

1.0 INTRODUCTION

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This document is a Draft Environmental Impact Report (Draft EIR) that has been prepared at the direction and under the supervision of the City of Huntington Beach (the “City”) in accordance with the California Environmental Quality Act (CEQA) and the Guidelines for California Environmental Quality Act (CEQA Guidelines), as amended.^{1,2} The project applicant, VF Outdoor, Inc., proposes to lease vacant property from the City to design, develop, maintain and operate a public skate park and associated retail and concession uses. The proposed skate park project is located on a 2.7-acre site between Center and McFadden Avenues near the southeast corner of the McFadden Avenue and Gothard Street intersection in the City of Huntington Beach in western Orange County, California.

The project also includes a General Plan Amendment (GPA) to amend the City’s General Plan Housing Element and a Zoning Text Amendment (ZTA) to amend the project site’s zoning designation within the Beach and Edinger Corridors Specific Plan (BECSP), as the site is currently designated for housing.

1. PROJECT BACKGROUND

The project site is currently vacant and has never been developed with urban uses, and is located immediately adjacent to an undeveloped parcel owned by Southern California Edison that includes high-voltage electrical transmission lines to the west, and a Union Pacific Railroad track to the east.

The project site has a General Plan Land Use designation of Mixed Use-Specific Plan-Design Overlay (M-sp-d). The M-sp-d designation permits a range of commercial and multi-family residential uses. The exact density, location and mix of uses permitted in this designation is governed by a Specific Plan (“-sp”), allowing for greater design flexibility and to address the uniqueness of a particular area. The project site is zoned as Specific Plan 14 (SP-14), which is the BECSP adopted in March 2010. The project site is identified as Town Center Neighborhood in the BECSP. The Town Center Neighborhood designation is intended to feature the City’s widest range of contemporary housing types and possibly a wide mixture of uses, all concentrated within walking distance of the Town Center Core’s theater, shops, restaurants, cafes, nightlife, and amenities. The BECSP further specifies that the subject site is designated exclusively for residential uses. Development would be subject to the Specific Plan’s Development Code, as applicable.

The proposed project would include approximately 14,000 square feet of skate park plaza area, 13,000 square feet of skate bowl area, a 3,500-square-foot skate shop/concession/restroom building, 15,000 square feet of turf/walking area, a 480-square-foot skate park restroom structure, a 200-square-foot skate park entrance kiosk, the main parking lot near the primary site access fronting Center Ave, and a secondary parking area off McFadden Avenue to be used only for special events. The project would include extensive landscaping and turf areas, sidewalks, walkways, trash/recycling facilities, drinking fountains, and restrooms, all of which would be accessible to the public. Additionally, in order to allow for potential future development of a transit stop, the proposed project includes the dedication of a “Transit Reserve Area.”

¹ *Public Resources Code Section 21000-21178.*

² *California Code of Regulations Title 14, Chapter 3, Section 15000-15387.*

The project site had been designated for residential uses, as noted above, to carry out the City's General Plan Housing Element goals. Accordingly, the project site is currently contemplated for a project consisting of up to 175 affordable residential dwelling units by the City's General Plan Housing Element. The project, as proposed, includes no residential units. The lack of residential units provided on-site necessitates the allocation of potential affordable housing units to another suitable site(s) in the City. The City's General Plan Housing Element, Table IV-7, identifies three other sites with a combined potential unit yield of 210. In addition, the City has identified a fourth site that could potentially yield 110 units. The City's Housing Element is proposed to be amended in conjunction with the project.

2. PURPOSE OF THE EIR AND LEGAL AUTHORITY

The proposed project is subject to the requirements of CEQA. In accordance with Section 15121(a) of the CEQA Guidelines, the purpose of this EIR is to serve as an informational document that:

... will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

The City prepared a Program EIR for the BECSP, and the Final Program EIR was certified by the City of Huntington Beach in December 2009. Although the Center Avenue Skate Park EIR is organized in such a manner as to be a thorough project-level analysis, where appropriate, information is supplementary to or tiered from the BECSP Program EIR. This Draft EIR incorporates by reference the BECSP EIR. However, for each issue area requiring analysis, a full, project-level analysis has been prepared. Further, the applicable mitigation measures, including design, construction, and Best Management Practices, adopted by the City as part of the BECSP EIR are included in this Draft EIR, in addition to project-specific mitigation, where appropriate. This Draft EIR also applies the thresholds of significance recommended in the BECSP EIR to determine the level of significance of project-specific environmental effects. A typical example of a tier analysis would be a project-specific EIR that addresses a specific development project that was generally identified in a previously prepared programmatic EIR (i.e., a General Plan EIR), such as the proposed project. As explained in CEQA Guidelines Section 15152(a):

"Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.

In essence, tiering allows for the preparation of environmental documents using a multi-level approach where the first tier includes analysis of general matters contained in a broader EIR (e.g., analyzing the impacts of an entire plan, program, or policy) and subsequent tiers include analysis of narrower projects with later EIRs (incorporating by reference the general discussions from the broader EIR and focusing only on the impacts of individual projects that implement the plan, program, or policy). As explained in CEQA Guidelines Section 15152(b):

This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan,

policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.

As explained in CEQA Guidelines Section 15152(f), when a document is tiered from an earlier EIR:

[a] later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.

This Draft EIR serves as an informational document for the public and the City of Huntington Beach decision-makers. The process will culminate with a City hearing to consider certification of a Final EIR (FEIR) and a decision on whether or not to approve the proposed project.

3. EIR REVIEW PROCESS

This EIR has been prepared to meet all of the substantive and procedural requirements of CEQA (California Public Resources Code [PRC] Sections 21000 et seq.), as amended; California CEQA Guidelines (California Code Regulations Title 14, Sections 15000 et seq.); and the rules, regulations and procedures for the implementation of CEQA as executed by the City of Huntington Beach. Accordingly, the City of Huntington Beach has been identified as the Lead Agency for this project, taking primary responsibility for conducting the environmental review process and approving or denying the project.

As a first step in complying with the procedural requirements of CEQA, the City filed a Notice of Preparation (NOP) with the California Office of Planning and Research as an indication that an EIR would be prepared for the proposed project. The NOP was distributed on October 27, 2011 to involved public agencies and interested parties for a 30-day public review period. A scoping meeting was held on November 9, 2011. The purpose of the public review period, including the scoping meeting, was to solicit comments on the scope and content of the environmental analysis to be included in the Draft EIR. Agencies or interested persons who did not respond during the public review period of the NOP are not precluded from commenting on the proposed project Draft EIR, or participating in public meetings on the proposed project.

This EIR or a Notice of Availability of this Draft EIR for public review has been distributed to agencies that have commented on the NOP, as well as surrounding cities, property owners, tenants, and interested parties for a 45-day public review period in accordance with Section 15087 of the CEQA Guidelines. During the 45-day public review period, the EIR is available for review at the following locations:

City of Huntington Beach
Planning and Building Department
2000 Main Street
Huntington Beach, CA 92648

Central Library and Cultural Center
7111 Talbert Avenue
Huntington Beach, CA 92648

City of Huntington Beach
City Clerk's Office
2000 Main Street
Huntington Beach, CA 92648

View and download the documents online at:

www.huntingtonbeachca.gov

Navigate to:

<http://www.huntingtonbeachca.gov/Government/Departments/Planning/major/>

All documents incorporated by reference in this EIR are available for review at the City.

Written comments on the proposed project Draft EIR should be addressed to:

Tess Nguyen, Associate Planner
City of Huntington Beach
Department of Planning and Building
2000 Main Street
Huntington Beach, CA 92648

Upon completion of the 45-day public review period, written responses to all significant comments raised with respect to environmental issues discussed in the Draft EIR will be prepared and incorporated into the FEIR. Furthermore, written responses to comments received from any state agencies will be made available to these agencies at least 10 days prior to the public hearing during which certification of the FEIR will be considered. These comments, and their responses, will be included in the FEIR for consideration by the City Council, as well as any other public decision-makers.

According to PRC Section 21081, the Lead Agency must make specific Findings of Fact (Findings) before approving the FEIR, when the EIR identifies significant environmental impacts that may result from a project. The purpose of the Findings is to establish the link between the contents of the FEIR and the action of the Lead Agency with regard to approval or rejection of the proposed project. Prior to approval of a project, one of three findings must be made, as follows:

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

Additionally, according to PRC Section 21081.6, for projects in which significant impacts will be avoided by mitigation measures, the Lead Agency must include a mitigation monitoring and reporting program (MMRP). The purpose of the MMRP is to ensure compliance with required mitigation during implementation of the project.

However, environmental impacts may not always be mitigated to a less than significant level. When this occurs, impacts are considered significant and unavoidable. If a public agency approves a project that has significant and unavoidable impacts, the agency shall state in writing the specific reasons for approving the project, based on the FEIR and any other information in the public record. This is termed “Statement of Overriding Considerations” and is used to explain the specific reasons why the benefits of a proposed project make its unavoidable environmental effects acceptable. The statement is prepared, if required, after the FEIR has been completed, yet before action to approve the project has been taken.

4. EIR ADEQUACY

The level of detail contained throughout this EIR is consistent with the CEQA *Guidelines* (Section 15151) and recent court decisions, which provide the standard of adequacy on which this document is based. The *Guidelines* state as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers 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.

5. SCOPE OF THE EIR

The project site is designated as Town Center Neighborhood within the BECSP area. The extent and intensity of all anticipated development activity within the BECSP area has been identified in the BECSP and analyzed at a programmatic level in the certified program-level Environmental Impact Report No. 08-008 for the BECSP. As part of the program EIR a traffic study, noise study, air quality study, and utilities analysis, including a Water Supply Assessment was completed. The Program EIR also evaluated land use, aesthetics, biological resources, cultural resources, geology and soils, hydrology and water quality, population and housing, public services, recreation and hazards and hazardous materials. Mitigation measures identified in the Program EIR required to mitigate potentially significant impacts associated with future development were incorporated into the BECSP as Appendix A and are a requirement of all development projects within the BECSP area.

As the proposed project is located within the BECSP area (plan area), proposed development is required to be consistent with the BECSP, including the maximum amount of new development established in Section 2.1.1 of the BECSP, and be reasonably within the scope of the Program EIR. In order to obtain approval of the proposed project, consistency with the BECSP Program EIR must be demonstrated. For certain issues areas of the EIR, components of the proposed project are sufficiently covered by what was analyzed in the BECSP EIR and do not require substantial additional analysis. However, other issue areas require supplemental analysis, as changes relating to those issues areas have occurred or were not analyzed sufficiently on a project level in the BECSP EIR.

Based on the Initial Study for the proposed project prepared prior to commencement of this EIR, and a review of the BECSP EIR, it was determined that with implementation of the required mitigation measures and code requirements substantial additional analysis was not needed for the following resource areas:

- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Public Services
- Recreation
- Utilities and Service Systems

Conversely, the following resources were determined to need substantial additional project-level analysis for at least one of the following reasons: even with implementation of the required BECSP mitigation measures potentially significant impacts would occur, or the proposed project was not sufficiently analyzed on a project-level in the BECSP EIR. Detailed analysis of the following resource areas is provided for in Chapter 4:

- Aesthetics/Visual Quality
- Air Quality
- Greenhouse Gas Emissions/Global Climate Change
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Transportation/Traffic

No impacts to Agriculture and Forestry Resources, Mineral Resources, and Population and Housing were determined. No further analysis of these issues areas is provided in this document.

In preparing the EIR, pertinent City policies and guidelines, existing EIRs, and background documents prepared by the City were all evaluated for their applicability to the proposed project. A list of references is provided in Chapter 7, Document Preparation and References, of this EIR.

6. INTENDED USES OF THE EIR

This EIR is intended to provide decision-makers and the public with information that enables them to consider the environmental consequences of the proposed project. EIRs not only identify significant or potentially significant environmental effects, but also identify ways in which those impacts can be reduced to less than significant levels, whether through the imposition of mitigation measures or through the implementation of specific alternatives to the project. In a practical sense, EIRs function as a technique for

fact-finding, allowing an applicant, concerned citizens, and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

To gain the most value from this report, certain key points should be kept in mind:

- This EIR should be used as a tool to give the reader an overview of the possible ramifications of the proposed project.
- A specific environmental impact is not necessarily irreversible or permanent. Most impacts, particularly in urban, more developed areas, can be wholly or partially mitigated by incorporating conditions of approval and/or changes recommended in this report during the design and construction phases of project development.
- This EIR, while a summary of facts, reflects the professional judgment of the authors. The EIR was prepared by consultants retained by the City and by City staff, and was subject to the independent review and judgment of the City. The City independently reviewed and analyzed the EIR for the proposed project, and the EIR reflects the independent judgment of the City.

7. FORMAT OF THE EIR

The EIR includes eight sections as well as appendices, which are organized as follows:

Executive Summary. This section presents a summary of the proposed project and alternatives, potential impacts and mitigation measures, and impact conclusions regarding significant unavoidable adverse impacts and effects not found to be significant.

1. **Introduction.** This section provides: background information on the project; describes the purpose of the EIR; approach of the EIR; provides CEQA compliance information relative to the proposed project and the EIR; provides a brief overview of the environmental review process; identifies areas of controversy and issues to be resolved in the EIR; and outlines the organization of the EIR.
2. **Project Description.** Describes the project location, project details and the City's overall objectives for the project.
3. **Basis for Cumulative Analysis.** This section contains a list of related projects anticipated to be built within the project vicinity.
4. **Environmental Impact Analysis.** This section contains the environmental setting, project and cumulative impact analyses, mitigation measures, and conclusions regarding the level of significance after mitigation for each of the following environmental issues: (A) Aesthetics; (B) Air Quality; (C) Greenhouse Gas Emissions; (D) Hydrology/Water Quality; (E) Land Use/Planning; (F) Noise; and (G) Transportation/Traffic.
5. **Alternatives.** This section evaluates the environmental effects of the project alternatives, including the No Project Alternative. It also identifies the environmentally superior alternative project.
6. **Other Environmental Considerations.** This section includes a discussion of issues required by CEQA that are not covered in other chapters. This includes unavoidable adverse impacts, impacts found not to be significant, irreversible environmental changes, potential secondary effects caused by the implementation of the mitigation measures for the project, and growth inducing impacts.

7. **Document Preparation and References.** This section lists all of the persons, public agencies, and organizations that were consulted or contributed to the preparation of this EIR, as well as all the references and sources used in the preparation of the document.

This EIR includes the environmental analysis prepared for the project and appendices as follows:

- Appendix A – Initial Study/Notice of Preparation/NOP Comment Letters
- Appendix B – Air Quality/Global Climate Change Data
- Appendix C – Water Quality Management Plan
- Appendix D – Noise Data
- Appendix E – Traffic Study

8. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

The following summarizes the environmental concerns raised in responses to the NOP (the numerical reference in parenthesis is the EIR section in which the analysis is provided). The NOP comments are contained in Appendix A.

- Potential for hazardous materials to exist on the project site (refer to Appendix A, *Initial Study/Notice of Preparation/NOP Comment Letters*, for a discussion of impacts regarding hazards and hazardous materials. A less than significant impact would occur in this regard.);
- Water quality impacts from stormwater runoff (refer to Section 4.D, *Hydrology and Water Quality*, of this Draft EIR);
- Noise impacts to nearby residences (refer to Section 4.F, *Noise*, of this Draft EIR);
- Lighting impacts to nearby residences (refer to Section 4.A, *Aesthetics*, of this Draft EIR);
- Appropriate use/types of landscaping (trees, shrubbery, and groundcover) (refer to Section 4.A, *Aesthetics*, and Section 2.0, Project Description, of this Draft EIR);
- Adequacy of parking provided to support daily and special events, and potential effects on adjacent neighboring parcels, streets and residences (refer to Section 4.G, *Traffic/Transportation*, of this Draft EIR);
- Potential for impacts to unknown Native American resources (refer Appendix A, *Initial Study/Notice of Preparation/NOP Comment Letters*, for a discussion of impacts regarding cultural resources. A less than significant impact would occur in this regard.);
- Cumulative impacts associated with development at Bella Terra (refer to Sections 4.A to 4.G in this Draft EIR for a discussion of cumulative impacts associated with aesthetics, air quality, greenhouse gases, hydrology and water quality, land use and planning, noise and traffic. In addition, please refer to Appendix A, *Initial Study/Notice of Preparation/NOP Comment Letters*, for a discussion of cumulative impacts regarding other environmental issues not carried forth from the Initial Study to this EIR); and
- Potential for queuing on local roadways and associated traffic effects during special events (refer to Section 4.G, *Traffic/Transportation*, of this Draft EIR).

In addition to the concerns raised above, please refer to **Table ES-1, *Summary of Impacts and Mitigation Measures***, in the Executive Summary, for a specific listing of environmental issues evaluated in the EIR. The list of concerns above, along with those identified in Table ES-1, constitute the areas of controversy/issues to be resolved, as required for compliance with Section 15123(b)(3) of the CEQA *Guidelines*.