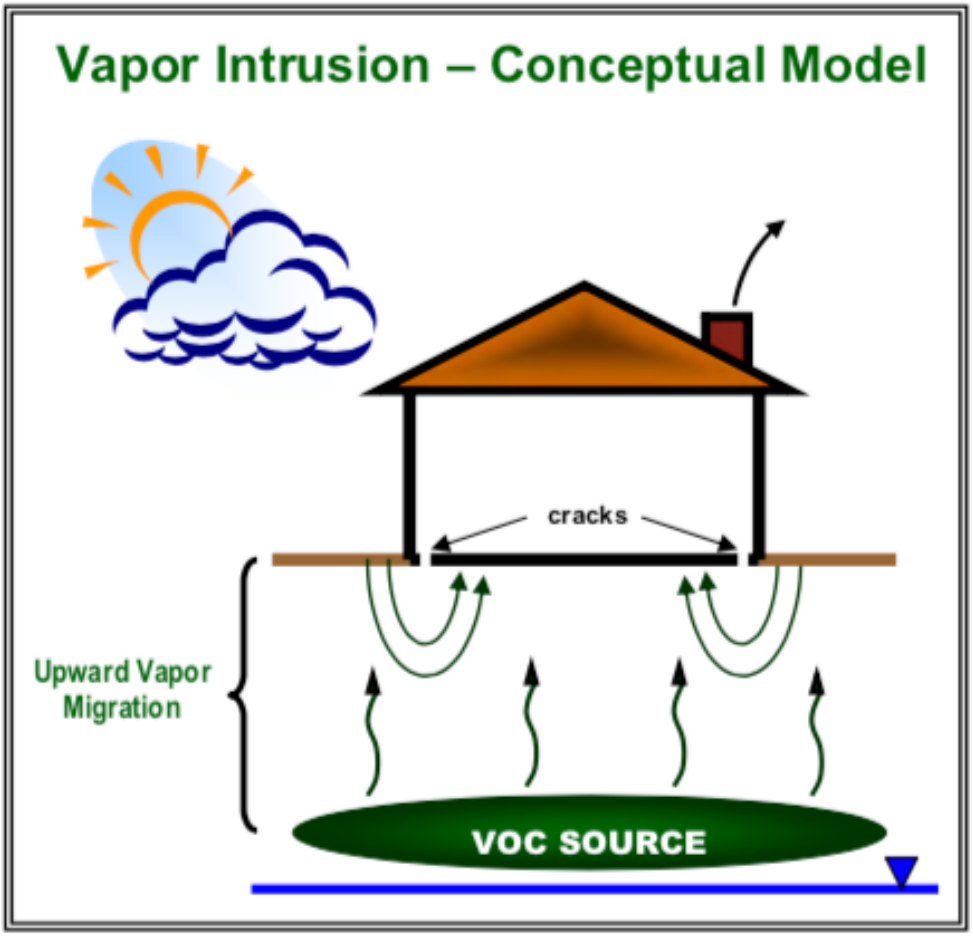


Diagram from cover page of DTSC "GUIDANCE FOR THE EVALUATION AND MITIGATION OF SUBSURFACE VAPOR INTRUSION TO INDOOR AIR

- One of the MOST significant health risks associated with the petroleum contamination on land used planned for residential use is the migration of hazardous vapors into building structures, which poses a serious hazard to the occupants.
- The volatile organic compounds (VOCs) can build up beneath the foundations of the building, concentrate, and subsequently leak inside the interior.
- A full assessment of VOCs needs to be completed in areas of known contamination and planned development; this has not been done at this property.
- In Dec 2013, a total of 14 soil gas locations were tested, which showed multiple tests with VOCs exceeding regulatory screening levels including: *benzene, ethylbenzene, naphthalene, chloroform, 1.3.5- trimethylbenzene, 1,4-dichlorobenzene, and 1,2,4-trichlorobenzene*.

- In 2016, a total of 8 soil gas locations were tested, but ONLY for methane.
- In both cases the test locations were **DID NOT INCLUDE any tests under the location of the oil storage tanks themselves.**
- **A** total of 23 soil gas locations have been sampled at the property; this is less than one per acre! The recommended (per HBFD) sampling on a grid basis (which would probably cost <$60,000) has NOT been performed!

Total petroleum hydrocarbons (**TPH**) is a term used for any mixture of hydrocarbons that are found in crude oil. Chemicals that occur in TPH include hexane, benzene, toluene, xylenes, naphthalene, and fluorene, other constituents of gasoline, of jet fuels, of mineral oils, and of other petroleum products.[1]

MAJOR ERROR Soil Gas Testing and Cancer Assessment

The use of a .001 attenuation faction in the vapor in intrusion risk **is not appropriate for this site!**

2.1.3.8 VOCS IN SOIL GAS

Fourteen soil gas samples were collected on December 6, 2013 at a depth of approximately 3 feet bgs. The soil gas samples were analyzed for VOCs by USEPA Method TO-15 and for TPH as gasoline by USEPA Method TO-3. The VOCs that were detected in soil gas are provided in Table 3 of Appendix A and summarized in the following table. The preliminary screening levels used are from EPA Region 9 for ambient air and have been adjusted by a residential attenuation factor of 0.001 to derive an equivalent soil gas concentration as outlined in DTSCs risk assessment screening guidance (DTSC 2017). TPH as gasoline was nondetect in all 14 soil gas samples analyzed.

Current 2015 EPA guidance and DTSC HERO Note #3 recommends an attenuation factor of **0.03**, **OVER AN ORDER OF MAGNITUDE OFF**

HHRA Note Number 3 – April 2019, DTSC-Modified Screening Levels
Page 12

and commercial/industrial exposure scenarios, and may be used for screening contaminants in indoor air. The air screening levels for volatile chemicals also have potential applications for screening soil gas data when used in concert with an appropriate attenuation factor as described in DTSC's 2011 *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air* (2011 VIG). DTSC-recommended default attenuation factors for preliminary screening evaluations can be found in Table 2 of DTSC's 2011 VIG. DTSC also recommends that screening assessments evaluate the default attenuation factors of 0.03 for sub-slab soil gas and "near-source" exterior soil gas, released in 2015 by USEPA.[9] For detailed recommendations on the vapor intrusion to indoor air pathway and evaluation of soil gas and indoor air data, please consult DTSC's 2011 VIG, or contact the DTSC site toxicologist to ensure appropriate use of air screening levels on a site-specific basis.

- The formula in question is used to evaluate the **CANCER RISK** for the area. This mistake would cause the risk to be severely understated. Obviously the accuracy is absolutely CRITICAL.

2018 Groundwater Leach - Monitoring Well Locations

- **The groundwater presents an on-going potential source of toxic vapors that leach into the soil (become gas vapors)**
- The three groundwater monitoring wells were NOT installed within the "down gradient" of the known areas of contamination!
- None of the wells were installed in the areas of former tanks, oil wells, or piping
- The groundwater flows toward the northeast corner of the property. NO wells were installed in this location!
- No consideration of on-going contamination of the groundwater by the HB channel, which is at the top of the groundwater flow, was considered! We cannot assume that water does no penetrate the concrete liner of the channel.
- The Ascon toxic landfill direction N of the MTF is known to have spilled over into the HB channel numerous times, especially after heavy rainfall.
- Other industrial sites, including AES and other industries upstream have been accounted for as potential sources for pollution of the groundwater at MTF.
- The water in the channel is not being tested or monitored.

Summary of Chemicals Detected in Groundwater

Chemical	No. of Detections	Maximum Concentration	Sample with Maximum Concentration	Preliminary Screening Levels[1]	Source[1]
TPH-d (C13-22)	1	760 mg/l	GW-5	640 mg/l	RWQCB
Tert-butyl alcohol (TBA)	2	370 ug/l	GW-2	18,000 ug/l	RWQCB
Ethanol	1	370 ug/l	GW-5	NL	--
Bis(2-ethylhexyl) phthalate	2	23 ug/l	GW-4	32 ug/l	RWQCB

RWQCB = San Francisco Bay Screening Levels – Table F-1b. Groundwater Screening Levels (groundwater not a current or potential drinking water resource)

All of the groundwater samples were nondetect for PCBs, pesticides, including herbicides. Two of the groundwater samples had tert-butyl alcohol with a maximum concentration of 370 ug/l. One of the groundwater samples had an ethanol concentration of 370 ug/l. And two of the samples had minor concentrations of bis(2-ethylhexyl) phthalate at a maximum concentration of 23 ug/l. WGR Southwest, Inc. stated that they believed the occurrence of bis(2-ethylhexyl) phthalate was associated with the PVC used as the casing for the temporary groundwater well points. These concentrations were compared to screening levels established by the DTSC and San Francisco RWQCB.

PUBLIC HEALTH STATEMENT
TOTAL PETROLEUM HYDROCARBONS

Division of Toxicology **September 1999**

1.5 HOW CAN TPH AFFECT MY BODY?

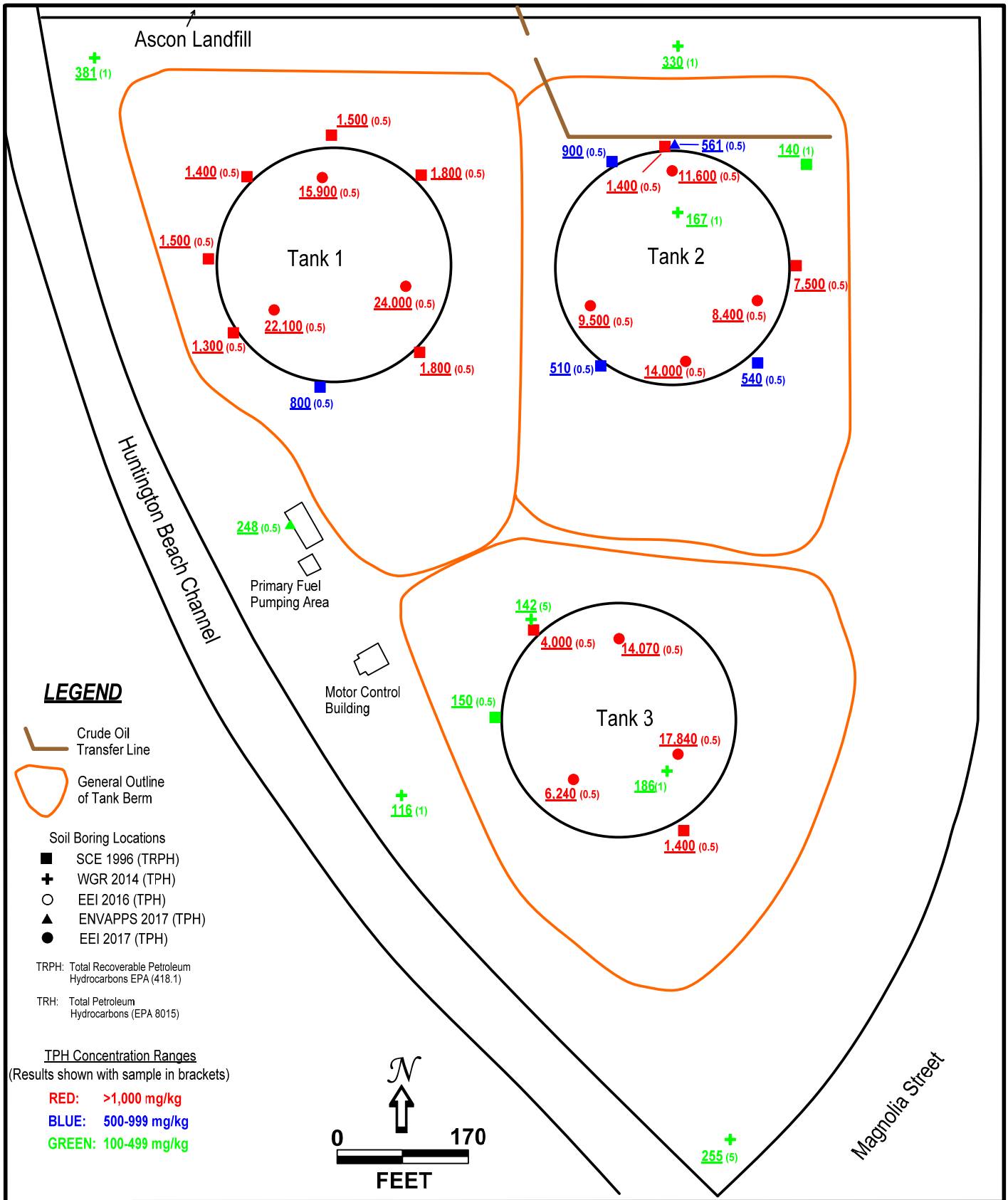
Health effects from exposure to TPH depend on many factors. These include the types of chemical compounds in the TPH, how long the exposure lasts, and the amount of the chemicals contacted. Very little is known about the toxicity of many TPH compounds. Until more information is available, information about health effects of TPH must be based on specific compounds or petroleum products that have been studied.

The compounds in different TPH fractions affect the body in different ways. Some of the TPH compounds, particularly the smaller compounds such as benzene, toluene, and xylene (which are present in gasoline), can affect the human central nervous system. If exposures are high enough, death can occur. Breathing toluene at concentrations greater than 100 parts per million (100 ppm) for more than several hours can cause fatigue, headache, nausea, and drowsiness. When exposure is stopped, the symptoms will go away. However, if someone is exposed for a long time, permanent damage to the central nervous system can occur. One TPH compound (n-hexane) can affect the central nervous system in a different way, causing a nerve disorder called "peripheral neuropathy" characterized by numbness in the feet and legs and, in severe cases, paralysis. This has occurred in workers exposed to 500–2,500 ppm of n-hexane in the air. Swallowing some petroleum products such as gasoline and kerosene causes irritation of the throat and stomach, central nervous system depression, difficulty breathing, and pneumonia from breathing liquid into the lungs. The compounds in some TPH fractions can also affect the blood, immune system, liver, spleen, kidneys, developing fetus, and lungs. Certain TPH compounds can be irritating to the skin and eyes. Other TPH compounds, such as some mineral oils, are not very toxic and are used in foods.

To protect the public from the harmful effects of toxic chemicals and to find ways to treat people who have been harmed, scientists use many tests.

One way to see if a chemical will hurt people is to learn how the chemical is absorbed, used, and released by the body; for some chemicals, animal testing may be necessary. Animal testing may also be used to identify health effects such as cancer or birth defects. Without laboratory animals, scientists would lose a basic method to get information needed to make wise decisions to protect public health. Scientists have the responsibility to treat research animals with care and compassion. Laws today protect the welfare of research animals, and scientists must comply with strict animal care guidelines. Animal studies have shown effects on the lungs, central nervous system, liver, kidney, developing fetus, and reproductive system from exposure to TPH compounds, generally after breathing or swallowing the compounds.

One TPH compound (benzene) has been shown to cause cancer (leukemia) in people. The International Agency for Research on Cancer (IARC) has determined that benzene is carcinogenic to humans (Group 1 classification). Some other TPH compounds or petroleum products, such as benzo(a)pyrene and gasoline, are considered to be probably and possibly carcinogenic to humans (IARC Groups 2A and 2B, respectively) based on cancer studies in people and animals. Most of the other TPH compounds and products are considered not classifiable (Group 3) by IARC.



TAIT
RISING TO THE CHALLENGE
ENVIRONMENTAL SERVICES, INC.
701 NORTH PARKCENTER DRIVE
SANTA ANA, CALIFORNIA 92705
(714) 560-8200
(714) 560-8235 FAX

TRPH/TPH SOIL SAMPLE SUMMARY MAP
PRE-REMEDIATION

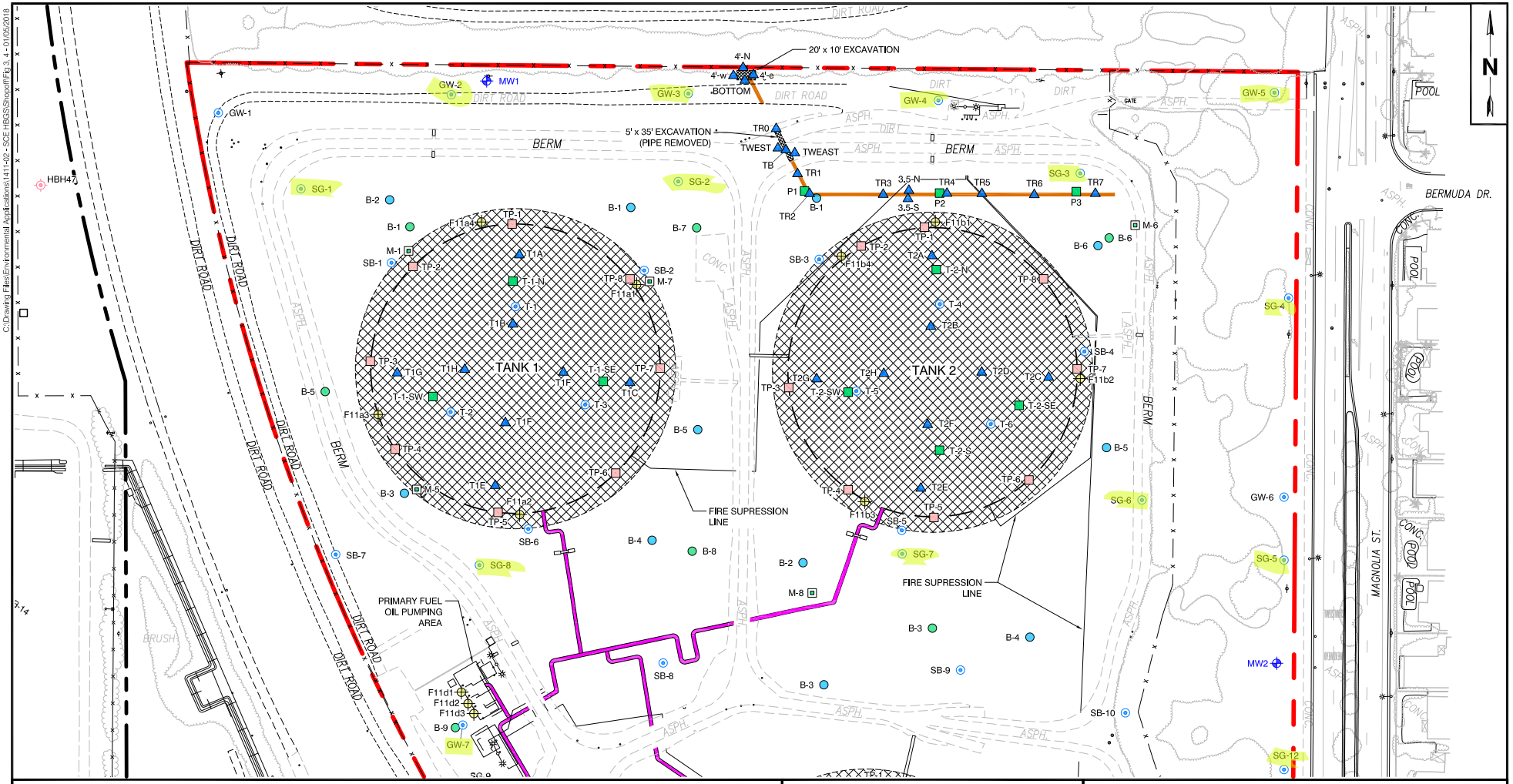
SHOPOFF-HUNTINGTON BEACH TANK FARM
21845 MAGNOLIA STREET
HUNTINGTON BEACH, CALIFORNIA

Figure 3 | March 2018

RED CIRCLES under tanks show high concentrations of TPH in soil -- but these areas were never tested for soil gas or groundwater contaminents!

These yellow highlighted areas are the only ones tested for soil gas or groundwater contamination

C:\Drawing Files\Environmental Applications\1411-02 - SCE HBGS\Shopoff\Fig 3_4 - 01/05/2018



LEGEND

- T-2-N Soil Sample Location (EEI, 2017)
- T2H Soil Sample Location (WGR, 2017)
- MW2 Proposed Groundwater Monitoring Well Location
- F11d Soil Boring Location (EnvApps, 2016)
- B-6 Soil Boring Location (SCE, Feb 23, 1996)
- TP-8 Test Pit (SCE, Feb 23, 1996)
- B-10 Soil Boring Location (EEI, Jan 15, 2016)
- M8 Soil Methane Sample (EEI, Feb 15, 2016)
- SB-1 Soil Sample Location (WGR, Dec 2013)
- T-1 Soil Sample Location (WGR, Dec 2013)
- GW-1 Groundwater Sample Location (WGR, Dec 2013)
- SG-1 Soil Gas Sample Location (WGR, Dec 2013)
- Former SCE HBGS Property Boundary
- Shopoff Property Boundary
- Above Ground Fuel Oil Pipelines (Removed)
- Crude Oil Transfer Line (Removed)
- Approximate Remedial Excavation
- Former Above Ground Storage Tank

Note:
Date in parenthesis is date of report

ENVAPPS Environmental Applications, Inc.
2130 Huntington Drive, Suite 300
South Pasadena, California 91030

0 100 200
APPROXIMATE SCALE IN FEET

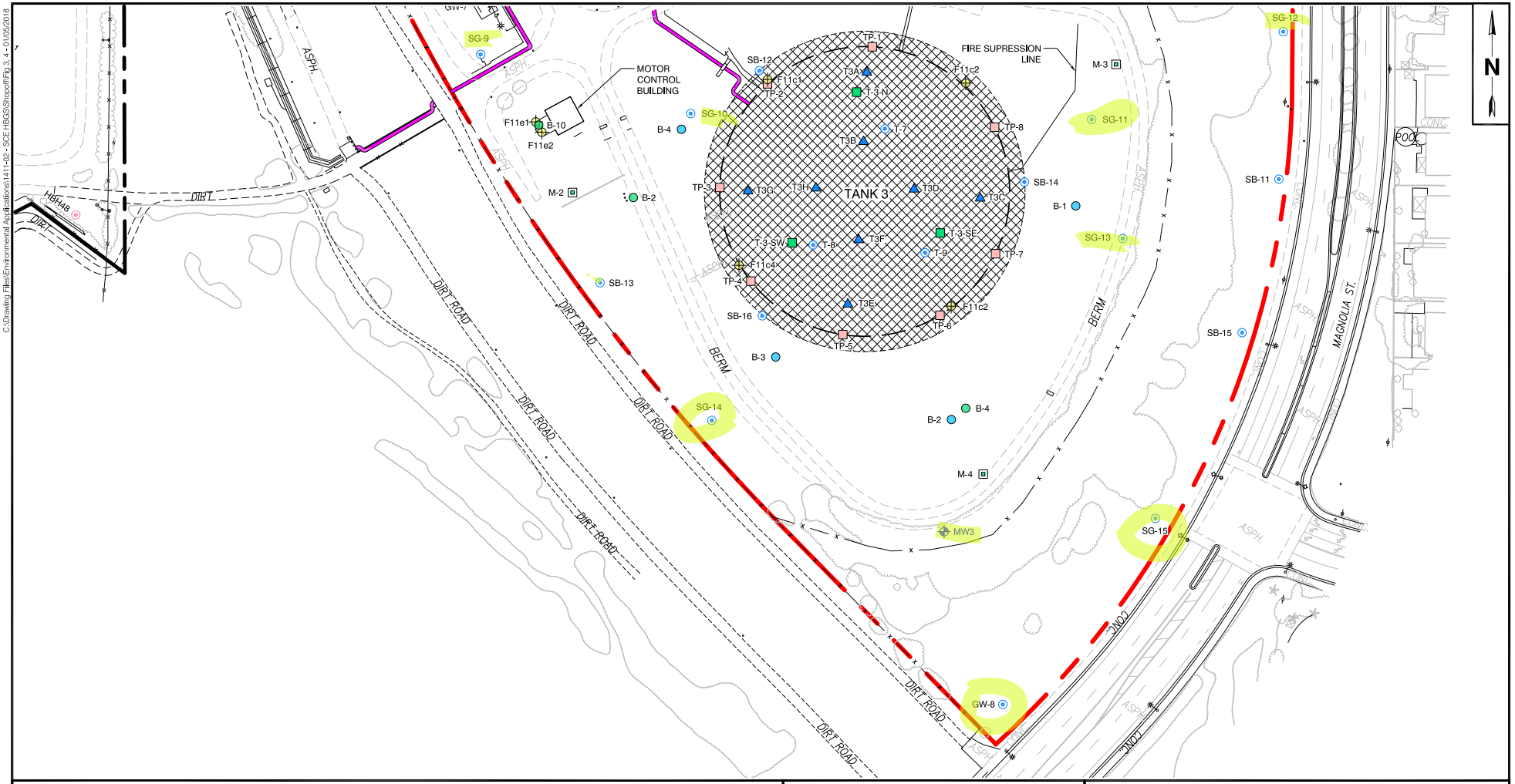
Figure 3 – EPTC TANKS 1 AND 2

Project: Former Southern California Edison
Shopoff Portion
Huntington Beach Generating Station
21730 Newland Street
Huntington Beach, California 92646

Project# 1411-02 Date: January 5, 2018

These yellow highlighted areas are the only ones tested for soil gas or groundwater contamination

C:\Drawing Files\Environmental Applications\1411-02 - SCE HBGS\Shopoff\Fig 3, 4 - 01/05/2018



LEGEND

- T-3-N — Soil Sample Location (EEI, 2017)
- T3H — Soil Sample Location (WGR, 2017)
- MW2 — Proposed Groundwater Monitoring Well Location
- F11d — Soil Boring Location (EnvApps, 2016)
- B-6 — Soil Boring Location (SCE, Feb 23, 1996)
- TP-8 — Test Pit (SCE, Feb 23, 1996)
- B-10 — Soil Boring Location (EEI, Jan 15, 2016)
- M8 — Soil Methane Sample (EEI, Feb 15, 2016)
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- T-1 — Soil Sample Location (WGR, Dec 2013)
- GW-1 — Groundwater Sample Location (WGR, Dec 2013)
- SG-1 — Soil Gas Sample Location (WGR, Dec 2013)
- Former SCE HBGS Property Boundary
- Shopoff Property Boundary
- Above Ground Fuel Oil Pipelines (Removed)
- Approximate Remedial Excavation
- Former Above Ground Storage Tank

Note:
Date in parenthesis is date of report

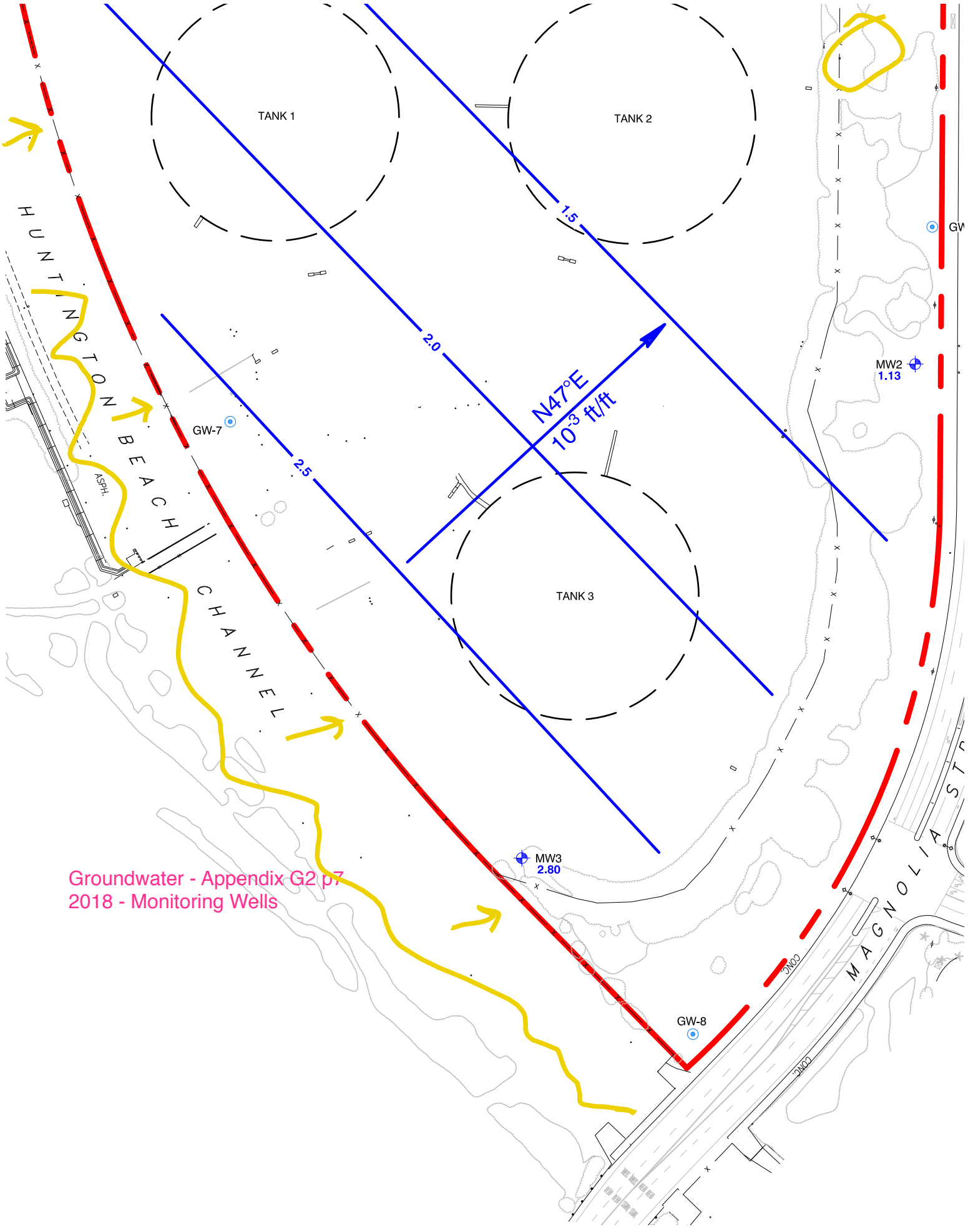
ENVAPPS
Environmental Applications, Inc.
2130 Huntington Drive, Suite 300
South Pasadena, California 91030

0 100 200
APPROXIMATE SCALE IN FEET

Figure 4 – EPTC TANK 3

Project: Former Southern California Edison
Shopoff Portion
Huntington Beach Generating Station
21730 Newland Street
Huntington Beach, California 92646

Project# 1411-02 Date: January 5, 2018



Groundwater - Appendix G2 p7
2018 - Monitoring Wells

Listen to the HBFD!

Valid concerns expressed by the HBFD have not been given adequate consideration.

Review of Existing Reports
Magnolia Tank Farm Site
21845 & 22011 Magnolia Street
Huntington Beach, California

The City of Huntington Beach Fire Department (HBFD) has reviewed the existing available reports of site investigations at 21845 & 22011 Magnolia Street in the City of Huntington Beach, California (the Site). The review was to determine if the Site is in compliance with the residential requirements of CS 429 and 431-92. The following documents were reviewed:

Phase II Site Assessment Plains Huntington Beach Terminal, 21845 & 22011 Magnolia Street Huntington Beach, CA (WGR, March 25, 2014).

Remedial Excavation Summary Report Aboveground Storage Tank (AST) T3, Plains Huntington Beach Terminal, 21845 & 22011 Magnolia Street Huntington Beach, CA. (WGR, May 26, 2017).

Remedial Excavation Summary Report Aboveground Storage Tanks (AST's) T1 and T2, Plains Huntington Beach Terminal 21845 & 22011 Magnolia Street Huntington Beach, CA (WGR, June 19, 2017).

Remedial Excavation Summary Report Crude Oil Transfer Lines Plains Huntington Beach Terminal 21845 & 22011 Magnolia Street Huntington Beach, CA, (WGR, June 19, 2017).

Fluid Migration Barrier Trench Installation Work Plan, Plains West Coast Terminals, LLC - Huntington Beach Terminal (WGR, June 8, 2017).

Human Health Risk Assessment Update for Huntington Beach Terminal Property for SLF-HB Magnolia, LLC (PlaceWorks, December 2017).

Data Review and Recommendations for Potential Residential Use of the Site

1. Data Gaps

The Human Health Risk Assessment Update (HHRA) for Huntington Beach Terminal Property for SLF-HB Magnolia, LLC, prepared by PlaceWorks (December 2017) was received on December 14, 2017. The HHRA has been prepared professionally and is complete; however, the data used in the HHRA are based on the limited investigations conducted at different times for different purposes, and not for the purpose of evaluating residential land use.

Apparently, the HHRA was prepared for a portion of the Site and not for the entire Site designated for residential use. It is not clear which area at the Site has been designated for residential development.

Data Gathering Incomplete, Random

The Phase II site assessment was conducted to evaluate general soil and groundwater at the Site; there was no specific future development of the Site known at that time. Limited soil gas sampling was also conducted. The later investigations for the tank and piping removal covered demolition of the tanks and collection of confirmation soil samples within the footprints of the tanks. The future use of the Site following removal of the tanks was not known at the time of investigation; therefore, the soil sampling was limited to the interior of the tank footprints.

There is known soil and groundwater contamination north of the Site on the former Ascon Landfill property, which was used as a hazardous waste disposal facility from 1938 to 1984. Materials disposed at Ascon landfill included drilling muds and oilfield wastes (crude oil and tar), fuel oils, phenolic wastes, mercaptans, styrene, and synthetic rubber. In addition, chromic and sulfuric acids,

aluminum slag, and magnesium and potassium chloride were reportedly deposited in the landfill (WGR, 2014). The Department of Toxics Substances Control (DTSC) issued an Imminent and Substantial Endangerment Determination and Remedial Action Order (Docket No. I&SE-RAO 02/03-018) in 2003 for the Ascon Landfill. The groundwater on the Ascon property was found to be contaminated and non-aqueous phase liquid (NAPL) was detected at some locations in investigations conducted in December 2004 by Geosyntec. A remedial action plan (RAP) for the Ascon Landfill was approved by DTSC in June 2015, but the remediation has not yet been completed.

A limited soil excavation was conducted when a former crude oil transfer pipeline north of former Tank 2 was removed when crude oil was found to be migrating onto the tank farm from the Ascon Landfill. Soil with high gasoline range TPH (7,000 mg/kg) was found at 4 feet bgs, which was later excavated within an area about 10 feet by 20 feet to a depth of 6 feet bgs (WGR - June 19, 2017). WGR submitted a work plan in June 2017 to install a barrier trench at the north-end of the former tank farm, adjacent to the Ascon Landfill, to minimize the potential for crude oil present at the Ascon landfill from migrating onto the Site.

Fifteen soil gas probes were installed as part of the 2014 investigation where 14 soil gas samples were sampled at a depth of 3 feet bgs from the probes, except for SG-9 (WGR, 2014). TPH as gasoline only using method TO-3 were measured and found to be below the detection limit of 1.5 ppmv. VOCs were detected including benzene, toluene, ethyl-benzene and xylenes in 7 of the 14 soil gas samples by method TO-15. Additional VOCs were detected including chloroform, naphthalene, dichlorodifluoromethane (a.k.a. Freon 12), 1,2,4-TMB, 1,3,5-TMB, 2-butanone, 4-etrhyltoluene, and trichlorofluoromethane. The three northern-most soil gas probes were not located close to the northern border of the Site to detect any influence of the Ascon Landfill.

The HHRA acknowledged that (see page 23) a pipeline extends from the Ascon property and may be a potential source of petroleum hydrocarbons at the Site.

Recommendation 1

Sampling on a Grid is required

Residential use of the site requires a full investigation with soil sampling on a grid basis across the entire former tank farm property (the Site) and evaluation of the potential for offsite contamination (i.e., from former Ascon Landfill) to migrate onto the site from neighboring properties. Use of the existing data is insufficient to prepare a Human Health Risk Assessment.

2. The Lead Agency

The HHRA report states (Page 1) that "The HBGS requires site-wide closure under RCRA regulations overseen by the Department of Toxic Substances Control (DTSC) including a RCRA Feasibility Investigation (RFI)". The report identifies that "SCE entered into a Stipulated Judgment with Department of Toxic Substances Control. The Stipulated Judgment required SCE to be responsible for closure and corrective action at all of the facilities (State of California, 1995)". These statements show that DTSC is the lead agency for closure of the entire Huntington Beach Generating Station, and not as referred to on page 5 where the HHRA report stated that "The Compilation Report (Tait 2017) indicates that the Huntington Beach Fire Department (HBFD) is the lead oversight regulatory agency for the project."

Recommendation 2

Soil Gas and Groundwater remain concerns. Other agencies should review (i.e., SCAQMD)

Previous limited investigations of the 21845 Magnolia Street property has found both soil gas and groundwater contamination, therefore DTSC and potentially other agencies has the lead and must be involved. This Site has contamination beyond the limits of the HBFD jurisdiction. While HBFD has jurisdiction over the soil contamination at the Site, but because contamination in the groundwater and within the top 5 feet above the groundwater, as well as existence of contamination other than TPH at the Site, other regulatory agencies such as the Orange County Health Agency and/or the DTSC, and/or the Regional Water Quality Control Board shall have the lead and approve use of this property as residential.

HBFD has specifications that address soil (HB CS 431-92) and methane (HB CS 429), which must be met to obtain building permits. HB City Specification 431-92 requires that: "surface structures within 100 feet of the lateral extent of the contaminated soil shall be built with vapor barriers in accordance with applicable City Specifications." Detailed future building plans would be needed to evaluate compliance with this requirement.

3. Methane Testing

There were three former crude oil wells on the tank farm property owned by R. B. Watkins Operations. These wells (Deeble 3, Deeble 4 and Deeble 5) were abandoned in 1972 (WGR, June 19, 2017). In 2016 a methane gas survey was conducted at 8 locations from a depth of 4 feet bgs within the bermed areas of the three former tanks (EEI, 2016). Methane was detected in two samples and the highest methane concentration was given as 14 ppmv in the HHRA, but the data were not included so that the values could not be verified. The locations of the oil and gas wells were not shown on site maps provided in the HHRA, so it is not known how close the 2016 methane soil gas survey at 8 locations within the bermed areas of the three former tanks (EEI, 2016) were to the former oil wells.

Recommendation 3
City of Huntington Beach Specification 429 requires methane testing since the Site is within the Methane Overlay Districts of the City of Huntington Beach General Plan, per City Specification No. 429- Methane District Building Permit Requirements. Methane mitigation may also be required at a distance less than or equal to 1,000 feet from the refuse footprint of any existing or new landfill or disposal site as described in the California Code of Regulations (CCR) Title 27. The landfill or disposal site may be operating or closed, abandoned or inactive. Thus, further testing for the presence of methane gas is required along the northern border of the Site with the Ascon Landfill, and there are requirements for methane mitigation within 100 feet of abandoned oil and gas wells.

4. Former Oil Wells

Gas Well locations not on maps, not targeted

As stated in the HHRA, three former oil producing wells were located on the Site that were drilled in 1955 and 1956 and abandoned in 1972. Before grading permits are issued, the permitting agency may need to implement the State of California Division of Oil, Gas, and Geothermal Resources (DOGGR) Construction Site Well Review Program and re abandon the wells to current standards. The numerous soil investigations that occurred at the Site did not target the locations of the three former oil wells.

Recommendation 4
The area of the former oil wells needs to be determined in comparison to planned future buildings on the Site and soil and soil gas sampling need to be conducted that are appropriate for the planned residential use of the Site.

5. Interim Use of the Site

The HHRA report stated (on page 18) that the Site is proposed (and is currently used as) for interim use as a staging area for new construction at the adjacent AES Steam Plant. The present uses of the Site and the specific building plans for the Site were not considered or evaluated in the HHRA.

Interim use of site must be considered

Recommendation 5
The Site should be re-assessed for any potential contamination during the interim site use as staging area.

6. Review of HHRA

The HHRA indicates (Page1) that for the 2017 RFI, 71 features of interest were identified at the HBGS; however, the HHRA only considers 5 features in the risk assessment. It would be prudent to evaluate the effect of the other 66 features, if any.

The HHRA indicates (Page 2) that a RCRA Facility Investigation Work Plan has been prepared for the former SCE Huntington Beach Generating Station that will include additional investigation on the Site (Environmental Applications, Inc., 2015). It is not clear if such investigation has been completed.

Residential use not compatible with attenuation factor of .001

The HHRA compared the soil gas concentrations to the criteria from the State Water Resources Control Board (SWRCB) Low-Risk Closure Policy for sites with petroleum storage tank releases (SWRCB, 2012). This comparison is not appropriate for a residential site with exposure to indoor air. While the previous soil gas data were compared to the 2017 DTSC SLs or EPA RSLs for ambient air after using the appropriate attenuation factor of 0.001 for future residential uses as a preliminary screening evaluation, the potential risks were not evaluated for all detected chemicals for the indoor air pathway, in the HHRA.

Groundwater pathways and HB channel proximity not considered

The HHRA stated that permanent surface water bodies do not occur on or adjacent to the Site, so no surface water pathway was included. However, the Huntington Beach Drainage Channel bounds the Site to the south and west.

The HHRA updated a prior HHRA completed in 2016. Only TPH was evaluated in the soil. Other chemicals in soil that was not excavated were excluded if the concentrations were less than the preliminary screening levels. This is not the standard procedure used by DTSC for risk assessments.

HHRA requires full evaluation of these considerations and must be updated!

Recommendation 6
Following a full evaluation of soil, soil gas, and groundwater to evaluate all potential risks to future residents on the Site, the HHRA needs to be updated using all the data representative of current conditions and following the DTSC-approved procedures.

7. Missing Reports

The HHRA report refers to the following documents that have not been submitted for review, therefore, the data used in the HHRA could not be verified.

Recommendation 7
It is recommended that in future submittals, the full data set be provided to the HBFD, including the following:

EEI, February 25, 2016, Site Investigation Report, 21845 Magnolia Street, Huntington Beach, California, prepared for Shopoff.

EEI, May 11, 2017, Results of Limited Soil Investigation, 21845 Magnolia Street, Huntington Beach, California, prepared for Shopoff.

EAI., February 15, 2017, RCRA Facility Investigation Report, Shopoff Realty Investments Portion of Former Southern California Edison Huntington Beach Generating Station, 21730 Newland Street, Huntington Beach, California 92646.

EAI, 2015. RCRA Facility Investigation Workplan, Former Southern California Edison Huntington Beach Generating Station. Prepared for Southern California Edison. April 13, 2015

Tait Environmental Services, Inc. 2017. Compilation Report of the Environmental Investigations Shopoff Site, SLFHB Magnolia, LLC. October 16, 2017.

The Shopoff responses to the HBFD issues have been not been at all adequate, ignoring some issues and providing meaningless responses to others, particularly with regarding to the need for more testing. Many responses are simply "will do".

APPROVING THIS SITE POSES AN UNACCEPTABLE RISK of LIABILITY for the city of Huntington Beach

- Approving a project in consideration of its conformity to existing zoning and plans, is one thing. **THIS IS SOMETHING ELSE ENTIRELY!**
- **Approving this project requires a change to the GENERAL PLAN, adoption of a new SPECIFIC PLAN, and REZONING; all made only to accommodate THIS SPECIFIC PROJECT.**
- There will be considerable on-going responsibility to support the recommended filtration and monitoring proposed by the SCAQMD.
- The city would need to be very involved in crafting the language of the disclosures to be made to future residents in order to protect itself.
- This project is nowhere near that completion status that would be required to approve it. Many important items are still on the "will do" list, and the city cannot rely on the DTSC alone.

APPROVING THIS SITE IS UNACCEPTABLE BURDEN ON EXISTING AND FUTURE RESIDENTS!

- The residents of SE Hunting Beach are already suffering greatly from the on-going effects of remediation at Ascon, as well as probable long-term effects from historical problems at Ascon as well as AES.
- PLUS construction at Poseidon will create additional construction problems AND the reverse osmosis process is expected to generate very high noise levels 43.0 dBA at a distance of approximately 1,000 feet!
- This new project will result in dust, release of addition VOCs, and noise including grading equipment, vehicles, and construction itself.
- PLUS, it is anticipated that three pile-drivers would operate simultaneously to create the underground parking area for the hotel.
- The construction will take place OVER A PERIOD OF 5 YEARS.

NO! THIS IS NOT THE TIME, THIS IS NOT THE PLACE, THE NEGATIVES FAR OUTWEIGH ANY POSITIVES!

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 4:39 PM
To: Ramos, Ricky
Subject: FW: PC review of the Magnolia Tank Farm Aug 2019

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: M Dardis <mdardis@verizon.net>
Sent: Tuesday, August 27, 2019 4:29 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: mdardis@verizon.net
Subject: PC review of the Magnolia Tank Farm Aug 2019

Distinguished HB Planning Commissioners;
Just have several questions concerning the Magnolia Tank Farm

1.How come the HB paid EIR report did not take into consideration Santa Ana Wind Conditions. The wind will be blowing off the ASCON TOXIC DUMP SITE right into the front doors of the potential Homes being built and into the Shopoff Chalet Hotel including the Dinning room and the food preparation area.

2. We demand core samples 10 meters down and then an explanation what chemicals were found by a highly independent toxic waste chemical lab. The state and city labs are unacceptable. Core samples to be taken every 100 meters from each other. There is no way you can approve this site for Housing let alone for a Chalet Hotel owing to the present and future conditions of the ASCON TOXIC DUMP site.

I remember in the 1970's and 1980's tankers being driven uphill and dumping their liquid loads behind the man made hill. In addition we would like to see the remnants of the IH bulldozer that was used and I believe sunk in one of the lagoons.

Please consider the seriousness of this EMail and take it into consideration by voting NO on the development of this site until we have complete clarification of what is in the soil and the suitable means for removing the TOXIC WASTE. .

Milt Dardis
SEHB resident
714 968 3409

Magnolia Tank Farm
ASCON

Planning Commission Study Session Public Comments

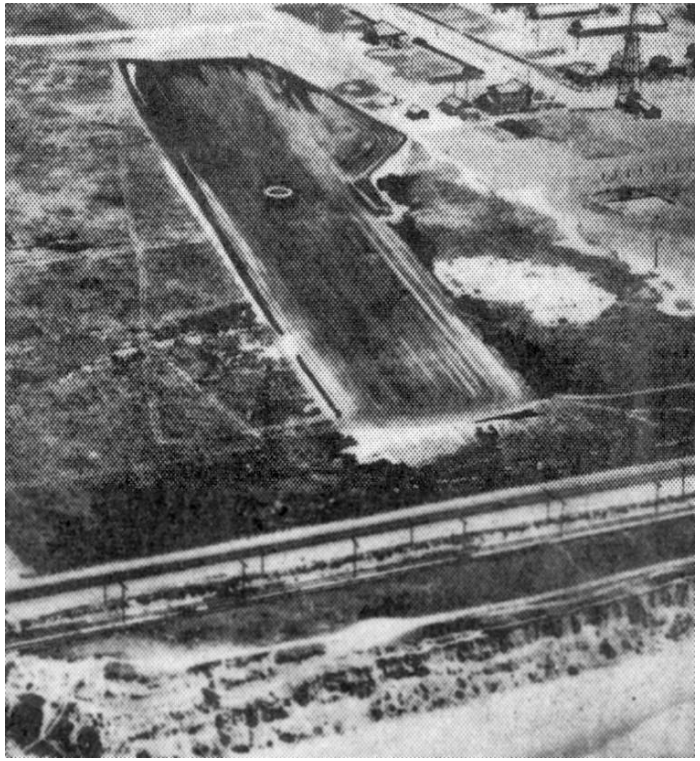
August 27, 2019

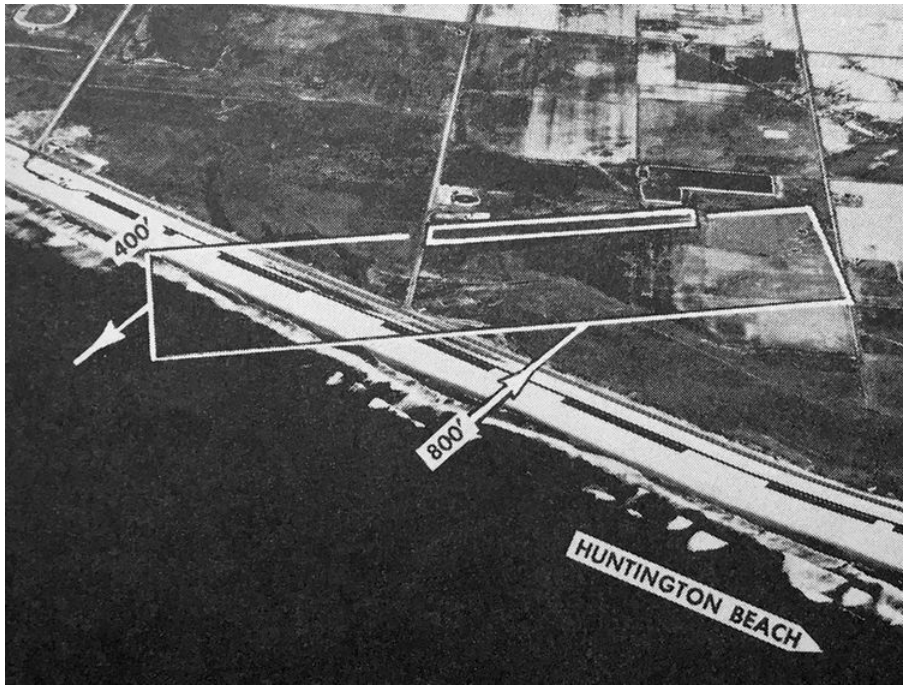
Historic Uses: Oil Production





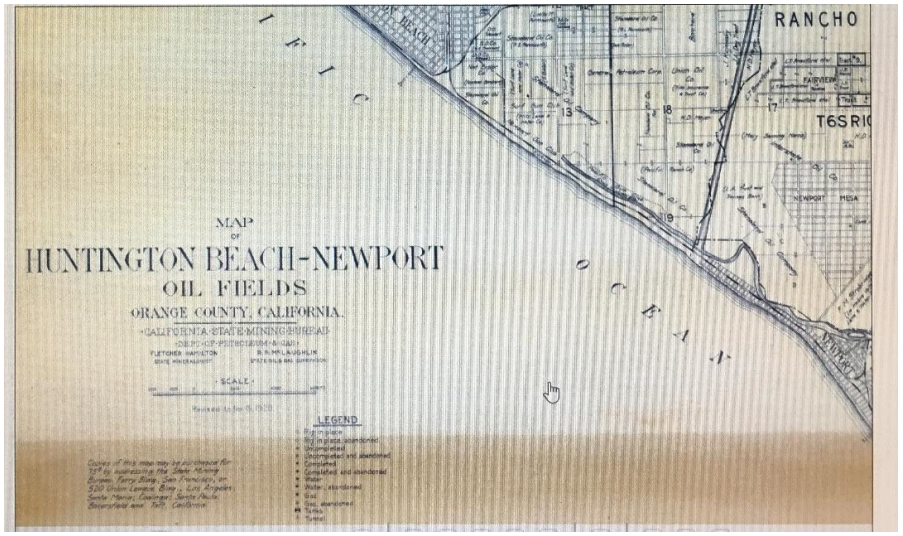
Historic Uses: Airport



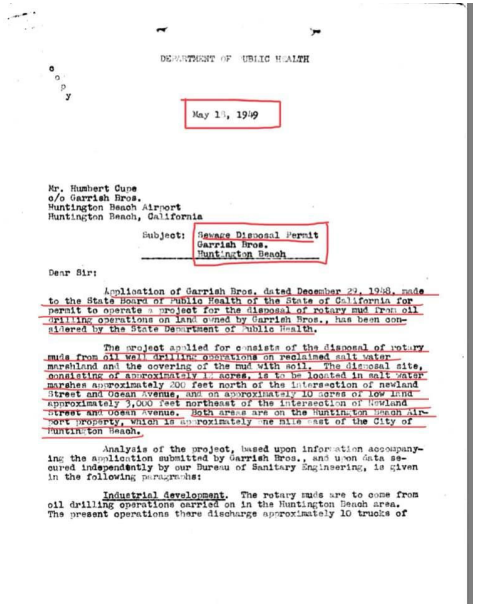


Historic Property Owners

Standard Oil



Garrish Bros



DEPARTMENT OF PUBLIC HEALTH

May 18, 1949

Mr. Humbert Cupe
c/o Garrish Bros.
Huntington Beach Airport
Huntington Beach, California

Subject: Sewage Disposal Permit
Garrish Bros.
Huntington Beach

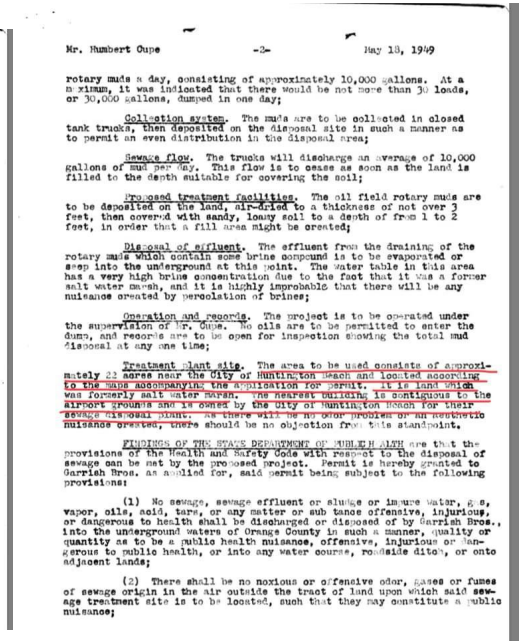
Dear Sir:

Application of Garrish Bros. dated December 22, 1948, made to the State Board of Public Health of the State of California for permit to operate a project for the disposal of rotary mud from oil drilling operations on land owned by Garrish Bros., has been considered by the State Department of Public Health.

The project applied for consists of the disposal of rotary muds from oil well drilling operations on reclaimed salt water marshland and the covering of the mud with soil. The disposal site, consisting of approximately 1 acres, is to be located in salt water marshes approximately 200 feet north of the intersection of Newland Street and Ocean Avenue, and on approximately 10 acres of low land approximately 1,000 feet northeast of the intersection of Newland Street and Ocean Avenue. Both areas are on the Huntington Beach Airport property, which is approximately one mile east of the City of Huntington Beach.

Analysis of the project, based upon information accompanying the application submitted by Garrish Bros., and upon data secured independently by our Bureau of Sanitary Engineering, is given in the following paragraphs:

Industrial development. The rotary muds are to come from oil drilling operations carried on in the Huntington Beach area. The present operations there discharge approximately 10 trucks of



Mr. Humbert Cupe -2- May 18, 1949

rotary muds a day, consisting of approximately 10,000 gallons. At a maximum, it was indicated that there would be not more than 30 loads, or 30,000 gallons, dumped in one day;

Collection system. The muds are to be collected in closed tank trucks, then deposited on the disposal site in such a manner as to permit an even distribution in the disposal area;

Sewage flow. The trucks will discharge an average of 10,000 gallons of mud per day. This flow is to cease as soon as the land is filled to the depth suitable for covering the soil;

Proposed treatment facilities. The oil field rotary muds are to be deposited on the land, air-dried to a thickness of not over 3 feet, then covered with sandy, loamy soil to a depth of from 1 to 2 feet, in order that a fill area might be created;

Disposal of effluent. The effluent from the draining of the rotary muds which contain some brine compound is to be evaporated or seep into the underground at this point. The water table in this area has a very high brine concentration due to the fact that it was a former salt water marsh, and it is highly improbable that there will be any nuisance created by percolation of brines;

Operation and records. The project is to be operated under the supervision of Mr. Cupe. No oils are to be permitted to enter the dump, and records are to be open for inspection showing the total mud disposal at any one time;

Treatment plant site. The area to be used consists of approximately 22 acres near the city of Huntington Beach and located according to the maps accompanying the application for permit. It is land which was formerly salt water marsh. The nearest building is contiguous to the airport grounds and is owned by the City of Huntington Beach for their sewage disposal plant. As there will be no odor problem or no nuisance created, there should be no objection from this standpoint.

FINDINGS OF THE STATE DEPARTMENT OF PUBLIC HEALTH are that the provisions of the Health and Safety Code with respect to the disposal of sewage can be met by the proposed project. Permit is hereby granted to Garrish Bros. as applied for, said permit being subject to the following provisions:

(1) No sewage, sewage effluent or sludge or impure water, gas, vapor, oils, acid, tars, or any matter or sub tance offensive, injurious, or dangerous to health shall be discharged or disposed of by Garrish Bros., into the underground waters of Orange County in such a manner, quality or quantity as to be a public health nuisance, offensive, injurious or dangerous to public health, or into any water course, roadside ditch, or onto adjacent lands;

(2) There shall be no noxious or offensive odor, gases or fumes of sewage origin in the air outside the tract of land upon which said sewage treatment site is to be located, such that they may constitute a public nuisance;

MTF ASCON History Continues

Geyser Erupts in Adjacent Neighborhood



Shower of Oil Wasn't in the Forecast

A malfunctioning well sprays about 100 Huntington Beach homes. 'It sounded like a volcano erupting,' a resident says.

By Mai Tran

The hissing began about 6:15 a.m. Wednesday in a Huntington Beach neighborhood near the ocean, an area where oil wells have operated for decades.

Many residents thought it was a routine release of steam from the nearby AES power plant. But when the pungent odor of tar seeped into their homes, they knew something was wrong.

"I looked out my bedroom window and it was raining oil," said Nancy Buchoz, 36, a 10-year resident. "There was a 40-foot geyser . . . in the air."

"It sounded like a volcano erupting," said resident Jennifer Mustafa, 36. "I couldn't believe it was oil."

An inactive well with an above-ground "grasshopper" pump, surrounded by large trees and a chain-link fence, spewed methane and fine particles of oil, showering about 100 homes near Hamilton and Magnolia streets with sticky black grease, officials said.

About 300 gallons of oil erupted over two hours, and the cause was probably a valve malfunction in the pump, said Bat-

IT'S A GUSHER: An estimated 300 gallons of oil erupted in the street from the neighborhood. The hazard was considered

Oil-spray cleanup could top $4 million

By Blythe Bernhard
The Orange County Register

HUNTINGTON BEACH • Cleanup of a neighborhood sprayed with a greasy mist from a broken oil pipe could cost more than $4 million, U.S. Environmental Protection Agency officials said Thursday.

Built-up pressure under an idle oil well on the former Ascon/NESI landfill site caused a pipe to crack Wednesday, sending a 40-foot plume of oil and water into the air.

Officials said Thursday that nearly 7,000 gallons were released from the well. About 50 gallons blew onto more than 360 homes east of Magnolia Street, between Hamilton and Banning avenues.

The landowner, Cannery Hamilton Properties, will pay the bulk of the cleanup cost, a company representative told 75 residents who met with federal, state and city officials Thursday night.

Engineers secured the cracked pipe Thursday, and work crews reopened Magnolia after a steam-cleaning.

State and local officials reiterated that the spilled oil is not a health hazard. Residents were advised to refrain from washing their cars or property so contaminated waste doesn't flow into storm drains leading to the ocean.

Receipts from carwashes and other professional cleaning services should be saved for possible reimbursement, officials said.

"I hope it's something that they can move on quickly to put it behind everybody," said Tad Buchoz, who lives across Magnolia from the well. "Having oil all over our house and patio furniture is not very fun."

The state tapped into a $1 million emergency fund to pay a contractor to plug the well and clean up the well site, officials said.

The well passed a state inspection in January 2003.

- Another community meeting will be held tonight at 7 at Eader Elementary School, 9291 Banning Ave.
- Residents who have questions about the incident should call the city's hot line, (714) 374-1565, or go to www.surfcity-hb.org
- To schedule a damage assessment, call (800) 766-6362.

ASCON Shuts Down Remediation….

"The Process is BROKEN"

Daily Pilot

NEWS

Huntington Beach landfill cleanup will cease until Edison High School lets out for summer



Huntington Beach resident Ryan Messick voices his concerns during a community meeting Thursday at Edison High School during which state and regional air quality officials discussed how they are handling the 18-month cleanup currently underway at the former Ascon landfill site. (Kevin Chang / Daily Pilot)

By BRADLEY ZINT

JUNE 7, 2019 | 10:42 AM

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Tank Farm ASCON – One Site



CS1
CS2

Tank Farm ASCON – One Site



Site Vicinity and Features Map, *Figure 1.2-2b*



2-2b

Tank Farm ASCON Lake in rainy season

Slide 7

CS1 Cari Swan, 8/25/2019

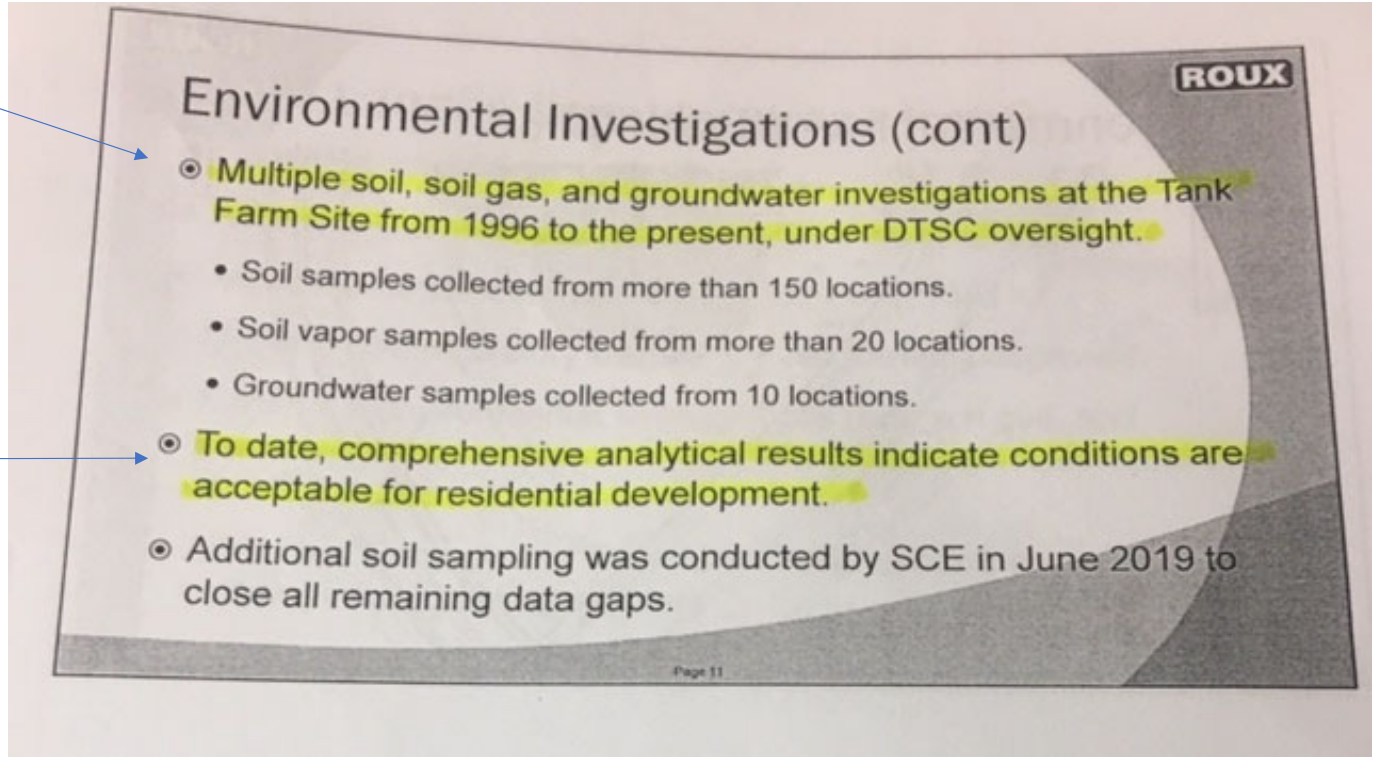
CS2 Cari Swan, 8/25/2019

Magnolia Tank Farm-ASCON
WHO IS TELLING THE TRUTH ???

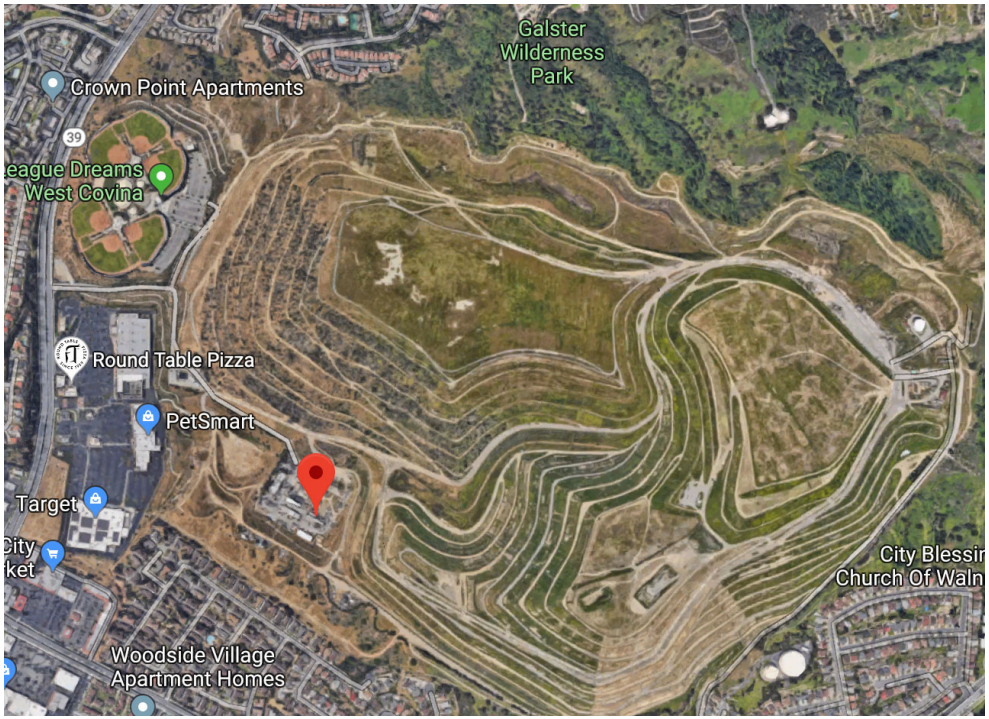
Page 11 from Presentation to Planning Commission 8/13/19

Not according to DTSC Acting Director

"6. <u>The results of the HHRA were not appropriate for a residential site with exposure to indoor air</u>. The HHRA needs to be updated according to all DTSC-approved procedures following a full evaluation of soil, soil gas and groundwater at the site. 7. HBFD requested a full set of existing reports on the site." *(Pg 24, Appendix G of EIR)*



Tank Farm – **THE RISK**
Case Study: BKK Landfill





Magnolia Tank Farm-ASCON Conclusions:

- 1. This is EIR is both INADEQUATE and MISLEADING with regard to
  - Hazards and Hazardous Material
  - Air Quality
  - Hydrology and Water Quality
  - Geology and Soils
  - Land Use
- 2. "Non-existent" Soil Management Plan:
  - No Provisions for Migration Due to Vibration as ASCON Remediation Continues (Pits C, D, G, F)
  - No Provisions for ASCON Migration During Construction
  - The process must be STOPPED NOW. Too late after approvals and **no way to turn back**!
- 3. The EIR appears to knowingly paint a FALSE HISTORY of the site.
  - It is incomplete and incorrect.
  - Appears to be to "written to fit the project", and not a true "environmental assessment" of the site.
  - Creates a "FALSE SENSE OF SECURITY" that could be catastrophic as described in this presentation.

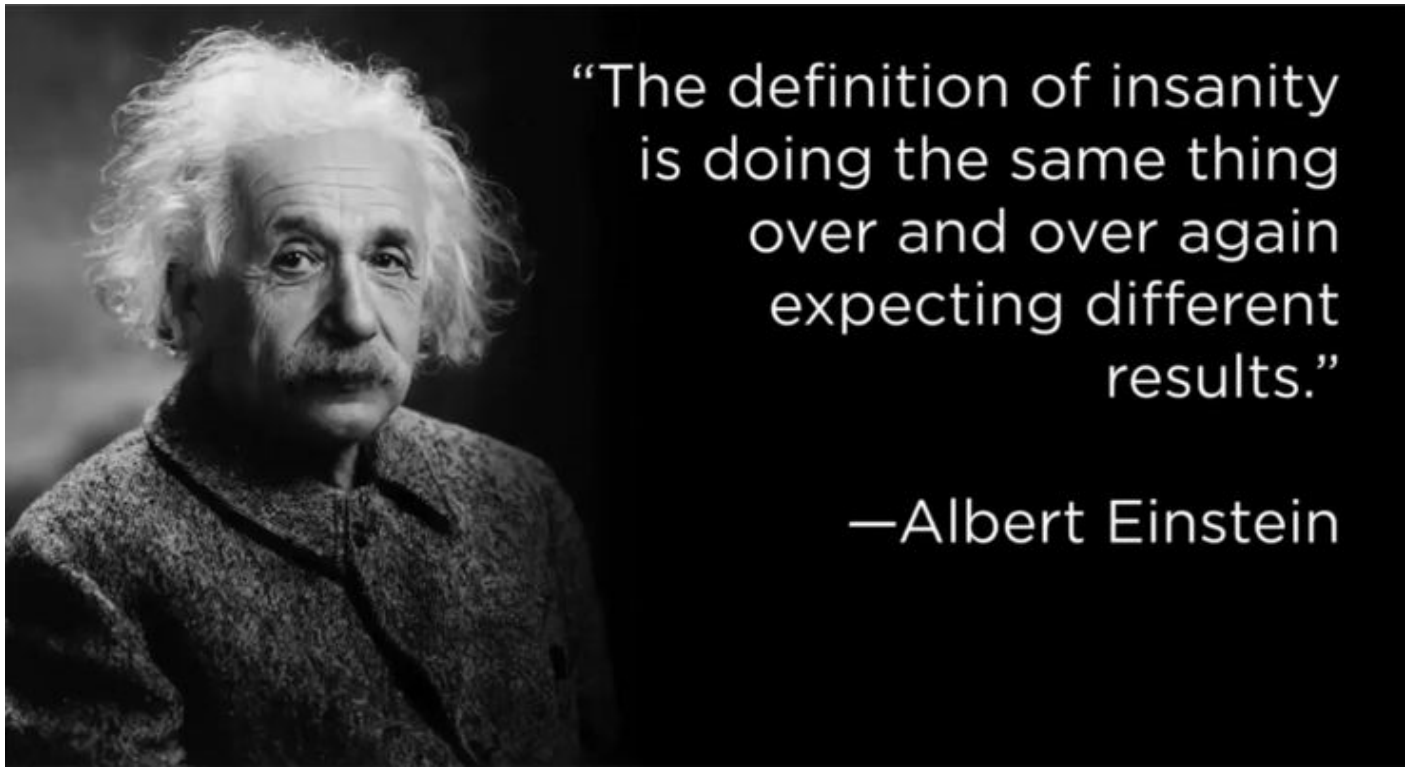
Magnolia Tank Farm-ASCON Conclusions:

- 4. Given the known dangers, and the fact that this property owner purchased the site knowing the conditions and zoning, the EIR and the proposed changes to zoning and uses should be rejected, ***at a minimum***, until such time as the adjoining ASCON site is fully resolved and remediated.

- 5. The RISKS OUTWEIGH ANY BENEFITS suggested by the developer.

- 6. New construction of AES power plant built to “Industrial Standards” vs. “Residential Standards”. It is not a MTF-Shopoff proposal is NOT A COMPATIBLE use.

Magnolia Tank Farm-ASCON Conclusions:



Magnolia Tank Farm-ASCON Source Links:

- http://www.ocgrandjury.org/pdfs/GJNesiAsconSite.pdf
- https://toxnet.nlm.nih.gov/cgi-bin/sis/search/a?dbs+hsdb:@term+@DOCNO+2554
- http://www.envirotools.msu.edu/factsheets/contaminants/benzopryene.shtml
- https://www.homefacts.com/environmentalhazards/California/Orange-County/Huntington-Beach/Superfund-Ascon-Ldfl-Huntington-Beach-Cad980817100.html
- http://www.airfields-freeman.com/CA/Airfields_CA_OrangeCo_NW.htm#huntingtonbeach
- **dibenz(a,h)anthracene**
- https://toxnet.nlm.nih.gov/cgi-bin/sis/search/a?dbs+hsdb:@term+@DOCNO+5097
- http://www.sac.media/2018/12/06/a-quick-history-of-the-bkk-dump/
- https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/3182072520/Appendix_D_Lab Reports.pdf
- https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/9314283609/Ascon_Pit F_Tech Memo_(01-31-17).pdf
- https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/3182072520/Appendix_E_Pit_F_Photolog.pdf
- https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/3361203849/Acceptable to Proceed with Pit F OffSite Investigation & RPs' Response (11-22-04; 11-23-04).pdf

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 3:25 PM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm Project

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: s.a.m.e.nsehb@gmail.com <s.a.m.e.nsehb@gmail.com>
Sent: Tuesday, August 27, 2019 10:12 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm Project

Planning Commissioners
I live right across the street, south of Banning and east of Magnolia, from the MTF. From what I've been reading in their EIR reports anytime anything comes up about parking they say "there is parking on Magnolia" so no problem. Wrong there is 2 hour parking on Magnolia during the day and 1 hour at night. I don't see enough parking in the area for everything they want to do also I don't see any Handicap parking at all.
Being one who is handicap this is important to me. As it is now with the lack of parking on Magnolia the increase in traffic in our neighborhood has more than doubled.
This makes it hard for me to get across the street. Sure we have access ramps now but no one stops for you to get across the street or they just park in front of the curb. It's a $364 ticket but I still can't get across the street.
With the lack of parking for the MTF and the amount of cars it will bring traffic in our neighborhood will really increase. Even if they put in a parking garage for the hotel and business it won't work. People won't pay to park at the beach now and people wont't pay to park in their garage if they know they can just park across the street for free. The same with the residents or maybe even valet parking.
When I want to go to the beach I have to go out to Banning and ride down the sidewalk to Magnolia. Cross north on Magnolia than cross Magnolia. I then have to go back towards the beach crossing the driveway/street to the MTF. If the hotel is there this could be a very busy intersection.The other way is to go out out on Banning to Magnolia, around the corner and down Magnolia towards PCH. Then cross Magnolia and up on the sidewalk at PCH. If there are a lot of people at the corner I can't get on the sidewalk and have to wait in the street. With the increase in traffic, this isn't the best idea
I think this whole project is going to increase foot, car and truck traffic on Magnolia and surrounding neighborhoods. Add an event at the State Beach and traffic could stop.
Plus with the small amount of parking in the MTF it will fill up very quickly in the summer and on State Beach events taking all spaces for residences and hotel guest.
We don't need more traffic, a hotel or houses that don't match the area. We'd do better with just a parking lot or better a green zone. We're taking so many of our trees and plants away and soon there will be none, just concrete and buildings just like New York.
Please save our beach community
Bonnie Marriott

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 2:04 PM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Bob Vale <surfbob33@gmail.com>
Sent: Tuesday, August 27, 2019 1:48 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm

Planning Commission Members,

I oppose the Proposed Shopoff Project.

I'd like to see either no development or housing that is consistent the existing neighborhood. And no hotel! The alternatives need to have positive effects on the environment, residents, and visitors.

I'm concerned about over development, especially when you consider the cumulative effect of being next to the Ascon Toxic Landfill, the AES Generating Facility, and possibly the Poseidon Desal Plant.

I'm concerned our city is considering changing zoning to allow Shopoff to continue with their proposed project right next to the Ascon Toxic Landfill, especially when you consider we're in a liquefaction area and flood zone. I'm thankful a cleanup activity was started, even though it's now on hold. We really don't totally understand the full extent of what industrial toxic chemicals have been buried there for years and years. During a flood and or an earthquake the required deep foundations and graded surfaces of the proposed project right next to Ascon create a risk for contaminated water flow to the surrounding neighborhoods, the Magnolia Marsh, and storm drains leading to the ocean. I believe it's risky, and opens up the potential for future lawsuits if our city allows building a new neighborhood of this size right next to the Ascon Toxic Landfill.

It painfully reminds me; the decision makers thought it was perfectly safe to build right next to the contaminated Love Canal.

Every neighbor I talk with is totally against the Shopoff proposal and would like no development or housing that is consistent the existing neighborhood. And no hotel! Most of

my neighbors work full time, some with kids, and don’t have a lot of time for City Council/Planning meetings. Most hope they’re being represented correctly.

I respectfully ask our City Planning Commission to make responsible decisions for us and future generations.

Thank you,
Bob Vale
9332 Leilani Drive
Huntington Beach, CA 92646

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 29, 2019 8:13 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Foad J <jahansf01@gmail.com>
Sent: Wednesday, August 28, 2019 9:31 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm

Dear Commissioners,

I am a resident of south east Huntington Beach. I reside on Christine Drive, approximately 600 yards from the tank farm. I am writing to ask you to oppose any re-zoning or development at the tank farm until further testing of the soil is accomplished. During the last few months the ASCON land fill has been undergoing remediation. It has come to a standstill due to high air levels of toxic substances and the discovery of more toxins than previously known. Pit F at the ASCON site contains styrene and is separated from the tank farm by a mere chain link fence. We should not repeat the mistakes made at ASCON earlier this year and subject the residents and children attending the two nearby schools to unacceptable air quality of toxins as measured by AQMD.

Should the planning commission decide to allow development, I strongly urge you to consider the use of this land. The current proposal of a "hostel" like hotel and retail space is inconsistent with the surrounding area. Likewise the high density single family residences proposed will only increase traffic around the schools and PCH. Parking along Magnolia and Banning is already restricted; further development will force residents and guests to park in the adjoining neighborhoods, my neighborhood. I did not see any parking allotted for the "nature center" proposed in the plans nor did it appear there is adequate parking for guests in the proposed development.

My neighborhood has already been impacted by the ASCON cleanup and the AES construction over the past several months. Please consider the environmental issues already known and unknown regarding the tank farm. ASCON will never be completely clean. At present, do we know if the tank farm can be completely clean?

Maureen Connolly

Ramos, Ricky

From: James, Jane
Sent: Wednesday, August 28, 2019 10:30 AM
To: Ramos, Ricky
Subject: FW: Planning Commission Study Session 8/27/19

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Shammy Dingus <shammyd@mac.com>
Sent: Wednesday, August 28, 2019 9:53 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Grant, Michael <Michael.Grant@surfcity-hb.org>; Garcia, Pat <Pat.Garcia@surfcity-hb.org>; Kalmick, Dan <Dan.Kalmick@surfcity-hb.org>; bperkins@socal.rr.com; Scandura, John <john.scandura@surfcity-hb.org>; Mandic, Connie <Connie.Mandic@surfcity-hb.org>; Ray, Alan <Alan.Ray@surfcity-hb.org>
Subject: Planning Commission Study Session 8/27/19

Dear Commissioners,

I feel compelled to write this letter.

You were given a good deal of misinformation by the geologist who spoke last night. For example:

- he said the soil gas tests did not show VOCs exceeding toxic levels. But THEY DID,
- he said the groundwater tests did not show VOCs exceeding toxic levels. But THEY DID,
- he said the Human Health Risk Assessment used the most conservative values. BUT IT DID NOT. In fact, the calculation contained a major error, using an attenuation factor of **.001** when the EPA and DTSC rules specify a value of **.03**. The resulting HHRA calculation UNDERSTATED THE RISK FACTOR BY MORE THAN AN ORDER OF MAGNITUDE.

The true results of the soil gas and groundwater tests, that showed toxins in both, which exceed approved levels, can be found in pp 20-22 of Appendix G on the city website.

There are other serious problems with the EIR I did not have enough time to cover regarding the groundwater.
- The ground water is very shallow, only 6-8 ft., at some locations. Think about that with respect to the anticipated rise in sea level.
- Because it is so shallow it is likely an on-going contributor to the toxic soil gases.
- Based on the direction of the groundwater flow, which is E/NE, the contaminant source is likely the HB channel.
- The HB channel has an earthen bottom and there has been no investigation at all of the HB channel's toxicity or its contribution to the toxic VOCs in the groundwater of the MTF.
- Ascon, for example, has a history of overflowing into the channel during rains. The same may be true for AES and other upstream industrial sites.

There are reasons to suspect more misinformation in testimony to the council. The EIR project has relied on a revolving door of experts — including at the DTSC. And the regulatory framework has been mixed up, passed around, and confused.

One thing is VERY CLEAR. The EIR contains a whole lot of assumptions, calculations, and projections that were based on VERY LITTLE ACTUAL DATA.

I believe that it is completely inappropriate to move forward with any decision-making on the Magnolia Tank Farm in the near future. If this property is zoned for any form of residential use the city may face huge liabilities. And at this point the city has been warned repeatedly of the dangers of going forward.

Carolyn "Shammy" Dingus
shammyd@mac.com
808-778-4013

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 29, 2019 9:48 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm, Ascon, and AES - Pollution and Traffic

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Cheri Pulcini <brucecheri50@gmail.com>
Sent: Thursday, August 29, 2019 9:39 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm, Ascon, and AES - Pollution and Traffic

As residents of Huntington Beach in the Seabury Tract between Newland and Magnolia and Atlanta and Hamilton, we would like to let you know that traffic in our has seriously increased since Pacific City was built. Now you want to build even more packed to the hilt housiing. The Tank Farm does not fit in - this is a residential neighborhood with kids and bikes - we don't need hotels in this area.

Traffic gets backed up just trying to make a left turn into the Vons Shopping Center. That is just now. If the Magnolia Tank Farm is added then the traffic around here will be CRAZY! We do not need any more hotels or stack-and- pack homes jammed along the coast and into our neighborhoods. It is difficult now to enter / exit our neighborhood with all the traffic on Hamilton! and also Magnolia and Newland! Sometimes you have to wait for as many as 45 cars to go by just to make a turn into the track - and we're not even near the freeway - that's crazy.

Also, there are 2 huge pollution issues happening right now - Ascon and AES - these are toxic-air nightmares for us - we can't walk through Edison park without the stink smell of methane & oil. Is this guaranteed safe for us and our children?

Our safety and health must be protected - it is all of your jobs to make sure we and our children and grandchildren are safe; and not jammed into an area packed to the hilt with cars and traffic.. As it is now, we have to "schedule" to do our shopping only on weekdays and only in the mornings.

We look to you to do the right thing - no hotels, and much, much less traffic.

Thank you, Bruce and Cheryl Pulcini
21322 Sand Dollar Lane, Huntington Beach, Ca 92646
Residents for 45 years

August 30, 2019

Ricky Ramos, Senior Planner
City of Huntington Beach
Community Development Department
2000 Main Street
Huntington Beach, CA 92648
rramos@surfcity-hb.org

AES Southland
690 North Studebaker Road
Long Beach, CA 90803
tel 562 493 7891
fax 562 493 7320

RE: Magnolia Tank Farm Project

Dear Mr. Ramos,

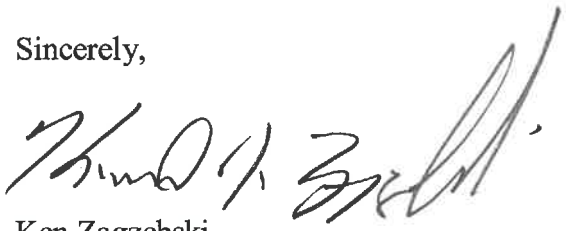
AES Huntington Beach Energy, LLC ("AES") is the owner of the Huntington Beach Energy Project ("HBEP"), an 644 megawatt natural-gas fired power plant located at 21730 Newland Street, that is currently nearing the end of the first phase of construction. The HBEP is a critical source of electrical generating capacity needed to ensure electrical reliability in southern California. The HBEP has been designed to be consistent and compliant with the conclusions and Conditions of Certification of the California Energy Commission's Final Decision adopted April 12, 2017. The CEC's Final Decision determined "that the proposed amended Huntington Beach Energy Project ("Amended Project") will, as mitigated, have no significant impacts on the environment and will comply with all applicable laws, ordinances, regulations, and standards ("LORS")," and found that "Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety.[i]" AES continues to work to the conditions of certification as outlined by the California Energy Commission in the November 2014 Application for Certification. These numerous conditions apply to both construction and long-term operation and are found in the referenced AFC in section 6.4.

AES understands that the City of Huntington Beach ("City") is considering amending the land use designations set forth in the General Plan, Zoning Map, Zoning Test, and Local Coastal Program Amendment for the Magnolia Tank Farm Project ("MTFP") site, which is located adjacent to the HBEP, including the establishment of a Specific Plan for the site. AES appreciates that the draft Specific Plan discusses and recognizes the historical and existing industrial uses of the MTFP site and surrounding areas. AES is confident the City has the regulations, processes and resources in place for evaluating and approving all development projects for the benefit of all residents and businesses, including AES and the HBEP.

AES is a proud member of the Huntington Beach community and supports redevelopment opportunities that will provide long-term benefits to all. Such opportunities that are respectful of existing land uses and businesses offer a win-win scenario for the community.

Please do not hesitate to contact me or Weikko Wirta at 202-476-9156, if you have any questions.

Sincerely,



Ken Zagzebski
President – AES Southland Energy

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[i] Commission Adoption Order, Order No. 17-0412-2 TN-216990, 4-12-2017; Revised Final Decision (SUPERSEDES TN 217462) TN-217788, 5-37-2017.
https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=12-AFC-02C

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 03, 2019 7:37 AM
To: Ramos, Ricky
Subject: FW: Clean up Ascon --protect the residents

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Mark Dixon <ncsmt2014@gmail.com>
Sent: Friday, August 30, 2019 9:10 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Clean up Ascon --protect the residents

Dear Commissioners:

I am writing to urge you to reconsider the configuration of the Magnolia Tank Farm development.

There are so many reasons to hold off, including:

Ascon remediation has been suspended because at present it cannot be done without risk to the population;
Traffic congestion at the intersections of Magnolia/Hamilton, Banning/Magnolia and PCH/Magnolia is already heavy, with regular traffic accidents at those intersections;
Toxic drilling chemicals have migrated from the original storage areas and place the water table at risk;
Previous meager efforts to make the land habitable have failed and it is still a dangerous area, not ready for development.

I am asking you to:
Obtain and certify a current EIR for the Magnolia Tank Farm area;
Upgrade the zoning and enter into a land use covenant with the MTF;

Disallow any excavation or digging without a new assessment from a third party technical advisor that can coordinate the EIR findings and deem them acceptable.

Please - protect the public and manage this land effectively.

Respectfully,

Mark W. Dixon
21612 Bahama Lane
Huntington Beach CA 92646
714 394-0075

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 03, 2019 7:36 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Lucy Kaliski <lucykaliski@gmail.com>
Sent: Saturday, August 31, 2019 2:22 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm

Planning Commission members:

We presently have two huge pollution issues occurring simultaneously in South east HB, (ascon and aes) Both Ascon and AES will be remediated for the next three years MINIMUM, with air quality data already exceeding SCAQMD limits of 50 mq (Eader Elementary shows ranges in the higher 50's to 60's) and thats without much activity at Ascon currently. Its a toxic air nightmare for us and cannot be tolerated.Our children are getting sick, they are growing and incorporating all these toxic substances into their precious little bodies. What kind of long term illnesses will they have as adult? Will they even survive to lead normal lives!

The proposals for another hotel and/or million dollar stack and pack homes will only inundate the traffic issues on Hamilton and Victoria and PCH as well as Hamilton and Magnolia. You are destroying our beautiful beaches our lifestyles! We don't have infrastructure in place or resources (water) to support this in the area.

What are the rules regarding living next to a toxic waste dump? Specifically Pit F which is a STYRENE PIT. AND There ARE NO SAFE LIMITS FOR STYRENE EXPOSURE.

The safety and health of the residents must be protected and we should really heed the lessons of the past, and not keep making the same mistakes as our forefathers.
Ascon and Tank Farm are historically one plot of land, uses were an Airport from 1945-1955
An oil sump dump, and concrete and roofing materials containing asbestos waste dump.Previous citations and rules were changed for the responsible parties to make the land safe but have failed over the years because of the SEVERITY OF THE CHEMICALS THAT WERE DUMPED. I remember when Ascon first tried to clean up this site over 30 years ago, they found it impossible.
Now, there have been three additional pits discovered that weren't even reported as being cleaned just COVERED WITH DIRT that have styrene and

benzene and other chemicals super carcinogenic and these pits butt right up to the Tank Farm chain link fence. These chemicals were found on Tank Farm land and Ascon, so the chemicals have MIGRATED.

To build on Tank Farm is to encourage and undermine the the ongoing remediation at Ascon. This horror needs to stop! At least, until we can ascertain how to CLEAN ASCON WITHOUT POISONING THE RESIDENTS. To open up Tank Farm soil is to open Pandora Box. We just did that with Ascon we should know better now and make the same mistake.
Please consider long term effects, not just the immediate economic values.
Thank you for taking the time to read this.....keep our
children safe and consider the future of Huntington Beach and its residents.

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 03, 2019 7:32 AM
To: Ramos, Ricky
Subject: FW: response regading Magnolia tank farm project

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Trina Bilich <trinabilich@gmail.com>
Sent: Sunday, September 01, 2019 4:53 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: response regading Magnolia tank farm project

I would like to submit a ppt with notes for your review and in response to my concerns regarding the Magnolia Tank farm project. If you have any questions please do not hesitate to contact me at the email or cell # below. I wish nothing but to help provide facts and am concerned that some of the information being stated to the PC by the presenters is not accurate.

Although it may not be intentional it could have long term environmental and human health risk impacts. Rather than rush to make a decision please investigate these inaccuracies thoroughly.

I appreciated hearing the questions at the last session.

Thank you so much,

--
Tom and Trina Bilich

714-493-5320
trinabilich@gmail.com

responsetoPC

Tombilich@aol.com

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Magnolia Tank Farm

Response to EIR proposed rezoning of Public/Semi public usage

August 2019

Threshold 4.1-1 Would the project have a substantial adverse effect on a scenic vista?



Surrounding Area

Surrounding adjacent land uses include AES, the Ascon Landfill which is under DTSC oversight and at a standstill while they determine how to treat STYRENE Pit F, the SCE electrical switchyard, to the south, the Orange County Flood Control District (OCFCD) flood channel to the east, the City of Huntington Beach's maintenance yard and Edison Avenue to the north, and an electrical switchyard and Newland Avenue to the west. Additional surrounding land uses include Pacific Coast Highway to the south, a wetland area to the southeast, commercial, industrial, recreational, and residential uses to the north, and undeveloped land, Huntington-By-The-Sea Mobile Home Park, and Cabrillo Mobile Home Park to the west. The Huntington Beach Wetlands are situated southeast and occupy a 135-acre, 1.5-mile-long area along the coast, bordered by Pacific Coast Highway to the southwest, and the Talbert and Santa Ana River Flood Control Channels to the north and southeast.1 The wetlands are divided into three major components, the Talbert, Brookhurst, and Magnolia marshes. To the southeast, the 17-acre Talbert Marsh opens to the ocean through a 100 foot-wide entrance adjacent to the mouth of the Santa Ana River. The Talbert wetland area was reintroduced to tidal influence on February 17, 1989. The second component of the Huntington Beach wetlands, the Brookhurst wetland area includes 70 acres located between Brookhurst Avenue.and Magnolia Avenue. This acreage has recently been opened to tidal flow and has been restored with wetland vegetation. The third component of the Huntington Beach wetlands, the Magnolia marsh area, includes 40 acres located between Magnolia Avenue and the Huntington Beach Generating Station property. This acreage is under restoration and is currently being opened to tidal flow.

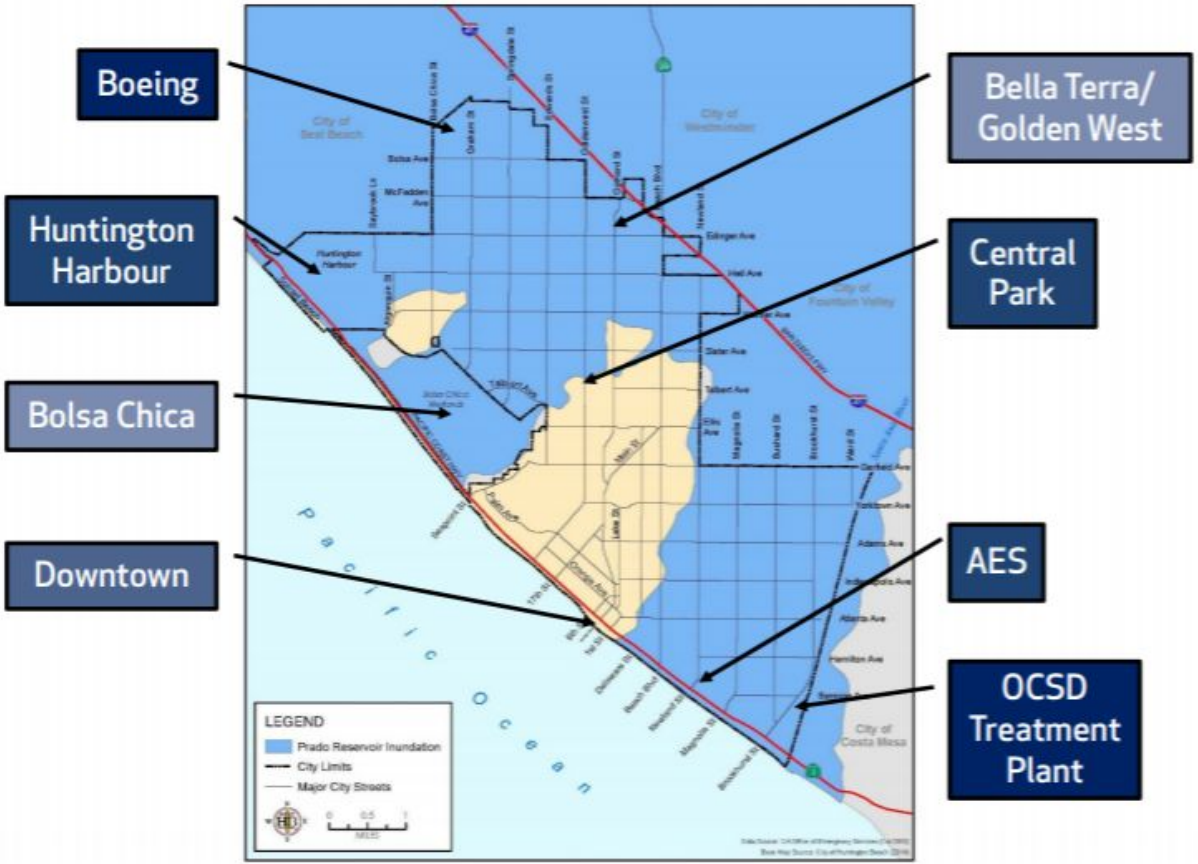
Threshold 4.1-2 Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

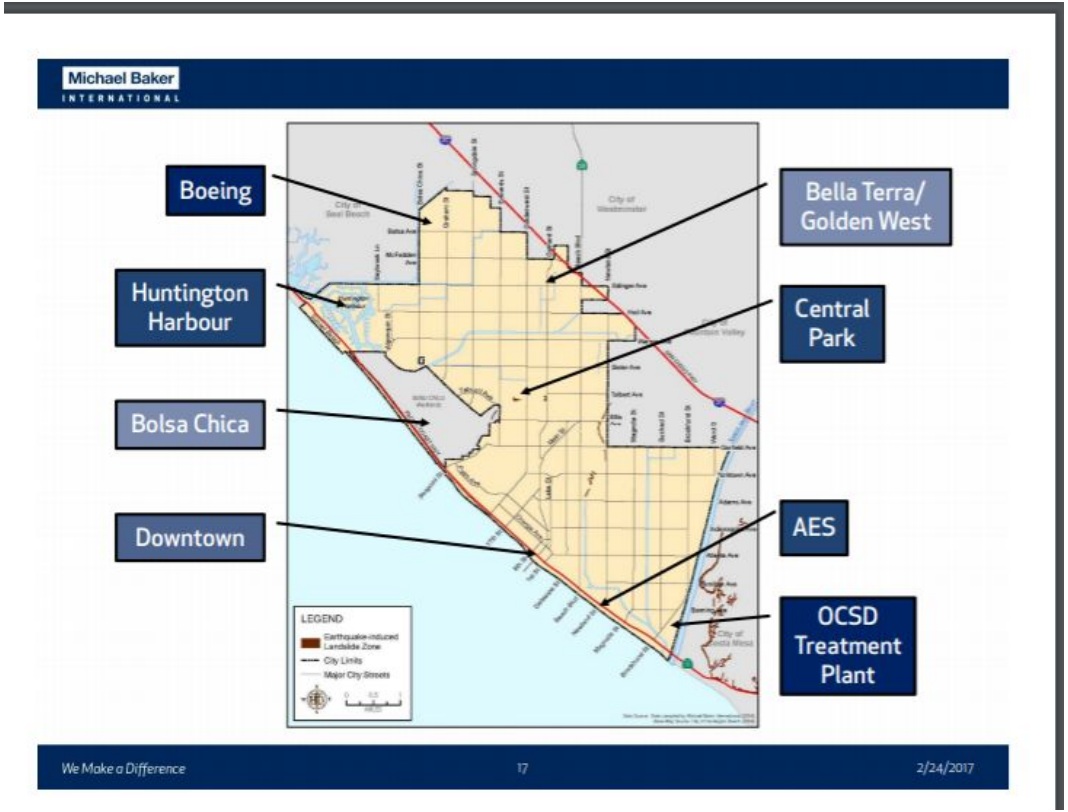


Furthermore the City of Huntington Beach Local Hazard Mitigation Plan (LHMP) shows that this site is located in several hazardous zones and the recommended plan states that construction of buildings in this zone is NOT recommended due to past known events and future imminent HIGH threat risk to Human life and the Environment.

INTERNATIONAL

Huntington Beach Flood Zone Zine

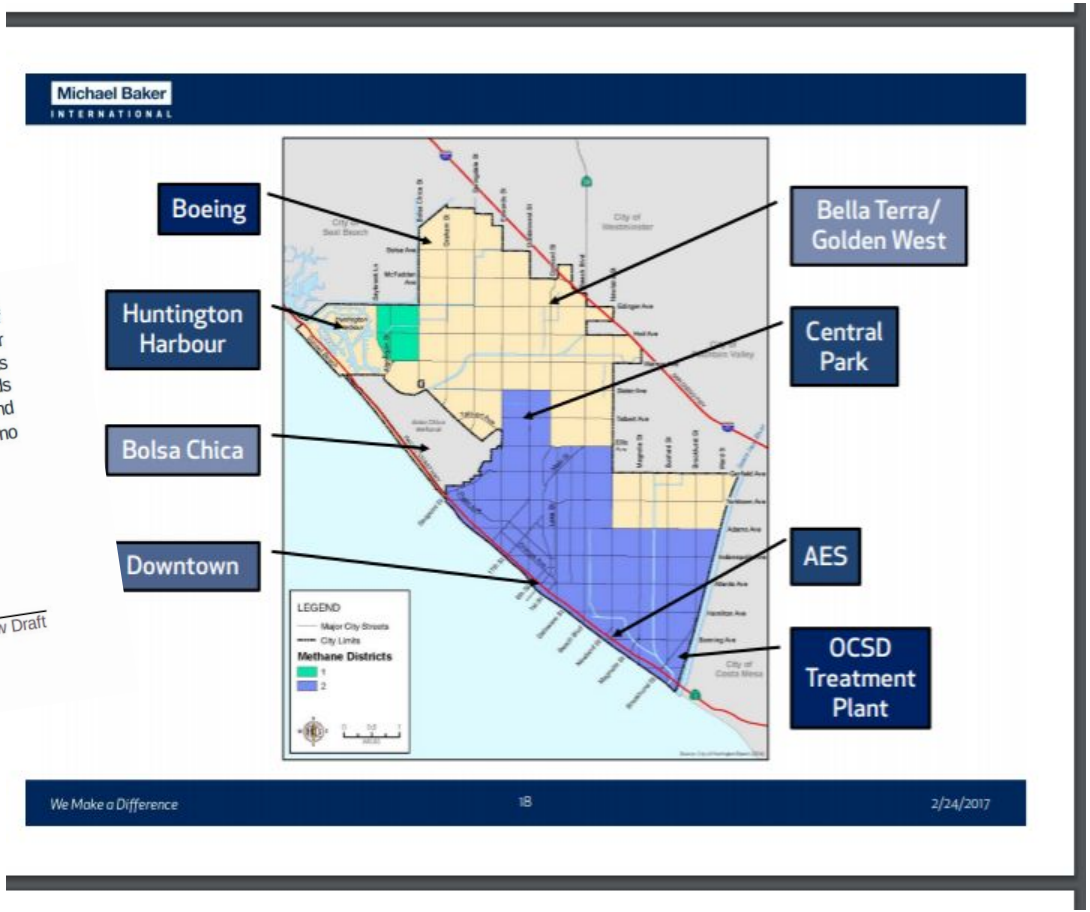




Earthquake Induced Landslide Zone

Methane Districts

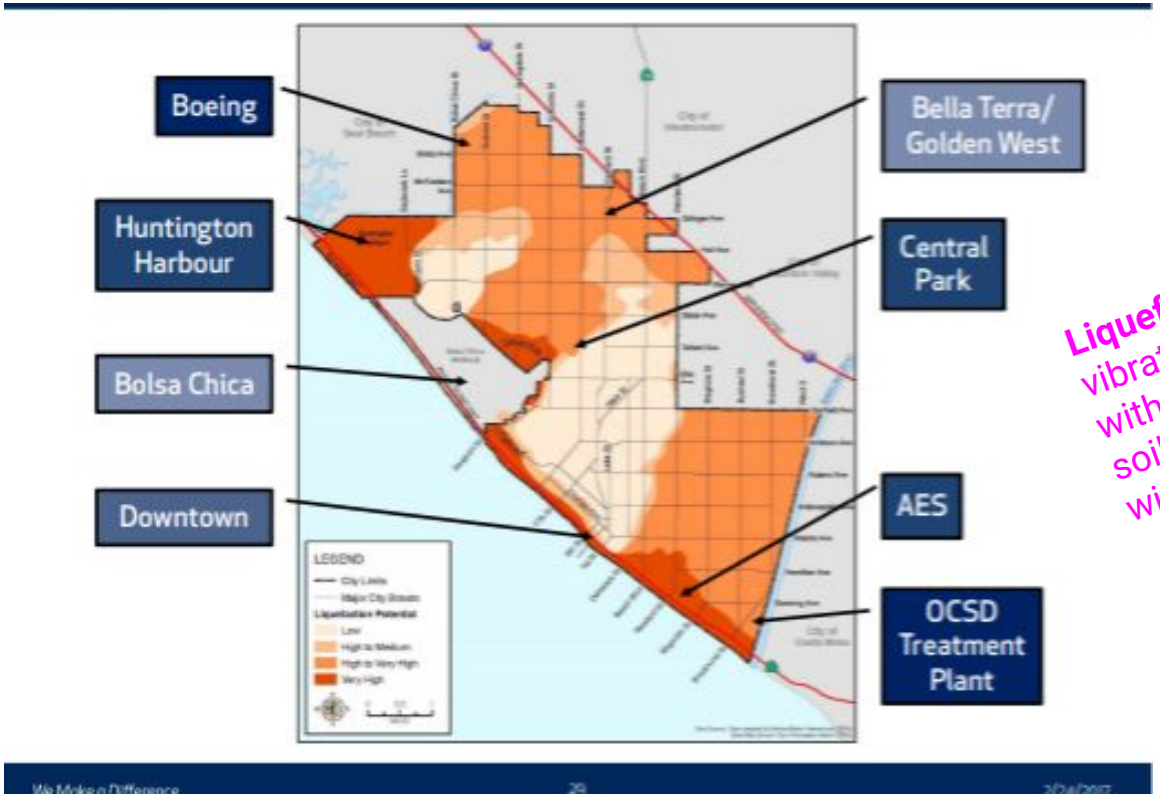
Methane-containing soils: While the City requires methane risk reduction strategies in a wide area of the community, substantial events involving methane gas are rare. Elevated levels of methane have been reported at Edison Community Park, the Central Library, and Kettler Elementary School and in surrounding properties, although in all cases the methane was effectively vented and did not create any hazardous situations (Flores 2001a, 2001b; Edwards 2004). In 2004, an abandoned oil well spurted approximately 300 gallons of petroleum and methane gas, affecting 360 homes and causing property damage, although there were no reported injuries (Daniels 2004).



Tsunami Zone Huntington Beach



Liquefaction Potential



Liquefaction occurs when vibrations or water pressure within a mass of soil **cause** the soil particles to lose contact with one another

Sea Level Rise

Existing hazards to the proposed Magnolia Tank Farm Project include Federal Emergency Management Agency (FEMA 500-year fluvial flooding, tsunami hazards, and flooding resulting from a closed barrier beach.

In addition our city is at high risk for many critical facilities in these hazard zones, therefore according to recent Ocean Protection Council guidance (OPC), any critical community facility with a potential lifespan beyond 2050 requires evaluation by the high end H +++ sea level rise scenario (5 feet by 2070, 9 feet by 2100)

According to USGS CoSMoS modeling access to the site may be severely restricted by a 100 year coastal storm wave event with ~5 feet of sea level rise, which could be reached as early as 2070 under the H ++ scenario. The entire site under current topography was modeled to be exposed with 6.5 feet + of sea level rise and a 100 year riverflow event which could occur as early as 2070 (M&N, 2017)

At current topography closed beach barrier flooding, caused by natural closing of the ocean outlet on the flood control channel, could increase from an elevation of ~12 -15 feet NAVD under existing conditions to ~17-20 feet NAVD by 2070 under the H++ scenario and flood the proposed facility.

Figure 1

Please note that all elevations in this review are based on the North American Vertical Datum of 1988 (NAVD).

Sea Level Rise

The sea level rise scenarios evaluated in this review include: RCP 2.6 (low emissions), RCP 8.5 (high emissions), and the H++ (worst case) scenario, which is recommended in the Ocean Protection Council Sea Level Rise Guidance (2018) for the evaluation of critical facilities such as the proposed facility (**Bold**). Probabilities of these sea level rise scenarios occurring by 2050, 2070, 2100 are shown in Table 1. The H++ scenario does not have any associated probabilities.

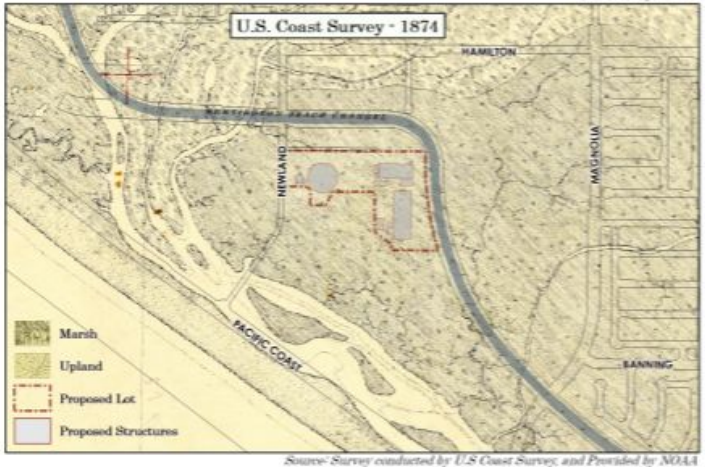
Table 1. Projected Sea Level Rise for Los Angeles

From OPC 2018 Guidance data	Projected Sea Level (in feet)				
Year	RCP 2.6 elevation (50% Probability)	RCP 2.6 elevation (0.5% Probability)	RCP 8.5 elevation (50% Probability)	RCP 8.5 elevation (0.5% Probability)	H++[1]
2050	-	-	0.7	1.8	**2.6**
2070	0.9	2.9	1.2	3.3	**5.0**
2100	1.3	5.4	2.2	6.7	**9.9**

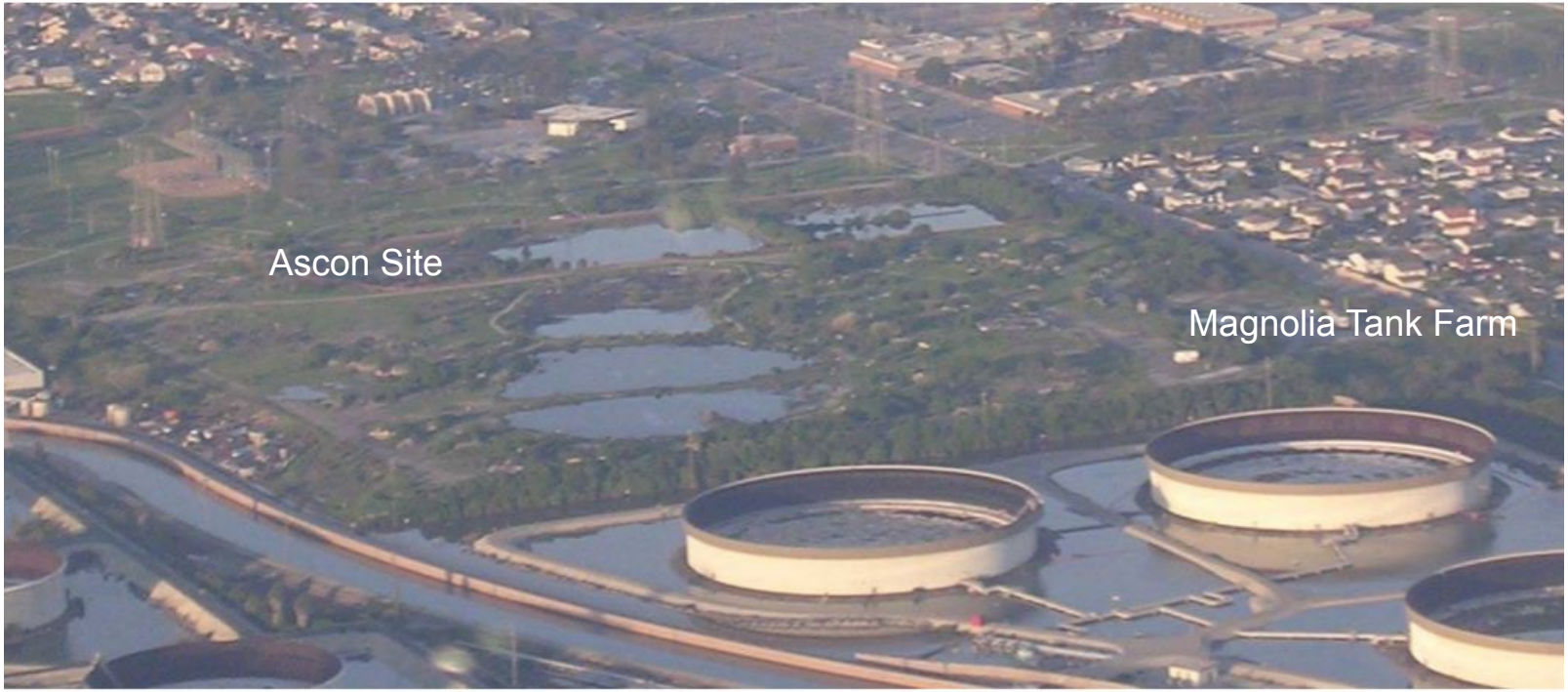
Source: OPC Guidance, 2018



Source: Google Earth



Source: Survey conducted by U.S Coast Survey, and Provided by NOAA


Ascon Site
Magnolia Tank Farm

https://www.huntingtonbeachca.gov/announcements/attachments/Huntington_Beach_public_review_draft_LHMP.pdf

Critical Facilities

- Facilities that provide key services to City residents and businesses
  - Can be owned by the City, other government agencies, or private groups
- Existing LHMP has 50 critical facilities
  - City administrative offices
  - Libraries and recreational facilities
  - Water and wastewater facilities
  - Public Works and public safety buildings
  - Schools (selected)





A few more recent examples of why Magnolia Tank Farm and Ascon share contaminants...the following 3 videos are from an incident that took place on 08/28/2019 at Magnolia and Banning st.



The only safe precautionary measure is to vote 2B.

References

https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2014EF000239

https://consumerwatchdog.org/sites/default/files/2018-11/golden_wasteland.pdf

http://www.hbwetlands.org/pdfs/envsiteassmnt.pdf

https://www.huntingtonbeachca.gov/announcements/attachments/Huntington_Beach_public_review_draft_LHMP.pdf

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https://www.huntingtonbeachca.gov/government/departments/planning/major/files/Draft-EIR.pdf

http://www.prpblog.com/downloads/Ascon_Community_Mtg%20(7-6-05).pdf

https://www.nature.com/articles/s41598-017-01362-7

https://www.surfrider.org/blue-water-task-force/chapter/32

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 10:39 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm project

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Sandy Layman <soccersam3@verizon.net>
Sent: Tuesday, September 10, 2019 4:41 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm project

Dear Planning Commission:

I have written before, stating my objections to the development of the Magnolia Tank Farm Property for the mixed use purpose of a hotel, private residences and commercial ventures. My concerns about the degradation of air and noise quality, inappropriate and unsafe for residences especially, as well and the surrounding existing neighborhoods, from the adjacent Ascon Land Fill and AES, have only become heightened by the public safety failure we have experienced with the aborted attempt to clean up Ascon. I am even more alarmed by the discovery of Pit F, a styrene pit, and others, that were not even included in the plans for the Ascon cleanup. The Ascon plan had supposedly been approved for safety and proved to be woefully inadequate...to date they have been unable to remediate the land safely. The scary thing was that it took the residents raising an alarm, calling various agencies over and over and insisting that someone with authority take them seriously before ANYTHING of substance was done. And now we're embarking on a similar pot holed path with the property right next to it, that originally was together with Ascon as one plot of land that was dumped on, land that does not fit the Land Use of the neighborhood, that will significantly increase the traffic issues that already exist for Hamilton, Magnolia, Victoria and PCH. Do we really believe that Ascon's toxic chemicals have not migrated and leached into the Magnolia Tank Farm land that abuts it? And until it is seen whether the toxic land at Ascon can be remediated safely AT ALL seems completely irresponsible to move forward on ANY approval of MTF development. New assessments, by qualified objective third party companies that have no vested interest in the outcome seems crucial. An EIR with STRINGENT criteria, corroborated by someone who doesn't have skin in the game is the least our planning commission can require to keep not only existing HB citizens safe, but also any future residents should that land ever be built on. And addressing future concerns, sea level rise should also be part of the conversation, lawsuits against our city down the road from folks who believed that land was safe because YOU approved the building and then develop serious illnesses related to the toxic slurries abutting their property should be part of the conversation. Please DO NOT LET MONEY and short term gains be the driving forces in making these decisions. Please serve your citizens well...that's what we elected you to do and no less than every one of us deserves.

Sincerely,
Sandy Layman
21122 Poston Lane
Huntington Beach

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 10:42 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Robyn Sladek <robynsladek@gmail.com>
Sent: Tuesday, September 10, 2019 3:57 PM
To: Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm

Helloi, I'm a 48 year resident of HB. I grew up living near the Ascon Dump and I know how TOXIC that property is. The Tank Farm is NO DIFFERENT!

These properties are twin sisters, that have been separated by a chain link fence! Just because these sister properties are separated by the fence, doesn't mean that they have different DNA. These sister properties have the SAME SOIL and WATER….and it's HIGHLY CONTAMINATED! You cannot have one property that is Toxic as HELL, and the other be Safe for Human occupancy…
I think that the Tank Farm development would be done at the expense of our communitys HEALTH and SAFETY, just like ASCON!!

Mr. Shopoff is wanting to build residential housing and a small hotel on this property… KNOWING that it is ontop of HIGHLY TOXIC soil and water. He is acting with disregarding to human life by, ignoring previous reports that the land was unsuitable to build. The fact that he was charged with FRAUD should throw up a red flag! He is known for withholding information….makes me wonder about our city council too!
The history of this property goes way back.. I've found NUMEROUS reports that state the Tank Farm and ASCON can NEVER BE COMPLETELY CLEANED UP. In the preliminary WATER quality management plan for the Tank Farm dated Jan 23, 2018… it has a list with "Pollutants of Concern" on the list is:

suspended solids/sedements
Heavy metals
Pathogens
Pesticides
Oil and grease
Toxic organic compounds
Trash and debris
All of these were marked; "Expect to be of concern"

Just a few things found in the groundwater at the Tank Farm property that exceeded the DWS limits.;

Arsenic
Barium
Beryllium
Cadmium
Chromium
Cobalt
Lead
Mercury
Nickel
Zinc… just to name a few…. again public record.

During the Preliminary Geotechnical investigation it states that groundwater water was encountered at 5-7 feet at the Tank Farm. The Tank Farm project discharges into the HB channel. The HB channel discharges into the Talbert channel which is downstream of the project which then goes into the Pacific Ocean at the Huntington State Beach.

How you can justify Mr. Shopoff BUILDING ON THIS LAND AS ACCEPTABLE?

IS THIS city IS SO desperate for revenue, that it will turn a blind eye to a DECADES long problem? This city is NEGLIGANT and violating of our civil rights!! We are not going away, were only gaining momentum.

The Tank Farm Property should NEVER BE REZONED OR ALLOWED TO BE BUILT ON…..PERIOD!
We don't need another ASCON Problem in our Community! ENOUGH IS ENOUGH!

Thank you,
Robyn Sladek

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 11:09 AM
To: Ramos, Ricky
Subject: FW: Good to meet you - and concerns about groundwater flow during proposed Magnolia Tank Farm development
Attachments: MTFPiledriving100ftdamage.jpg; ASCONTPITOUTLINES.jpg; shoppoff .jpeg

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Sharon M. <marmiejoe@msn.com>
Sent: Thursday, September 12, 2019 2:40 PM
To: Raymond Hiemstra <raymondhiemstra@gmail.com>; ray@coastkeeper.org
Cc: Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>; Grant.Cope@calepa.ca.gov; Grant Cope, DTSC <grant.cope@dtsc.ca.gov>
Subject: Good to meet you - and concerns about groundwater flow during proposed Magnolia Tank Farm development

Sharon M. has shared OneDrive files with you. To view them, click the links below.

Draft-EIR 2.pdf Ascon_Interim_GW_Report_Sept2018_CD.pdf

Draft-EIR--Appendix-G-1-Compilation-Report-of-Environmental-Investigations 3.pdf

Good afternoon Ray,
It was so nice meeting you at the R4RD event last weekend!

I am reaching out to you in concern for the proposed development of a 3-story lodge, medium density homes and retail space at Magnolia Tank Farm, which is adjacent to the Ascon Landfill, as well as adjacent to the wetlands and Huntington Beach channel. (Please see attached EIR clip, EIR and EIR Appendix G)

My team and I attended a recent study session with the HB Planning Commission on Tuesday night, 9/10 and some issues surfaced that I believe require your attention.

First of all, the proposed lodge will require extensive pile driving, as well as underground work to install the system framework for such a project.

Several concerns arise in relation to this as the pumping of very shallow groundwater, which generally flows to the north towards Ascon Landfill, will potentially and likely be reversed during construction and as piles are driven approximately 30 ft in depth. In addition, noise/vibration mitigation for the pile driving is now suggesting "alternative" methods that require pumping of the groundwater. This could reverse the flow of groundwater towards the wetlands, from Ascon Landfill, in a more permanent situation.

The change in overall underground status, by itself, risks changing the groundwater direction from north to south - bringing Ascon's toxic groundwater into the direction and area of the wetlands.

A similar issue is being faced in Playa Del Rey - where a large development project is planned adjacent to contaminated groundwater from a dry cleaners.
https://argonautnews.com/toxic-trouble-in-playa-del-rey/?fbclid=IwAR0O_nNmcp86wXceHVl4SlfeVX9AyaWrumKETO70TGSN4lKDoz-BOfqNp3A

As is extensively documented and agreed upon by Ascon Landfill, and the DTSC, the groundwater beneath this chemical dump is highly contaminated with a large variety of VOCs and heavy metals.
(Please see attached Interim GW report)

Secondly, the vibration caused by the pile driving is extensive and extremely dangerous to the toxic pits circled in red on the diagram uploaded. These toxic pits were those that received all of the styrene, industrial wastes and chemicals, known and unknown from 1938 until the early 1970s. These chemical pits will NOT be remediated under the current plan, with the exception of a partial removal of pit F. There is documentation that these pits may be as deep as 80 ft. These pits are unlined and we have no extensive deep ground investigation as to what recent earthquakes may have done to change their status. (Please see attached Ascon Pit Outlines)

As you can see, we are very concerned and vigorously lobbying the Planning Commission and City Council, as well as Assemblywoman Cottie Petrie Norris and Congressman Harley Rouda to protect our community, wetlands and waters from destruction should this ill-planned and unsuitable project of Shopoff Realty Investments move forward.

Currently, zoning restrictions for the Magnolia Tank Farm allow for only Public/Semi-public use. But this developer is demanding for change in zoning restrictions.

I also uploaded our current informational flyer, which I gave you last Saturday.

We would so appreciate any input or advocacy in protecting the people, wildlife and waters for Huntington Beach in this regard. And we are grateful for all the work you do!

Regards,
Sharon Messick
Huntington Beach Landfill Awareness Project
909.636.6277

TABLE 1-1
SUMMARY OF POTENTIAL IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Project Impacts	Mitigation Program	Level of Significance After Mitigation
		MM NOI-4 **Final Acoustical Report.** Prior to issuance of building permits, the Project Applicant/Developer shall submit a Final Acoustical Report, prepared by a qualified acoustical consultant, to the City of Huntington Beach. The Building Official, or designee, shall verify that the Final Acoustical Report demonstrates that all exterior private living areas comply with the City's exterior noise level standard and that all residences with exterior façades, including all bedrooms and living rooms, comply with the City's interior noise standard. Noise reduction techniques that may be incorporated into construction plans in order to reduce interior noise levels include, but are not limited to, incorporation of upgraded windows and doors, improved wall construction, or reduced window and door sizes should oversized windows and door be originally designed. Additionally, the Final Acoustical Report shall assess all potential off-site noise impacts associated with on-site operations to insure compliance with the City's Noise Ordinance criteria for off-site sensitive land uses.	
hreshold 4.10-2 ould the project result in exposure of persons or generation of excessive groundborne bration or groundborne noise levels?	With typical construction activities, the closest adjacent uses would not be exposed to excessive groundborne vibration or groundborne noise levels, utilizing the FTA vibration standards. In the CV Zone, the proposed Project may require pile driving activities. The vibration levels at the closest off-site residence would be below the FTA threshold for potential damage to buildings; however, it would exceed the threshold associated with potential annoyance to the surrounding uses. MM NOI-3 (vibration control plan) would reduce construction vibration impacts to the greatest extent feasible. However, for the proposed Project, it cannot be stated with certainty that the vibration impacts would be reduced to less than the 72 VdB threshold associated with annoyance; therefore, this may be a significant unavoidable impact and no additional mitigation is available for the proposed Project. The proposed Project's operational impacts associated with excessive groundborne vibration or groundborne noise levels would be less than significant because none of the uses proposed would result in activities that would generate groundborne vibration or noise. Alternative 1 would only use typical construction practices and no pile driving is proposed. Impacts associated with exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels during construction and operational vibration would be less than significant.	**MM NOI-3** **Construction Vibration.** The results of the construction vibration analysis indicate that vibration damage could occur at structures within 100 feet of pile driving activities. Therefore, once final plans for pile driving have been completed, should any structures be located within 100 feet of the perimeter of pile driving, a vibration control plan shall be developed by the project applicant and approved by the City Community Development Department prior to issuance of building permits. The plan shall be implemented before, during, and after pile driving activity. The plan shall consider all potential vibration-inducing activities that would occur and require implementation of sufficient measures to prevent exposure of nearby sensitive receptors to vibration levels in excess of the Vibration Damage Criteria presented in Table 4.10-9. The plan shall identify minimum setback requirements for pile driving activities for the purpose of preventing damage to nearby structures and preventing negative human response. The setback requirements shall be established based on the proposed construction activities and locations and the maximum allowable vibration levels identified for the site. Factors to be considered include the specific nature of the vibration producing activity, local soil conditions, and the fragility/resiliency of the nearby structures. When the final schedule of pile driving activities has been determined, all sensitive receptors within 500 feet of pile driving activities shall be notified of dates in which these activities would take place. No additional mitigation is available (proposed Project). No mitigation is required (Alternative 1).	Significant and Unavoidable (proposed Project) Less Than Significant (Alternative 1)
hreshold 4.10-3 ould the project result in a substantial rmanent increase in ambient noise levels in e project vicinity above levels existing without e project?	In both the existing and buildout year scenarios, traffic-generated under the proposed Project and Alternative 1 would result in limited noise level increases along roadway segments in the project vicinity. The permanent increase in ambient noise levels in the project vicinity would be barely perceptible to the human ear and impacts would be less than significant for the proposed Project or Alternative 1.	No mitigation is required.	Less Than Significant


Hamilton Avenue
Magnolia Street
H
A
B
Lagoon 4
Lagoon 5
Lagoon 3
Lagoon 2
Lagoon 1
F
E
C
D
G



IS THE TIME!

9/10/19
6pm
(see addess below)

FACT: Magnolia Tank Farm, (21845 Magnolia Street) **WAS**:

- one property/one owner with Ascon land
- host to oil, gas production wells, refuse pit, HB Airport, storage tanks
- flooded and contaminated with toxic chemicals

FACT: Magnolia Tank Farm **IS**:

- separated only by a chainlink fence from Toxic Ascon Dump
- just feet from toxic chemical pits C, D, G, E, F which contain styrene, benzene and a host of known and unknown poisons as well as AES Power Plant
- continually flooded with toxic Ascon runoff and chemical vapors
- in need of more soil gas testing using a grid for the entire property
- known to share Ascon's most toxic, cancer-causing, dangerous chemicals, including Dibenz(a,h)anthracene and Benzo(a)pyrene
- located in flood, earthquake, liquefaction and methane-releasing zones
- currently zoned appropriately only for Public use. DO NOT REZONE!!!

FACT: Without YOUR VOICE, Magnolia Tank Farm **WILL BE:**

- adding significant air toxins to Edison High and Eader Elementary Schools
- a developer's dream to build medium-density houses and 3-story hotel
- requiring over 3000 steel/concrete poles (pilings) to be hammered 30 ft down
- causing vibrations and stress to the neighboring toxic landfill unlined pits
- placing health risks on current and future residents while placing our city government at risk for billion-dollar litigation in damages and loss of life.

①Show Up: **Bring your voice:** **TUES. 9/10/19 @ 6pm**
2000 Main St., HB (City Council Chambers)

②Speak Up: **Email HB Planning Commission and City Council**

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 11:17 AM
To: Ramos, Ricky
Subject: FW:

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Tara Waters <tarabarton1111@gmail.com>
Sent: Monday, September 16, 2019 5:28 PM
To: HBUHSD <marmiejoe@msn.com>; HBUHSD <Alexander.Gonzalez@mail.house.gov>; Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>; Perez, Claudia <Claudia.perez@asm.ca.gov>; Gregg Haulk <Ghaulk@hbcsd.us>; Cope, Grant@DTSC <Grant.Cope@dtsc.ca.gov>; fire.department@surfcity-hb.org; OHE@cdph.ca.gov; board@hbcsd.us; boardoftrustees@hbuhsd.edu
Subject:

Greetings,

We are reaching out to you in concern for the proposed development of a 3-story lodge, medium density homes, and retail space to be located at Magnolia Tank Farm (adjacent to the Ascon Superfund Landfill, Huntington Beach Wetland,s and Huntington Beach channel).
Our team attended a recent study session with the HB Planning Commission on 9/10/19 and some issues surfaced that I believe require your attention as public health and wellbeing continue to be threatened in this community. The ASCON remediation is currently halted due to DTSC enforcement of mandatory community protection from toxin exposure. The addition of the Magnolia Tank Farm (MTF) proposed project puts the community of SE Huntington Beach at increased risk for additional and accumulative physical, mental, emotional, psychological, and health risks.

Specific to MTF...Several major concerns have surfaced. Four zoning changes would need to be approved in order to accommodate the proposal. This land is not appropriate for the proposed development and the community is against the zoning changes. The soil, ground water, and air contain toxins from the lands prior uses and the adjacent Superfund landfill. Disturbing this property imposes major risks. For example, the proposed lodge will require extensive pile driving, as well as underground work to install the system framework.. Pumping of very shallow groundwater, which generally flows to the north towards Ascon Landfill, will potentially and likely be reversed during construction as piles are driven approximately 30 ft in depth. This puts the current surrounding residents, future MTF residents, and the HB Wetlands at risk for toxin intrusion from ASCON via groundwater. It is extensively documented and agreed upon by Ascon Landfill, and the DTSC, the groundwater beneath this chemical dump is highly contaminated with a large variety of VOCs and heavy metals. In addition, potential noise/vibration mitigation for the

pile driving is now suggesting "alternative" methods that require pumping of the groundwater. This could reverse the flow of groundwater towards the wetlands, from Ascon Landfill, in a more permanent situation. The vibrations in themselves may cause the clay/silt protective barrier to crack or break allowing additional seepage and movement of toxins from MTF and ASCON property to other surrounding areas. A similar issue is being faced in Playa Del Rey - where a large development project is planned adjacent to contaminated groundwater from a dry cleaners (https://argonautnews.com/toxic-trouble-in-playa-del-rey/?fbclid=IwAR0O_nNmcp86wXceHVl4SlfeVX9AyaWrumKETO70TGSN4lKDoz-BOfqNp3A).

Secondly, the vibration caused by the pile driving is extensive and extremely dangerous to the toxic pits located in the landfill. These toxic pits were those that received all of the styrene, industrial wastes and chemicals, known and unknown from 1938 until the early 1970s. These chemical pits will NOT be remediated under the current plan, with the exception of a partial removal of pit F. There is documentation that these pits may be as deep as 80 ft. These pits are unlined and we have no extensive deep ground investigation as to what recent earthquakes may have done to change their status. Lastly, MTF and ASCON are located next to Edison High School and Eader Elementary. Loud pile driving and exposure to dust and toxic plumes is not conducive to a safe learning environment.

Attached is the latest slide presentation that was presented to the Huntington Beach Planning Commission on 9/10/19. You will find the correlating speech in the note section of each slide and you may view the attached videos in "notes view" as well. The slides and speeches summarize just a few concerns of the community regarding this project and describes gaps in the project's Draft EIR. As you can see, we are very concerned and vigorously lobbying the Planning Commission and City Council, as well as Assemblywoman Cottie Petrie Norris and Congressman Harley Rouda to protect our community, wetlands and waters from destruction should this ill-planned and unsuitable project of Shopoff Realty Investments move forward.

We would so appreciate any input or advocacy in protecting the people, wildlife and waters for Huntington Beach in this regard.

Regards,

Tara B

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arton & Sharon Messick

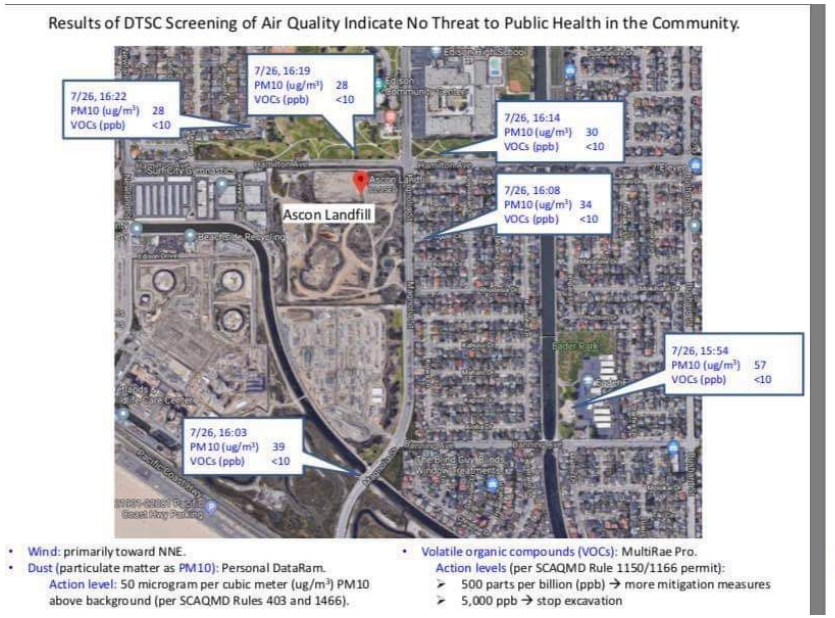
Huntington Beach Landfill Awareness Project

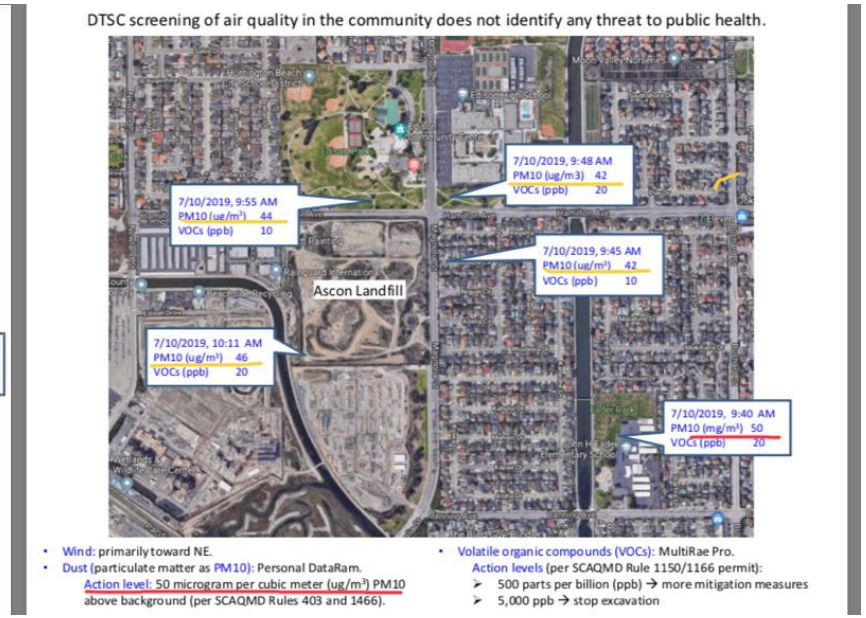
Planning Commission

Magnolia Tank Farm

September 10, 2019

Air Quality







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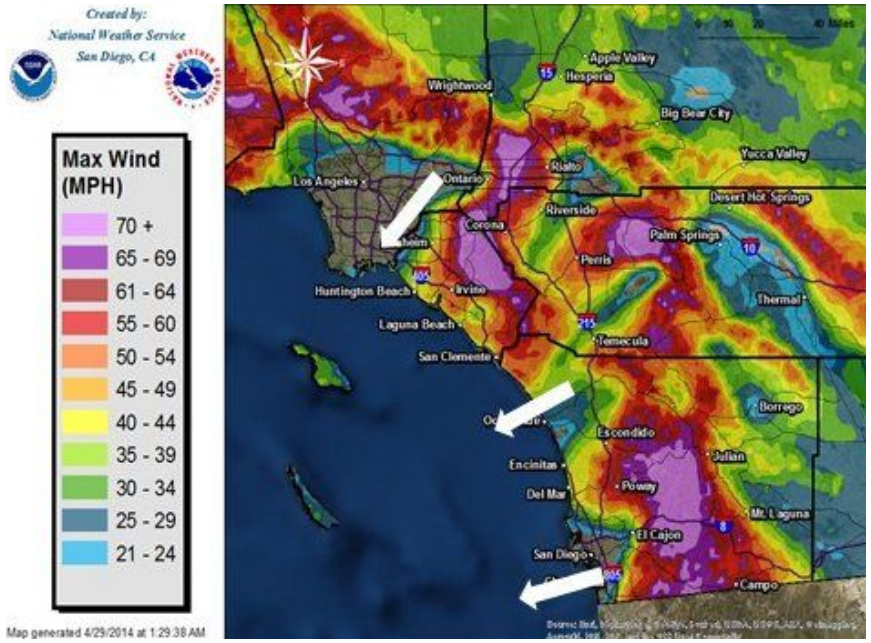
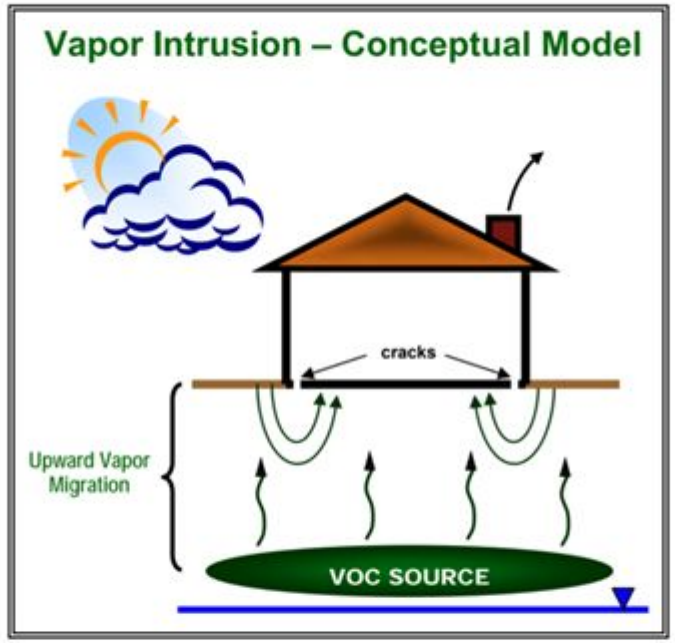


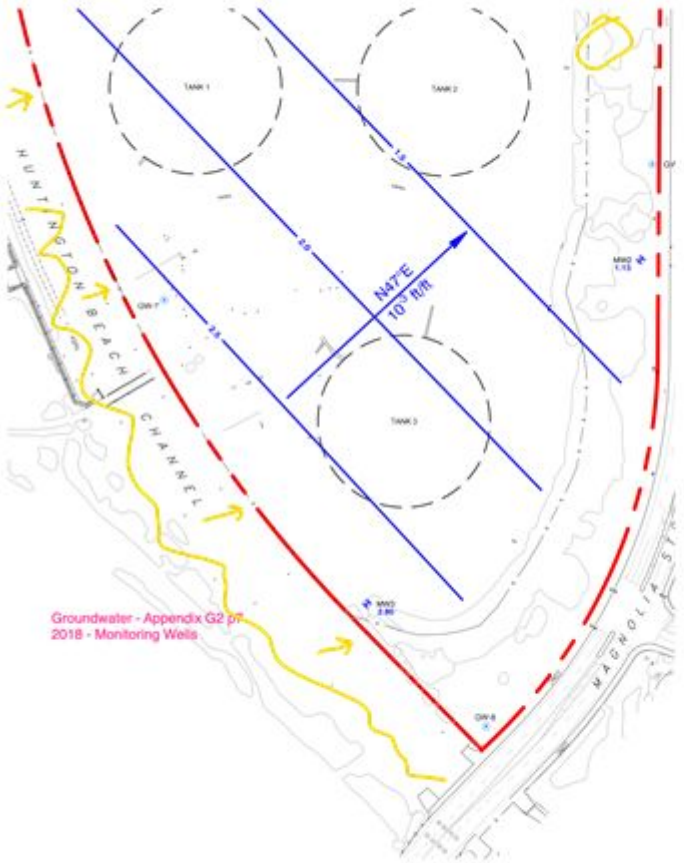
Ground Water

EIR IS UNACCEPTABLE



Inadequate Data
Missing Considerations
Errors in Calculations

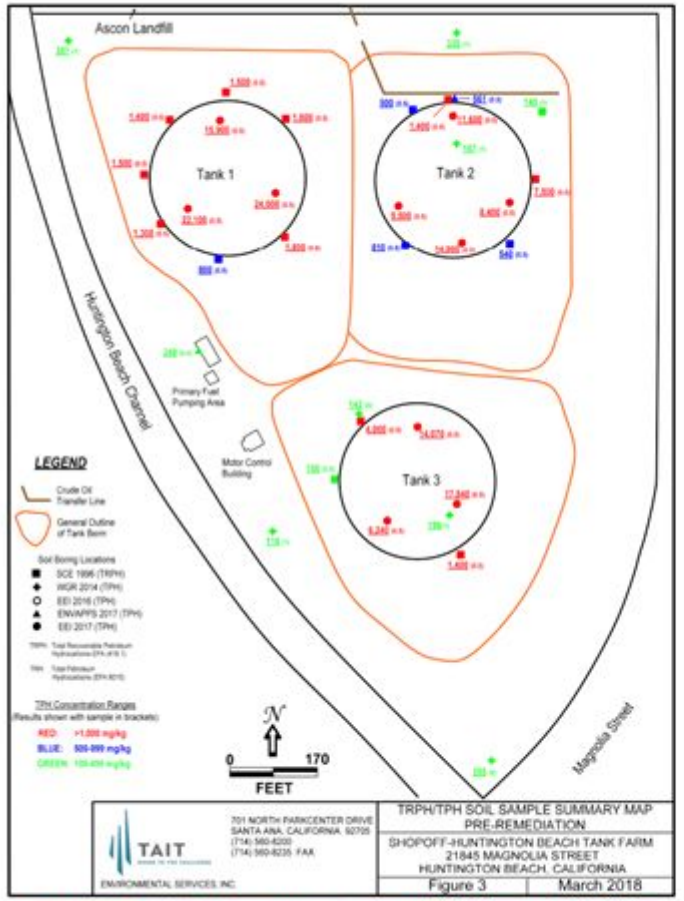
Ground Water



Groundwater Flow:
from HB channel
toward NE corner

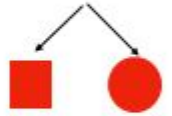
- Groundwater only 6 ft deep!
- Contamination from the channel?

Ground Water & Soil Gas



RED CIRCLES under tanks show high concentrations of TPH in soil -- but these areas were never tested for soil gas or groundwater contaminents!

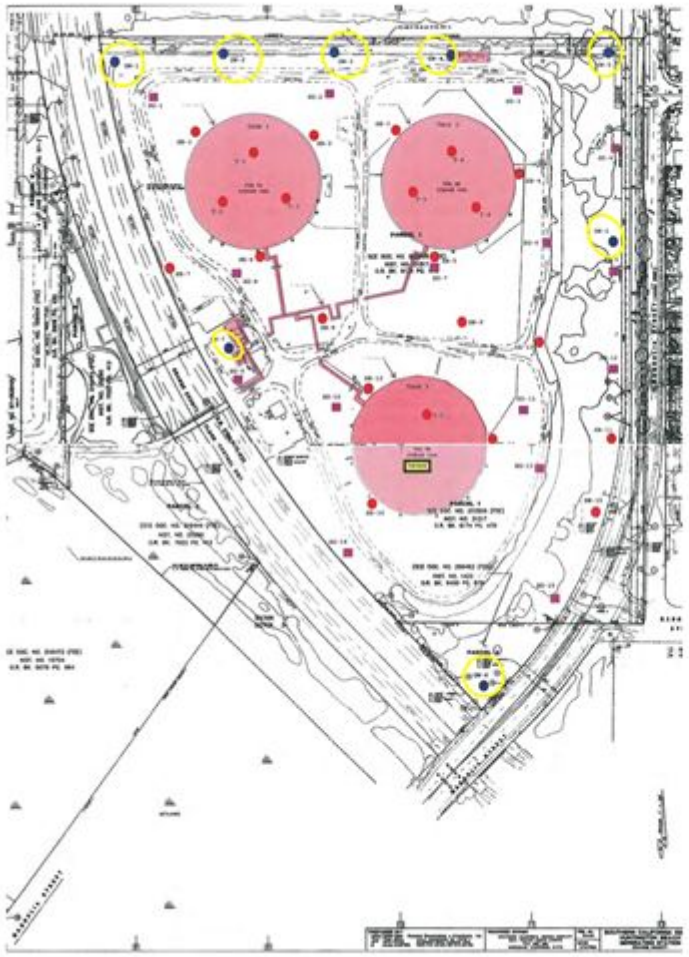
RED POINTS



is where soil samples were taken

- **Worst** Contamination (under the tanks)
- Where groundwater and the soil gas **WAS NOT TESTED**

Ground Water



Where the groundwater was sampled:
8 tests in 2013

tests: 1 per 4 acres

Sampled ONLY AT THE PERIPHERY!

Soil Gas



Where the
SOIL GAS
was sampled:
15 tests in 2013

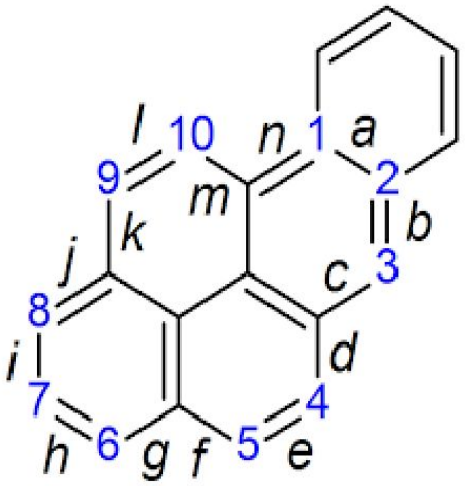
tests: 1 per 2 acre

- SAMPLED ONLY AT THE PERIPHERY
- NO SAMPLES TAKEN UNDER THE TANKS!
- ATTENUATION FACTOR ERROR (.001 vs .03)
- SAMPLES ONLY 3 ft. DEEP)

Soil Testing

Benzo(a)pyrene

Discovered in Magnolia Tank Farm soil at
ABOVE RESIDENT RISK BASED LEVELS!



Why Should We Care?

Cancer-causing

by ALL Routes of Exposure
inhalation, skin, ingestion, prenatal
even after exposure
of only 3 weeks!

head and neck ~ oral cavity ~ larynx ~ pharynx
esophageal ~ breast ~ lung ~ liver ~ pancreatic
stomach ~ bladder ~ kidney ~ colorectal
non-Hodgkin's lymphoma



Soil Testing

Birth Defects and Adverse Pregnancy Outcomes



- early miscarriage
- reduced birth weight
- reduced body weight and height for preschoolers
- reduced head circumference
- neurobehavioral effects
- decreased fertility
- skeletal malformations in the skull and vertebral column
- embryonic cytotoxicity and genotoxicity
- decreased motor area development
- fetus may be 10-fold more susceptible to DNA damage than the mother who is exposed
- Data supports preventive policies to limit Benzo(a)pyrene exposure to pregnant women and children
- Developing fetus is more susceptible than the mother to carcinogenic effects of Benzo(a)pyrene
- Male infertility

Childhood Developmental Toxin

- Decreases motor, language, social and overall average Developmental Quotient
- Depresses cognitive development

Mutagenic

- Chromosomal aberrations
- Single chromatid breaks
- Forms covalent adducts to DNA
- Mutations in the K-RAS oncogene
- Stem cell mutations
- Depressed mitotic rates in the retina and brain
- Bladder cancer risk associated with increasing chromosomal damage

Other Disease

- Alzheimer's Disease
- Chronic obstructive lung disease (COPD)
- Cerebrovascular disease
- Myocardial infarction (Heart attack)

Soil Testing

Where does Benzo(a)pyrene come from
and
How did it get in Magnolia Tank Farm?

- Smoke from forest fires
- **Industrial Processes - was it dumped into adjoining toxic pits C, D, G, or E and is leaching and will continue to leach as these pits are not going to be remediated?**
- Vehicle exhaust
- Cigarette Smoke
- **Burning of fuel (petroleum products) - did the historical use of oil burning at the AES plant, thus the need for tanks of oil fuel on the tank farm, contaminate the Magnolia Tank Farm soil?**



Site Vicinity and Features Map, Figure 1-2-3

- Aluminum production
- Chimney sweeping
- Coal gasification
- Coal-tar distillation
- Coke production
- Iron and steel founding
- Paving and roofing with coal tar pitch - was there paving, roofing or coal tar pitch dumped at Magnolia Tank Farm?

Soil Testing

Too Many Questions
Too Many Risks
Not Enough Due Diligence on the part of the Magnolia Tank Farm and this EIR to answer VITAL questions:

1. Where did this toxin come from?
-Because people cannot live on or near it.

2. How much toxins exist?
-Because no grid soil gas or soil tests have been performed.

3. Who will be responsible to thoroughly and HONESTLY examine, and mitigate this contaminated property?
-Because lives are at stake.

- **This EIR is incomplete and fraught with danger.**
- **This EIR suggests rezoning this contaminated land - called The Devil's Triangle by locals - and will endanger pregnant women, children and families**
- **This EIR suggests a project that will increase toxic air to existing children, schools and residents.**

Pile Driving



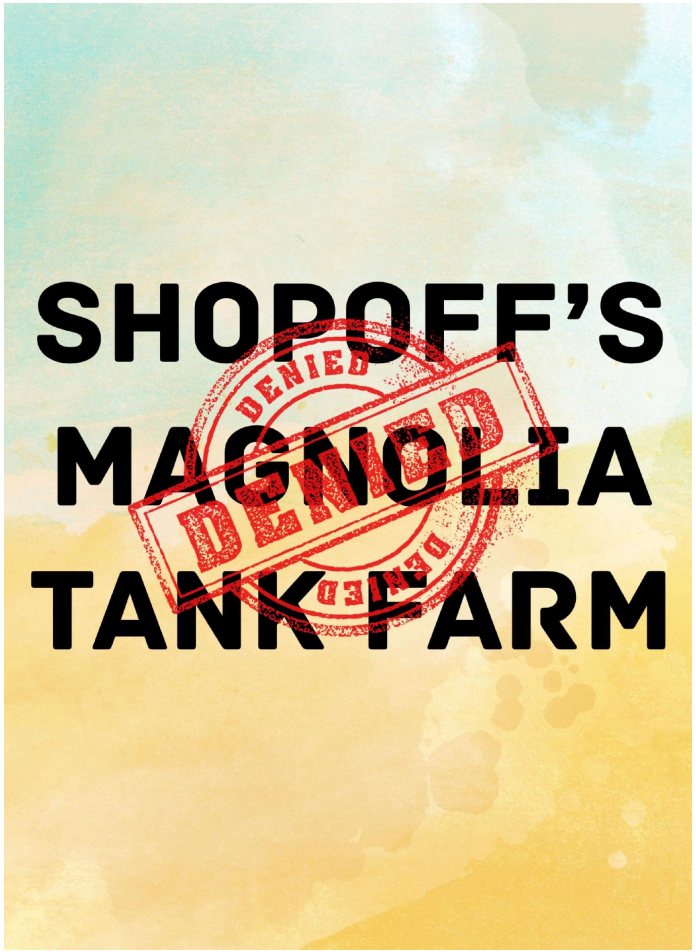
IMG_1082.MOV

- Loud Noise is a Nuisance to the Community
- Loud Noise Will Hinder Optimal Learning Environment
  - Eader Elementary is .58 miles from MTF
  - Edison High School is .44 miles from MTF
- Strong Vibrations May Impact Protective Clay/Silt Layer
  - Toxin migration
  - Ground water contamination

Data Gaps, Concerns & Considerations

- Land contamination
- Cross contamination of air, soil, and water from ASCON
- Asbestos and Lead contamination from tank removal
- Unconfirmed source of total Petroleum Hydrocarbons found above recommended limits in the soil at Tank Farm in 2013 and 2016
- Human and Ecological Risk Office concerns with the methodology and conclusions of the RFI Report
- TBA, metals, and TPH ground water contamination
- April 18, 2018 Compilation Report of Environmental Investigation
  - ASCON is one source of the ground water's contamination
  - DTSC has determined the ground water has beneficial use such as municipal, industrial, and agriculture. Why would known toxic ground water ever be used where exposure to humans and wildlife is a risk?
  - "the pipeline extending from the ASCON property may be an ongoing and continuing source of petroleum hydrocarbons impacting the soils at the Shopoff site."
  - "VOCs detected in soil gas exceeded EPA Resident Ambient Air RSLs."
- Sufficient air monitoring of MTF site and surrounding schools
- Eader Elementary PM10 readings above 50ug/m3 and when not located in the known wind pattern of ASCON but IS located in the MTF wind path
- Accumulative effects of AES, ASCON, and Tank Farm projects on the community
- Long term health effects be to the community from exposure to toxins from AES, ASCON, and the proposed Tank Farm Project

Conclusions



PLEASE DO NOT ACCEPT THIS EIR
To do so is immoral, inhumane and unethical.
Tell this developer that our city, our children, Huntington Beach, is not for sale.
Not here!
Not now!
This land is broken and bruised and is not fit for this money-making scheme.

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 11:18 AM
To: Ramos, Ricky
Subject: FW: Shopoff Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Victoria Wilson <vwd777@gmail.com>
Sent: Monday, September 16, 2019 6:17 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Victoria Wilson <vwd777@gmail.com>
Subject: Shopoff Tank Farm

Planning Commission Members;

I am writing as a concerned citizen of Huntington Beach, a parent of two children raised as well as a volunteer in the community, most especially at Edison High School. We moved here to Huntington Beach 31 years ago and have almost always lived in the area bordering Atlanta, Newland, Magnolia and PCH; generally all around the Edison/AES Plant and the NESI site.

This site CANNOT be rezoned to accommodate the Shopoff Plan. This is a misuse of land for both the current citizens of Huntington Beach as well as to future people who would be sold homes or have vacations on toxic land. It is also unethical, on the basis of greed and money, to rezone an area that was rezoned not long ago and slated to be open land, undisturbed and not to be developed AND ONLY FOR PUBLIC USE.

The idea that someone can come in and buy the members of the city council as well as the Planning Commission to violate citizens good for pure and utter greed is contemptuous.

You cannot zone an area because it is polluted and unlivable and then rezone to decide it is.

As a long time citizen of Huntington Beach, the only solution for the tank farm and the Nesi/Ascon site is a resounding NO. No building, no homes, no hotel, PERIOD. To make a downtown area in the midst of a quiet residential neighborhood is nothing short of wrong. To bring more bars and restaurants into an area that is already flooded with drinking establishments too close to our homes as it is, is reprehensible. The traffic, the parking issues, the noise and dust of trucks for those of us who bought property here to be near an area of undeveloped and to NEVER be developed land is why we live in this area. Parking alone will be a nightmare in our neighborhoods because it will flow there- there is not enough allowable land for parking in the plan. Who is going to have one car per family? That is not the way Southern California moves. NOT TO MENTION, THE DIRT ON THAT PROPERTY SHOULD NOT BE MOVED, DUG OR TRANSPORTED DUE TO TOXINS IN THE SOIL WHICH HAVE BEEN PROVEN OVER AND OVER AGAIN, which is why it was zoned as such. You cannot keep allowing money, power and greed to overcome what is right in and for the citizens of our city. I know of NO ONE that wants this or believes it is the right thing to do.

Please say NO to this plan and to any plan which seeks to toxify people by placing them on a toxic waste dump and say NO to development of this area. Leave it undisturbed. KEEP OUR NEIGHBORHOODS QUIET NEIGHBORHOODS. THE RESIDENTS HAVE SPOKEN. SAY NO TO GREED AND INAUTHENTIC CLAIMS. SAY NO TO SHOPOFF PLANS.
Keep our children safe as you would want yours safe. NO DEVELOPMENT AT THE MAGNOLIA TANK FARM.

Thank you.

Victoria Wilson
31 year resident of Huntington Beach
vwd777@gmail.com

Ramos, Ricky

From: Oscar Uranga <oscarturanga@gmail.com>
Sent: Tuesday, September 17, 2019 9:44 AM
To: Ramos, Ricky
Subject: Magnolia Tank Farm

Mr. Ramos,

My name is Oscar Uranga and I live at 9881 Star Drive.

I am writing you because I **support** the development of the Magnolia Tank Farm site.

It is important that we, as a City, invite reinvestment into our community. I am a firm believer that we have over-regulated development to the point of a gross undersupply and a housing crisis. That said, we should hold all development to a high standard which honors our community. HB has obviously struggled to comply with Housing Element laws. The new RHNA numbers will be published early next year and I expect that all cities will struggle to comply. This is an opportunity to deliver market rate and affordable units which are needed. We should always remember to balance community goals, protection of environmental resources AND property rights (not easy, I know).

The community has made it clear that we do NOT support high-density development. To that end, I give credit to the applicant in proposing medium density housing. I would buy one.

I don't particularly care for the hotel as it drives the grades up for the accommodation of sub-t parking, etc but I also understand that Coastal Commission will want some visitor serving uses. There is precedence in the City for providing a park, maintained by the private HOA but open to the community. This is a better model. Otherwise, I suggest you consider a true sub-t garage that doesn't require massive amounts of import which is environmentally impactful (traffic, etc) and also creates a development that is out of character with its surroundings.

The site is challenging and should be designed with care and respect for its adjacencies including the wetlands and Ascon. If it is possible, I recommend a native trail along the flood control channel that ultimately connects with Edison Community Park and serves as a buffer between development and sensitive resources. Bolsa Chica is a great example of a well thought edge condition. This increases mobility and provides access to open spaces that are otherwise inaccessible. The City should assist in influencing other agencies to allow this to occur.

We should all continue to be concerned and show vigilance about Ascon to ensure that they clean up their mess so that the entire community is safe from harm. My two boys will attend Edison someday. Please push them to clean up their mess!

Thank you for your consideration in this matter.

Best,
Oscar Uranga
9881 Star Drive
Huntington Beach, CA 92646

Magnolia Tank Farm

Response to EIR proposed rezoning of Public/Semi public usage

August 2019

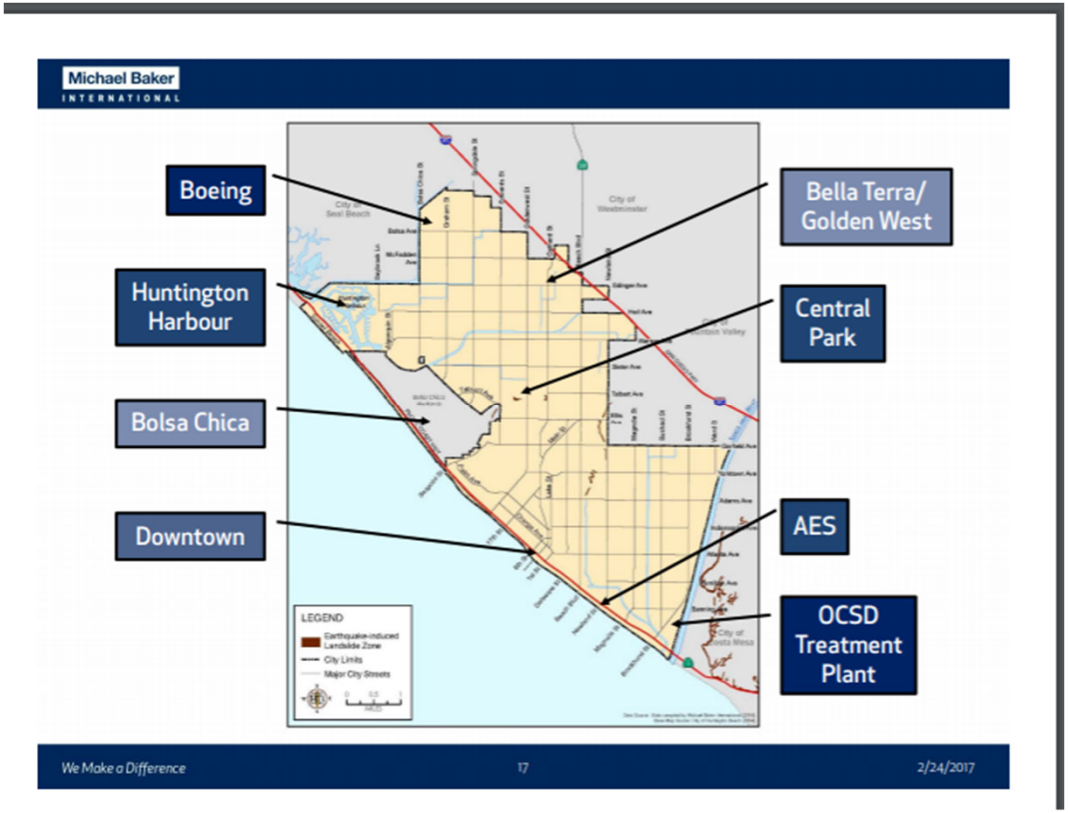
Threshold 4.1-1 Would the project have a substantial adverse effect on a scenic vista?



Threshold 4.1-2 Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?



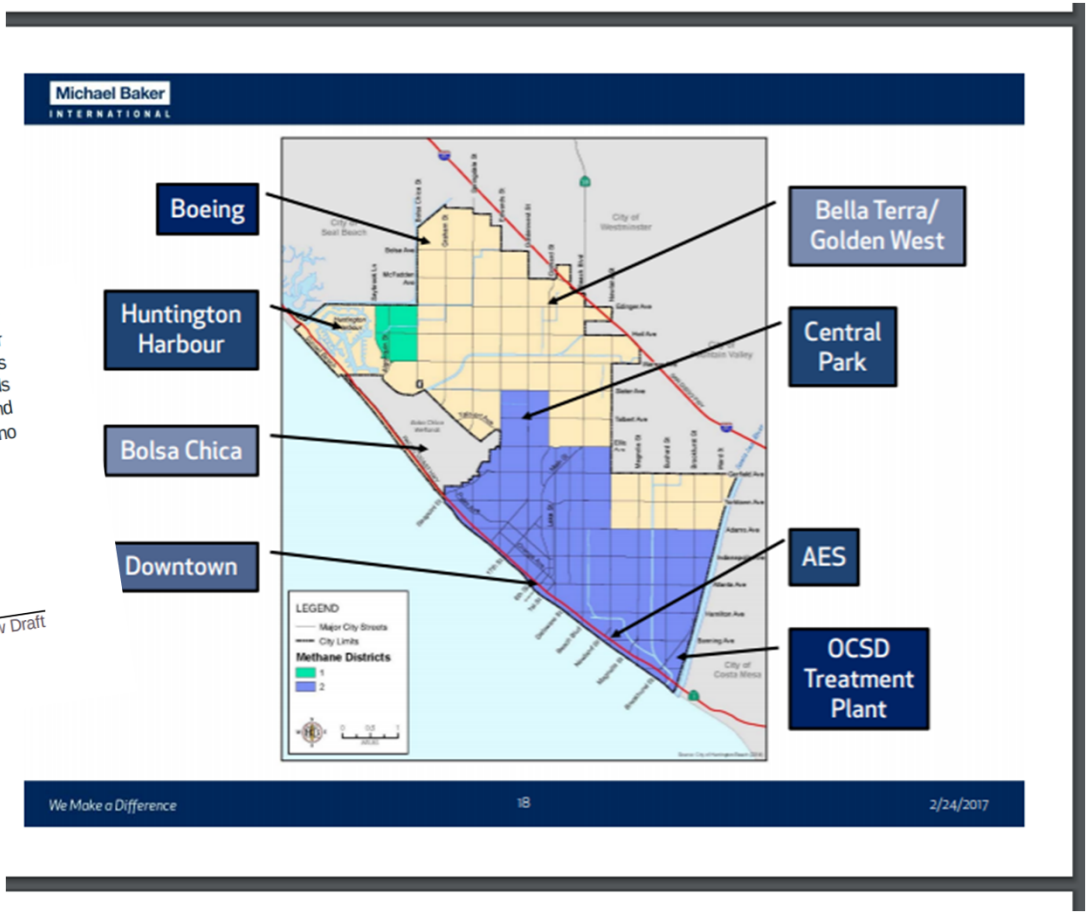
Furthermore the City of Huntington Beach Local Hazard Mitigation Plan (LHMP) shows that this site is located in several hazardous zones and the recommended plan states that construction of buildings in this zone is NOT recommended due to past known events and future imminent HIGH threat risk to Human life and the Environment.



Earthquake Induced Landslide Zone

Methane Districts

Methane-containing soils: While the City requires methane risk reduction strategies in a wide area of the community, substantial events involving methane gas are rare. Elevated levels of methane have been reported at Edison Community Park, the Central Library, and Kettler Elementary School and in surrounding properties, although in all cases the methane was effectively vented and did not create any hazardous situations (Flores 2001a, 2001b; Edwards 2004). In 2004, an abandoned oil well spurted approximately 300 gallons of petroleum and methane gas, affecting 360 homes and causing property damage, although there were no reported injuries (Daniels 2004).



Tsunami Zone Huntington Beach



Liquefaction Potential

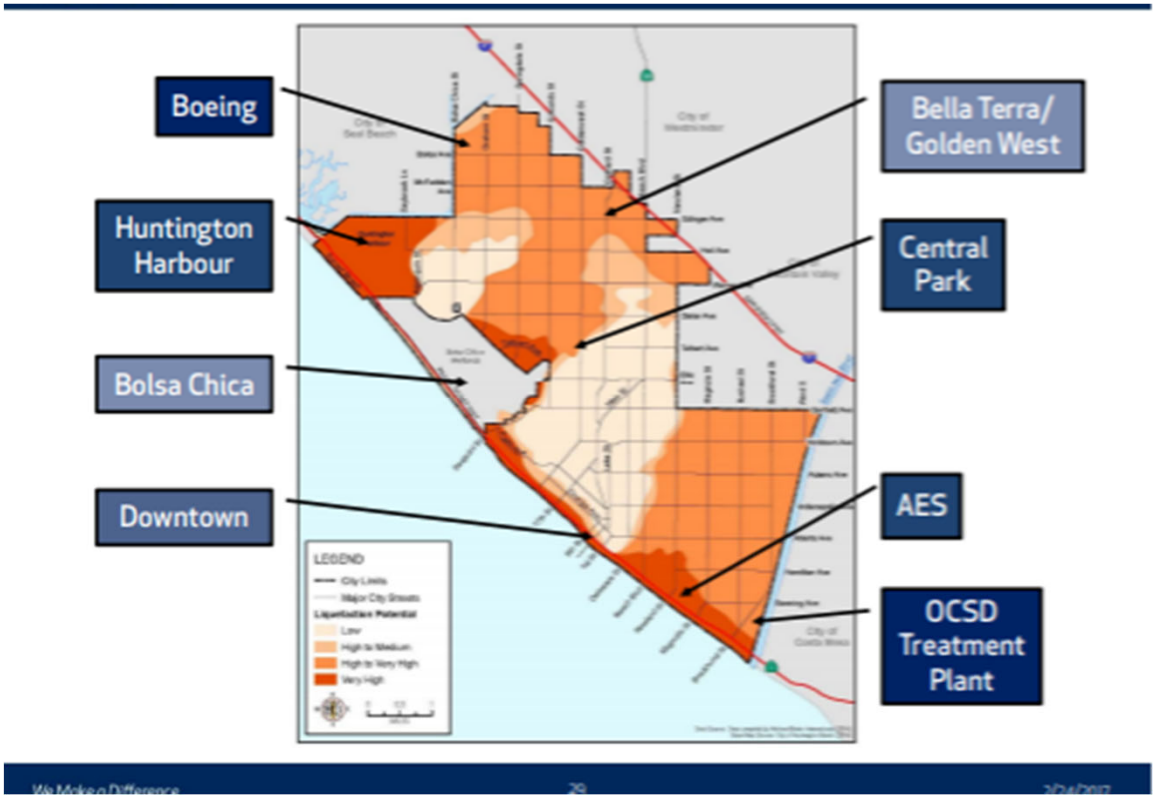
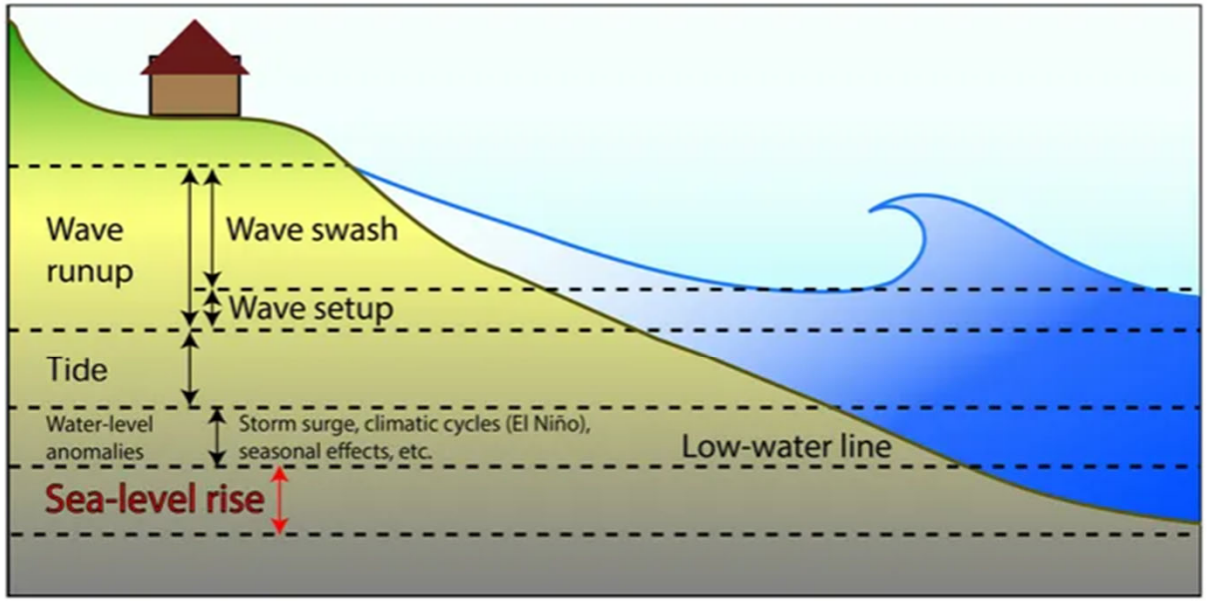


Figure 1

From: Doubling of coastal flooding frequency within decades due to sea-level rise



The water-level components that contribute to coastal flooding

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