9.0 RESPONSES TO COMMENTS

9.1 INTRODUCTION

Section 15132 of the CEQA Guidelines states that a Final EIR shall consist of: "(a) the Draft EIR or a revision of the draft; (b) comments and recommendations received on the Draft EIR either verbatim or in summary; (c) a list of persons, organizations, and public agencies commenting on the Draft EIR; and (d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process."

The Draft EIR was made available to various public agencies, citizen groups, and interested individuals for a 45-day public review period from January 13, 2012 through February 27, 2012. This chapter of the Final EIR presents the four comment letters received during the public comment period for the Draft EIR from public agencies, organizations, and/or private individuals, as well as verbal comments received from the public at the Draft EIR public comment meeting on February 8, 2012. A list of commenters is provided below in **Table 9-1**, *Summary of Comment Letters and Verbal Commenters*. The letters are assigned an alphabetical identifier, as indicated in Table 9-1. Each comment that requires a response within the letters has been assigned a number. For example, the first comment in Letter A would be Comment A-1, and the fourth comment in Letter B would be Comment B-4. The responses to each comment are then correspondingly numbered (i.e., Response A-1 and Response B-4).

8.2 RESPONSES AND COMMENTS

This section includes the nine comment letters received on the Draft EIR and the City's responses. The presentation of the comments and responses follow Table 9-1.

Table 9-1

Summary of Comment Letters and Verbal Commenters

Comment Letter Number	Commenter Name/Address
A	Dave Singleton, Program Analyst Native American Heritage Commission 915 Capitol Mall, Room 364 Sacramento, California 95814
B	City of Huntington Beach Environmental Board 2000 Main Street Huntington Beach, California 92648
C	Huntington Beach Chamber of Commerce 2134 Main Street Huntington Beach, California 92648
D	Edith Gonzales 15291 Cascade Lane Huntington Beach, California 92647

Table 9-1 (Continued)

Summary of Comment Letters and Verbal Commenters

Comment Letter Number	Commenter Name/Address
Verbal Comments Received at Draft EIR Comment Meeting - February 8, 2012	Edith Gonzales Gary Gonzales Diane Ryan Susan Mondragon Mark Bixby

Letter A

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

RECEIVED
JAN 27 2012
Dept. of Planning & Building

January 19, 2012

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

Re: SCH#2011101064 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **"Center Avenue Skate Park Project;"** located in the City of Huntington Beach; Orange County, California

Dear Ms. Nguyen:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. A-1

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. This area is known to the NAHC to be very culturally sensitive. Also, the absence of archaeological resources does not preclude their existence. . California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to. California Government Code §6254 (r). The purpose of this code is to A-2

protect such sites from vandalism, theft and destruction. The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r). **A-2** Cont'd

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15. **A-3**

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, if the project is under federal jurisdiction, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.' **A-4**

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally

discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects. **A-4** Cont'd

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

California Native American Contacts
Orange County
January 19, 2012

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3098 Mace Avenue, Aapt. D Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
,
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Alfred Cruz, Culural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011101064; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Center Avenue Skate Park Project; located in the City of Huntington Beach; Orange County, California.

California Native American Contacts
Orange County
January 19, 2012

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
neta777@sbcglobal.net
(714) 779-8832

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067 Gabrielino
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX
760-904-6533-home

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabirelino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry; Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011101064; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Center Avenue Skate Park Project; located in the City of Huntington Beach; Orange County, California.

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Letter A

Dave Singleton, Program Analyst
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, California 95814

Comment A-1

Comment noted. The Commenter describes the Native American Heritage Commission (NAHC), contents of the comment letter, and CEQA requirements regarding cultural resources.

Comment A-2

Comment indicates that a Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search was conducted and no Native American cultural resources were found within the "area of potential effect" (APE). The Commenter notes, however, that this does not preclude the presence of undiscovered resources at the project site.

Comment A-3

Comment indicates that Native American consultation is encouraged and references a list of potentially affected Native American tribes. As part of the EIR process for the Beach and Edinger Corridors Specific Plan (BECSP), of which the project site is a part, representatives from the Gabrieliño Tongva Nation contacted to express their concerns about the sensitivity of the project area for Native American resources and burial grounds. Therefore, the project site is considered to be sensitive for the presence of Native American cultural resources, including human remains. However, implementation of BECSP EIR mitigation measures MM4.4-2(a) and MM4.4-2(b), which are required for the proposed project, would require that (a) a qualified professional conduct site-specific cultural resource investigations and impact mitigation for future development that could encounter undisturbed soils, and (b) all earth-disturbing activity to be halted within 100 feet of any discovered cultural resources until a qualified professional can assess the significance of the find and implement appropriate mitigation.

Comment A-4

See Comment A-3 above. No historic or other cultural resources are known to exist on-site. Any cultural resources discovered on-site during project construction would be kept confidential and the suggested protocols regarding cessation of construction activities and avoidance of such resources would be followed as required by mitigation measures implemented as part of the proposed project.

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Letter B

CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

February 3, 2012

Tess Nguyen
City of Huntington Beach
Department of Planning and Building
2000 Main St
Huntington Beach, CA 92648

Subject: Center Avenue Skate Park Project - Draft Environmental Impact Report No. 10-009

Dear Ms. Nguyen,

At the February 2, 2012 Environmental Board meeting, the members reviewed the Center Avenue Skate Park Project Draft Environmental Impact Report No. 10-009. The Board offers the same comments that were given following the November 3, 2011 review of the Project Draft Initial Study. The same comments are being submitted since we did not receive a response to our original comments. We would appreciate a response to the following comments. **B-1**

General:

1. The study was thorough and identified the potential project issues. **B-2**
2. The skate park will be a good use of the land.

LEED Items:

1. The project proponents cite that there are LEED like elements to the design. However we only find skylights, energy saving windows, green generation lighting, and permeable concrete in the north parking area that would count for a LEED level rating. We recommend that the project attain a LEED Silver equivalent level. There are many items that could be included that would give that level. Some are discussed below. **B-3**
2. As mentioned the north parking area will have permeable concrete. We applaud this effort. We are curious, though, as to why the south parking area will be using standard concrete. Is there a reason the south parking area will not be done with permeable concrete? **B-4**

Water Run-off:

1. There are provisions for water run-off containment for a 100 year storm during the construction phase. We appreciate the concern for controlling the run-off.
2. During the operation of the skate park, there will only be containment for a 2 year storm and no storm water connection. This is to be addressed in the EIR. This needs to be watched closely to make sure that water run-off is adequately handled while the park is in operation. **B-5**

Noise and Lighting:

1. Noise and park lighting may be a nuisance to nearby residents. This needs to be monitored closely. **B-6**

Power Line:

1. Work on the high voltage power line will be done on another new project. We wanted to make sure that this did not cause an issue on this project. **B-7**

Landscaping:

1. Trees

    a. Mexican fan palms are not shade trees and rather invasive. It has thorns, clogs drains, and can crack concrete.

    b. Strawberry trees are more of a large shrub. They have potential to become a shade tree, but it grows very slowly.

    c. Palo verde is a common name for at least 3 different species. Cercidium flordidum and microphyllum grow way too slow. Parkinsonia aculeate has large thorns. All 3 are desert trees and do poorly near the coast.

    d. We recommend using California sycamores for shade trees. They are heat and drought tolerant. They grow fast and can take carving abuse. Leaf drop is minimal and usually only occurs in the Fall. It is important to get the true native California sycamore not a hybrid. The hybrids need a lot of water.

    e. Torrey pines are also good shade trees for a dry area. They can deal with drought and heavy foot traffic. **B-8**

2. Shrubs

    a. Coffeeberry and rhamnus californica are hit and miss. They thrive in one area and are dead 10 feet away. They are not showy shrubs nor capable of handling foot traffic.

    b. Baccharis "Pigeon Point" can be walked on. It becomes thick ground cover about 2 feet high and 5 feet wide. It can take abuse and looks good all year long.

    c. Ceanothus "Yankee Point" and Salvia "Winifred Gilman" are also good alternatives.

3. Groundcover

    a. We recommend using synthetic turf as opposed to grass. This will conserve water and minimize maintenance. The groundcover listed in the study will be hard to maintain with the activity in the park.

We appreciate the opportunity of reviewing this project. Please contact us with any questions or concerns.

Sincerely,

Sue Gordon

Sue Gordon
Chairman, Huntington Beach Environmental Board

LETTER B

City of Huntington Beach Environmental Board
2000 Main Street
Huntington Beach, California 92648

Comment B-1

Comment noted. The City's Environmental Board requests responses to comments submitted in this and a previous comment letter.

Comment B-2

Commenter indicates that the EIR was thorough and identified environmental issues, and that the proposed project would be a good use of the project site.

Comment B-3

Commenter suggests support for sustainability features of the project but recommends that the project achieve a LEED Silver certification. This comment, however, does not raise any environmental issues germane to the Draft EIR.

Comment B-4

The Commenter praises use of permeable pavement in the northern, secondary parking area, but inquires as to why the main (southern) parking lot would not use permeable pavement. Although not apparent in Figure 2-11, *Preliminary Drainage Plan*, in Chapter 2.0, *Project Description*, of the Draft EIR, the main parking lot off of Center Avenue would include permeable pavement. While the drive aisles are required to be constructed of standard asphalt paving materials (i.e., not permeable paving) to comply with City Fire Department access requirements, all non-fire access lane portions of the parking lot would be constructed of permeable pavers or gravel.

Comment B-5

The Commenter references the project's use of on-site stormwater retention infrastructure, and suggests the project site will only be able to contain runoff from a 2-year storm event during project operation. As discussed in Section 4.D, *Hydrology and Water Quality*, in the Draft EIR, no storm drains are located in the vicinity of the project site, and therefore the project is required to contain all post-development stormwater volume on-site, in compliance with Orange County stormwater permit requirements. Given compliance with applicable stormwater permit requirements, impacts in this regard were determined to be less than significant.

Comment B-6

Noise and light-related impacts of the proposed project are discussed in Sections 4.F, *Noise*, and 4.A, *Aesthetics*, of the Draft EIR. Noise effects on nearby sensitive receptors, such as the adjacent multi-family residential uses to the east of the project site, would not be significant under normal day-to-day operations. However, as concluded in the Draft EIR, noise during special events at the skate park would exceed established thresholds and impacts cannot feasibly be reduced to less than significant. Light effects associated with the skate park would be minimized through proper shielding and orientation of on-site light fixtures and poles. As noted in the Draft EIR, light-related impacts would be less than significant.

Comment B-7

The Commenter indicates that work on the high-voltage transmission lines within the adjacent Southern California Edison (SCE) property may have the potential to affect the proposed project. This comment is highly speculative and does not raise any environmental issues germane to the Draft EIR. It should be noted, however, that SCE was notified of the proposed project and did not provide comments or raise concerns about potential conflicts with SCE facilities.

Comment B-8

The Commenter provides suggestions and input regarding the proposed landscaping materials for the project. While this speaks to the proposed project's design and functionality, this comment does not raise any environmental issues germane to the Draft EIR.

Letter C

HUNTINGTON BEACH
Chamber of Commerce

RECEIVED
FEB 27 2012
Dept. of Planning
& Building

February 24, 2012

Huntington Beach Planning Commission
2000 Main Street
Huntington Beach, CA 92648

Re: Skate Park E.I.R. and Entitlements Review

Dear Chairman Mantini and Commissioners:

The Huntington Beach Chamber of Commerce has reviewed the draft Environmental Impact Report for the proposed Skate Park within the Beach Edinger Corridor Specific Plan. While the Chamber supports the plan for expanded recreational opportunities in the City and the attraction of new business ventures within our community, there are concerns which need to be better addressed. **C-1**

The cumulative impacts on traffic within the Specific Plan are not adequately addressed. The City has approved many environmental documents for various proposals within the area; however the means of addressing the anticipated impacts are not reflected in the conditions of approval. The Skate Park will create concerns in the neighborhood by limiting the availability of on-site parking. The proposed shuttle system from the Huntington Beach Sports Complex (Central Park) to the Skate Park needs to be developed in greater detail. Will sufficient parking be available at the Sports Complex on the special event days at the Skate Park? Will events at the Sports Complex be limited to assure that sufficient parking is available for the Skate Park Events? Will incentives be offered by the Skate Park for using the shuttle? **C-2**

The parking demand for the Skate Park will likely exceed the on-site supply on a regular basis. A mitigation measure and/or condition of approval should be placed on the project which places the financial responsibility for monitoring, patrolling and securing adjacent neighborhood residential, commercial and school parking facilities. **C-3**

The Alternative project location identified in the E.I.R. is the superior site for the proposed Skate Park for a number of reasons. The Alternative location, the former transfer station, is within the City's Central Park boundaries adjacent to the Sports Complex. The site is already designated for recreational uses, not adjacent to residential areas and in need of community improvement. The commercial activities associated with the Skate Park would become an attractive addition to the area. **C-4**

The Alternative site would also eliminate two major concerns, the need for the City to find an alternative affordable housing site and allow for an expansion of the existing Transportation Center in a more timely manner.

The primary concern of the Chamber is that the City not lose the opportunity for expanding the existing Transportation Center into a more significant regional transportation node in the future. **C-5**

Public transportation demands for our City will increase as reliance on individual vehicles becomes more time consuming and costly. The proposed Skate Park should be considered only a limited interim use, realizing that alternative uses for the site may be in the community's best interest in the not too distant future. **C-6**

Sincerely,

Jerry L. Wheeler, Sr. IOM
President/CEO

2134 Main Street, Huntington Beach, CA 92648 P: (714) 536-8888 F: (714) 960-7654

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LETTER C

Huntington Beach Chamber of Commerce
2134 Main Street
Huntington Beach, California 92648

Comment C-1

Comment noted. The Commenter indicates that the Chamber of Commerce reviewed the Draft EIR and is generally in support of the project, but that several concerns should be addressed.

Comment C-2

Cumulative traffic impacts associated with the proposed project are addressed in Section 4.G, *Traffic/Transportation*, of the Draft EIR. The proposed project is located within the boundaries of the BECSP, and therefore all applicable traffic-related mitigation measures contained in the BECSP EIR would be implemented, as appropriate, for the proposed project. As the certified BECSP EIR evaluated the overall cumulative traffic impacts of the BECSP buildout, these impacts have already been evaluated and mitigation measures provided to address these impacts. The proposed project represents a substantial reduction in development intensity for the project site relative to what was contemplated in the BECSP, and therefore the project site's contribution to cumulative traffic within the BECSP area would be less than that evaluated in the BECSP EIR. Nonetheless, all traffic-related mitigation measures contained in the Draft EIR for the proposed project would be required for the project should it be approved by the City.

Parking for the proposed project would be provided on-site and is anticipated to be adequate to serve the day-to-day operations of the skate park and retail/concession use, as discussed in Section 4.G, *Traffic/Transportation*, of the Draft EIR, and supplemented by additional information provided in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR. As discussed in Section 4.G of the Draft EIR, special events at the skate park would be coordinated with the City such that they are scheduled to occur on days when no events are planned at the Sports Complex, thereby ensuring that adequate parking is available at the Sports Complex to accommodate special event parking for the skate park. Additionally, mitigation provided in Section 4.G of the Draft EIR would serve to address parking-related impacts during periodic special events on-site; additional details regarding the impacts and mitigation for special event parking have been added to the Draft EIR, as detailed in Chapter 10.0 of this Final EIR. Please refer to Chapter 10.0 for further details regarding the special event parking program.

Comment C-3

As discussed in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR, a Parking Demand Analysis has been prepared for the proposed project and incorporated into Section 4.G of the Draft EIR. The Parking Demand Analysis concludes that on-site parking would be adequate to meet the day-to-day parking demand generated by on-site uses. Further, as indicated previously, additional details regarding the special event parking program have been added to parking-related mitigation contained in Section 4.G of the Draft EIR, as shown in Chapter 10.0 of this Final EIR. The updated parking program requirements would serve to minimize adverse parking effects on adjacent and nearby uses during special events.

Comment C-4

Comment noted. As indicated by the Commenter and discussed in Chapter 5.0, *Alternatives*, of the Draft EIR, the Alternate Location Alternative is the environmentally superior alternative. As discussed in Chapter 5.0 of the Draft EIR, the alternate site is located adjacent to the City's Sports Complex and is not in proximity to residential uses, thereby alleviating a significant noise impact to sensitive receptors that would occur under the proposed project during special events. Additionally, the alternate site would allow the project site to be ultimately developed with affordable housing units as contemplated in the BECSP and General Plan Housing Element, which would eliminate a significant land use impact that would otherwise result from implementation of the proposed project. However, despite these benefits, a number of issues regarding the alternate site should be noted. First, the property is owned by the County of Orange, which limits the City's ability to provide a fee-free recreational use to the public. Further, the alternate site contains sensitive California sage scrub habitat that could be adversely affected by development of the property, and given the site was a former landfill, existing landfill gas and/or other hazardous materials-related conditions could pose a health risk to people or structures on-site. Nonetheless, the desirability of the project site or the alternate site for development of the proposed uses is at the discretion of City decision-makers, namely the City Council; all comments received on the project, whether germane to the Draft EIR or otherwise, will be considered by the City Council when making a decision regarding approval of the project.

Comment C-5

See Response C-4, above, regarding the provision of affordable housing sites within the City. The Commenter suggests that development of the proposed project would inhibit or otherwise delay expansion of the nearby OCTA transit center. This comment is speculative and is not germane to the range of issues evaluated in the Draft EIR. The development of the proposed project and the expansion of the OCTA transit facility are not directly correlated, and OCTA has not provided any comments on the Draft EIR regarding potential facility expansion or conflicts with the proposed project.

Comment C-6

Comment noted. While it is reasonable to anticipate that public transportation will become a more attractive transit option should traffic conditions deteriorate in the future, this assertion is speculative and not a foregone conclusion. Further, the skate park would have not foreseeable measurable effect on transit use or access. In fact, the City has provided an on-site Transit Reserve Area (refer to Chapter 2.0, *Project Description*, of the Draft EIR for a description of the Transit Reserve Area) in order to facilitate the potential future installation of a rail transit platform at this location.

Letter D

RECEIVED
FEB 23 2012
Dept. of Planning
& Building

HUNTINGTON BEACH SKATE PARK PROJECT

DRAFT EIR PUBLIC COMMENT FORM

If you would like to **comment on the adequacy of the Draft Environmental Impact Report (EIR)** for the Huntington Beach Skate Park Project, please fill out the information below. Your comments will be included and addressed in the Final EIR. Please leave this comment form at the sign-in table before you leave tonight, or otherwise mail it in by **Monday, February 27, 2012** to:

Tess Nguyen, Associate Planner
Department of Planning and Building
2000 Main Street
Huntington Beach, CA 92648
Phone: (714) 374-1744
Email: tnguyen@surfcity-hb.org

Name: EDITH GONZALES

Address: 15291 CASCADE LANE

CSZ: HUNTINGTON BEACH, CA 92647

Phone: 714 893-5304

E-mail:

Comments *(attach additional pages if needed)*

SEE ATTACHMENT

Note: All comments will become public information.

M

S

E

McFadden/Sugar Safe Exit

February 20, 2012

Tess Nguyen, Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, Calif. 92648

Subject: Draft EIR for proposed Huntington Beach Skate Park Project

Dear Ms. Nguyen,

The concerns we have as homeowners regarding the proposed Vans Skate Park EIR report are as follows: the daily noise levels, traffic, and the special event days. D-1

Noise Levels: Since the existing noise levels exceed both the city and state "normally acceptable" noise levels how can anything be built on this site? (ref. Noise, 4.F-3, 4,F-6, 4.F-7, 4.F-11, 12) If the skate park is built can a sound wall be included in the plans? D-2

Traffic: McFadden Avenue is not currently a four-lane roadway as is stated on page 4.G-2 Traffic/Transportation of the EIR report. It turns into a two-lane roadway just west of Beach Blvd. and remains two lanes until just before the railroad tracks just east of Gothard Street. We have had major traffic problems on McFadden for the last twenty-five years and know with the skate park and all the other building that is currently underway and/or is planned in the near future our traffic problems will greatly increase. A traffic study done by Transportation Studies, Inc. on September 23, 2009, showed over 20,000 cars a day travel on McFadden between Gothard and Beach Blvd. A traffic signal at Mcfadden and Sugar would give us greater security as we enter and exit our tract. D-3

Special Event Days: We are especially concerned with noise levels and traffic problems on the days when special events take place. We expect that at these events there will be staff and/or police personnel directing traffic and parking so that traffic is not impeded for local homeowners. D-4

On the positive side we were happy to read that only vendors or drop-offs would be able to use the McFadden entrance/exit (ref. Traffic/Transportation 4.G-37, 38). **D-5**

We are not opposed to the skate park but do have the above concerns regarding the McFadden/Gothard location. Please take them into consideration before any final decisions are made. Thank you. **D-6**

Sincerely,

Edith Gonzales

Edith Gonzales, Representative
of homeowners for
'McFadden/Sugar Safe Exit'

Transportation Studies, Inc.

2680 Walnut Avenue, Suite C

Tustin, CA. 92780

Location : MC FADDEN AVENUE

Segment : JUST W/O BEACH BOULEVARD

Client : GONZALES

Site: HB

Date: 09/23/09

Day: Wednesday

Interval	EB				WB				Combined			
Begin	AM		PM		AM		PM		AM		PM	
12:00	9	48	168	710	13	43	136	616	22	91	304	1,326
12:15	16		157		12		158		28		315	
12:30	14		203		12		173		26		376	
12:45	9		182		6		149		15		331	
01:00	10	30	152	641	7	22	156	575	17	52	308	1,216
01:15	5		144		5		138		10		282	
01:30	7		175		9		129		16		304	
01:45	8		170		1		152		9		322	
02:00	8	19	176	690	8	23	135	616	16	42	311	1,306
02:15	8		178		7		152		15		330	
02:30	2		188		3		158		5		346	
02:45	1		148		5		171		6		319	
03:00	3	17	187	757	5	23	144	603	8	40	331	1,360
03:15	5		162		5		148		10		310	
03:30	6		199		6		157		12		356	
03:45	3		209		7		154		10		363	
04:00	6	55	249	893	7	63	158	738	13	118	407	1,631
04:15	10		185		6		178		16		363	
04:30	11		246		18		198		29		444	
04:45	28		213		32		204		60		417	
05:00	18	144	266	931	15	207	204	874	33	351	470	1,805
05:15	27		231		39		224		66		455	
05:30	43		248		68		235		111		483	
05:45	56		186		85		211		141		397	
06:00	46	309	162	630	63	394	156	688	109	703	318	1,318
06:15	66		150		72		178		138		328	
06:30	84		176		99		172		183		348	
06:45	113		142		160		182		273		324	
07:00	131	633	154	513	134	842	131	433	265	1,475	285	946
07:15	130		131		153		106		283		237	
07:30	172		110		246		100		418		210	
07:45	200		118		309		96		509		214	
08:00	190	591	162	486	250	776	108	362	440	1,367	270	848
08:15	155		104		174		88		329		192	
08:30	130		120		172		74		302		194	
08:45	116		100		180		92		296		192	
09:00	120	496	103	371	232	755	71	252	352	1,251	174	623
09:15	142		108		226		66		368		174	
09:30	120		88		154		60		274		148	
09:45	114		72		143		55		257		127	
10:00	119	465	70	184	122	584	38	142	241	1,049	108	326
10:15	103		51		130		45		233		96	
10:30	118		37		154		30		272		67	
10:45	125		26		178		29		303		55	
11:00	165	612	21	72	148	515	31	96	313	1,127	52	168
11:15	156		20		101		25		257		45	
11:30	160		18		134		19		294		37	
11:45	131		13		132		21		263		34	
Totals	3,419		6,878		4,247		5,995		7,666		12,873	
Split%	44.6		53.4		55.4		46.6					
Day Totals		10,297				10,242				20,539		
Day Splits		50.1				49.9						
Peak Hour	07:30		04:45		07:30		05:00		07:30		04:45	
Volume	717		958		979		874		1,696		1,825	
Factor	0.90		0.90		0.79		0.93		0.83		0.94	

* Data File : D0909145

Transportation Studies, Inc.

2680 Walnut Avenue, Suite C

Tustin, CA. 92780

Location : MC FADDEN AVENUE

Segment : GOTHARD TO R.R. TRACKS

Client : GONZALES

Site: HB

Date: 09/23/09

Day: Wednesday

Interval	EB				WB				Combined			
Begin	AM		PM		AM		PM		AM		PM	
12:00	7	47	156	666	8	34	126	573	15	81	282	1,239
12:15	14		152		11		144		25		296	
12:30	14		184		9		160		23		344	
12:45	12		174		6		143		18		317	
01:00	11	25	140	582	6	17	144	504	17	42	284	1,086
01:15	4		128		3		128		7		256	
01:30	4		163		7		122		11		285	
01:45	6		151		1		110		7		261	
02:00	4	12	171	683	7	18	138	582	11	30	309	1,265
02:15	6		178		3		130		9		308	
02:30	1		188		5		148		6		336	
02:45	1		146		3		166		4		312	
03:00	0	10	188	725	5	18	128	546	5	28	316	1,271
03:15	4		159		3		139		7		298	
03:30	6		186		4		148		10		334	
03:45	0		192		6		131		6		323	
04:00	6	31	234	863	3	58	136	659	9	89	370	1,522
04:15	7		180		11		170		18		350	
04:30	8		235		18		166		26		401	
04:45	10		214		26		187		36		401	
05:00	12	93	233	878	16	203	192	801	28	296	425	1,679
05:15	13		228		41		217		54		445	
05:30	34		229		60		196		94		425	
05:45	34		188		86		196		120		384	
06:00	34	222	168	600	58	380	134	625	92	602	302	1,225
06:15	46		146		64		168		110		314	
06:30	51		148		94		154		145		302	
06:45	91		138		164		169		255		307	
07:00	96	516	161	514	122	825	128	396	218	1,341	289	910
07:15	114		131		143		102		257		233	
07:30	136		104		252		80		388		184	
07:45	170		118		308		86		478		204	
08:00	175	584	147	477	251	741	78	311	426	1,325	225	788
08:15	172		112		156		89		328		201	
08:30	133		114		170		62		303		176	
08:45	104		104		164		82		268		186	
09:00	110	471	97	358	205	736	61	203	315	1,207	158	561
09:15	122		94		218		45		340		139	
09:30	126		96		165		54		291		150	
09:45	113		71		148		43		261		114	
10:00	98	416	59	172	120	534	32	113	218	950	91	285
10:15	96		53		112		36		208		89	
10:30	110		33		134		25		244		58	
10:45	112		27		168		20		280		47	
11:00	154	571	12	60	132	462	24	69	286	1,033	36	129
11:15	148		18		92		22		240		40	
11:30	128		18		122		14		250		32	
11:45	141		12		116		9		257		21	
Totals	2,998		6,578		4,026		5,382		7,024		11,960	
Split%	42.7		55.0		57.3		45.0					
Day Totals		9,576				9,408				18,984		
Day Splits		50.4				49.6						
Peak Hour	07:30		04:30		07:30		05:00		07:30		04:45	
Volume	653		910		967		801		1,620		1,696	
Factor	0.93		0.97		0.78		0.92		0.85		0.95	

* Data File : D0909147

Transportation Studies, Inc.

2680 Walnut Avenue, Suite C

Tustin, CA. 92780

Location : MC FADDEN AVENUE

Segment : W/O SUGAR DRIVE

Client : GONZALES

Site: HB

Date: 09/23/09

Day: Wednesday

Interval	WB				EB				Combined			
Begin	AM		PM		AM		PM		AM		PM	
12:00	9	36	136	628	7	45	141	627	16	81	277	1,255
12:15	10		160		13		146		23		306	
12:30	11		180		14		172		25		352	
12:45	6		152		11		168		17		320	
01:00	7	16	156	581	10	26	130	556	17	42	286	1,137
01:15	2		136		5		136		7		272	
01:30	7		132		5		144		12		276	
01:45	0		157		6		146		6		303	
02:00	8	18	139	628	7	13	160	661	15	31	299	1,289
02:15	3		152		4		167		7		319	
02:30	3		164		1		194		4		358	
02:45	4		173		1		140		5		313	
03:00	5	21	132	582	0	11	175	680	5	32	307	1,262
03:15	4		146		5		154		9		300	
03:30	6		152		6		160		12		312	
03:45	6		152		0		191		6		343	
04:00	5	62	150	711	4	34	215	823	9	96	365	1,534
04:15	9		180		10		185		19		365	
04:30	19		191		11		209		30		400	
04:45	29		190		9		214		38		404	
05:00	18	212	206	859	12	102	220	827	30	314	426	1,686
05:15	39		223		14		208		53		431	
05:30	70		224		40		219		110		443	
05:45	85		206		36		180		121		386	
06:00	63	405	139	677	38	236	160	581	101	641	299	1,258
06:15	74		188		52		146		126		334	
06:30	99		165		56		147		155		312	
06:45	169		185		90		128		259		313	
07:00	134	916	125	409	92	487	152	494	226	1,403	277	903
07:15	164		98		114		124		278		222	
07:30	272		88		131		104		403		192	
07:45	346		98		150		114		496		212	
08:00	259	797	84	329	176	540	147	480	435	1,337	231	809
08:15	175		95		154		112		329		207	
08:30	174		70		124		124		298		194	
08:45	189		80		86		97		275		177	
09:00	237	787	70	219	98	427	99	370	335	1,214	169	589
09:15	244		56		111		104		355		160	
09:30	154		50		116		94		270		144	
09:45	152		43		102		73		254		116	
10:00	125	572	33	118	98	398	68	189	223	970	101	307
10:15	120		43		96		56		216		99	
10:30	149		20		106		36		255		56	
10:45	178		22		98		29		276		51	
11:00	146	507	31	76	148	566	14	63	294	1,073	45	139
11:15	96		18		156		17		252		35	
11:30	131		14		126		17		257		31	
11:45	134		13		136		15		270		28	
Totals	4,349		5,817		2,885		6,351		7,234		12,168	
Split%	60.1		47.8		39.9		52.2					
Day Totals		10,166				9,236				19,402		
Day Splits		52.4				47.6						
Peak Hour	07:30		05:00		07:30		04:45		07:30		04:45	
Volume	1,052		859		611		861		1,663		1,704	
Factor	0.76		0.96		0.87		0.98		0.84		0.96	

Data File : D0909144

LETTER D

Edith Gonzales
15291 Cascade Lane
Huntington Beach, California 92647

Comment D-1

Comment noted. The Commenter indicates homeowners in the project area have concerns regarding noise, traffic, and special events associated with the skate park component of the project.

Comment D-2

As described in the City's noise regulations (Section 8.40.060 of the Huntington Beach Municipal Code [HBMC]), the City's noise thresholds can be increased when ambient noise levels exceed the exterior noise limits summarized in Table 4.F-2 in Section 4.F, *Noise*, of the Draft EIR. As such, for example, the exterior noise standard at the residential property line to the north of the project site (location R2) is not 55 dBA as shown in the Table 4.F-2 but instead is 70 dBA since that is the observed ambient noise level at that location. As such, the proposed project would result in a significant noise impact if the project resulted in an increase of 3 dBA over ambient noise levels (or greater than 73 dBA at location R2). In this way, the HBMC noise standards allow approval of projects on sites with ambient noise levels at or above established standards. With regard to a sounds wall, while placement of a sound wall would decrease noise levels at off-site locations, particularly the multi-family residential uses to the east of the project site, a sound wall is not currently included in project plans, and may not be physically or financially feasible given lack of adequate space on-site and the fact that Union Pacific Railroad owns the land along the railroad tracks immediately east of the project boundary. If a sound wall were feasible, it would only reduce noise levels by 5 dBA; thus, noise impacts would still be significant and unavoidable during special event days. It should be noted that, as discussed in Section 4.F of the Draft EIR, significant noise impacts would only occur during special events periodically throughout the year, with up to 15 event days being held at the site out of 365 days of skate park operation.

Comment D-3

Comment noted. The Commenter points out that McFadden Avenue narrows from a four-lane undivided roadway to a two-lane undivided roadway just east of the project site boundary. The text in Section 4.G, *Traffic/Transportation*, of the Draft EIR has been modified to reflect this as shown in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR. As discussed in Section 4.G of the Draft EIR, mitigation measures included in the BECSP EIR, which are also applicable to the proposed project, would be implemented as necessary in order to reduce traffic impacts to less than significant levels as development in the area progresses pursuant to the BECSP. The Commenter also provides 2009 traffic count data for McFadden Avenue in the project area for reference. These data, and related traffic concerns, do not relate specifically to the Draft EIR traffic analysis or associated conclusions, but would nonetheless be considered by the City Council when making a decision regarding approval of the proposed project.

Comment D-4

Comment noted. As discussed in Response C-3, above, additional details regarding traffic and parking management for skate park special events have been added to the Draft EIR, as summarized in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR. Signage, traffic direction, parking monitoring and enforcement would be provided during special events at the applicant's expense in order to minimize adverse traffic and parking effects on nearby residents and homeowners.

Comment D-5

Comment noted. The Commenter indicates support for the exclusive use of the northern (secondary) parking area for special event vendors.

Comment D-6

Comment noted. The Commenter expresses support for the project but notes traffic concerns at the McFadden Avenue/Gothard Street location.

VERBAL COMMENTS RECEIVED AT DRAFT EIR COMMENT MEETING

February 8, 2012

Edith Gonzales

1. How could the City allow further development of the site if the ambient noise level is higher the allowable threshold? **V-1**
2. The Traffic Study, dated in August 2009, is out of date and not applicable since Goldenwest College is not in session. **V-2**
3. The traffic counts should take into consideration the Costco development to be open soon. **V-3**
4. Why Alternative # 3 site was not chosen as the project site? **V-4**

Gary Gonzales

1. How are noise measurements done? What are the times of day and dates of noise measurements? **V-5**
2. How would the traffic for special events be handled with the Goldenwest College swap meet? **V-6**
3. How would the noise issues be handled during the special events? **V-7**

Diane Ryan

1. How many special events would be happening at the skate park? **V-8**
2. How would the traffic for special events be handled? **V-9**
3. How would the parking be enforced to not impact adjacent businesses in Bella Terra? **V-10**

Susan Mondragon

1. How would the traffic for special events be handled? **V-11**
2. What about the parking impacts to the neighborhood? **V-12**

Mark Bixby

1. Is there an aerial showing the location of the skate bowls and the residential to the east? **V-13**
2. What is the difference in the noise measurement for the skate bowl vs. the skate plaza? **V-14**
3. Is there a variance that needs to be processed to allow non-compliance with the Noise Ordinance? **V-15**

4. How would the permit parking mitigation measure be implemented in the City of Westminster? **V-16**

5. How would the spectators be discouraged from parking in establishments in the vicinity (Old World, OCTA transportation center)? **V-17**

VERBAL COMMENTS RECEIVED AT DRAFT EIR PUBLIC COMMENT MEETING (FEBRUARY 8, 2012)

Edith Gonzales

Comment V-1

Refer to Response D-2, above. The City's noise standards can be increased if ambient noise levels are at or above established limits.

Comment V-2

Comment noted. The 2009 traffic study prepared in support of the BECSP EIR was used as a reference for the preparation of the traffic study prepared specifically for the proposed project in 2011. The project-specific traffic study (included as Appendix E to the Draft EIR) utilized recent (2011) weekday and weekend traffic count data collected during both the school year and the summer months when school is not in session in order to accurately estimate current traffic volumes. Traffic data from the 2009 BECSP traffic study, therefore, were not utilized in the proposed project's traffic analysis, as newer more accurate data were collected.

Comment V-3

The long range traffic projections used in the Vans Skate Park Traffic Study represent full development of the Bella Terra site, including equivalent traffic associated with Costco, other retail and the residential component. The short-term analysis represents an interim condition where a significant portion of the Bella Terra site is developed, but less than the maximum approved development level identified in that project's environmental documentation.

Comment V-4

Refer to Response C-4. While the alternate location evaluated in Chapter 5.0, *Alternatives*, of the Draft EIR is located adjacent to the City's Sports Complex and is not in proximity to residential uses, thereby eliminating significant environmental impacts, the property at that location is owned by the County of Orange and also has physical limitations including sensitive biological resources and landfill gas hazards. The project site evaluated for the proposed project is owned by the City and would provide recreational opportunities in the northern portion of the jurisdiction, and does not have prohibitive habitat or hazardous materials conditions on-site.

Gary Gonzales

Comment V-5

The date/time and duration of noise data collected at each noise measurement location are shown in Table 4.F-3 in Section 4.F, *Noise*, of the Draft EIR. The 15-minute noise measurement taken at location R3 (Golden West College) was taken on a weekday morning to quantify the existing noise levels at the campus during daytime classes since the school would not be as busy during the evening, if at all. The 15-minute noise measurement at location R2 to the north of the project site was to quantify the existing noise levels at the residential uses along McFadden Avenue and to use the data for traffic noise calculation model calibration. The 72-hour measurements at location R1 adjacent to the multi-family residential uses to the east of the project site were taken to quantify the lowest ambient noise levels at the nearest noise-sensitive receptor location.

Comment V-6

As stated in Section 4.G, *Traffic/Transportation*, of the Draft EIR, traffic and parking for special events at the skate park would be coordinated with nearby businesses, residential communities, and institutions (including Golden West College) to minimize adverse effects on surrounding residential, educational, and commercial uses. Additionally, as shown in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR, additional details regarding the special event parking program have been added to the discussion in Section 4.G of the Draft EIR that further describe how traffic and parking management would occur on event days at the facility such that adverse impacts are minimized.

Comment V-7

As discussed in Section 4.F, *Noise*, of the Draft EIR, special event noise would result in a significant unavoidable impact to the adjacent multi-family residential uses during special events due to the presence of relatively large crowds of people, use of a public address (PA) system for music and announcements, and generator-related noise. While mitigation is provided in Section 4.F to reduce noise impacts from generator use, no feasible mitigation exists to reduce other sources of special event-related noise (e.g., crowd noise and PA system) to less than significant levels. While the use of sound barriers such as sound walls, earthen berms, or sound curtains could reduce noise levels at off-site sensitive receptor locations, physical site constraints may preclude the installation of such measures, as the intervening property between the project site and multi-family residential uses is owned by Union Pacific Railroad. Refer to Response D-2 above.

Diane Ryan

Comment V-8

As discussed in Chapter 2.0, *Project Description*, of the Draft EIR, the proposed skate park would host up to 15 event days per year, with one major event attracting up to 2,500 people and the remaining events

attracting up to 500 people. These events are all anticipated to be held on weekends, but the specific number and timing of events has not yet been determined.

Comment V-9

Refer to Response V-6 above. Traffic and parking management for special events at the skate park are described in greater detail in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR.

Comment V-10

Refer to Response V-6 above. The parking management program for special events at the skate park is described in greater detail in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR. As discussed in Chapter 10.0, under the proposed parking program, special events would be coordinated with nearby residential communities and commercial centers to enforce parking restrictions and minimize adverse effects on surrounding uses.

Susan Mondragon

Comment V-11

Refer to Response V-6 above. Traffic and parking management for special events at the skate park are described in greater detail in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR.

Comment V-12

Refer to Response V-6 above. The parking management program for special events at the skate park is described in greater detail in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR. As discussed in Chapter 10.0, under the proposed parking program, special events would be coordinated with nearby residential communities and commercial centers to enforce parking restrictions and minimize adverse effects on surrounding neighborhoods.

Mark Bixby

Comment V-13

An aerial photograph of the project site and surrounding area with the proposed site plan overlaid showing the relative location of proposed uses is provided in Figure 4.F-1 in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR.

Comment V-14

As discussed under Section 2.e.(2)(v), *Skate Park Activities*, on page 4.F-24 of Section 4.F, *Noise*, of the Draft EIR, the noise measurements at the observed skate parks were taken approximately 10 feet from the edge of the skate bowl areas at a height of five feet, which provides line-of-sight noise measurements for skate activities within the skate bowls. Because the noise measurements taken at the skate bowls were recorded with a clear line-of-site to the skating activities at the observed skate parks, and the fact that the proposed skate bowl and skate plaza areas both would be constructed with the same materials and would be used by the same types of skateboarding equipment, it is expected that noise generated within the skate bowls and skate plaza would be comparable. Therefore, noise levels experienced at off-site locations from either the skate plaza or skate bowls areas would not be measurably different and impacts would be less than significant during day-to-day skate park operations.

Comment V-15

Refer to Response D-2 above. The City's noise regulations allow for variability in applicable noise standards based on ambient noise levels. In other words, if ambient noise levels currently exceed standards established in the HBMC, then the noise standard is increased to the ambient noise level and an increase of 3 dBA over that ambient noise level is considered a significant noise impact. As such, a variance from noise standards for the proposed project under normal operations (approximately 350 days per year) is not warranted; it is acknowledged, however, that special event-related noise would result in significant unavoidable impacts to nearby sensitive receptors, as discussed in Section 4.F, *Noise*, of the Draft EIR. A noise variance would not be processed for the proposed project.

Comment V-16

The City of Westminster does not currently operate a residential parking permit program. However, according to the City of Huntington Beach Public Works Department (which does operate a residential parking permit program), such a program could potentially be implemented for Westminster residents in the vicinity of the proposed skate park through an agreement between the two cities. Under such a scenario, if determined feasible and agreeable by both entities, the City of Huntington Beach could offer permit parking for affected neighborhoods within the City of Westminster, which would be enforced by the respective jurisdictions, as appropriate. The City of Huntington Beach's permit program is codified in Chapter 10.42, *Residential Parking Permit*, of the HBMC. Generally, the requesting residents write a letter to the Director of Public Works requesting a permit parking district. Public Works staff then investigate the request. If staff has no issues, the procedures stated in the Municipal Code are implemented. Assuming adequate support exists from the residents affected by the parking district the request is then forwarded to City Council for approval or denial.

Comment V-17

Refer to Response V-6 above. The parking management program for special events at the skate park is described in greater detail in Chapter 10.0, *Corrections and Additions to the Draft EIR*, of this Final EIR. As discussed in Chapter 10.0, under the proposed parking program, special events would be coordinated with

nearby residential communities and commercial centers to enforce parking restrictions and minimize adverse effects on surrounding uses.