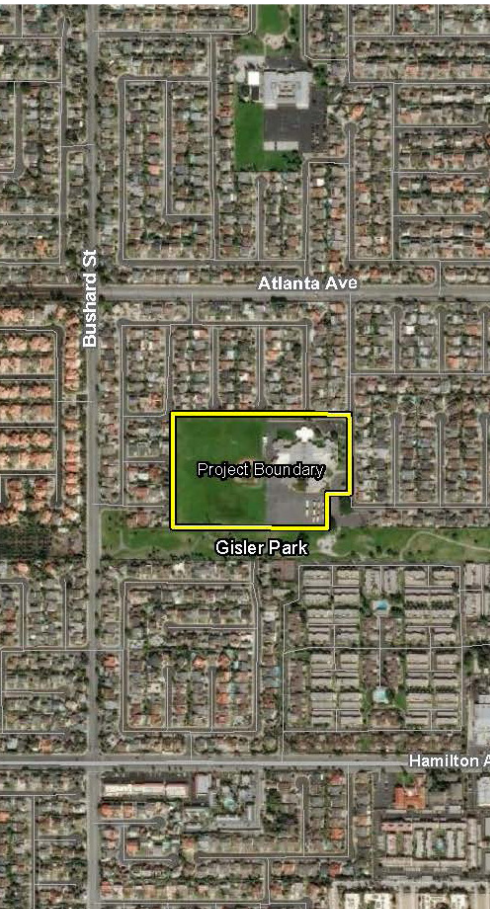


RESPONSES TO COMMENTS ON DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Gisler Residential Project



September 2021

Prepared for:
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

P S O M A S

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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 the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Gisler Residential Project. The City of Huntington Beach, as the Lead Agency, has evaluated all substantive comments and has prepared written responses. In accordance with the California Environmental Quality Act (CEQA) Guidelines (Title 14 California Code of Regulations [CCR] Section 15074[b]), the decision-making body of the Lead Agency must consider the IS/MND and comments received before approving the Project. This document, which will be provided to the Planning Commission and City Council, as the decision-making bodies, has been prepared in accordance with CEQA and represents the independent judgment of the Lead Agency.

The approximate 13.64-acre Project site is in the southeastern portion of the City of Huntington Beach, in Orange County, California. The site is located at 21141 Strathmoor Lane and is generally surrounded by single-family residential to the north, east and west, with Gisler Park to the south. A City parking lot is also located to the east. The site is approximately 3.6 miles south of Interstate 405 (I-405); 1.4 miles north of State Route 1 (SR-1); and 2.5 miles west of SR-55.

The proposed Gisler Residential Project would involve construction of an 85-unit single-family detached residential development on an approximately 13.64-acre site with a density of 6.23 dwelling units per net acre (du/ac). The existing vacant building and associated site improvements would be demolished to accommodate the proposed Project.

As a Planned Unit Development (PUD), the homes are proposed on approximately minimum 4,661 sf lots, with a minimum lot width of 50 feet (ft). The proposed development would include three plan types, with three elevation styles for each plan. The plans range from approximately 2,800 sf to 3,300 sf in size, with up to five bedrooms and three bathrooms, and two- or three-car garages. Rear yards range from minimum depths of 22± ft internally to more than 40 ft along the western and southern property lines. The proposed residences would all be solar-equipped and energy efficient and in compliance with the strict Building Efficiency Standards – Title 24 mandated in the 2019 code update. Additional information regarding the proposed Project's energy efficiency is provided in Section 3.0 of this IS/MND.

The proposed development would be accessed only from Strathmoor Lane, and a 24-foot wide emergency access is also proposed from Bluefield Drive to the north of the site. The layout of the internal streets is similar to the adjacent residential developments. Landscaping is proposed throughout the community, and improvements are proposed to the existing active open space immediately to the south at the Gisler Park.

In accordance with the State CEQA Guidelines, Section 15073, the Draft IS/MND was circulated for a 20-day public review and comment period beginning on July 22, 2021 and ending on August 10, 2021. Additionally, the Draft IS/MND was available at the City of Huntington Beach website. During the public review period, the City received a total of six comment letters from a local agency, an organization, and individuals on the Draft IS/MND. Written responses have been

prepared to all comments received during the comment period and are included in Section 3.0 of this document.

The Final IS/MND consists of three documents: (1) the Draft IS/MND; (2) the Technical Appendices; and (3) the Responses to Comments document. The Responses to Comments document includes three sections: Section 1.0, provides the introduction; Section 2.0 provides a list of commenters on the Draft IS/MND; Section 3.0 provides responses to environmental comments received on the environmental document; and Section 4.0 includes the revisions to the text of the Draft IS/MND.

2.0 LIST OF COMMENTERS

The following is a list of commenters that submitted written comments on the Draft IS/MND. The comments included written and e-mail correspondence. The comments are listed chronologically and numbered. The responses have been prepared to match the bracketing on the comment letters. Each comment letter is followed by responses to address the comments. The comment letters and responses are included in Section 3.0 of this document.

No.	Commenter	Date of Correspondence	Page Number
<i>Local Agencies</i>			
1	City of Huntington Beach, Environmental Board	August 10, 2021	
<i>Organizations</i>			
2	Gabrieleno Band of Mission Indians – Kizh Nation (GBMI-KN)	August 3, 2021	
<i>Individuals</i>			
3	Nancy Goodfellow (NG)	July 27, 2021	
4	Terry McClary (TMC)	August 3, 2021	
5	Jeannie Bailey (JB)	August 5, 2021	
6	Kathy Hamilton (KH)	August 8, 2021	

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3.0 RESPONSES TO COMMENTS

The City's responses to comments received on the Draft IS/MND are provided below. The responses are numbered to match the bracketing on the comment letter. Comment letters received are categorized by local agencies, organizations, and individuals. Within each category, the responses are provided chronologically.

3.1 LOCAL AGENCIES

One comment letter was received from the organizations. The comment letter is listed below:

- City of Huntington Beach, Environmental Board (HBEB)—August 10, 2021

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CITY OF HUNTINGTON BEACH

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648-2702

Letter 6

ENVIRONMENTAL BOARD

City of Huntington Beach
Planning Division

August 10, 2021

To: Alan Ray, Chair, Planning Commission
Cc: Ricky Ramos, Senior Planner

Regarding: Draft Mitigated Negative Declaration No. 20-002 for Gisler Residential

Environmental Board Comments on the construction of 85 single-family residences on a 13.9-acre site located at 21141 Stratmoor Lane, Huntington Beach, CA 92646.

The Environmental Board analysis is to better understand the likelihood of development occurring in the Gisler Residential project and what subsidies or other interventions might be required for the private developer to make the desired types of investments. The potential value of future development can then be measured against the necessary infrastructure investments to determine whether private development can pay for all of the infrastructure of whether public subsidy will be needed to complete the infrastructure improvements recommended in the earlier phase of the project.

HBEB-1

Observations

At first glance it seems as if the developer has put in place all measures to ensure a robust and safe project for this community. After the project site is rezoned, it can be used to build the 80+ single-family homes on the old Gisler school site. The report lists all safety and legal measures for that would apply for: drainage, dust, vibration, and traffic congestion that will occur because of this project. The developer also has mitigation steps in place to ensure they are at or below the prescribed legal limits that have been established for protecting the homes and residents that lie within the development area.

HBEB-2

With that said, here are a few things that we have questions or concerns about. Where noted, the section or page number have been listed.

Section 2.2- States historic ground water has approached 3 feet below grade level, currently 10-14 feet below surface.

1. With the current emphasis placed on Sea Level Rise, and this area located in a zone where infrastructure will be prone to flooding based upon a moderate rise in sea level, what steps will be taken to mitigate the damage done to this rise in water?

HBEB-3



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- | | |
|---|-----------------|
| 2. What steps will be taken to put in place underground infrastructure that will not be affected by rising water? | HBEB-3
cont. |
|---|-----------------|
-

Exhibit 3.1

Old fencing on map shows a current residence wall on the far west side of the project.

- | | |
|---|--------|
| 1. Will it be a common shared wall? | |
| 2. Who is responsible for the maintenance of the wall if the project falls under CC&R regulations? Current 'old' homeowner, or the new project homeowner? | HBEB-4 |
| 3. Will the neighbors be paid compensation for damages done by putting in this new wall? i.e., Removal of trees, shrubs, landscaping damage, etc. | |
-

Section 3-2 There will be seven new homes that front Strathmoor Street. Driveways will be accessed at that point. These 7 will not be behind the planned gated community.

- | | |
|---|--------|
| 1. Does this need to be a gated community? | |
| 2. Will those seven homes be exempt from homeowner association fees since they will not be behind the closed community gate? | HBEB-5 |
| 3. This community is in one of the lowest crime rate areas in Huntington Beach. Does it really need to have a private access? | |
-

3.4 Landscape themes

- | | |
|---|--------|
| 1. Since we are in the midst of a drought, can steps be made to ensure that all homes are designed with drought resistant landscaping? | |
| 2. Current designs call for no more that 50% of the land be taken up by the home's footprint, can there also be a 50% limit on the land left for hardscape? This will insure less Urban Heat buildup in that area, correct? | HBEB-6 |
-

3.5 Construction

- | | |
|--|--------|
| 1. Is there a way to fast-track construction? | |
| 2. Why will it take three years plus to build 80+ homes? | |
| 3. Can the developer hold back a portion, put them on leased land, and create a portion that are for economically disadvantaged, Low-income? | HBEB-7 |
-



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Exhibit 3-8

1. 3.5.1 Item number 8, the pin-drop location is missing from the map. Can it be re-done to show the location? HBEB-8
2. 3.5.3 Can the developer put in place mitigation steps to address future Sea Level Rise for all structures and infrastructures?

5.0 Environmental Factors

1. Can the developer do some testing to ensure that the land is not on some old hazardous landfill of some type? HBEB-9
2. Developer states that records going back to 1938 show it was a field. Couldn't that field have been top covering for waste from the oil industry decades earlier?

8.22 Table Vibration Damage

1. Report states that the City of HB has "no standards in place for structural damage due to vibration or for annoyance." Is this true? HBEB-10
2. Report has a vibration damage chart with thresholds they say they will be under...who monitors those levels? Can residents check daily? Can levels be posted?

8.25 Table states the current northern and western homes will be the ones most impacted from the vibration and the annoyance of noise and dust. How can these residents find out if the builder is staying within their stated limits on all construction fronts?

HBEB-11

The builder needs to stay within their prescribed hours of construction (7:30-5:00), noise, vibration, and dust issues for the health, welfare, and safety of the current residents. Since many are working from home these days, how will this affect their businesses?

Finally, this refers to Urban Heat and the elimination of such heat.

1. Can the builder use roofing materials that meet or exceed the prescribed level to call a roof a "Cool roof"?
2. Can they build the streets with new asphalt material that is cooler than current asphalt (This type of asphalt is available now)? HBEB-12
3. The CC&R's should call for residents to plan for using drought resistant plants and putting in less hardscape in order to help mitigate the rise in urban and to conserve on water.



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In the end, there will be less traffic then in the past for the residents and the overall project will be a nice replacement for the school. Local kids will lose fields and a place to play in open areas, but there will be the improvements to the park which should remedy some of this. The main concerns are: the toll the 3 years of building will take on residents, environmental concerns (what really lies underground), sea level rise, urban heat, a gated community, and the fact that 7 homes will face Strathmoor St. and not be behind a gate. So, maybe these 7 homes can be on leased land as low-income qualifiers? That way the developer does not have to pay the city for not meeting the low-income/high density qualification model. HBEB-13

The findings and review of the Gisler Residential project by your citizen appointed Environmental Board are intended to help and assist the planning commission with our review and evaluation of the Gisler Residential project providing our insights and review of the Draft Mitigated documents and its Appendix's.

Environmental Board Members

Tony Soriano – Chairman
Bud Benneman – Vice-Chair
K C Fockler – Board Member
Kathleen McGowan – Board Member
Joan Siegal – Board Member

Letter 1: City of Huntington Beach, Environmental Board

Comment Letter Dated August 10, 2021

- HBEB-1 The comment regarding the subsidies or other interventions required for the developer to make the desired investments is noted and will be forwarded to the decision makers. This is not a CEQA issue, and therefore, no further response is necessary. The comment also briefly reiterates the Project Description. The comment is noted.
- HBEB-2 The comment identifies that the environmental document includes measures that would address issues pertaining to drainage, dust, vibration, and traffic congestion and protect homes and residents in the area. The comment is noted and will be forwarded to the decision makers. No further response is required.

Section 2.2

- HBEB-3 The comment refers to the information pertaining to ground water in Section 2.2 of the environmental document and asks what steps will be taken to address sea level rise damage to the infrastructure. Your comment is noted and will be forwarded to the decision makers.

In terms of potential for flooding overall, Section 8.10, Hydrology and Water Quality of the IS/MND provided an analysis and indicated that the proposed Project would include storage volume infrastructure that would provide the required storage and ensure that 25-year frequency storm event is not exceeded. Further, the storm drain system would be designed to accommodate 100-year flood flows, in accordance with Chapter 255 of the City's Municipal Code, the Orange County Hydrology Manual, and other City specifications. The proposed changes resulting from the Project site would not substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or offsite. Impacts would be less than significant, and no mitigation is required.

More specifically, in terms of sea level rise, while the City's *Final Sea Level Rise Vulnerability Assessment* was issued in May 2021, the City is at the initial stages of the Local Coastal Program (LCP) update, and no sea level rise development standards and requirements have been created thus far. Additionally, it should be noted that CEQA and CEQA Guidelines require new projects to mitigate their significant impacts on the environment. However, the issue of sea level rise is the impact of the environment on the Project (Reverse CEQA). In fact, in 2015 the California Supreme Court rejected "Reverse CEQA" analysis in *CBIA v. BAAQMD*. As demonstrated in the *CBIA v. BAAQMD* ruling, the impact of existing environmental conditions on a project is no longer under the purview of CEQA evaluation. As such, the Project is not required to provide mitigation to address the issue of sea level rise.

The comment also asks what steps will be taken to put in place underground infrastructure that will not be affected by rising water. As indicated above, Section 8.10, Hydrology and Water Quality of the IS/MND provided detailed analysis.

Please see the discussion above. Furthermore, a suggested condition of approval has been identified, which requires that the proposed storm drain system for the Project shall be constructed with water-tight joints to address inflow/infiltration into the pipe.

Exhibit 3-1

HBEB-4 The comment questions the residence wall on the far west side of the Project and if it would be a common shared wall; the responsible party for the maintenance; and compensation for damages by constructing the new wall.

Please note, there are five adjacent lots along the western boundary of the Project site. The vast majority of the existing wall is located entirely on the adjacent homeowners' properties; that has been confirmed via field survey. Through meetings with the adjacent homeowners, the Applicant has confirmed the adjacent property owners' preferences for the existing wall to be maintained or replaced with a new wall at the Applicant's expense.

The perimeter wall condition post-development would be considered a "common shared wall," where a wall is located on a common lot line with the maintenance responsibility to be borne by both parties, the existing and future homeowners, for the wall section facing either property and along their shared property line. For perimeter wall sections outside of the proposed fee simple lots, the community's homeowners association (HOA) would be responsible for maintenance of the wall. The new development does not alter the maintenance responsibilities between adjacent property owners.

The Applicant has met with the adjacent property owners regarding the shared property line condition, and where appropriate, the Applicant will compensate existing homeowners for modifications and damage to their property due to the construction of the new wall.

Exhibit 3-2

HBEB-5 The comment questions the seven new homes off Strathmoor Street and if they need to be a gated community and if the homes will be exempt from the HOA fees. The comment also questions the need to have a private access given the low crime rate.

Please note, the proposed 85-unit single family development is not a gated community, nor has the Applicant ever proposed a gated residential community on the site of the former school.

Regarding the seven homes fronting Strathmoor Street, they are part of the proposed Project, and the Project is not a gated community. As part of the Project, the referenced homes would not be exempt from HOA fees. Additionally, as the proposed development is not a gated community, access to the Project is not restricted.

3.4 Landscape Themes

HBEB-6 The comments regarding drought resistant landscaping and a 50 percent limit on land left for hardscape to ensure less Urban Heat buildup are noted and will be forwarded to the decision makers. It should be noted that the Project's landscape design would be in accordance with all applicable codes and standards, including the latest water conservation measures required at the time of development.

Regarding 50 percent limit on land used for hardscape, outside of the home's footprint, a minimum of 40 percent of the front yard is allocated to landscaping per the City's code requirements. No other landscaping requirement applies to the remainder of the residential lots. Additionally, the Project proposes deep rear yards with some extending up to 47 ft beyond the home's rear elevation along the western edge. This condition would provide an opportunity for the future homeowner to landscape their back yards based on their preference.

Regarding urban heat buildup, it is acknowledged that hard, dry surfaces such as roofs, sidewalks, roads, buildings, and parking lots provide less shade and moisture than natural landscapes and therefore contribute to higher temperatures. However, it should also be noted that heat island effect occurs as a result of several factors (e.g., urban materials properties, urban geometry, human activity, weather and geology, and more) and not just lack of higher percentage of landscaping (EPA 2021). Additionally, the Project is too small in the context of an urban metropolitan area that is the main generator of heat island effect. Also, other residential developments in the area are of similar characteristics. Thus, the Project in and of itself would not significantly contribute to urban heat buildup effect in the area.

3.5 Construction

HBEB-7 The comments regarding duration of construction; holding back a portion of the development; and creating a portion for low-income are noted and will be forwarded to the decision makers.

The comments identified are not CEQA issues; however, it should be noted that projected construction timelines are the best available and are comparable in duration to other projects of similar size and scope. Additionally, from a cost standpoint, it is in the Applicant's best interest to develop and build this Project as efficiently as possible.

Homebuilding is completed in phases, starting with the preparation of the site through utility installation and grading to support vertical housing construction. The site preparation is followed by sub-phases of housing production, where a select number of homes are built concurrently. This is common practice in the homebuilding industry as housing construction is associated with home sales absorption rates.

In terms of low-income housing, the Applicant intends to comply with the City of Huntington Beach's Affordable Housing Ordinance.

Exhibit 3-8

HBEB-8 The comments regarding the revision to the exhibit and mitigations to address Sea Level Rise are noted and will be forwarded to the decision makers. Exhibit 3-8 is hereby revised to include item number (8), and the revised exhibit is included in Section 4.0, Revisions as Part of the Final IS/MND.

Regarding mitigation steps to address future Sea Level Rise for all structures and infrastructures, please refer to Response HBEB-3, above.

5.0 Environmental Factors

HBEB-9 The comment questions potential hazards waste and old hazardous landfill beneath the Project site. The comment is noted. Section 8.9, Hazards and Hazardous Materials, of the IS/MND provided a detailed analysis of potential impacts pertaining to hazards and hazardous materials and made a determination that the impacts would be less than significant without mitigation. A Phase I Environmental Site Assessment (ESA) was prepared by Hillman Associates in addition to a Preliminary Subsurface Methane Gas and Soil Investigation prepared by GeoKinetics, both of which were used in preparation of Section 8.9, of the IS/MND. The analysis listed the notable environmental conditions that were identified (pages 8-54 and 8-55 of the IS/MND), but according to Phase I ESA, none of the conditions was considered a Recognized Environmental Condition (REC) associated with the Project site. No evidence of RECs (either historical or controlled) was found on the site, and no additional assessment was recommended. The Project site is not listed as a facility that handled hazardous materials or generated hazardous wastes.

Additionally, the results of the Preliminary Methane Gas Investigation and Pesticide Soil Sampling at the Project site indicated that the site is located within the Newport West Oil Field, as mapped by the California Geological Energy Management Divisions (CalGEM). No historical oil wells were shown to exist at the Project site; however, a plugged historical oil well (Gisler, "Tad Travers" #2) is located approximately 115 feet west of the site. Low detections of the pesticide Dichloro-Diphenyl-Dichloroethylene DDE were found in 7 of 30 soil samples that were analyzed. No methane gas was detected in any of the five shallow subsurface gas probes that were installed and monitored. The Investigation concluded that no mitigation is required. Thus, based on the studies conducted, the site is not underlain by hazardous waste or conditions that would result in a significant impact.

Nevertheless, the Project has been required by the City of Huntington Beach Fire Department to follow City Specification No. 431-29 for Soil Quality Standards. The Applicant must complete soil testing, and if necessary, conduct a clean-up to the satisfaction of the Huntington Beach Fire Department prior to obtaining approval of building and grading plans.

8.22 Table Vibration Damage

HBEB-10 The comments regarding vibration related issues are noted and will be forwarded to the decision makers. This response confirms that there are no applicable City standards for structural damage from vibration. In the absence of City standards, the vibration damage potential guideline thresholds of the California Department of Transportation (Caltrans) are used in the analysis instead.

In terms of monitoring the vibration levels, the comment is noted and will be forwarded to the decision makers. While vibration impacts is a CEQA issue, the post development monitoring of vibration is not a CEQA issue, and as such no further response is warranted. However, it should be noted that the Applicant will follow regulations set forth by all regulating agencies regarding construction activity. During construction, the Applicant will self-monitor compliance with the aforementioned regulations, but appropriate agencies, including the City of Huntington Beach will provide periodic inspections as well. The Applicant has met with surrounding property owners and will document the existing condition of their property to ensure damage from the site's construction activity can be accurately identified and is appropriately addressed by the Applicant, at no cost to the adjacent property owner.

Table 8.25

HBEB-11 The concern about the homes to the north and west of the site being impacted by noise and dust and how the existing residents will find out if the limits of construction are honored, is noted and will be forwarded to the decision makers. Please note, the Applicant will follow regulations set forth by all regulating agencies regarding construction activity for the Project site. Additionally, the Applicant is required to post signage on the construction site with contact information of entities regulating the site's construction activity.

The comment also states that builder needs to comply with hours of construction, noise, vibration, and dust issue for the health and welfare and safety of the existing residents. The comment is noted and will be forwarded to the decision makers. The Applicant will follow regulations set forth by all regulating agencies regarding construction activity for this site. The Applicant has performed significant community outreach efforts in the surrounding neighborhood over the past year and has provided the contact information of the Project team should the residents have concerns. The Applicant intends to continue this outreach and respond to concerns from neighbors throughout the development of this site. Additionally, as indicated above, the Applicant is required to post signage on the construction site with contact information of the Project team and government agencies regulating the site's construction activity. Thus, residents have been provided appropriate information to report construction activity outside permitted hours.

HBEB-12 The comment identifies the issue of urban heat and lists a number of mechanisms to address the said issue. The comment is noted and will be forwarded to the

decision makers. The issue of urban heat has been addressed above. Please refer to Response HBEB-6.

Furthermore, it should be noted that proposed Project will comply with the latest building code requirements and City street standards, applicable at the time of construction.

Regarding the issue of urban heat and landscaping, please refer to Response HBEB-6, above. Additionally, the proposed Project will comply with the appropriate building code requirements and City landscape standards applicable at the time of construction.

HBEB-13 The comment reiterates and summarizes the concerns in the comment letter. The comment is noted and will be forwarded to the decision makers. The above responses address the comments, and no further response is required.

3.2 ORGANIZATIONS

One comment letter was received from the organizations. The comment letter is listed below:

- Gabrieleno Band of Mission Indians – Kizh Nation (GBMI-KN)—August 3, 2021



Gabrielino Band of Mission Indians – Kizh Nation

Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Letter 2

August 3, 2021

RE: Gisler Residential Project Located 21141 Strathmoor Lane Huntington Beach

Dear Ricky Ramos,

The mitigation measures should be specific to TCR for purposes of complying with CEQA therefore please utilize the attached mitigation measures for your project. These mitigation measures are the property of the kizh nation and shall not be duplicated, reproduced, or used for the benefit of any third party without the kizh nation's prior written consent. Thank you

GBMI-KN-1

MM TCR-1 Prior to the commencement of any ground disturbing activity at the project site, the project applicant shall retain a Native American Monitor approved by the Gabrielino Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill A52 (the "Tribe" or the "Consulting Tribe"). A copy of the executed contract shall be submitted to the City of Huntington Beach Planning and Building Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project Site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project Site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist and Tribal monitor approved by the Consulting Tribe. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human

GBMI-KN-2

Gabrielino Band of Mission Indians – Kizh Nation
(626)5215827

PO Box 393
email: Admin@gabrielinoindians.org

Covina, CA 91723
website: www.gabrielinoindians.org

remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue on other parts of the Project Site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5(f)). If a non-Native American resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA

Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources.

GBMI-KN-2
cont.

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, it shall be offered to a local school or historical society in the area for educational purposes.

These mitigation measures are the property of the Kizh Nation and shall not be duplicated, reproduced, or used for the benefit of any third party without the Kizh Nation's prior written consent.

GBMI-KN-3

With respect,



Andrew Salas, Chairman

Gabrielino Band of Mission Indians – Kizh Nation
(626) 521-5827

PO Box 393
email: Admin@gabrielenoindians.org

Covina, CA 91723
website: www.gabrielenoindians.org

Letter 2: Gabrieleno Band of Mission Indians – Kizh Nation

Comment Letter Dated August 3, 2021

GBMI-KN-1 This comment letter pertains to MM TCR-1 recommended by the Gabrieleno Band of Mission Indians – Kizh Nation. The comment regarding the recommended mitigation measure being the property of the Kizh Nation and as such cannot be duplicated is noted and will be forwarded to the decision makers. No further response is warranted.

As indicated in the Tribal Cultural Resources section of the IS/MND, the City of Huntington Beach initiated consultation on March 29, 2021 by notifying the City's consultation list for the Gisler Residential Project, as required by AB 52 and SB 18. After a good faith effort on the part of the City, consultation between California Native American tribes and the City was concluded for the Project, as the City did not receive any response from the Native American Tribes. Had the City received the mitigation measure identified in the Gabrieleno Band of Mission Indians – Kizh Nation's comment letter, it would have been included in the Tribal Cultural Resources section of the IS/MND.

GBMI-KN-2 MM TCR-1 included in Section 8.18, Tribal Cultural Resources, of the IS/MND is hereby replaced with MM TCR-1 identified in the comment letter. It should be noted that the replacement of MM TCR-1 requested by the commenter does not reflect a substantial change to the Project, nor would the revision result in a new impact or intensification of an impact already identified in the Draft IS/MND.

It should be noted that the reference to Gabrieleno Band of Mission Indians-Kizh Nation approving the Native American Monitor because they consulted on this Project (paragraph 1 of MM TCR-1), has been deleted. The Gabrieleno Band of Mission Indians-Kizh Nation did not respond to the City's AB 52 and SB 18 consultation letters, dated March 29, 2021, as discussed in the Tribal Cultural Resources section, of the IS/MND.

~~**MM TCR-1** In the event that tribal cultural resources are discovered at the Project site, the handling of the discovered resources shall occur, as described below. However, it is understood that all artifacts, with the exception of human remains and related grave goods or sacred/ceremonial objects, belong to the property owner. All resources discovered shall be inventoried and analyzed by the professional Archaeologist retained for the Project. If any resources of Native American origin are discovered, all activities in the immediate vicinity of the find (within a 50-foot radius) shall stop, and the Project Archaeologist shall notify the property owner and tribes identified by the NAHC as being affiliated with the area. A designated Native American observer from one of the tribes identified by the NAHC as being affiliated with the area shall be retained to help analyze the Native American resources for identification as everyday life and/or religious or sacred~~

~~items, cultural affiliation, temporal placement, and function, as deemed possible. The significance of Native American resources shall be evaluated in accordance with the provisions of the California Environmental Quality Act (CEQA) and shall consider the religious beliefs, customs, and practices of the affiliated tribes. All items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.~~

~~Native American resources that are relocated/reburied at the Project site would be subject to a fully executed relocation/reburial agreement with the assisting Native American tribes or bands. This shall include measures and provisions to protect the reburial area from any future impacts. Relocation/reburial shall not occur until all cataloging and basic recordation have been completed. Native American resources that cannot be avoided or relocated at the Project site shall be prepared in a manner for curation at an accredited curation facility in Orange County that meets federal standards per 36 CFR Part 79 and makes the resources available to other archaeologists/researchers/tribes for further study. The Archaeologist shall deliver the Native American resources, including title, to the accredited curation facility within a reasonable amount of time, along with the fees necessary for permanent curation.~~

MM TCR-1 Prior to the commencement of any ground disturbing activity at the project site, the Project Applicant shall retain a Native American Monitor prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal Monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the project site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not

less than the surrounding 100 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by Project activities shall be evaluated by the qualified Archaeologist and Tribal Monitor approved by the Consulting Tribe. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the project site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. 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 (PRC) 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, it shall be offered to a local school or historical society in the area for educational purposes.

GBMI-KN-3 This language is a repetition of the first paragraph under GBMI-KN-1. Same response applies.

3.3 INDIVIDUALS

A total of four comment letters/emails were received from the individuals and members of the community. The comment letters/emails are listed below:

- Nancy Goodfellow (NG)—July 27, 2021
- Terry McClary (TMC)—August 3, 2021
- Jeannie Bailey (JB)—August 5, 2021
- Kathy Hamilton (KH)—August 8, 2021

Letter 3

Ramos, Ricky

From: Mark Goodfellow
Sent: Tuesday, July 27, 2021 11:19 AM
To: Ramos, Ricky
Subject: Negative Declaration No. 20-002 for Gisler Residential

As a current resident living on Cocobana Lane less than one block from the proposed site, and with an additional rental property located on Strathmoore Lane directly across the street from the northeastern-most boundary of the site, I would like to list some of my concerns about this project. Let me preface these concerns by stating that I do not object to any and all development of the site - I object to the way it is planned and the size of the project. Please don't label me a "not in my neighborhood" person. I realize that we need housing in Huntington Beach. But we need well planned and affordable housing.

NG-1

First, the builder is seeking a variance in order to reduce the lot sizes down from what the area is zoned for. This means lots that are 22.3% smaller than what they should be. And they will be narrower by ten feet from what they should be. So the developer will try to squeeze as many houses into the space as possible. The houses are to be a *minimum* of 2800 square feet and *up to* 3300 square feet. *So there will be giant houses sitting on tiny lots, and once again profit wins out over livability.* I would like to know whether anyone involved in the decision to go ahead with this project actually lives in the neighborhood.

NG-2

Second, the only access to the 85 homes is a single entrance from Strathmoor Lane. It would seem to me that access should be from two locations to mitigate traffic problems and for safety reasons. All traffic into and out of the project will be funneled onto Strathmoor. It seems better to provide access from the north or west via one of the cul-de-sacs as well. Of course that might mean one or two fewer homes.

NG-3

And finally, my most personal complaint. A beautiful soccer field was built in the large area to the west of Gisler back when my granddaughter was playing AYSO soccer. That was the nicest, biggest field anywhere in southeastern Huntington Beach, and was one of the few that had lighting for night games. At a cost of somewhere around \$200,000, it has provided a place for boys and girls to play the beautiful game for two decades. One of my granddaughter's coaches, a landscape architect, built it for the young athletes of Huntington Beach. They still play soccer there. Where will they play when houses replace their field? Will a new field be built for them as compensation?

NG-4

Sincerely,

Nancy Goodfellow

Letter 3: Nancy Goodfellow

Comment Letter Dated July 27, 2021

NG-1 The commenter identifies the locations of her home and her rental property in the vicinity of the proposed Project. She also indicates that while she does not object to development on the site of the proposed Project, she has concerns about the size and the way it is planned. The City needs well planned and affordable housing, she points out. The comments are noted and will be forwarded to the decision makers. No specific comment is identified, and no additional response is required.

NG-2 The comment expresses concern over the small lot sizes that will be permitted with a variance and the large sizes of the houses to be built on them. The comment asserts that profit matters more than livability. The comment is noted and will be forwarded to the decision makers. The comment does not identify a CEQA issue, and as such no further response is warranted.

However, it is noted that the Zoning and Subdivision Ordinance includes a provision that allows the Applicant to propose a planned unit development (PUD) and a tentative tract map (TTM) with reduced lot size and/or width without the need for a variance application. In return, the Applicant is required to present public benefits for review by the City.

NG-3 The commenter is concerned over the single access into the Project and asserts that the site should also be accessed from the north or west. The comment is noted and will be forwarded to the decision makers. It is noted in the IS/MND that the Project would be accessed from Strathmoor Lane, and a 24-foot wide emergency access is also proposed from Bluefield Drive to the north of the site. Private properties abutting the project site to the north and west and the park to the south prohibit the possibility of another access point along those locations. Additionally, it is indicated that the entry from Strathmoor Lane complies with and is in accordance with City regulations and requirements.

Further, it should be noted, as indicated in Section 8.17, Traffic, of the IS/MND, a site access evaluation was conducted and determined that site access as well as internal circulation for the proposed Project is adequate. Table 8-39, on page 8-130 in that section summarizes the intersection operations at the proposed Project driveway located along Strathmoor Lane for the Year 2025 and buildout traffic conditions at completion and full occupancy of the proposed Project. The table shows that the proposed Project driveway is forecast to operate at acceptable LOS A during the AM and PM peak hours for future traffic conditions. As such, Project access would be adequate. Motorists entering and exiting the Project site would be able to do so without undue congestion.

Additional detail is provided in Appendix E of the Traffic Analysis Report, which presents the level of service calculation worksheets for the proposed Project driveway along Strathmoor Lane. Thus, based on the analysis conducted, a single driveway in compliance with City standards would be sufficient for the proposed Project and would not result in any impacts.

- NG-4 The comment expresses concern over the loss of the soccer field upon development of the Project. The comment is noted and will be forwarded to the decision makers. This is not a CEQA issue and therefore, no additional response is required.

Ramos, Ricky

Letter 4

From: Terry McClary
Sent: Tuesday, August 3, 2021 12:01 PM
To: Ramos, Ricky
Subject: New housing at 21141 Strathmoor in Huntington Beach.

I was appalled to see how many houses will be packed in to the formally school grounds. Why is the city trying to pack these homes in an already high density part of the city. This new proposed subdivision will impact the use of Gisler park since the new subdivision will have little green space for their activities. I hope this project can be downsized so the area does not turn into a getto.

TMC-1

Letter 4: Terry McClary

Comment Letter Dated August 3, 2021

TMC-1 The comment expresses concern over the density of the proposed Project within an already dense part of the City. The comment asserts that the Project would impact Gisler Park due to small amount of green space within the development. The comment is noted and will be forwarded to the decision makers.

The Project's density is 6.23 dwelling units per net acre (85 dwelling units over 13.64 net acres), which conforms to the proposed Residential Low Density General Plan and zoning designations permitting up to 7 dwelling units per net acre. The IS/MND notes the location of Gisler Park in relation to the Project. However, it should be recognized that the Project proposes improvements to Gisler Park, which is located on Southern California Edison (SCE) property to the south of the Project site. The City has a license agreement with SCE to operate and maintain the park. The proposed improvements include the replacement of the existing concrete pathway that runs throughout the linear park and the replacement of existing tot lot play area. These proposed improvements are considered to be a public benefit to the existing community. The list of the proposed improvements is included in Section 3.4.1, Gisler Park Improvements, of the IS/MND.

The proposed improvements would help reduce the maintenance cost of the existing condition of the Gisler Park. The proposed improvements are anticipated to not expand beyond the City's current license agreement with SCE or result in issues pertaining to clearance with the above-ground high-voltage transmission lines that run through the length of the park.

Thus, in light of the proposed improvements and in compliance with City standards, the park would be an enhanced amenity for the existing and future residents of the area. Furthermore, the Project will pay park in lieu fees to comply with Quimby Act requirements, as noted in Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance.

Ramos, Ricky

Letter 5

From: Jeannie Bailey
Sent: Thursday, August 5, 2021 11:32 AM
To: Ramos, Ricky
Subject: Gisler Residential Project

I have been living on Strathmoor Lane for 50 years and along with my neighbors have concerns regarding said project.
Traffic from construction trucks.

JB-1

Dirt from trucks driving down Strathmoor.

Dirt from project itself. We will have to keep our homes closed up to avoid excessive dirt build up.

Then once project is complete traffic from additional residents in our neighborhood. Let's say conservatively speaking there are 2 cars per home that is 170 more cars driving thru our neighborhood. It may force us to adjust our schedules so we can get out of our driveways.

JB-2

We worry there will be low income housing included in this project and threat of sober living homes allowed.

Hopefully the city will contact us to let us know when the public hearing is scheduled.

JB-3

Jeannie Bailey
Strathmoor Lane Resident

Sent from my iPhone

Letter 5: Jeannie Bailey

Comment Letter Dated August 5, 2021

JB-1 The comment expresses concerns over traffic and dirt from construction activities. The comment is noted and will be forwarded to the decision makers. An analysis of construction traffic was conducted and included in Section 8.17, Transportation, of the IS/MND. Per the analysis, construction traffic is not expected to create any significant impact due to the size of the Project and duration of construction. Construction related trips associated with trucks and employees traveling to and from the site in the morning and afternoon may result in some minor, temporary/short-term impact to vehicles using Brookhurst Streets, Atlanta Avenue, and Hamilton Avenue in the morning and afternoon hours; however, traffic impacts to the adjacent roadway network would be minimal and not long-term. Nevertheless, to minimize the potential disruptions on the local circulation system and to facilitate the movement of construction traffic, the City of Huntington Beach routinely requires the implementation of a construction management plan, which is provided as regulatory requirement RR TRAN-1. With compliance with City requirements, the Project would not conflict with applicable plans, ordinance, or policy, and Project's construction impact would be less than significant, and no mitigation is required.

Regarding dirt from trucks and the Project itself, as analyzed in Section 8.3, Air Quality, of the IS/MND, all construction activities would be conducted in compliance with South Coast Air Quality Management District (SCAQMD's) Rule 403, Fugitive Dust, for controlling fugitive dust control measures and avoiding nuisance. This regulation is included in Section 4.3 as regulatory requirement RR AQ-1. In light of compliance with Rule 403 measures, no impacts pertaining to dirt or dust from trucks and construction would occur.

JB-2 The comment asserts that additional trips from the proposed Project would impact traffic in the neighborhood and that they would need to adjust their schedule in order to be able to leave their driveways. The comment is noted and will be forwarded to the decision makers. Section 8.17, Transportation, of this IS/MND provides a detailed analysis of Project construction and operation activities. The analysis conducted was for the full trip generation potential of the Project, as the school is currently vacant. This is a conservative approach. The analysis determined that the Project would result in less than significant impact for all scenarios with the exception of "Buildout Plus Project Traffic Conditions". However, with the proposed improvements, the impacts would be reduced to less than significant level. The implementation of recommended improvements (mitigation measure [MM] TRAN-1) at the intersection of Brookhurst Street/Hamilton Avenue completely offsets the resulting Project impact, and the intersection is forecast to operate at an acceptable LOS during the AM and PM peak hours.

- JB-3 The commenter opines that the Project would include low income housing, and it would allow “sober living” homes on the site. The comment is noted and will be forwarded to the decision makers. However, the comment is not a CEQA issue and is speculative, therefore, no further response is required. A detailed discussion of the proposed Project is provided in Section 3.0, Project Description, of the IS/MND. The comment regarding notification for public hearing will be forwarded to the City.

Letter 6

8 August 2021

To: Ricky Ramos, Senior Planner, City of Huntington Beach, Community Development
Department

PO Box 190, Huntington Beach, CA. 92648

2000 Main Street HB, CA. 92648

RRamos@surfcity-hb.org

Subject: Draft Mitigated Negative Declaration No. 20-002 for Gisler Residential

Reference: Draft Mitigated Negative Declaration No. 20-002, Public Notice dated July 2021
and development property at 21141 Strathmoor Lane, HB, CA. 92646

As a resident of Huntington Beach, in the neighborhood adjacent to the above noted Gisler residential development, I have concerns regarding the proposed mitigation plan and potential development impact.	KH-1
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Comments were requested via the above reference "Public Notice." My comments/concerns /questions are noted herein.

1. Potential impact to the value of existing housing. What definitive data does the city or developer have that conclusively supports the information provided by the developer during Zoom calls (hosted by the developer with existing residents) the value of existing housing will not be negatively impacted by the NEW residential housing?	KH-2
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2. Regarding the City's updated "Affordable Housing Ordinance: When will the city and developer know conclusively if the developer can meet the requirement with a pay in-lieu fee or developer would have to establish a Specific Plan or comply?	KH-3
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3. Has the city or developer considered Panacea as an additional entrance and exit into the new development? Funneling all traffic in one direction (Strathmoor and/or Effingham) does not appear to be safe nor efficient.	KH-4
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4. How will the city and developer monitor construction traffic, equipment vibration and overall activity to ensure there is no damage to existing streets, fences, home foundations, etc.? a. If there is an impact, how will the city and developer address the damage so the existing home owners are not left with the costs to repair / replace?	KH-5
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5. Why 85 units? Can the city and developer meet their "economic / profit" goals with a reduced number of units? a. Significantly reducing the number of housing units and creating more "green" space would be beneficial to the community.	KH-6
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6. The report indicates in several key areas (Environmental Analysis – such as; air quality, toxic / hazardous materials, water, waste, flooding) that impact is considered "Less than Significant" and no mitigation plan is necessary.	KH-7
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- a. How will the city and developer track construction activity to ensure the potential impacts stay on plan and within regulatory standards?
 - b. What if issues arise after construction has concluded?
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KH-7 cont.

I appreciate your time and look forward to public responses to the above noted concerns, comments, questions.

Kathy Hamilton
21081 Cocobana Lane
HB, CA. 92646

Letter 6: Kathy Hamilton

Comment Letter Dated August 8, 2021

- KH-1 The commenter identifies that she resides in the neighborhood adjacent to the proposed Project and expresses concern over the proposed mitigation plan and potential impacts of the Project. The comment is noted, and no further response is required.
- KH-2 The comment regarding the Project impacting the existing property values is noted and will be forwarded to the decision makers. The issue of property values is not a CEQA issue, and as such no further response is required.
- KH-3 The comment questions the timing of when the developer or the City would know whether the developer is required to establish a specific plan or pay in-lieu fee in compliance with the City's updated "Affordable Housing Ordinance". The comment is noted and will be forwarded to the decision makers. It should be recognized that the draft Affordable Housing Ordinance that could potentially allow the Applicant to pay affordable housing in-lieu fees for Gisler Residential is currently in progress, and the City Council could make a decision in the near future.
- KH-4 The comment and concern regarding an additional entrance and exist into the Project is noted and will be forwarded to the decision makers. It is noted in the IS/MND that the Project would be accessed from Strathmoor Lane, and a 24-foot wide emergency access is also proposed from Bluefield Drive to the north of the site. Private properties abutting the project site to the north and west and the park to the south prohibit the possibility of another access point along those locations. It is also indicated that the entry from Strathmoor Lane complies with and is in accordance with City regulations and requirements.

Additionally, as indicated in Section 8.17, Traffic, of the IS/MND, a site access evaluation was conducted, which determined that site access as well as internal circulation for the proposed Project is adequate. Table 8-39 on page 8-130 in that section summarizes the intersection operations at the proposed Project driveway located along Strathmoor Lane for Year 2025 and buildout traffic conditions at completion and full occupancy of the proposed Project. The table shows that the proposed Project driveway is forecast to operate at acceptable LOS A during the AM and PM peak hours for future traffic conditions. As such, Project access would be adequate. Motorists entering and exiting the Project site would be able to do so without undue congestion.

Additional detail is provided in Appendix E of the Traffic Analysis Report, which presents the level of service calculation worksheets for the proposed Project driveway located along Strathmoor Lane. Thus, based on the analysis conducted, a single driveway in compliance with City standards would be sufficient for the proposed Project and would not result in any impacts.

- KH-5 The comment expresses concern over construction traffic; equipment vibration; and the potential damage to existing streets, fences, and foundations. The comment further

questions how the homeowners would be compensated in case of damage to their properties. The comment is noted and will be forwarded to the decision makers.

Sections 8.10, Noise and 8.17, Transportation, of the IS/MND provide detailed discussion and analyses regarding Project construction and the potential impacts resulting from construction activities.

As discussed in Section 8.10, Noise, of the IS/MND, conventional construction equipment would be used for demolition and grading activities, with no pile driving or blasting equipment. Per the analysis conducted, vibration levels would be under the vibration annoyance criteria. However, vibration levels would exceed the criteria thresholds for cosmetic building damage for existing residential uses located to the north and west of the Project site when construction activities occur under maximum (i.e., closest to the receptor) exposure conditions with certain heavy equipment. Construction-related vibration would be substantially less under average conditions when construction activities are located further away. As vibration levels could be above the significance thresholds, a mitigation measures (MM NOI-1) was proposed to reduce the impacts to less than significant. MM NOI-1 would avoid potential vibration induced cosmetic building damage to offsite buildings by requiring that construction activities using vibratory rollers, and large bulldozers restrict the operation of equipment by at least 25 feet from off-site buildings. This would require that vibratory rollers and large bulldozer or their equivalents operate at least 15 feet from the Project site boundaries. Thus, with implementation of MM NOI-1, no damage to existing structures would occur. In the absence of any damage, the issue of cost to repair the damage to existing homes is not relevant and does not require a response.

In terms of construction traffic, Section 8.17, Transportation, of the IS/MND includes an analysis with the finding of less than significant impact. The discussion indicated that due to the size of the Project and duration of construction, construction traffic is not expected to create any significant impact. Construction related trips associated with trucks and employees traveling to and from the site in the morning and afternoon may result in some minor traffic delays; however, traffic impacts to the adjacent roadway network would be minimal and not long-term. Nevertheless, to minimize the potential disruptions on the local circulation system and to facilitate the movement of construction traffic, the City of Huntington Beach routinely requires the implementation of a construction management plan, which is provided as regulatory requirement RR TRAN-1. With compliance with City requirements, the Project's construction impact would be less than significant, and no mitigation is required.

- KH-6 The comment questions the number of units and suggests reducing the number of units and creating more green space. The comment also questions if the City and developer can meet their economic and profit goals with a reduced number of units. Comments are noted and will be forwarded to the decision makers. The comments are not related to CEQA; therefore, no further response is required.

- KH-7 The comment reiterates the findings of some of the environmental topics and asks how construction activities will be tracked to ensure the impacts “stay on plan and within regulatory standards”. The comment is noted and will be forwarded to the decision makers. It should be noted, the proposed development is no different from other development projects. The City of Huntington Beach will issue permits (e.g., demolition, grading, building, occupancy, etc.) with binding requirements that the development will comply with. The comment regarding issues post construction is not clear. No response can be provided.

4.0 REVISIONS AS PART OF THE FINAL IS/MND

Revisions have been made to the Draft IS/MND based on input received during the public review period and while preparing the responses to comments on the Draft IS/MND. Additionally, the City of Huntington Beach initiated some revisions, as identified below. The revisions requested by the commenters and proposed by the City do not reflect a substantial change to the Project description, nor would any of the changes result in a new impact or intensification of an impact already identified in the Draft IS/MND. The changes are not in response to comments that raise significant environmental issues. Additions to the Draft IS/MND are shown in *red italicized* text and deletions are shown in ~~red-strikethrough~~ text.

4.1 REVISIONS TO THE TEXT OF THE IS/MND

4.1.1 SECTION 1.3.4 EXISTING SETTING

A revision to the existing condition of the Project site is proposed by the City to identify that the existing lighted field on the western half of the site is currently being use by the American Youth Soccer Organization (AYSO) for soccer practices/games. The revision does not reflect a substantial change to the Project, nor would the revision result in a new impact or intensification of an impact already identified in the Draft IS/MND. The revisions to Section 1.3.4, Existing Setting, on page 1-2, of the Gisler Residential Project IS/MND are hereby made to read as follows (*red italics* shows the additional text and ~~red-strikethrough~~ show the deletions):

Project Site

The Project site is currently developed with a school campus, *including sports fields* ~~which is not in use and~~ slated for demolition. The existing use is comprised of an approximately 73,000 sf building and associated surfacing parking lot on the eastern half of the site and sports fields on the western half of the site. *The building is not in use, but the sports fields are currently being used by the American Youth Soccer Organization (AYSO) for soccer practices and games.* The school campus formerly served as both a public school (i.e., Ernest H. Gisler Middle School) and a private school (i.e., Greater Long Beach Schools, Inc. [operating as Brethren Christian Junior and Senior High School]).

Additionally, the above revisions are also made to Section 2.2.2, Existing Development Conditions, on page 2-1, of the Gisler Residential Project IS/MND to read as follows (*red italics* shows the additional text and ~~red-strikethrough~~ show the deletions):

2.2.2 Existing Development Conditions

The Project site is currently developed with a school campus, *including sports fields* ~~which is not in use and~~ slated for demolition. The existing use is comprised of an approximately 73,000 sf building and associated surfacing parking lot on the eastern half of the site and sports fields on the western half of the site. *The building is not in use, but the sports fields are currently being used by the American Youth*

Soccer Organization (AYSO) for soccer practices and games. The school campus formerly served as both a public school (i.e., Ernest H. Gisler Middle School) and a private school (i.e., Greater Long Beach Schools, Inc. [operating as Brethren Christian Junior and Senior High School]).

4.1.2 SECTION 3.0, PROJECT DESCRIPTION

A revision pertaining to the Conditional Use Permit as one of the entitlements for the proposed Project has been initiated by the City of Huntington Beach to reflect the update to the requirement. The revision does not reflect a substantial change to the Project, nor would the revision result in a new impact or intensification of an impact already identified in the Draft IS/MND. The revisions to Section 3.6.4, Conditional Use Permit No. 20-024, on page 3-7, of the Gisler Residential Project IS/MND are hereby made to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

A Conditional Use Permit (CUP) would be required to *permit develop the site as a PUD with reduced lot size (under 6,000 sf) and lot width (under 60 ft minimum) and for* retaining walls over two feet tall, *topped with a six-foot tall wall/fence.*

Additionally, the above revisions are also made to Section 4.0, Project Information, Concurrent Entitlements, on page 4-1, of the Gisler Residential Project IS/MND to read as follows (*red italics* shows the additional text and ~~red strikethrough~~ show the deletions):

CONDITIONAL USE PERMIT NO. 20-024 - To *permit develop the site as a Planned Unit Development (PUD) with reduced lot size (under 6,000 sf) and lot width (under 60 ft minimum), and for* retaining walls over two feet tall, *topped with a six-foot tall wall/fence.*

4.1.3 SECTION 8.18, TRIBAL CULTURAL RESOURCES

MM TCR-1 included in Section 8.18, Tribal Cultural Resources, of the IS/MND is hereby replaced with MM TCR-1 identified in the comment letter. It should be noted that the replacement of MM TCR-1 requested by the commenter does not reflect a substantial change to the Project, nor would the revision result in a new impact or intensification of an impact already identified in the Draft IS/MND.

~~MM TCR-1 In the event that tribal cultural resources are discovered at the Project site, the handling of the discovered resources shall occur, as described below. However, it is understood that all artifacts, with the exception of human remains and related grave goods or sacred/ceremonial objects, belong to the property owner. All resources discovered shall be inventoried and analyzed by the professional Archaeologist retained for the Project. If any resources of Native American origin are discovered, all activities in the immediate vicinity of the find (within a 50-foot radius) shall stop, and the Project Archaeologist shall notify the property owner and tribes identified by the NAHC as being affiliated with the area. A designated Native American observer from one of the tribes~~

~~identified by the NAHC as being affiliated with the area shall be retained to help analyze the Native American resources for identification as everyday life and/or religious or sacred items, cultural affiliation, temporal placement, and function, as deemed possible. The significance of Native American resources shall be evaluated in accordance with the provisions of the California Environmental Quality Act (CEQA) and shall consider the religious beliefs, customs, and practices of the affiliated tribes. All items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.~~

~~Native American resources that are relocated/reburied at the Project site would be subject to a fully executed relocation/reburial agreement with the assisting Native American tribes or bands. This shall include measures and provisions to protect the reburial area from any future impacts. Relocation/reburial shall not occur until all cataloging and basic recordation have been completed. Native American resources that cannot be avoided or relocated at the Project site shall be prepared in a manner for curation at an accredited curation facility in Orange County that meets federal standards per 36 CFR Part 79 and makes the resources available to other archaeologists/researchers/tribes for further study. The Archaeologist shall deliver the Native American resources, including title, to the accredited curation facility within a reasonable amount of time, along with the fees necessary for permanent curation.~~

- MM TCR-1 Prior to the commencement of any ground disturbing activity at the project site, the Project Applicant shall retain a Native American Monitor prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal Monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the project site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by Project activities shall be evaluated by the qualified Archaeologist and Tribal Monitor approved by the Consulting Tribe. If the resources are Native*

American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the project site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. 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 (PRC) 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, it shall be offered to a local school or historical society in the area for educational purposes.

4.2 REVISIONS TO THE EXHIBITS

The only revision that resulted from the comments on the Draft IS/MND is to Exhibit 3-8, Gisler Park Improvements in Section 3.0, Project Description, of the IS/MND. This exhibit is revised to include item number (8) call out and is included on the following page. The revision requested does not reflect a substantial change to the Project, nor would the revision result in a new impact or intensification of an impact already identified in the Draft IS/MND.

