



City of Huntington Beach Planning and Building Department

**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Tess Nguyen, Associate Planner *TN*  
**DATE:** March 27, 2012

**SUBJECT: ENVIRONMENTAL IMPACT REPORT NO. 10-009 (SKATE PARK PROJECT)**

**APPLICANT:** VF Outdoor, Inc., 6550 Katella Avenue, Cypress CA 90630

**PROPERTY**

**OWNER:** City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

**LOCATION:** 7491 Center Avenue, Huntington Beach, CA 92647 (2.7-acre vacant site on Center Avenue, approximately 500 ft. east of Gothard Street)

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**STATEMENT OF ISSUE:**

- ◆ Environmental Impact Report (EIR) No. 10-009:
  - Analyzes the environmental impacts associated with the proposed General Plan Amendment to amend the Housing Element and a Zoning Text Amendment to amend the Beach and Edinger Corridors Specific Plan to remove the housing designation on the project site.
  - Analyzes the environment impacts associated with the proposed development of the Skate Park Project, which consists of a 14,000 sq. ft. skate park plaza, a 13,000 sq. ft. skate bowl area, a 3,500 sq. ft. skate shop/concession/restroom building, a 15,000 sq. ft. turf/walking area, a 480 sq. ft. restroom structure, and a 200 sq. ft. entrance kiosk.
  - Documents potential impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems, and climate change.
  - Evaluates three alternatives to the proposed project.
  - Concludes that potential impacts can be mitigated to less than significant levels for the project with the exception of impacts to land use and planning and noise, which would remain significant and unavoidable.
  
- ◆ Staff's Recommendation:
  - Certify EIR No. 10-009 because it adequately analyzes the potential environmental impacts associated with the proposed project, identifies project alternatives, provides mitigation measures to lessen the project's impacts consistent with the Beach and Edinger Corridors Specific Plan Program EIR and General Plan policies, and has been prepared in accordance with the California Environmental Quality Act (CEQA).

**RECOMMENDATION:**

Motion to: “Certify EIR No. 10-009 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1660 (Attachment No. 1).”

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Continue certification of EIR No. 10-009 and direct staff accordingly.”
- B. “Deny certification of EIR No. 10-009 with findings for denial.”

**PROJECT PROPOSAL:**

EIR No. 10-009 analyzes the proposed development of a public skate park consisting of a 14,000 sq. ft. skate plaza area, a 13,000 sq. ft. skate bowl area, a 3,500 sq. ft. skate shop/concession/restroom building, a 15,000 sq. ft. turf/walking area, a 480 sq. ft. restroom structure, and a 200 sq. ft. entrance kiosk. The main parking lot is accessed from Center Avenue and a secondary parking area, which is used only for special events, is accessed from McFadden Avenue. The proposed project includes up to 15 special event days throughout the year, expected to draw between 300 to 2,500 spectators with overflow parking located at the Huntington Beach Sports Complex. In order to allow for potential future development of a transit stop, the project includes a 20-foot wide by 300-foot long “transit reserve area” at the southeast corner of the project site. The project also includes a General Plan Amendment (GPA) to the Housing Element and Zoning Text Amendment (ZTA) to the Beach and Edinger Corridors Specific Plan as the site is currently designated for housing and this designation would be removed. The applicant has not yet filed a project entitlement for the Skate Park, but has submitted the GPA and ZTA applications, which are being processed concurrently with the EIR.

The environmental impact report discusses potential adverse impacts in the areas of aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems, and climate change. The direct, indirect and cumulative impacts of the proposed project are addressed, as are the impacts of project alternatives.

The EIR consists of three volumes. Volumes I and II are the Draft EIR and Appendices that were circulated for a minimum 45-day public review period. Volume III is the Final EIR, which includes the comments received during the public review period, responses to those comments and text changes to the Draft EIR to clarify or correct information in response to comments or as identified as necessary by staff. These volumes are referenced as Attachment No. 2.

**Background:**

The proposed project is located within the Beach and Edinger Corridors Specific Plan (BECSP), adopted in March 2010. As such, the analysis in Draft EIR No. 10-009 is tiered from the BECSP Program EIR where appropriate.

**ISSUES:**

**Subject Property Land Use, Zoning, and General Plan Designations:**

<b>LOCATION</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LAND USE</b>
Subject Property:	M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay)	SP 14 (Beach and Edinger Corridors Specific Plan – Town Center Neighborhood)	Vacant
North (across McFadden Avenue in the City of Westminster) of Subject Property:	P/OS (Park/Open Space) and RL (Residential – Low)	P-F (Public Facilities) and R-1 (Single Family Residence)	Single Family Residential and College Park
South (across Center Avenue) of Subject Property:	M-sp-d	SP 14	SCE Transmission Towers, Plant Nursery Storage, and Shopping Center
East (across railroad tracks) of Subject Property:	M-sp (Mixed Use-Specific Plan Overlay)	SP 1 (North Huntington Center Specific Plan)	Old World Village and Multi-Family Residential
West of Subject Property:	M-sp-d	SP 14	SCE Transmission Lines and OCTA Transportation Center

The project site consists of approximately 2.718 acres located on Center Avenue, approximately 500 ft. east of Gothard Street. The project site is bounded by McFadden Avenue on the north, a Union Pacific Railroad track to the east, Center Avenue to the south, and Southern California Edison (SCE) property with overhead electrical transmission lines to the west. The site is currently vacant and has never been developed with urban uses. The project site is located within the Town Center Neighborhood segment of the BECSP.

**General Plan Conformance:**

The EIR is consistent with the goals, policies and objectives of the City’s General Plan as follows:

A. Air Quality Element

Goal AQ 1: Improve regional air quality by a) decreasing reliance on single occupancy vehicular trips, b) increasing efficiency of transit, c) shortening vehicle trips through a more efficient jobs-housing balance and a more efficient land use pattern, and d) increasing energy efficiency.

Policy AQ 1.8.1: Continue to enforce construction site guidelines that require truck operators to minimize particulate emission.

Policy AQ 1.8.2: Require installation of temporary construction facilities (such as wheel washers) and implementation of construction practices that minimize dirt and soil transfer onto public roadways.

Policy AQ 1.9: Minimize sensitive uses (residential, hospitals, schools, etc) exposure to toxic emissions.

Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

The EIR analysis focuses on the nature and magnitude of the change in the air quality environment due to implementation of the proposed project. Air pollutant emissions associated with the proposed project would result from construction activities, operation of the skate park use and project-related traffic volumes. Although project-related construction air quality impacts would be less than significant, BECSP Program EIR Mitigation Measures MM4.2.1 through MM4.2-14 would be implemented to reduce emissions and minimize sensitive uses surrounding the project site, and exposure to toxic emissions to the extent feasible. The EIR discusses requirements for all projects to comply with South Coast Air Quality Management District (SCAQMD) Rule 403, which would also reduce short-term/construction emissions. The analysis in the climate change section of the EIR proposes mitigation measures that are consistent with strategies recommended by the California Climate Action Team and California Air Pollution Control Officers Association for reducing climate change emissions. The EIR also notes that the BECSP requires use of sustainable practices to increase the proposed project's energy efficiency.

## B. Circulation Element

Goal CE 2: Provide a circulation system which supports existing, approved and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

Policy CE 2.1.1: Maintain a city-wide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

Objective CE 2.3: Ensure that the location, intensity and timing of new development is consistent with the provision of adequate transportation infrastructure and standards as defined in the Land Use Element.

Objective CE 2.3: Ensure that the location, intensity and timing of new development is consistent with the provision of adequate transportation infrastructure and standards as defined in the Land Use Element.

Policy CE 2.3.1: Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent feasible.

Goal CE 2.3.4: Require new development mitigate its impact on City streets, including but not limited to, pedestrian, bicycle, and vehicular conflicts, to maintain adequate levels of service.

The EIR analyzes the potential for adverse impacts on existing transportation and traffic conditions resulting from implementation of the proposed project. A traffic study was conducted by Austin-Foust Associates and analyzed potential adverse traffic impacts on the intersections surrounding the project site. The project study area includes a total of 11 intersections, one in the City of Westminster (McFadden Avenue and Beach Boulevard) and the remainder in the City of Huntington Beach. The analysis looked at weekend conditions and the shuttle route. When compared to the scope of development anticipated for the project site in the BECSP Program EIR, the EIR documents that daily vehicle trips would be decreased 65 percent and would not result in significant impacts. BECSP Program EIR Mitigation Measures MM4.13-1 through MM4.13-18 require mitigation of the project's contribution to intersections and freeway ramp determined to be significantly impacted as a result of implementation of the BECSP through payment of fees that would provide the project's fair share toward improving those intersections.

The EIR also analyzes the project's potential to create adverse impacts from inadequate parking capacity, alternative transportation policies, and emergency access. With implementation of existing code requirements, mitigation measures adopted for the BECSP and proposed project-specific mitigation measures, impacts would be mitigated to a less than significant level.

C. Environmental Hazards Element

Goal EH 1: Ensure that the number of deaths and injuries, levels of property damage, levels of economic and social disruption and interruption of vital services resulting from seismic activity and geologic hazards shall be within acceptable levels of risk.

Objective EH 1.1: Ensure that land use planning in the City accounts for seismic and geologic risk, including groundshaking, liquefaction, subsidence, soil and slope stability and water table levels.

Objective EH 1.2: Ensure that new structures are designed to minimize damage resulting from seismic hazards, ensure that existing unsafe structures are retrofitted to reduce hazards and mitigate other existing unsafe conditions.

Policy EH 1.2.1: Require appropriate engineering and building practices for all new structures to withstand groundshaking and liquefaction such as stated in the Uniform Building Code.

Goal EH 3: Ensure the safety of the City's businesses and residents from methane hazards.

Objective EH 3.2: Minimize methane hazards in the identified Methane Overlay District, and other areas outside the Methane Overlay Districts as may later be defined, through the regulation of construction and adherence to the City's Methane Hazard Mitigation Plan.

Policy EH 3.2.2: Establish, enforce, and periodically update testing requirements for sites proposed for new construction within the identified Methane Overlay District.

The environmental analysis analyzes the existing physical setting of the project site as it relates to hazards and hazardous materials and its potential impact on human health resulting from the implementation of the proposed project. BECSP Program EIR Mitigation Measures MM4.6-1

through MM4.6-3 would require that the Phase II recommendations be implemented to ensure that all impacts related to hazards and hazardous materials would be less than significant. To ensure that the proposed project is designed to minimize damage resulting from seismic hazards and that new structures are engineered to withstand groundshaking and liquefaction, BECSP Program EIR Mitigation Measure MM4.5-1 would be implemented requiring a final soils and geotechnical report, which would recommend design measures to be implemented in the final project design.

D. Environmental Resources/Conservation Element

Policy ERC 2.1.10: Conduct construction activities to minimize adverse impacts on existing wildlife resources.

Mitigation Measure MM4.3-1 requires that prior to construction or any vegetation removal that appropriate surveys shall be conducted to ensure that no nesting habitats are disturbed, including impact-avoidance measures.

E. Growth Management Element

Goal GM 1: Provide adequate police services to meet the needs of the City's population.

Goal GM 1.1.3: Continue to provide a 5-minute response time for Priority 1 calls for service at least 85% of the time. Calls are considered Priority 1 where there is a threat to life or property.

Goal GM 2: Provide adequate fire and paramedic services to meet the needs of the City's population.

Policy GM 2.1.2: Provide a 5-minute response time for emergency fire services at least 80 percent of the time.

Policy GM 2.1.3: Provide a 5-minute response time for paramedic services at least 80 percent of the time.

The environmental analysis evaluates the effects of the proposed project on public services (fire, police, schools and libraries) by identifying anticipated demands on existing and planned service availability. The analysis concludes that the proposed project would not require new or physically altered fire or police facilities to maintain adequate response times and staffing. However, in order to ensure that an adequate level of service is provided through the build-out of the specific plan, BECSP Program EIR Mitigation Measure MM4.11-1 is recommended, which would ensure that funding is available to maintain acceptable response times and staffing levels for Police and Fire.

Policy GM 1.1.7: Ensure that new development site design incorporates measures to maximize policing safety and security.

Policy GM 2.1.4: Ensure that new development site design incorporates measures to maximize fire safety and prevention.

The provisions of the BECSP require Fire Department review and approval of the proposed project to ensure that adequate circulation is provided to enable emergency access to the site and meet Fire code standards for circulation aisle widths. BECSP Program EIR Mitigation Measure MM4.6-4 would require adequate access for emergency vehicles during project construction. In addition, the Site Plan Review process would involve review by other City departments, including the Police and Fire Departments.

F. Hazardous Materials Element

Goal HM 1: Reduce, to the greatest degree possible, the potential for harm to life, property, and the environment from hazardous materials and hazardous waste.

Objective HM 1.1: Promote the proper handling, treatment and disposal of hazardous materials and hazardous waste.

BECSP Program EIR Mitigation Measures MM4.6-1 through MM4.6-2 ensure remediation of contaminated soils containing hazardous materials, if any, prior to development of the proposed project and by providing supplemental procedures in the event of unanticipated discoveries of contaminants during construction. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that identifies the contaminants of concern and the potential risk posed to human health.

G. Historic and Cultural Resources Element

Objective HCR 1.1: Ensure that all of the City's historically and archaeologically significant resources are identified and protected.

The impact analysis for cultural resources is based on the findings of the cultural records search and site survey conducted for the proposed project. No evidence of previously undiscovered archeological resources on the project site was encountered during the survey and record search. Although no cultural resources have been recorded on the project site, BECSP Program EIR Mitigation Measures MM4.4-2 (a) and MM4.4-2 (b) would ensure that impacts from the discovery of resources during project construction would be less than significant.

H. Housing Element

Goal H 2: Provide adequate housing sites to accommodate regional housing needs.

Goal H 3: Assist in development of affordable housing.

The EIR includes an assessment of the proposed project's consistency with the SCAG's Regional Comprehensive Plan (RCP) and the Regional Housing Needs Assessment (RHNA). The project site is currently designated for up to 175 affordable housing units to fulfill the City's affordable housing needs as determined by SCAG population projections. Since the proposed project would not include any residential development and potential replacement housing sites are uncertain at this time, there could be a loss of potential affordable housing units. The EIR states that the proposed project would

not be consistent with the goals of providing and assisting in the development of affordable housing to accommodate regional housing needs. The EIR determined that implementation of the proposed project would result in significant and unavoidable impacts in this regard.

I. Land Use Element

Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Objective LU 2.1: Review development with the ability of the City and other service providers to provide adequate public infrastructure (transportation facilities, wastewater collection and treatment, water supply, electrical, natural gas, telecommunications, solid waste disposal, storm drainage) and quality public services (governmental, police, fire, recreational, cultural, and public education system).

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 7.1.5: Accommodate the development of a balance of land uses that maintain the City's fiscal viability and integrity of environmental resources.

The environmental analysis states that the project site would be served by all necessary utilities, with the exception of storm drains, and located near the OCTA transportation center. The environmental analysis discusses that the project would be required to contain all additional stormwater volume on-site using a subterranean retention system per the Orange County stormwater permit requirements. As a result, storm drain infrastructure is not needed for the proposed project. All other public utilities and services would be adequate to serve the project given the relatively low intensity and nature of the skate park and retail use. Through conformance to the BECSP Development Code, the EIR states that the project would be designed to provide high quality architectural features and landscaping to be visually active and consistent with surrounding development. The EIR indicates that the proposed project would provide a recreational facility and retail use, which would provide additional tax revenue within the City and would not adversely affect the integrity of any sensitive environmental resources.

J. Noise Element

Goal N 1: Ensure that all necessary and appropriate actions are taken to protect Huntington Beach residents, employees, visitors, and noise sensitive uses from the adverse impacts created by excessive noise levels from stationary and ambient sources.

Objective N 1.2: Prevent and mitigate the adverse impacts of excessive noise exposure on the residents, employees, visitors, and noise sensitive uses of Huntington Beach.

The EIR includes a noise analysis consistent with CEQA requirements. The EIR concludes that the proposed project would have a minimal effect on the existing noise environment within and adjacent to the project site during normal skate park and retail operations. However, the EIR states that the

proposed project would have adverse impacts to noise-sensitive residential uses during periodic special events due to the use of generators, public address system, and noise generated by attendants of these events. Project Mitigation Measure MM 4.F-1 would be required to attenuate noise from generators for special events. The EIR determined that the special event-related noise impacts would be significant and unavoidable with the implementation of the proposed project.

Objective N 1.6: Minimize the impacts of construction noise on adjacent uses.

Policy N 1.6.1: Ensure that construction activities be regulated to establish hours of operation, to prevent and/or mitigate the generation of excessive or adverse noise impacts through the implementation of the existing Noise Ordinance and/or any future revisions to the Noise Ordinance.

Under the City's Municipal Code, construction activities can only occur between the hours of 7:00 AM and 8:00 PM from Monday through Saturday. BECSP Program EIR Mitigation Measures MM4.9-1 through 4.9-3 would further restrict construction hours for the highest noise producing activities and ensure that impacts associated with construction activities are minimized to the maximum extent feasible. As such, impacts would be less than significant.

K. Public Facilities and Services Element

Objective PF 1.1: Provide adequate police facilities and personnel to correspond with population and service demands, and provide protection for the community from illicit activities and crime.

Policy PF 1.3.2: Ensure that new development and land use proposals are analyzed to determine the impact on their operators, occupants, visitors, or customers may have on the safety and welfare of the community.

Policy PF 2.3.1: Continue to require all structures to follow all State and nationally recognized fire codes.

The environmental analysis includes an analysis of impacts to police and fire facilities and services. Implementation of the proposed project would not significantly impact the level of service delivery for the project area and would not require any new or physically altered police and fire facilities to maintain adequate response times and staffing. However, in order to ensure that an adequate level of service is provided through the build-out of the specific plan area, BECSP Program EIR Mitigation Measure MM 4.11-1 is recommending that the City provide sufficient funding to maintain the City's standard and average level of service through the use of General Fund monies. Compliance with the regulations of the California Fire Code pertaining to fire protection systems and equipment, general safety precautions, and many other general and specialized fire-safety requirements for new and existing structures reduce potential impacts.

Policy PF 4.2.3: Ensure that development shall not occur without providing for adequate school facilities.

The environmental analysis includes an analysis of potential impacts to schools. The proposed project would not result in direct population growth but could result in indirect impacts due to some job

creation. With the implementation of Code Requirements CR4.11-1, 4.11-2 and 4.11-3, fees collected would offset any additional increase in educational demand at the elementary school, middle school, and high school levels serving the proposed project.

L. Recreation and Community Services Element

Goal RCS 1: Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

The environmental analysis finds that the proposed project would provide new recreational opportunities for the community, drawing residents to the new skate park. In addition, the project's compliance with Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance for payment of park fees would ensure that the project would not have significant impacts on existing recreational facilities and opportunities.

M. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy in order to clarify the City's structure and improve Citywide identity.

Policy UD 1.1.3: Require a consistent design theme and/or landscape design character along the community's corridors that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

The EIR provides a description of the existing site conditions and analyzes the extent to which the visual character of the project site would change and additional sources of light and glare as a result of the proposed project would occur. The EIR states that the project's compliance with the standards and guidelines of the BECSP would enhance the visual character and quality of the surrounding area and transform the character of the site to that envisioned by the Town Center Neighborhood designation. The EIR indicates that adherence to the requirements of the lighting types and roof colors in the BECSP would ensure that the project would not affect the daytime and nighttime views of the area. Consistent with the BECSP Program EIR, Mitigation Measure MM4.1-2 is recommended to require that the project maximize use of non-reflective façade treatments.

N. Utilities Element

Objective U 1.2: Ensure that existing and new development does not degrade the City's surface waters and groundwater basins.

Policy U 1.2.1: Require that existing and new developments contain safeguards and mitigation measures preventing degradation.

The EIR includes an analysis of the project's impacts on hydrology and water quality. The analysis is based on the analysis included in the BECSP Program EIR and site-specific conditions. Code Requirement CR4.7-1 and BECSP Program EIR Mitigation Measures MM4.7-1 and MM4.7-2 would ensure that the proposed project would not adversely affect groundwater supplies or groundwater hydrology. Implementation of Code Requirement CR4.5-1 and BECSP Program EIR Mitigation Measures MM4.5-1 would ensure that impacts to on-site erosion would remain less than significant. Additionally, Code Requirement CR4.7-1 and BECSP Program EIR Mitigation Measures MM4.7-3 and MM4.7-4 requiring that a precise grading and drainage plan as well as hydrology and hydraulic study be prepared to ensure that the specific geologic and hydrologic conditions of the project site are reflected in the final project design to mitigate hydrology and water quality impacts to a less than significant level.

Policy U 1.1.1: Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.

Objective U 1.3: Minimize water consumption rates through site design, use of efficient systems, and other techniques.

Policy U 1.3.2: Continue to require the incorporation of water conservation features in the design of all new and existing uses such as the use of native plants, low flow toilets and water efficient appliances.

Objective U 1.4: Ensure the costs of improvements to the water supply, transmission, distribution, storage and treatment systems are borne by those who benefit.

Policy U 1.4.1: Require the cost of improvements to the existing water supply and distribution facilities necessitated by the new development be borne by the new development benefiting from the improvements, either through the payment of fees, or the actual construction of the improvements in accordance with State Nexus Legislation.

The environmental analysis states that the proposed project represents a relatively low-intensity development in terms of water demand. Implementation of the Code Requirement CR4.14-2 requiring compliance with the City's Water Efficient Landscape Ordinance and BECSP Program EIR Mitigation Measure MM4.14-1 requiring additional water conservation practices would ensure that the project's impact on water supplies would be less than significant.

Policy U 1.2.2: Require new developments to connect to the sewer system.

Policy U 2.1.5: Maintain, upgrade, and expand existing wastewater collection and treatment facilities.

Objective U.2.2: Ensure the costs of wastewater infrastructure improvements are borne by those that benefit.

Policy U.2.2.1: Require the costs of improvements to the existing wastewater collection facilities, which are necessitated by new development, to be borne by the new development benefiting from the

improvements; either through the payment of fees, or by the actual construction of the improvements in accordance with State Nexus Legislation.

The environmental analysis states that the project site would require the extension of water and wastewater infrastructure to serve the proposed skate park and retail use since it is not currently served by public utilities. The EIR discloses that local sewer service would be provided by the Midway City Sanitary District (MCSD). A new lateral connection would be constructed in McFadden Avenue approximately 10 feet north of the project site boundary. On-site improvements would be constructed and maintained by the project applicant, while off-site improvements would be implemented, as necessary, by the respective public agencies and/or utilities.

*Objective U 3.3:* Ensure that storm drain facilities (channels and outputs) do not generate significant adverse impacts on the environment in which the facilities traverse or empty.

The environmental analysis indicates the project site is not currently served by public storm drains, as currently stormwater flows are conveyed downstream via sheet flow (onsite) and curb and gutter (off-site) to City storm drain facilities. The project would involve the construction of an on-site stormdrain retention system to post-project stormwater flows below pre-project volumes, as required by County standards. The environmental analysis states that the construction of the stormwater system would be limited to the project site and would not result in significant environmental effects and potential impacts would be less than significant.

**Zoning Compliance:** Not applicable.

**Urban Design Guidelines Conformance:** Not applicable.

**Environmental Status:**

In accordance with the California Environmental Quality Act (CEQA), EIR No. 10-009 was prepared by PCR Services to analyze the potential environmental impacts associated with implementation of the proposed project as well as identify appropriate mitigation measures. The Draft EIR was distributed to the Planning Commission for review at the start of the 45-day public comment period on January 13, 2012. The Final Draft EIR, including the Response to Comments and all text changes as a result of the public comment period was distributed to the Planning Commission and posted on the City's website on March 14, 2012.

The required CEQA procedure that was followed is outlined below:

<u>October 2011</u>	Staff conducted an initial study and determined that an EIR would be required.
<u>October 27, 2011</u>	A Notice of Preparation was filed with the State Clearinghouse to notify public of intent to prepare an EIR.
<u>October 27, 2011 to November 30, 2011</u>	Initial Study/Notice of Preparation available for 30 day public review and comment period.

<u>November 9, 2011</u>	A Public Scoping Meeting was held to solicit comments and issue areas to be studied in the EIR.
<u>January 13, 2012</u>	A Notice of Completion was filed with the State Clearinghouse.
<u>January 13, 2012 to February 27, 2012</u>	Draft EIR available for public review and comment for 45 days.
<u>February 8, 2012</u>	A Public Comment Meeting was held to solicit comments on the adequacy of the Draft EIR.
<u>Tentative March 27, 2012</u>	Public hearing is scheduled before Planning Commission to Certify EIR No. 10-009.

Through the use of appropriate code requirements and/or mitigation measures indentified in the EIR, most of the potentially adverse impacts associated with the project can be mitigated to a less-than-significant level. However, there are two project-specific significant adverse environmental impacts anticipated from the proposed project that cannot be completely eliminated through mitigation measures. The significant adverse environmental impacts are as follows:

- **Land Use Planning**
  - > **Project Specific**—The proposed project would result in conflicts with the SCAG RHNA for 2006-2014 and the applicable goals and policies of the Huntington Beach General Plan.
- **Noise**
  - > **Project Specific**—The proposed project would result in temporary noise increases associated with periodic special events on-site, during which noise levels would exceed established thresholds at nearby sensitive receptors.

The scope and conceptual design of the Skate Park Project was provided by the applicant for purposes of the EIR analysis. The Skate Park Project would require approval of a Site Plan Review application, although the City does not have a pending application for construction of the proposed Skate Park Project. Notwithstanding the adoption and implementation of the recommended mitigation measures, approval of the project would require that a Statement of Overriding Considerations be adopted finding that the economic and social benefits of the project outweigh its potentially adverse environmental impacts. Prior to certification and adoption of the EIR by resolution, the Planning Commission may amend the document. It should be noted, that removal of any of the recommended mitigation measures will require findings and justification.

**Environmental Board:**

The City's Environmental Board reviewed the EIR and provided a comment letter during the DEIR process. In summary, the Environmental Board stated concerns regarding water run-off impacts, noise and lighting impacts, and the work on high voltage power lines nearby. The Board provided suggestions for project design related to landscaping in the use of specific trees, shrubs, and groundcover. The Board also encouraged the use of sustainable development practices to increase the project's energy efficiency.

**Coastal Status:** Not applicable

**Redevelopment Status:**

The project site is within a redevelopment project area. The City's Economic Development Department has reviewed the EIR to ensure that requirements applicable in the redevelopment area were included in the analysis.

**Design Review Board:** Not applicable

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The EIR was circulated to other Departments for review and comment. All Department comments and recommendations are incorporated into the EIR and its mitigation measures. Compliance with mitigation measures will be enforced through the Mitigation Monitoring and Reporting Program (Refer to Resolution No. 1660 Exhibit A).

**Public Notification:**

Legal notice was published in the Huntington Beach Independent on March 15, 2012, and notices were sent to property owners of record and occupants within a 1,000 ft. radius of the project site, interested parties, and individuals/organizations that commented on the environmental document. As of March 16, 2012, no communications on the draft EIR, other than letters included in the Final EIR/Response to Comments, have been received.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

- Draft EIR: October 27, 2011

**MANDATORY PROCESSING DATE(S):**

- Within 1 year of complete application: October 27, 2012

**ANALYSIS:**

The analysis provides an overview of the EIR and its conclusions, a review of the project alternatives, and a summary of the response to comments.

**EIR Overview**

The EIR provides a detailed analysis of potential impacts associated with the proposed project. It is intended to serve as an informational document for decision makers. This EIR identifies significant or potentially significant environmental effects, as well as ways in which those impacts can be reduced to less than significant levels, whether through the imposition of code requirements (CRs), mitigation measures (MMs), or through the implementation of alternatives to the project. In a practical sense, EIRs function as a technique for fact-finding, allowing future applicants, concerned citizens, and staff an

opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

### Scope of EIR Analysis

As the analysis in Draft EIR No. 10-009 is tiered from the BECSP Program EIR, the environmental impacts for certain issue areas of the project are substantially consistent with the analysis in the BECSP Program EIR and did not require substantial additional analysis. Based on a preliminary environmental analysis and a review of the BECSP Program EIR, the following issue areas did not require substantial additional analysis in Draft EIR No. 10-009:

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

Conversely, the following issue areas were determined to require additional project-specific analysis:

- Aesthetics
- Air Quality
- Climate Change
- Hydrology / Water Quality
- Land Use / Planning
- Noise
- Transportation / Traffic

No impacts to Agricultural Resources, Mineral Resources, and Population / Housing were determined; as such, no analysis is provided in the draft EIR.

A summary of key issues and mitigation measures resulting from the EIR is provided below. A complete listing of the recommended mitigation measures is provided in the Mitigation Monitoring Program provided in Attachment No. 1.

#### ♦ *Aesthetics*

Implementation of the project will change the visual character of the project site and add additional sources of light and glare. The proposed project would be developed in accordance with the standards and guidelines of the Town Center Neighborhood designation, which would ensure that the intent of the BECSP is carried out through proper site planning and high-quality materials, architecture and landscaping. The EIR acknowledges that the project is proposed in an existing urban environment in which building glare and a significant amount of ambient nighttime lighting already exists. The provisions of the BECSP include regulations and guidelines to ensure that project lighting and exterior building materials would not result in significant impacts from light and glare. A mitigation measure is

recommended to require that the project maximize use of non-reflective façade treatments. Therefore impacts would be less than significant.

♦ *Air Quality*

The EIR analysis focuses on the nature and magnitude of the change in the air quality environment due to implementation of the proposed project. Air pollutant emissions associated with the proposed project would result from construction activities, operation of uses allowed under the proposed Specific Plan, and project-related traffic volumes.

Air quality modeling was completed consistent with South Coast Air Quality Management District recommendations. The EIR analyzed the following emissions: Carbon Monoxide (CO), Respirable Particulate Matter (PM<sub>10</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>), Nitrogen Oxides (NO<sub>x</sub>), Sulfur Oxides (SO<sub>x</sub>), Volatile Organic Compounds (VOCs) and Toxic Air Contaminants (TACs). In addition, the EIR examined if localized CO concentrations at nearby intersections would be increased beyond state and national standards as a result of vehicle traffic.

*Construction Emissions-Short Term Impacts:* Construction activities conducted as part of the implementation of the proposed project would not exceed SCAQMD localized significance thresholds and therefore short-term air quality impacts would be less than significant. Although project-related construction air quality impacts would be less than significant, BECSP Program EIR Mitigation Measures MM 4.2-1 through MM 4.2-14 would be implemented to reduce construction and air quality impacts associated with the proposed project.

*Operational Emissions-Long Term Impacts:* Operational emissions generated by both stationary and mobile sources would result from normal day-to-day activities after completion of project construction. The analysis of the daily operational emissions from the proposed project has been prepared utilizing the CalEEMod computer model recommended by the SCAQMD. The proposed project would not generate emissions that exceed the thresholds of significance recommended by the SCAQMD and therefore long-term air quality impacts would be less than significant.

The EIR examined if localized CO concentrations at nearby intersections would be increased beyond state and national standards as a result of increased vehicle traffic. The EIR analysis determined that the proposed project will not cause localized CO concentrations at nearby intersections to exceed national or state ambient air quality standards. Therefore, “hot spots” are not anticipated to occur at local intersections as a result of project implementation.

♦ *Climate Change*

Greenhouse Gas (GHG) emissions associated with the proposed project would result from operation of future project development and from future project-related traffic volumes. Construction activities would also generate emissions within the project site and on roadways resulting from construction-related traffic. BECSP Program EIR Mitigation Measures MM4.15-1 to MM4.15-9 are consistent with strategies recommended by the California Climate Action Team and California Air Pollution Control Officers Association for reducing climate change emissions, which would ensure that construction and operational impacts from the project remain less than significant with respect to climate change.

♦ *Hydrology and Water Quality*

The EIR utilized information from the BECSP Program EIR as well as site-specific characteristics and a Preliminary Water Quality Management Plan (WQMP) for the project to analyze potential hydrology and water quality impacts. The subject property is relatively flat and gently slopes in a southerly direction. The topography drops approximately four feet from the northerly boundary along McFadden Avenue to the southerly boundary along Center Avenue. The proposed project will require the preparation of a final WQMP prior to the issuance of Precise Grading or Building permits. Pursuant to the BECSP, the project must include site design and source and treatment control BMPs in the project WQMP. Code Requirement CR4.7-1 and BECSP Program EIR Mitigation Measures MM4.7-1 and MM4.7-2 would ensure that the proposed project would not adversely affect groundwater supplies or groundwater hydrology. Implementation of Code Requirement CR4.5-1 and BECSP Program EIR Mitigation Measures MM4.5-1 would ensure that impacts to on-site erosion would remain less than significant. Additionally, Code Requirement CR4.7-1 and BECSP Program EIR Mitigation Measures MM4.7-3 and MM4.7-4 requiring that a precise grading and drainage plan as well as hydrology and hydraulic study be prepared to ensure that the specific geologic and hydrologic conditions of the project site are reflected in the final project design to mitigate hydrology and water quality impacts to a less than significant level.

♦ *Land Use and Planning*

This section of the EIR analyzes the potential for the project to conflict with any applicable adopted land use plan, policy, or regulation of an agency with jurisdiction over the project, including the General Plan. The proposed project would develop a skate park and retail use on a currently vacant parcel that is designated in the General Plan for up to 175 affordable housing units to fulfill the City's affordable housing needs as determined by SCAG population projections in the Regional Housing Needs Assessment. Since the proposed project would not include any residential development and potential replacement housing sites are uncertain at this time, there could be a loss of potential affordable housing units. The EIR determined that implementation of the proposed project would result in significant and unavoidable impacts with respect to conflict with the SCAG Regional Housing Needs Assessment and the General Plan.

♦ *Noise*

Potential noise impacts associated with short-term construction activities and long-term changes in ambient conditions primarily related to increases in traffic were analyzed in the EIR. Ambient noise level measurements at three locations near the project site and roadway noise levels from the BECSP Program EIR were utilized to provide the baseline noise conditions. Noise that would be experienced by sensitive uses due to development associated with implementation of the proposed project is determined at their property lines. The nearest sensitive uses were identified at 35 feet (property line of the nearest multi-family residential uses), 150 feet (northwest corner of McFadden Avenue and Vermont Street), and 200 feet (along Gothard Street across the project site) from the project site. In terms of the short-term noise impacts from construction, the City's noise ordinance exempts noise associated with construction provided the construction takes place between the hours of 7:00 A.M. and 8:00 P.M. Monday through Saturday. Implementation of BECSP Program EIR Mitigation Measures MM4.9-1 through MM4.9-3 would ensure that impacts associated with construction-related noise would be minimized. Therefore, this impact would be less than significant.

Construction-related groundborne noise and vibration may result in human annoyance and/or potentially damage the foundations and exteriors of other structures. Implementation of BECSP Program EIR Mitigation Measures MM4.9-1 through MM4.9-3 would help to reduce this impact to a less than significant level. In addition, operation of the project would not result in excessive groundborne noise and vibration and impacts would be less than significant.

Long term noise generated by implementation of the proposed project would include new noise sources such as mechanical equipment, refuse collection area, parking area, and skate park activities. The proposed project would have a minimal effect on the existing noise environment within and adjacent to the project site during normal skate park and retail operations. However, the proposed project would have adverse impacts to noise-sensitive residential uses during periodic special events due to the use of generators, public address (PA) system, and noise generated by attendants of these events. The proposed project would host up to 15 event days throughout the year. Twelve event days would be held on weekends and are expected to draw 300 to 500 spectators per event day. The remaining three event days would consist of one major event which is expected to draw up to 2,500 spectators per event day, starting on a Friday and ending on a Sunday. Noise levels generated by the PA system, audience applause and cheers during these special events would exceed the significance threshold of 55 dBA at the nearest multi-family residential uses approximately 50 feet from the temporary grandstand seating at a turf area. There are no mitigation measures that can fully mitigate the noise associated with the special events. However, Project Mitigation Measure MM4.F-1 would be able to attenuate the noise from the generators for special events. The EIR determined that the special event-related noise impacts would be significant and unavoidable at the nearest noise receptor (multi-family residential uses) for all 15 event days with the implementation of the proposed project.

♦ *Transportation/Traffic*

The EIR analyzes the potential for adverse impacts on existing transportation and traffic conditions resulting from implementation of the proposed project. A traffic study was conducted by Austin-Foust Associates and analyzed potential adverse traffic impacts on 11 intersections surrounding the project site with one in the City of Westminster and the remainder in the City of Huntington Beach. For construction traffic impacts, truck trips due to construction activities at the project site would not cause a substantial increase to traffic volumes and delays in the project site and therefore traffic impacts would be less than significant. As for project trip generation, the proposed project would generate 416 daily weekday trips at build out and would not result in significant impacts when compared to the scope of development for the project site in the General Plan. The project may contribute traffic to other intersections and freeway ramps that were determined to be significantly impacted as a result of implementation of the BECSP. However, the proposed project's impacts on those intersections and freeway ramps determined to be deficient can be mitigated through BECSP Program EIR Mitigation Measures MM4.13-1 through MM4.13-18 requiring payment of fees that would contribute the project's fair share to improving those intersections.

The traffic study also analyzed the traffic impacts for major special events, which are expected to draw up to 2,500 spectators per event day. A weekend survey was performed for four intersections, chosen because of the weekend activity that occurs near the proposed project such as the Goldenwest swap meet, Westminster mall activity, and Bella Terra mall activity. All intersections are forecasted to operate at level of service D or better, resulting in less than significant traffic impacts during special events. In

addition, a qualitative analysis was conducted to identify the potential impact of the proposed shuttle route from the Huntington Beach Sports Complex where visitors would be directed to park their vehicles during special events and be shuttled to/from the project site by buses. The estimated 100 trips per day would have a less than significant impact for intersections located along the shuttle route.

The EIR also analyzes the project's capacity to accommodate parking for both the day-to-day operations and the special events. The proposed project would include a main parking lot with approximately 26 spaces and a secondary parking lot with approximately 40 spaces. Based on the nature of the skate park/retail store and associated users/patrons, it is expected that the majority of park visitors would be youth utilizing non-vehicular transportation or dropped off by others. As such, the parking supply provided in the main parking lot is anticipated to adequately meet the normal day-to-day demands. However, the facility would host several special events per year, which would substantially increase park visitation and associated traffic and parking. A significant number of guests are expected to be local youth arriving at the park by foot or other non-vehicular forms of transportation. Guests arriving by vehicle would be directed to the surface parking lots at the Huntington Beach Sports Complex, located approximately 2.8 miles south of the project site, which has a total of 850 parking spaces. Guests would be transported to and from the skate park via shuttle buses. Prior to scheduling events, the project operator would coordinate with the City of Huntington Beach Community Services Department to allocate appropriate parking stall reserves at the Huntington Beach Sports Complex. To ensure adequacy of parking, the project operator would schedule major events on days where no events are planned at the Sports Complex. While adequate parking for special events is anticipated to be provided at off-site locations, special events have the potential to create parking impacts for adjacent neighbors. Implementation of Project Mitigation Measure MM4.G-1 addressing the potential for overflow parking for special events would ensure the potentially significant parking impacts to neighboring uses during special events are reduced to a less than significant level.

With implementation of existing code requirements, mitigation measures adopted for the BECSP and proposed project-specific mitigation measures, all project-related traffic impacts would be mitigated to a less than significant level.

### Alternatives to the Proposed Project

CEQA guidelines require that an EIR describe a range of reasonable Alternatives to the project or the location of the project that could meet the objectives of the project and potentially reduce significant impacts of the project. Of note is that every conceivable Alternative scenario is not required but rather a range of feasible Alternatives must be included in the EIR so that the project can be adequately evaluated. Therefore, the rationale for selecting potentially feasible Alternatives includes a different type of project, modification to the proposed project, or suitable Alternative project sites. The Alternatives are evaluated to see how well they can achieve the project objectives. Three Alternatives were evaluated in the Draft EIR and described below:

**No Project/No Development Alternative** — The “no project” alternative would serve as a “no development” alternative with the site remaining in its vacant, undeveloped state.

**Reduced Project Alternative** — This alternative assumes a reduced intensity of the project elements at the same project site. Under the reduced project alternative, approximately 8,000 sq.

ft. of skate plaza area, a 2,000 sq. ft. skate shop/concession/restroom building, 15,000 sq. ft. of turf/walking area, a 480 sq. ft. skate park restroom structure, and 200 sq. ft. skate park entrance kiosk would be developed.

**Alternative Location Alternative** — This alternative assumes the proposed project would be developed at the same intensity but at another location in the City. The proposed skate park and retail/concession use would be constructed and operated on County-owned property at the former Gothard Landfill site, located at 18131 Gothard Street on the west side of Gothard Street and south of Talbert Avenue. The project would be built on a 3.5-acre portion of the approximately 11.5-acre property along the eastern side of the site fronting Gothard Street. The alternative site would include all improvements contemplated as part of the propose project, including onsite parking and additional space for special event parking and turf/vendor areas. Specifically, the northern half of the site would be developed with an above-grade skate bowl area, a 15,000 sq. ft. above-grade skate plaza area, a 4,000 sq. ft. retail/concession use and restroom structure, a turf area surrounding the skate plaza, and onsite surface parking lot with 40 parking spaces. The southern half of the alternate site would remain undeveloped to provide space for special event parking. Primary vehicle access would be provided by a driveway at the northeastern corner of the site on Gothard Street, while a secondary access would be located at the southeast corner of the property and would only be used during special events. As the site is currently designated for industrial uses in the City's General Plan and zoned for open space/recreation, amendments to the City's General Plan and Zoning Code would be required under this Alternative. Since the site is a former landfill, various structures housing equipment to capture landfill gases are located throughout the site and would remain on-site under this Alternative to address landfill gas-related hazards.

#### No Project/No Development Alternative Impacts

Under this alternative, the skate park project would not be constructed and the project site would remain in its vacant, undeveloped state. The No Project/No Development Alternative would result in reduced impacts with regard to all environmental issues except for aesthetics (operational visual quality) and hydrology and water quality (operational water quality), which would be greater than the proposed project, and would avoid significant and unavoidable land use and noise impacts that would occur under the proposed project. The No Project/No Development Alternative would fail to meet any of the project's goals and objectives, either partially for fully.

#### Reduced Project Alternative Impacts

Similar to the proposed project, the majority of impacts associated with the Reduced Project Alternative would be less than significant with the incorporation of mitigation measures and code requirements. It should be noted that most impacts would be less than the proposed project due to the reduction in the scope of development in the areas of aesthetics, air quality, greenhouse gas emissions (GHG emissions), hydrology and water quality, noise (construction and operational noise and vibration), and transportation/traffic (intersection LOS, CMP impacts, access/circulation, alternative transportation plan consistency). This Alternative would result in similar impacts regarding greenhouse gas emissions (GHG plan consistency), land use (plan consistency), and transportation/traffic (parking). Similar to the proposed project, significant and unavoidable land use and planning and noise impacts would occur since the reduced project would conflict with the SCAG Regional Housing Needs Assessment and the General Plan and the periodic noise increases associated with special events would result in noise levels in excess of established thresholds. The Reduced Project Alternative would partially meet many of the project's

goals and objectives, but would not achieve all goals and objectives to the extent the project would. The significant adverse impacts are as follows:

- **Land Use Planning**
  - > **Project Specific**—The proposed project would result in conflicts with the SCAG RHNA for 2006-2014 and the applicable goals and policies of the Huntington Beach General Plan.
- **Noise**
  - > **Project Specific**—The proposed project would result in temporary noise increases associated with periodic special events on-site, during which noise levels would exceed established thresholds at nearby sensitive receptors.

#### Alternative Location Alternative

Under this Alternative, similar impacts would result in the areas of aesthetics, air quality (AQMP consistency, construction emissions, and operational emissions), greenhouse gas emissions (GHG emissions and GHG plan consistency), hydrology and water quality (hydrology, drainage, and water quality), land use (plan consistency), noise (violation of noise standards, groundbourne vibration, and permanent noise increases), and transportation/traffic (intersection LOS, access/circulation, alternative transportation). This Alternative would result in less impacts regarding air quality (exposure to substantial pollutant concentrations and odors), noise (temporary and periodic noise increases), and transportation/traffic (parking). The Draft EIR identifies that the Alternative Location Alternative would be the environmentally superior alternative to the proposed project because it would eliminate the significant and unavoidable impacts related to noise and land use/planning and would meet all the project objectives. However, potential impacts related to biological resources, geology and soils, and hazards and hazardous materials would occur under this Alternative that would not occur at the project site.

In terms of biological resources, the former landfill property is known to contain coastal sage scrub habitat, which is considered a sensitive biological resource that supports rare, threatened, and/or endangered wildlife species. In terms of geology and soils and hazards and hazardous materials, the presence of landfill waste materials and associated landfill gases in on-site soils would result in greater impacts in these areas. It is anticipated that a biological resources assessment and project specific geotechnical study would be required under this Alternative to identify potential impacts and mitigation measures to reduce impacts.

#### Statement of Overriding Considerations

Environmental impacts associated with implementation of a project may not always be mitigated to a level considered less than significant. In such cases, a Statement of Overriding Considerations (SOC) must be prepared prior to approval of a project, and in accordance with CEQA Guidelines Sections 15091 and 15093. Because implementation of the proposed project would create significant unavoidable impacts as described above in the areas of Land Use/Planning and Noise, a Statement of Overriding Considerations is required to describe the specific reasons for approving the project based on information contained within the Final EIR, as well as any other information in the public record. The Planning Commission and City Council will be required to adopt a SOC prior to action on the GPA and ZTA.

### Public Comments on the Draft EIR and Errata Changes

During the public review period, the City of Huntington Beach received a total of four comment letters: one from a state agency, one from a local agency, one from the Environmental Board, and one from an individual. Five verbal comments were received at the public meeting held during the comment period. In response to the comments received, the final EIR includes text changes for the purpose of clarification or correction. The Errata do not change the conclusions of the EIR analysis. All of the other comments are adequately addressed in the Response to Comments.

Any written communication received subsequent to the preparation of this staff report will be forwarded to the Planning Commission under separate cover.

### SUMMARY:

Environmental Impact Report No. 10-009 serves as an informational document with the sole purpose of identifying potential environmental impacts associated with the Skate Park Project, alternatives that minimize those impacts, and appropriate mitigation measures.

Staff recommends that the Planning Commission certify EIR No. 10-009 because:

- The EIR has been prepared in accordance with the California Environmental Quality Act;
- The EIR adequately addresses the environmental impacts associated with the proposed project; and
- The EIR identifies project alternatives and mitigation measures to lessen the project's impacts consistent with the BECSP Program EIR and General Plan policies.

### ATTACHMENTS:

1. Planning Commission Resolution No. 1660 – Certifying Final EIR No. 10-009
2. Final EIR No. 10-009, includes Draft EIR, EIR Appendices, Response To Comments and Text Changes **(Not Attached - Available for Public Review at the Planning and Zoning Counter – 3<sup>rd</sup> Floor, City Hall)**

SH:MBB:HF:TN

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF HUNTINGTON BEACH CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT (SCH#2011101064)  
FOR THE SKATE PARK PROJECT

WHEREAS, Environmental Impact Report No. 10-009, State Clearinghouse #2011101064 (“EIR”) was prepared by the City of Huntington Beach (“City”) to address the environmental implications of the proposed Skate Park Project (the “Project”); and

On October 27, 2011, a Notice of Preparation/Initial Study for the Project was distributed to the State Clearinghouse, other responsible agencies, trustee agencies and interested parties; and

After obtaining comments received in response to the Notice of Preparation, and comments received at the public scoping meeting held on November 9, 2011, the City completed preparation of the Draft EIR and filed a Notice of Completion with the State Clearinghouse on January 13, 2012; and

The Draft EIR was circulated for public review and comment from January 13, 2012 to February 27, 2012, and was available for review at several locations including City Hall Planning and Building Department, City Clerk’s Office, Central Library and the City’s website; and

Public comments have been received on the Draft EIR, and responses to those comments have been prepared and provided to the Planning Commission as a section within a separately bound document entitled “Center Avenue Skate Park Project Environmental Impact Report Volume III: Final EIR” (the “Responses to Comments”), dated March 2012; and

Public Resources Code 21092.5(a) requires that the City of Huntington Beach provide a written proposed response to any public agency that commented on the Environmental Impact Report, and the Response to Comments included in the Final Environmental Impact Report satisfies this provision; and

The Planning Commission held a public meeting on the EIR on March 27, 2012 and received and considered public testimony,

NOW, THEREFORE, the Planning Commission of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. Consistent with CEQA Guidelines Section 15132, the Final EIR for the Project is comprised of the Draft EIR and Appendices, the comments received on the Draft EIR, the Responses to Comments (including a list of persons, organizations, and public agencies commenting on the Draft EIR), the Test Changes to the Draft EIR (bound together with the Responses to Comments) and all Planning and Building Department Staff Reports to the Planning Commission, including all minutes, transcripts, attachments and references. All of the above information has been and will be on file with the City of Huntington Beach Department of Planning and Building, 2000 Main Street, Huntington Beach, CA 92648.

SECTION 2. The Planning Commission finds and certifies that the Final EIR is complete and adequate in that it has identified all significant environmental effects of the Project and that there are no known potential environmental impacts not addressed in the Final EIR.

SECTION 3. The Planning Commission finds that all significant effects of the Project are set forth in the Final EIR.

SECTION 4. The Planning Commission finds that although the Final EIR identifies certain significant environmental effects that will result if the Project is approved, all significant effects which can feasibly be mitigated or avoided have been mitigated or avoided by the incorporation of Project design features, standard conditions and requirements, and by the imposition of mitigation measures on the approved Project. All mitigation measures are included in the "Mitigation Monitoring and Reporting Checklist" (also referred to as the "Mitigation Monitoring Program") attached as Exhibit "A" to this Resolution and incorporated herein by this reference.

SECTION 5. The Planning Commission finds that the Final EIR has described reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project (including the "No Project" Alternative), even when these alternatives might impede the attainment of Project objectives. Further, the Planning Commission finds that a good faith effort was made to incorporate alternatives in the preparation of the Draft EIR and that a reasonable range of alternatives was considered in the review process of the Final EIR and ultimate decisions on the Project.

SECTION 6. The Planning Commission finds that "no substantial evidence" (as that term is defined pursuant to CEQA Guidelines Section 15384) has been presented that would call into question the facts and conclusions in the EIR.

SECTION 7. The Planning Commission finds that no "significant new information" (as that term is defined pursuant to CEQA Guidelines Section 15088.5) has been added to the Final EIR after circulation of the Draft EIR. The Planning Commission finds that the minor refinements that have been made in the Project as a result of clarifications in the mitigation measures and EIR text do not amount to significant new information concerning the Project, nor has any significant new information concerning the Project become known to the Planning Commission through the public hearings held on the Project, or through the comments on the Draft EIR and Responses to Comments.

SECTION 8. The Planning Commission finds that the Mitigation Monitoring Program establishes a mechanism and procedures for implementing and verifying the mitigations pursuant to Public Resources Code 2108.6 and hereby adopts the Mitigation Monitoring Program. The mitigation measures shall be incorporated into the Project prior to or concurrent with Project implementation as defined in each mitigation measure.

SECTION 9. The Planning Commission finds that the Final EIR reflects the independent review and judgment of the City of Huntington Beach Planning Commission, that the Final EIR was presented to the Planning Commission, and that the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving General Plan Amendment No. 11-002 and Zoning Text Amendment No. 11-002.

SECTION 10. The Planning Commission finds that the Final EIR serves as adequate and appropriate environmental documentation for the Project. The Planning Commission certifies that the Final EIR prepared for the Project is complete, and that it has been prepared in compliance with the requirements of the California Environmental Quality Act and CEQA Guidelines.

PASSED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting thereof held on the twenty-seventh day of March, 2012.

\_\_\_\_\_  
Chairperson, Planning Commission

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott Hess, Secretary

*Jennifer M. Smith*  
City Attorney  
MV-375-10  
3-29-12

Exhibit A: Mitigation Monitoring and Reporting Program