

**APPENDIX B
RESPONSES TO COMMENTS ON THE DRAFT MND**

INDIVIDUALS

▪ **ANDREW ROMER (ROM), MAY 7, 2018**

- ROM-1 The comment relates to the location of the fenced area of the existing closed school site as described in the Mitigated Negative Declaration (MND). The school buildings are currently fenced off and not accessible to the public; however, the parking lots and open field area are not fenced off. The commenter notes that the public uses the site for parking. However, it should be noted that the current parking lot does not provide required parking for any use. The commenter also provides a personal observation that parking is limited in the tract on street sweeping days. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- ROM-2 The comment relates to other agencies whose approval is required for permits such as the City of Westminster, Midway City Sanitation District, the City's water and sewer departments, and the Orange County Sanitation District. Approval from the City of Westminster is not required. The Midway City Sanitation District approval is not required as Republic Services will be serving the project site. The Orange County Sanitation District and Republic Services have issued a Will Serve letter for the proposed project. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- ROM-3 The comment states all sections of the MND should have been checked and thoroughly addressed, but does not specify the reasons in this particular comment. The comment does not raise any specific environmental issues. As discussed in the draft MND, this response to comments document, and the proposed errata to the draft MND (Appendix C of this document) all potential impacts, in light of the whole record, have been adequately disclosed and analyzed. The comment will be forwarded to the Planning Commission and City Council for consideration.
- ROM-4 The comment states the resident disagrees with the determination that an MND is sufficient for the environmental review and the commenter believes the proposed mitigation measures are inadequate and, as such, an Environmental Impact Report (EIR) should be required. The comment does not raise any specific environmental issues. As discussed in the draft MND, this response to comments document, and the proposed errata to the draft MND (Appendix C of this document) all potential impacts, in light of the whole record, have been adequately disclosed and analyzed. No potentially significant impacts have been identified that cannot be mitigated to a less than significant level based on substantial evidence in the record. The comment will be forwarded to the Planning Commission and City Council for consideration.
- ROM-5 The comment states the proposed homes will affect the existing scenic vistas and a mitigation measure is required. As discussed in Section 5.1 of the draft MND, the existing park and open field area is not designated as a scenic vista; thus, the project would not result in any impacts and a mitigation measure is not required. While there would be a change in the view for some residences that currently face the existing park and school, this change does not result in a significant effect on a scenic vista.

- ROM-6 The comment states the project would degrade the visual character of the site and its surroundings due to allowing higher density housing than the surrounding neighborhood. As discussed in the MND, the project is proposing to change the zoning and General Plan land use to Residential Low Density (RL), which allows for seven units per acre and is consistent with the zoning and General Plan land use of the surrounding neighborhood. Additionally, the proposed density of 6.9 units per acre is consistent with the proposed zoning and General Plan as well as existing density in the surrounding neighborhood.
- ROM-7 The comment states the architectural style of the existing neighborhood is Mid-Century Beach Bungalow. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- ROM-8 The comment relates to Mitigation Measure AES-1, which requires the applicant to provide an updated arborist report documenting all existing trees to be removed within the closed school site and the parkway. The comment states that the mitigation measure is inadequate and that preservation of existing trees in the park should occur and the development modified to accommodate preservation in place to the maximum extent possible. According to the preliminary arborist report, the arborist noted that many of the existing trees in the park have defects and would have issues in the future. Therefore, the arborist recommended that they be removed and replaced. Other trees may have higher survival prospects, but are within planned improvement areas, such as the playground, and have also been recommended for removal. The draft MND requires an updated arborist report prior to removal of any trees and the proposed mitigation measure requires replacement of trees at a 2:1 ratio, which has been considered adequate mitigation. The comment also raises concerns of creating a concentrated area of trees that may create a forest like design. Trees will be dispersed throughout the park area and in the landscape parkways throughout the tract.
- ROM-9 The comment addresses Section 5.1 Aesthetics (c), that the MND, which states the site is entirely developed. The comment states the site is not developed because there is an open field area. The current site is fully developed as the site has been entirely graded and developed as an elementary school. The current open space/field area was a function of the former school use. Although the project would remove the field area of the school, it is not area that is designated as open space. The current zoning of the property would allow for the field area to be developed with buildings and structures. The comment also addresses the same section, which states the project will result in a reduction in the amount of open space that will degrade the visual character of the neighborhood and result in a significant impact that must be mitigated. As discussed in the draft MND, aesthetic impacts are somewhat subjective and the change in the existing condition of the project site (school buildings, fields, parking lot and park area) is "subjective," and that the new homes and associated park space and landscaping may be viewed aesthetically as an improvement from the current conditions.
- ROM-10 The comment relates to additional sources of light and glare from the proposed project. The comment proposes a mitigation measure that all exterior lighting on all new structures be directed downward, lighting is low intensity and energy efficient, and all windows facing existing homes be masked to avoid illuminating currently non-illuminated homes. Although the proposed project will introduce new sources of light from the homes and vehicles, the project consists of single-family homes within a single-family neighborhood; therefore, the use of light and sources of glare from the project would be the same from other light sources in the neighborhood. The lighting associated with the proposed development is not anticipated to result in a significant impact and does not require a mitigation measure. Additionally, it is a code requirement that energy efficient lighting is implemented.

ROM-11

The comment states the Air Quality section is based upon data that is unsubstantiated and is recommending an independent air quality assessment is prepared to address the following:

- Dust will be generated by the contractor's activities and if not mitigated, will endanger the health and safety of the neighborhood. Who will pay for the cleanup of construction-induced dust deposited on the existing homes and what the long-term damage to the health of residents inhaling the dust?
- Mitigation of odors during construction.
- Mitigation of construction odors from diesel exhaust and the presence of sulfur and the creation of hydrocarbons during combustion and volatile compounds within paint and other coatings.
- Mitigation of the generation of heat and dense buildings absorbing re-radiating thermal energy from the surfaces of buildings, automobiles, furnaces, and air conditioners; and the creation of a heat island.

As discussed in the draft MND, air quality impacts were assessed for the proposed project and potential impacts modeled using standard air quality emissions modeling and SCAQMD thresholds of significance. During construction, the project will be required to implement SCAQMD Rule 403, which includes dust control measures such as watering the site. With implementation of Rule 403, pollutant emissions during construction would not exceed thresholds of significance and no further mitigation would be required. Likewise, as analyzed in the Draft MND, short-term odors during construction will be a less than significant impact and no mitigation would be required. As modeled and shown in the draft MND in Section 5.3, due to the temporary and intermittent nature of construction, construction odor and emissions from diesel exhaust and hydrocarbons from paint and other coatings will not result in significant emissions; therefore, impacts would be less than significant and mitigation would not be required. Heat island effects are not analyzed in a MND. However, according to the United States Environmental Protection Agency (EPA), surface and atmospheric temperatures vary over different land use areas and different times of the day. The proposed single-family residential project is consistent with the surrounding residential use, and the thermal energy should not be substantially different from the existing area. Furthermore, the EPA states parks can create cooler areas. As such, the project proposes a 1.15-acre public park that will offset the thermal energy and heat island effect. In addition, trees and vegetation lowers surface and air temperatures. The proposed project will also include landscaping and trees on each lot as well as within the parkway areas, which will further reduce the heat island effect.

ROM-12

The MND states that "There are no endangered, rare, or threatened species designated by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), or California Native Plant Society (CNPS) known to occur on-site." The comment suggests that the statement is incorrect, and goes on to state that hawks nest in the trees at the south end of the site and owls nest across the street. The comment also suggests that these birds of prey are migratory, threatened species (by the USFWS) and rely on the trees and vermin that infest the park.

The terms "endangered, rare and threatened" are specific designations of species listed under the federal and state Endangered Species Acts (ESA). As discussed in the MND, based on the biological resources report, there are no species that are currently listed as rare, threatened or endangered on the project site and none are likely to occur there in the future. A list of species currently listed under the state and federal ESAs can be found at

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>. Although some hawks or owls are migratory, none are listed as “threatened” as the commenter states. The raptors that may occur in the neighborhood are adapted to and relatively common in urban environments. It is unlikely that they rely entirely on the trees or prey in the project area and redevelopment of the site will not substantially reduce availability of similar habitat in the vicinity. No mitigation is required; however, the loss of mature trees will be mitigated under Mitigation Measure BIO-1. Also, Mitigation Measure BIO-2 would ensure that impacts to nesting species would be less than significant.

ROM-13

One monarch butterfly (*Danaus plexippus*) was observed flying in the project area during a survey to evaluate biological resources on the site in 2015 (Leatherman BioConsulting, Inc. 2015). The comment states that without a year-around study it cannot be truthfully known if monarchs are known to winter in the project area and that impacts must be mitigated. The comment also states that monarchs are observed in their backyard every year, and that the updated arborist report and landscape plan will not mitigate the “significant” loss of habitat due to tree removal.

As stated in the MND, monarch butterflies are known to roost in gum trees (*Eucalyptus* spp.) in protected canyons along the southern California coast and can occur throughout the state during migration. The locations of the roosting sites for these large populations are well known to agency personnel, conservation organizations, and biologists in general, and usually are located in protected areas where the public can visit and observe the congregation of butterflies. In addition, these wintering sites are included in data bases that can be searched for the occurrence of special status species, such as the one conducted for the biological assessment, and no wintering populations for the monarch are reported from the area. Therefore, a year-around study is not required to determine that a large monarch population does not rely on the trees on the project site during the winter.

The MND states that the removal of gum trees from the project area is not expected to impact the monarch butterfly, and no mitigation is required under CEQA. However, Mitigation Measure BIO-1 includes the requirement to replace mature trees at a 2:1 ratio, and requires that the landscape plan recommend tree species that would provide suitable roosting habitat for the butterfly, so no long-term impacts are expected. Because monarchs can use habitat provided by trees and landscaping anywhere in the vicinity of the project, the temporary loss of mature trees that might be used by monarchs would not result in short-term impacts.

ROM-14

The MND states that there are no identified wildlife corridors or native wildlife nurseries occur within the boundaries of the project site, that the project site is fully urbanized and was formerly developed, that the project site is surrounded by urban uses on all four sides, and that the site does not provide a regional linkage between wildlife habitats that are otherwise separated. The comment suggests that these conclusions are not correct because the site is within the Pacific Flyway (a migratory path taken by birds), that the site is open space and not urbanized, and that coyotes (*Canis latrans*) and raccoons (*Procyon lotor*) have been observed.

A wildlife corridor, as commonly addressed under CEQA, is a narrow corridor (usually with native vegetation) that allows wildlife to move from one patch of native habitat to another patch of native habitat through otherwise unsuitable (e.g. developed) habitat. Because the project has already been developed as a

school site, and because the surrounding area is currently developed in the form of housing, there are no patches of native habitat to be connected through the project area.

The issues associated with and the effects of habitat fragmentation and importance of corridors were reviewed by Harris and Gallagher (1989) and Soule (1991), among many others. In some areas, land development and linear structures (e.g., roadways) have converted once-contiguous habitat into scattered patches separated by barriers, so that individual animals and entire populations are now isolated in remnant habitat fragments. Wildlife corridors are intended to mitigate the effects of fragmentation by providing movement routes across barriers and increasing the acreage of habitat available to wildlife.

The Pacific Flyway is a migratory route along the Pacific Coast used by millions of birds each year. At the extremes, it extends from the Siberian Peninsula through Alaska to the tip of South America. Land birds that migrate along the coast can stopover anywhere along their migratory route. The redevelopment of the site from a school to a residential use would not result in a bottleneck, restriction, or other impediment to bird movement along the Pacific Flyway.

The site is completely surrounded by urban development, is not adjacent to open space that provides native habitat, and does not have any potential to function as a wildlife movement corridor. Coyotes, raccoons, and other wildlife species that are adapted to urban environments, including opossums (*Didelphis virginianus*), Valley pocket gophers (*Thomomys bottae*), striped skunks (*Mephitis mephitis*), western fence lizards (*Sceloporus occidentalis*), southern alligator lizards (*Elgaria multicarinata*), and numerous bird species, all occur in neighborhoods and urbanized areas similar to the project site. Daily movements of these animals through neighborhoods in their normal home ranges does not constitute movement through a wildlife corridor. These wildlife will continue to occur in and move through the project site and vicinity after the site is redeveloped.

ROM-15

The MND states that trees and other ornamental shrubbery on the site may provide suitable nesting habitat for a variety of native birds. The comment states that the implementation of Mitigation Measure BIO-2 would not reduce impacts to less than significant levels because native birds like to nest in mature trees and shrubbery and it might be decades before the lost habitat will support that many birds again.

Implementation of Mitigation Measure BIO-2 would completely eliminate the incidental take of active nests, which is the purpose of the measure. Mitigation Measure BIO-2 is specifically intended to avoid the accidental removal of active nests, which is required under federal and state law as follows. The Federal Migratory Bird Treaty Act (MBTA) prohibits any person to “pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, [or] purchase” any migratory bird, including parts of birds, as well as eggs and nests. Similarly, California Fish and Game Code (CFG) Sections 3503, 3503.5, and 3512 also prohibit take of birds and active nests. Although the federal and state definitions of an active nest are slightly different, essentially, an active nest is a nest that is under construction or has viable eggs or young birds in it.

Removal of trees and shrubs during the non-breeding season will not result in the loss of active nests. Therefore, Mitigation Measure BIO-2 requires that trees and shrubs on the site not be removed during the nesting season (typically February 1 to August 31) to avoid potential impacts to nesting birds. It also states that if construction during the nesting season cannot be avoided, a qualified biologist shall conduct a nesting bird survey to search the trees and shrubs on the site for nests prior to their removal. If no active nests are found, no further mitigation is necessary. However, if an active nest is found, it has to be avoided/protected with a suitable buffer area until nesting activity has ended (e.g. the young fledge).

Finally, protection of nesting birds under the MBTA and CFGC does not apply to old nests that were used in previous years or to nests that might have been built in subsequent years. Short-term impacts are not considered significant under CEQA because of the availability of similar nesting habitat in the vicinity and long term impacts from loss of mature trees are indirect impacts that are mitigated through BIO-1.

ROM-16

The comment relates to the criteria established by SCAQMD which is ten years old. The criteria established by SCAQMD is the most recent criteria and serves to provide a threshold for which the level of impact can be assessed.

ROM-17

The comment relates to the construction emissions of 959 metric tons (MT) of CO₂e and 847 MT per year. The threshold levels per year is 3,000 MT; therefore, the construction CO₂e levels would not be considered significant. The comment also states the project does not demonstrate consistency with the strategies, actions, and emission reduction targets of the City’s Greenhouse Gas Reduction Program (GGRP) because the project is converting open space into a pollution generating use. The GGRP does not restrict development; however, there are guidelines for greenhouse gas emissions. The proposed project is consistent with the guidelines

such as requiring energy conservation features such as high efficiency lighting, high efficiency heating and air conditioning, double-glazed windows, and water conserving fixtures to reduce greenhouse gas emissions.

ROM-18

The comment relates to post-construction runoff and erosion and that the MND states impacts would be less than significant not being accurate. The comment also states the proposed project will contribute to more runoff and the potential of flooding, storm drain improvements, and requiring storm drains to be engineered and constructed prior to the proposed site modifications on the Franklin Park site. The comment also states an EIR is required for the storm drain improvements. The project will create additional impervious surface area and will create runoff; however, a conceptual Water Quality Management Plan (WQMP) has been approved by the Public Works Department, compliance with requirements of NPDES, and implementation of all post-construction structural and non-structural best management practices will ensure water quality standards and discharge will not result in impacts. The proposed project will implement a new storm drain system, for which potential impacts from construction and implementation are included in the environmental analysis of the draft MND. With implementation of standard requirements related to water quality, the proposed storm drain system for the project, and because the site is not within a flood zone, the potential for floods is not likely to occur. Because the impacts to hydrology and water quality are less than significant, new storm drains do not require an EIR for the project.

ROM-19

The comment relates to Section 5.10 Land Use Planning and states that the loss of an 8.75-acre park needs to be mitigated. The comment also states the General Plan amendment and zoning map amendment violates the General Plan Land Use and Housing Element goals and policies; more specifically, with Goal LU-1 because the proposed project is not coordinated to ensure the land use pattern is consistent with the overall goals and needs of the community, and does not address the community's needs to preserve the existing public open space. The proposed project will not result in a loss of an 8.75-acre park. The existing park is approximately 1.52 acres and is proposed to be replaced with an approximately 1.15-acre park. As discussed in the draft MND, the proposed General Plan amendment and zoning map amendment is consistent with the goals and policies of the General Plan Land Use Element and the Housing Element as the proposed General Plan designation and zoning designation of RL, or Residential Low Density would be compatible with the existing neighborhood of which is also RL. The proposed project will be consistent with Goal LU-1 as the residential development will be consistent with the existing land use pattern of a single-family use and meets the overall goals and needs of the community to provide additional housing types.

ROM-20

The comment states the proposed change violates the General Plan Land Use Element and Housing Element goals and policies; specifically, Goal LU-4, because the range of housing types proposed does not match in size and character. Goal LU-4 states: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected. The proposed project meets Goal LU-4 as the project provides 11 one-story units to be sited along the perimeter of the site, adjacent to the existing homes, and will place two-story units within the interior of the site to achieve compatibility with the existing

neighborhood. In addition, the project meets Goal LU-4 as the development provides for a range of housing types by proposing two-story units, which meets the diverse needs of future and existing residents. In addition, the proposed project would be subject to the same standards in terms of height, setbacks, lot coverage, etc., as the surrounding neighborhood, which would allow for comparable sized homes to be remodeled/constructed on existing neighborhood lots. The proposed project meets all development standards with the exception of lot width and lot size. The proposed project does meet standards for height, setbacks, and lot coverage; and therefore, is consistent and compatible with the surrounding neighborhood.

ROM-21 The comment relates to the proposed project violates Goal LU-6 of the General Plan because the project does not meet the changing needs of the community, and the community needs a well-maintained public park. Goal LU-6 states that neighborhood school sites should adapt over time to meet the changing needs; as such, the proposed project provides for additional housing options for current and future residents. In addition, the project will dedicate a 1.15-acre public park with park improvements and updated park furniture and playground equipment.

ROM-22 The comment relates to the reduced lot widths, lot sizes, and the incompatibility with the existing neighborhood. Although the lot widths and lot sizes will be less than the standard 60 ft. wide and 6,000 sq. ft. lots, the project would be subject to, and is proposing to comply with, all other development standards of the RL zoning district such as building height, setbacks, lot coverage, and landscaping, which are the same standards applicable to the surrounding neighborhood. While the commenter is correct in that lot sizes will be smaller than the surrounding single-family residential lots, the site and lot layout and residential design are consistent with the zoning and single-family residential nature of the surrounding neighborhood. In addition, the proposed project is consistent with the City's Urban Design Guidelines for single-family development. Therefore, the project is compatible with the existing neighborhood.

ROM-23 The comment relates to affordable housing and states the project violates Housing Element Policy HE 3.2 which states that projects should utilize the City's Inclusionary Housing Ordinance to integrate affordable housing within market rate developments. The proposed project is in compliance with the Housing Element and the City's Inclusionary Housing Ordinance, as the developer has elected to pay an in-lieu fee to provide affordable units at an off-site location.

ROM-24 The comment relates to the reduction in the park acreage and states the project violates Goal ER-1 of the Environmental Resources and Conservation Element of the General Plan. The proposed project, which includes the dedication of a 1.15-acre public park, is consistent with the goals and policies of the Environmental Resources and Conservation Element of the General Plan, and specifically, with Goal ER-1, which states adequately sized and located parks meet the changing recreational and leisure needs of existing and future residents. The required park dedication in accordance with the Quimby Act is 0.77-acre and the project proposes to provide a 1.15-acre public park. Compliance with the citywide General Plan standard within the Environmental Resources and Conservation Element of a minimum five acres for every 1,000 residents would be maintained even with the proposed reduction in park space.

- ROM-25 The comment relates to noise generated from the proposed project, 54 air conditioning units, three to four automobiles per house, and leaf blowers. As analyzed in the Noise section of the MND, the proposed single-family use is consistent with the surrounding single-family neighborhood and will generate noise similar to noise generated by the existing residential neighborhood. In addition, the proposed project would be subject to the Noise Ordinance of the Municipal Code.
- ROM-26 The comment states the project will induce substantial population growth in the area and create an increase demand for public services. The comment also states the zone change from PS to RL means the residential development is not within the residential growth anticipated by the General Plan. The proposed project would be a 0.06 percent increase in population, which is generally not considered a substantial increase. The General Plan anticipates 17,862 additional residents by 2040. Although the proposed project would require a zone change from PS to RL to permit the proposed residential development, the residential development is within the residential grow anticipated by the General Plan, and is consistent with the Southern California Association of Governments (SCAG) regional plan. The commenter states that the project would induce substantial population growth, which would result in a significant impact. However, the commenter does not provide specific reasons why he believes the project would induce substantial population growth nor does he provide substantial evidence that there would be a significant environmental impact.
- ROM-27 The comment states the Westminster Fire Department (serviced by Orange County Fire Authority) services the neighborhood and whether should be consulted to determine if the proposed project will be expected to construct a new fire facility. The neighborhood is served by the Orange County Fire Authority through a mutual aid agreement with the City of Huntington Beach. The City of Westminster did not provide comments regarding the MND or project. In addition, the Huntington Beach Fire Department and the Orange County Fire Authority has reviewed the proposed project and levels of service within the area, and additional fire stations or fire apparatus are not required for the project. 53 new single-family residences would not result in an impact to the level of service for fire safety in the area.
- ROM-28 The comment relates to the population increase of 137 residents as part of the proposed project, and that the estimated number is too low. The comment also states increased populations will promote increased crime rates, and how long development impact fees for police service will last, or that the development impact fees will not be spent elsewhere. The population estimate for 53 new single-family residences is based on a study from the State of California, Department of Finance that averages the number of persons per household in the City of Huntington Beach to be 2.59 per household. This number is derived using current (2017) population estimates divided by the actual number of occupied households. The commenter suggests multiplying the number of bedrooms per proposed unit by 1.5 or 2. However, there is no supporting information that this method would provide an accurate estimate based on reasonable assumptions. Also, refer to response PRE-2. The Police Department has reviewed the proposed project and does not anticipate an increase in crime rates in the area as the use is single-family residences, consistent with the existing neighborhood. Development impact fees

for police services are intended to supplement police services as needed and are applied citywide.

ROM-29

The comment relates to the proposed project creating an increase demand for school services and inquires how the destruction of a school will be mitigated. The existing school site has been closed down since 1994 due to under enrollment; therefore, the demolition of the closed school site does not result in the destruction of a currently operating school and no mitigation would be required. In addition, although the addition of 53 single-family homes would increase demand for schools, school fees are required and will be paid, which would offset any potential increases in demand for school services and ensure impacts would be less than significant.

ROM-30

The comment relates to the increased demand for parks and recreational services and the proposed project and park does not comply with the minimum requirements of Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) or the goals and policies of the General Plan. The comment also states the only mitigation for the proposed project is an increase in the park size. The comment also states that the General Plan standard of five acres per 1,000 residents is only met if Central Park is counted. Central Park is the largest park in the City and, as the General Plan standard is a citywide standard, it is rational to include Central Park acreage (in addition to all other city parks of various sizes) in the citywide standard. In accordance with Chapter 254 of the HBZSO, which implements the requirements of the Quimby Act, the developer is required to dedicate a minimum of 0.77-acres of parkland. The proposed project is dedicating 1.15-acres, which exceeds the minimum requirement. The project is consistent with the goals and policies within the General Plan Land Use Element, Environmental Resources and Conservation Element, and the Housing Element. The single-family residences will be consistent with the surrounding land use, will provide for a range of housing types to meet economic and social needs, and will provide a park that exceeds the minimum dedication requirement and will still maintain the Citywide minimum park acreage standard of five acres per 1,000 residents. As such, no mitigation is required.

ROM-31

The comment states the proposed park with park improvements will result in no beneficial effect to the parkland for the neighborhood and impacts to other existing recreational opportunities would be significant. The proposed park will result in a dedication of parkland to the City. The existing park is not owned by the City, but is maintained and operated by the City through a joint use agreement with the Westminster School District that expires on June 2, 2019, unless earlier terminated. In addition, the park improvements will provide for updated park furniture, lighting, landscaping, irrigation, and playground equipment. Impacts to existing recreational opportunities would be less than significant as the residents would continue to have usage of a public park in the neighborhood and during the construction of the project, there would be a temporary displacement of nearby residents to nearby parks resulting in a temporary increase in usage of those parks. However, as the displacement is temporary, it is not anticipated that there would be substantial physical deterioration of the existing parks in the vicinity. In addition, the City would still meet the General Plan standard of five acres of parkland per 1,000 residents, ensuring that adequate recreational opportunities would be available throughout the City. Thus, the project would not significantly

affect existing recreational opportunities. It should be noted that the commenter does not provide substantial evidence that the project would result in significant impacts to other recreational opportunities due to substantial deterioration of existing parks.

ROM-32

The comment relates to the traffic study and the impacts of 505 more daily trips and addresses that signalized intersections were studied. The comment also questioned if the traffic study assessed traffic at the non-signalized intersections of Hammon Lane and Westminster Boulevard and Chinook Drive and Springdale; however, the comment states the intersection of Chinook Drive at Westminster Boulevard. Chinook Drive does not intersect with Westminster Boulevard, and it is assumed the individual is referencing Chinook and Springdale Street. Furthermore, the comment also suggests a traffic signal may be required at Hammon Lane and Westminster Boulevard and the intersection of Chinook Drive and Springdale Street. The commenter also concludes that most traffic into and out of the neighborhood is via either Hammon Lane and via Chinook Drive, although no evidence is provided to support this conclusion. To determine the trip distribution for the proposed project, peak hour traffic counts of the existing directional distribution of traffic for existing areas in the vicinity of the site, and other additional information on future development and traffic impacts in the area were reviewed. Then, based on trip generation and distribution, project average daily traffic volumes, including anticipated morning and evening peak hour intersection turning movement volumes, are calculated. Based on the traffic study, the proposed project would not affect levels of service in the adjacent area or at the study intersections. The project is projected to generate approximately 505 daily vehicle trips; however, the morning peak hour and evening peak hours do not indicate significant impacts to traffic conditions. As such, a traffic signal at Hammon Lane and Westminster Boulevard is not required by the proposed project. Furthermore, because the proposed project is only expected to add four or five vehicles during the morning and evening peak hours, respectively, the intersection of Chinook Drive and Springdale Street was not analyzed in the Traffic Impact Analysis.

ROM-33

The comment relates to Section 5.16 Transportation/Traffic (f), which states the project, would provide 28 on-street parking spaces. The comment states 28 on-street parking spaces as being because the street sweeping ordinance prohibits street parking and the project would create an increase with the on-street parking deficit. The comment also states there is an existing deficit of parking space within the neighborhood and the residents utilize the existing parking lots on the school property for parking personal vehicles. The proposed project meets minimum on-site parking standards, which is a two-car garage per dwelling unit. The project will also provide an additional 73 on-street parking spaces within the tract and 28 on-street parking spaces along Hammon Lane and Sands Drive. The proposed project would create additional parking opportunities for the future residents and neighborhood and will not result in significant impacts or inadequate parking capacity. In addition, as the project meets parking requirements of the HBZSO, the project would not contribute to an existing parking issue that may currently exist in the neighborhood. Also refer to Response ROM-1 regarding use of the closed school site by the public for parking.

ROM-34

The comment relates to wastewater collection services being provided by the City rather than the Orange County Sanitation District (OCSD). The comment also states there should be an engineering study required to confirm adequate sewer system capacity for the project, and that pipes may need to be replaced or lined. The City's wastewater infrastructure is directly downstream of the subject site and will serve the area, and will then flow into the OCSD Trunk line at the intersection of Bolsa Avenue and Bolsa Chica Street. Pursuant to the project's Implementation Code Requirements from the City Public Works Department, a Sewer Study (to verify the capacity of the City's sanitary sewer system) is required of the project applicant and shall be prepared and submitted to the City, prior to recordation of the Final Tract Map for the new subdivision. The expected design flows from the proposed project will be analyzed with respect to existing conditions and capacity of the downstream pipeline. The applicant will be required to install improvements to allow for adequate flow, which would include either upsizing or lining of downstream pipeline. The applicant suggests that these improvements would require an EIR, however, the commenter does not provide substantial evidence as to how/why these improvements would result in a significant impact. Improvements to the existing City sanitary sewer system are anticipated and included in the construction scenario for the project. As discussed in the draft MND, all impacts related to construction would be less than significant or less than significant with mitigation incorporated. As such, preparation of an EIR would not be required.

ROM-35

The comment states there is an inadequate analysis of the impacts to the neighborhood's water system. The comment states the neighborhood's water is supplied by the Aldrich R. Peck reservoir located at 14501 Springdale Street, and the network of pipes in the area is at least 56 years old and is not adequate to fire protection to 53 new homes. The comment also states an engineering study requiring the adequacy of the water system capacity should be prepared to ensure service pressures are acceptable to the existing homes, or if the water system needs to be upgraded. Lastly, the comment states an EIR should be prepared for an upgrade to the existing aging system.

The age of City's existing infrastructure is independent of this proposed development and it is being separately addressed in the City's 2016 Water Master Plan Update. The site is relatively close in proximity to the City's Peck Reservoir, which means it is also close to transmission mains; however, the proposed 8-inch new pipe design is consistent with other residential areas in the City, and will provide more than adequate fire protection and water pressure to this proposed development. The City has a hydraulic model that the project is subject to comply with, such as a typical fire protection requirement for residential areas using 1,500 gallons per minute, and the residential pressure at any nearby fire hydrants will be over 50 psi. The minimum requirement is 20 psi. Furthermore, with new code requirements such as residential fire sprinkler system for all new homes, fire protection is more reliable with such redundancy. In addition, the need for system upgrades would not automatically require preparation of an EIR. An EIR would be required only if there is a potentially significant impact associated with the construction and implementation of a system upgrade. Improvements to the system are anticipated and proposed as part of the project and included in the environmental analysis of the draft MND. As discussed in the draft MND, all impacts associated with utilities and service systems are anticipated to be less than

significant. As such, no mitigation is required and preparation of an EIR would not be necessary.

ROM-36 The comment states the proposed mitigation measures are inadequate and an Environmental Impact Report should be prepared to address the issues listed in the comment letter. However, the commenter does not provide any substantial evidence to support statements that impacts would be significant, and no alternative mitigation measures were provided that would substantially lessen the anticipated impact. The comment will be forwarded to the Planning Commission and City Council for consideration.

▪ **JOHN FUGATT (FUG), MAY 8, 2018**

FUG-1 The comment states support of the proposed project and discusses the potential to mitigate the reduction in park area by improving the Navy railroad right-of-way that is located south of the project site to utilize as open space. The comment does not bring up any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

▪ **JOHN PIERSMA, APRIL 30, 2018 (PIE), APRIL 30, 2018**

PIE-1 The comment does not raise any specific environmental concerns related to the adequacy of the environmental impact analysis in the draft MND. The comment states opposition to the number of homes and the reduction in park area. The comment will be forwarded to the Planning Commission and City Council for consideration. However, it should be noted that the environmental impacts from the proposed number of homes is discussed throughout the MND for all impact areas. Based on the analysis in the MND, all environmental impacts associated with the development of 53 homes on the project site are anticipated to be less than significant or less than significant with the incorporation of mitigation measures. Further, as discussed in Sections 5.10 – Land Use and Planning, 5.14 – Public Services, and 5.15 – Recreation of the draft MND, although there would be a reduction in park space from the existing condition, the proposed park area meets the requirements of the City’s zoning code for dedication of park space; will not affect the City’s minimum parkland standard of five acres for every 1,000 residents per the General Plan, and would not result in significant impacts on existing recreational opportunities.

▪ **MARY JEAN PIERSMA (PIE), MAY 7, 2018**

PIE-2 The comment states opposition to the proposed project and discusses the lack of one-story homes and the reduction in park area. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration. Please also refer to Response PIE-1.

▪ **JOE LASCOLA, (LAS) APRIL 30, 2018**

LAS-1 The commenter notes his background in the architectural field and that he is generally supportive of the project. The commenter also offers a suggestion to design the proposed park in a lineal shape. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

- LAS-2 The comment suggest to site the lots that are more similar in width to the existing lots to be sited along Sands Drive for compatibility and to place narrower lots within the tract. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- LAS-3 The comment is a question regarding if there will be play equipment, BBQ grills, or animal waste disposal stations with the park dedication. Play equipment, picnic tables, and trash receptacles are proposed amenities for the park. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- LAS-4 The comment suggests an increased second story setback on the two-story dwellings. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- LAS-5 The comment inquires about the possibility of reusing the brick veneer from the school buildings for raised planers or seawalls in the park, monuments, or pilasters for caps for a perimeter wall. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

▪ **MICHAEL & JEANETTE PREECE (PRE), APRIL 28, 2018**

- PRE-1 The commenter notes their support for the project and provides personal observations regarding the existing “decrepit” condition of the site. This is an inquiry regarding Lot “A,” of the existing Tract No. 4364, which provided neighborhood pedestrian access to the school between lots 11 and 13. The commenter indicates that Lot A is noted on the tentative tract map for private street, public utilities and emergency vehicle access. However, the commenter is referring to the proposed “Lot A,” which is the new street of the subdivision. Although there are no proposed plans for the existing Lot A of Tract 4364, it is conditioned to be addressed by the developer. If a vacation is to occur, a complete General Street Vacation shall be processed by the developer through the Department of Public Works. In general, if a vacation occurs, the land would be divided between the two abutting property owners. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- PRE-2 The comment raises concerns regarding the population data used from the State of California Department of Finance, which states Huntington Beach has 2.60 persons per household because the study includes data collected for all housing types, (single detached units, single attached units, two to four units, five plus or apartment units, and mobile homes) and does not account for single detached units only. Household population estimates are derived by multiplying the number of occupied housing units by the current (2017) persons per household. The persons per household estimates are based on 2010 census benchmark data (the most recent census) and are adjusted by ranking the current county population series into three estimates. Estimates are developed using three separate models, which are driver license address changes, changes in distribution of birth, deaths, driver licenses, public elementary school enrollment, labor force, and county housing unit counts; and U.S. Census Bureau Administrative Records Method, which are updated from their most recent estimates

series and the Demographic Research Unit's data. Nevertheless, per census tract data of the U.S. Census Bureau, when comparing the citywide data (referenced in the draft MND) to the census tract (996.03) of the project site, which is approximately 98 percent single-family residential homes, the average persons per household is only slightly greater at approximately 2.69 persons per household with owner-occupied single-family residential averaging approximately 2.5 persons per household and renter-occupied single- and multi-family residential averaging approximately 3 persons per household. Therefore, even if the more conservative census tract data is used, the project would be anticipated to result in potentially 143 new residents, which would not change the impact conclusions in the draft MND.

- PRE-3 The comment raises concerns regarding the months when the traffic study was prepared. All schools that service the residents in the area (Stacey, Clegg, Schroder, and Marina) were closed for summer break. Hammon to Space drive and Calneva to Croupier is claimed to be heavily impacted by the project. The traffic report was updated to include traffic counts while school was in session. The updated traffic report finds that traffic volumes are approximately 3.5 percent higher when school is in session and the increase is due to higher volumes at the westbound approach. After discussions with the City's traffic engineering division, traffic volumes at three study intersections that previously had traffic counts taken when school was not in session were increased by 5 percent to provide a conservative estimate. As such, only slight increases in the volume to capacity ratio was the result, with the intersection Level of Service remaining unchanged from the results determined in the original traffic impact analysis.
- PRE-4 The comment addresses the existing conditions of the property, issues with graffiti, and vagrants occupying the site. The comment does not raise any specific environmental issues. Also refer to Response PRE-2. The comment will be forwarded to the Planning Commission and City Council for consideration.
- PRE-5 The comment addresses the numbering of the lots of the existing adjoining properties. Based on the approved tract map for the adjoining tracts, the numbers are accurate. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- PRE-6 See Response to Comment PRE-3.
- PRE-7 See Response to Comment PRE-1.
- PRE-8 The comment addresses the proposed decrease in parkland. The applicant is required to dedicate a minimum of 0.77-acres of parkland for the development, and has proposed a dedication of 1.15-acres, which is a reduction in current park acreage. However, as discussed in Sections 5.10 – Land Use and Planning, 5.14 – Public Services, and 5.15 – Recreation of the draft MND, although there would be a reduction in park space from the existing condition, the proposed park area meets the requirements of the City's zoning code for dedication of park space; will not affect the City's minimum parkland standard of five acres for every 1,000 residents per the General Plan, and would not result in significant impacts on existing recreational opportunities. The project would provide for continued use of a neighborhood park. Also, refer to Responses PRE-2 and PRE-3.

The comment also addresses the Naylor Act and questions why the City did not consider purchasing land for the City owned park. The Naylor Act requires the school district to first offer to sell or lease the school site first to any city within which the land may be situated, second to any park or recreation district within which the land may be situated, third to any regional park authority having jurisdiction, and fourth to any county. The governing board of the school district shall have discretion to determine whether the offer shall be an offer to sell or an offer to lease. The Westminster School District is in an exchange agreement where the school district may exchange the property for real property rather than selling or leasing the property; therefore, the Naylor Act is not applicable, since properties held by school districts for exchange are expressly exempt from the Naylor Act. The commenter also correctly notes that the project is proposed as a PUD, for which a public benefit is required in order to obtain approval for deviations to minimum lot sizes and widths. However, the commenter incorrectly states that the residents in the surrounding tracts would not be allowed to build two-story homes as every single-family (RL) property is permitted two-stories by right.

▪ **LOLLY FEGLEY (FEG), MAY 2, 2018**

FEG-1 The comment states opposition to the size of the park. The comment states the size of the park is not proportionate to the number of homes within the neighborhood and asks that the City consider requiring a larger park. The applicant is required to dedicate a minimum of 0.77-acres of parkland for the development, and has proposed a dedication of 1.15-acres, which exceeds the City's minimum requirement. The project would provide for continued use of a neighborhood park. The proposed park is consistent with the goals and policies within the Environmental Resources and Conservation Element of the General Plan. The reduction in parkland will not affect the City's minimum park requirements of five acres per 1,000 residents.

The comment also states opposition to the size and number of stories of the proposed homes. This comment does not raise any specific environmental issues in the MND. The comment will be forwarded to the Planning Commission and City Council for consideration.

▪ **RICHARD STURM (STU), MAY 1, 2018**

STU-1 The comment states opposition to the reduction in park land. The comment also states park land is underserved within the area. According to the City's Parks and Recreation Master Plan, the neighborhood surrounding the Franklin School site is not designated as an underserved area. An area is designated as underserved when areas zoned for residential use is more than one-half mile from a park. The proposed development will provide for a public park within the same general area, maintaining adequate service levels to the neighborhood. Also refer to Response PIE-1.

STU-2 The comment relates to maintaining a 1.5-acre park as a condition of approval. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

STU-3 The comment states the developer has the option to not provide a park in conjunction with the development. Section 254.08 of the Huntington Beach Zoning and Subdivision Ordinance was adopted to implement the provisions of the Quimby Act.

In accordance with Section 254.08, the developer is required to dedicate parkland, pay an in-lieu fee, and is not subject to providing park improvements when a subdivision contains more than 50 lots. In this case, the developer is required to dedicate 0.77-acres of parkland and is proposing to dedicate 1.15-acres and will provide the park improvements. The commenter states his belief that a majority of the people in attendance of the community meeting were in favor of developing the site, but opposed to a reduction in park space.

▪ **JOHN WELCH (WEL), MAY 2, 2018**

WEL-1 The comment states support of the project as proposed because the closed school site has been a place for illegal activity involving narcotics and breaking and entering. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

▪ **TRISHA QUEZADA (QUE), APRIL 26, 2018; MAY 3, 2018; MAY 4, 2018**

QUE-1 The comment relates to existing traffic safety issues within the neighborhood such as residents not obeying traffic stop signs and there are concerns for increased traffic issues with additional drivers in the area. The comment also inquires if the project will provide for new traffic controls such as speed bumps or narrowing of streets. The proposed use is consistent with the surrounding residential use and is required to comply with speed limits set for residential zones. A traffic study was prepared for the proposed project. As discussed in Section 5.16 of the Draft MND, the project is not anticipated to result in significant increases in traffic such that a change in the level of service would occur nor would it increase traffic safety hazards due to design features. Therefore, no mitigation would be required. There are minimum street width requirements for fire access and safety; therefore, reduction in street widths would not meet existing City requirements. Furthermore, speed bumps are not permitted traffic controls due to fire access requirements. While the comment does not raise specific environmental issues in the MND, the comment related to existing traffic safety concerns in the neighborhood will be forward to the City's Transportation Division as well as the Planning Commission and City Council. The comment will be forwarded to the Planning Commission and City Council for consideration.

QUE-2 The comment questions whether access to the park will be limited to the new residential development. Access to the park will be maintained along Sands Drive and will be accessible to the entire neighborhood, including existing residents. The comment will be forwarded to the Planning Commission and City Council for consideration.

QUE-3 The comment questions if the new homes will be a gated community. The proposed development will not be gated. The streets will be privately owned by the HOA but publicly accessible (i.e. – not gated or closed off). The comment does not raise specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

QUE-4 See Response to Comment PRE-3.

QUE-5 The comment relates to the reduction in park land and that the proposed park should match what is existing or be larger. The commenter notes that the reduction in park area will have significant negative impacts. Refer to Response PIE-1. The comment does not raise specific environmental issues analyzed in the MND. The comment will be forwarded to the Planning Commission and City Council for consideration.

QUE-5 The comment relates to the proposed size, number of stories, and the reduced lot sizes. The comment notes that existing homes in the neighborhood are much smaller than the proposed homes. The commenter states that existing homes cannot build to the size of the proposed homes. However, the proposed homes are subject to the same RL zoning and development standards (e.g. – setbacks, building height, lot coverage) as the existing homes. The project is requesting a PUD to deviate from minimum lot size and width, but the standards would be the same and a comparable sized home would be permitted on existing lots. The comment will be forwarded to the Planning Commission and City Council for consideration.

QUE-7 The commenter provides information related to real estate value of “Planned Unit Development (PUD) zoned” projects and requests more information about potential effects on existing property values. It should be noted that the proposed zoning for the project would be Residential Low Density (RL), which is the same zoning as the rest of the surrounding neighborhood. In addition, the comment states that the commenter does not believe there are any positive benefits of the project. Also refer to Responses PIE-1 and QUE-1. The comment does not raise specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

QUE-8 The comment relates to the number of on-street parking spaces and suggests that each house have an on-street space in front to accommodate a third vehicle and/or guests. As discussed in Section 5.16.f. of the Draft MND, the development is providing for a two-car garage plus two driveway spaces per house pursuant to the requirements of the HBZSO. This would accommodate a total of four vehicles on site. In addition, a total of 73 on-street parking spaces will be provided for the general public, which could include guests of the new residences. The comment does not raise specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

▪ **GARY ELMER (ELM), APRIL 25, 2018; MAY 8, 2018**

ELM-1 The comment states potential impacts to traffic. A traffic impact analysis was prepared, and the findings show that the trips generated from the proposed use will not result in significant traffic impacts to the area. Also refer to Response QUE-1. The comment also states the property was donated to the Westminster School District when the neighborhood was developed and suggests the District is to operate the site as a school in perpetuity. In 1962, the District obtained the property through condemnation proceedings by compensating the owner of the property a total payment amount of \$151,000. Mr. Elmer provided subsequent recorded documents including a Final Order of Condemnation (Final Order) confirming that the district property obtained the property through the legal condemnation process and with a payment. Upon obtaining the property, the District operated the

Franklin Elementary School site in accordance with the Final Order. The Education Code recognizes that school districts have changing property needs and limited financial resources, and thus authorizes the District to dispose of real property it no longer needs through various avenues, including the exchange process. TRI Pointe Homes and the District are in an exchange agreement where real property will be exchanged rather than a sale or lease of the school site. The comment does not raise specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

- ELM-2 The comment states opposition to the project and the proposed two-story homes. The comment does not raise specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- ELM-3 The comment states the City will collect development impact fees, the Westminster School District will gain monetarily, and the developer will profit from the development. The comment does not raise specific environmental issues. Also refer to Response PIE-1. The comment will be forwarded to the Planning Commission and City Council for consideration.
- ELM-4 The comment states general opposition toward the City, the developer, and the Westminster School District. This comment raises no specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- ELM-5 The comment states the school site was donated to the school district. Refer to response ELM-1. The comment also includes opposition of reduced lot sizes, impacts to sewer and water systems, and the reduction of open space. Hydrology and water quality was assessed through the MND and the project will not affect existing water systems, as the project will comply with construction runoff and post-construction runoff and erosion requirements with the implementation of a Storm Water Pollution Prevention Plan (SWPPP). The project requires an approved Water Quality Management Plan (WQMP), which would ensure water quality standards and waste discharge requirements are met and impacts would be less than significant. Furthermore, Section 5.18 of the MND addresses water and sewer capacity, as the project would include the connection of onsite water and sewer lines to existing water distribution and sanitary sewer systems. A sewer study to verify capacity within the City's sanitary sewer system must be reviewed and approved by the Public Works Department. In addition, the OCSD has provided a "will-serve" letter verifying that its treatment facilities have capacity to serve the project. Also refer to Responses PIE-1 and QUE-1. It is not anticipated that any new water or wastewater facilities would be required to serve the project that would result in a significant environmental effect.
- ELM-6 The comment relates to two attached maps prepared by the resident for an alternative site layout. One is a map of the site, and the second map is a site plan prepared by the individual showing a 2.75-acre park with 30 residential units. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

- **ALAN ADAMO (ADA), MAY 3, 2018**

ADA-1 The comment states opposition to the project and raises issues of traffic, the size of the proposed homes, and reduced lot sizes. A traffic impact analysis was prepared, and the findings show that the trips generated from the proposed use will not result in significant traffic impacts to the area. Also, refer to Response Que-1. The remaining concerns do not raise specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

▪ **OMAR AND AMANDA TAYEB, MAY 7, 2018**

TAY-1 The comment addresses the decrease in park acreage. The applicant is required to dedicate 0.77-acres of parkland for the development and has proposed 1.15-acres to be dedicated for parkland, which exceeds the minimum requirements. Additionally, the MND analyzes the reduction of parkland and less than significant impacts would occur. The project would continue to provide a neighborhood park for continued usage to the community, continues to meet the goals and polices of the General Plan, and meets the City’s minimum park requirements of five acres per 1,000 residents. Also, refer to Response PIE-1. The comment also relates to concerns regarding the reduced lot sizes, which are proposed as part of a PUD pursuant to the HBZSO, and the proposed two-story homes. The commenter also suggests that the new homes, at two-stories in height, would reduce air flow through the neighborhood, but does not state why they believe this would occur and does not identify an area of the MND they believe this would result in a significant environmental impact. The reduced lot sizes and two-story homes do not raise specific environmental issues and will be forwarded to the Planning Commission and City Council for consideration.

▪ **ELLYSIA GALLAGHER, MAY 8, 2018**

GAL-1 The comment states opposition of the size of the proposed homes that does not raise any specific environmental issues. The comment also addresses the removal of a tree, which houses a family of hawks. A Biological Resources Assessment was completed and 25 special status wildlife species were identified in the region. Of the 25 special status wildlife species, only the Monarch butterfly was identified onsite. Mitigation measure BIO-1 would mitigate any potential impacts to the Monarch butterfly, and impacts would be reduced to less than significant levels.

▪ **LOUANN KRAMER, MAY 10, 2018**

KRA-1 The comment states opposition of the project. The comment does not raise any specific environmental issues in the MND. Also refer to Responses PIE-1, STU-1, and QUE-1. The comment will be forwarded to the Planning Commission and City Council for consideration.

▪ **DAN JAMIESON, MAY 14, 2018**

JAM-1 The comment states the Mitigated Negative Declaration (MND) fails to meet the requirements of the General Plan’s Land Use Element and the City’s Park Master Plan. The purpose of the draft MND is to determine the environmental impacts associated with implementation of the project in accordance with the California Environmental Quality Act (CEQA), comprising Public Resources Code (PRC) Sections 21000–21178 and 14 California Code of Regulations (CFR) Sections 15000 et seq. (CEQA Guidelines). The

basic purposes of CEQA are to inform governmental decision-makers and the public about potential significant environmental effects of projects and to provide methods to avoid or reduce the environmental effects by requiring implementation of feasible alternatives or mitigation measures. To that end, the draft MND evaluates and discloses all potential environmental impacts and concludes that all impacts as a result of the project would be less than significant or less than significant with the incorporation of mitigation measures. Also refer to Response JAM-2.

JAM-2 The comment relates to the reduction in parkland and the approximately 2.5-acres of open space on the school site, and the loss of parkland is inconsistent with City codes, State laws, and Federal laws. In accordance with Section 254 of the HBZSO, which implements State laws (Quimby Act), the developer is required to dedicate 0.77-acres of parkland and has proposed to dedicate 1.15-acres, which exceeds the minimum code requirement. The open space surrounding the school site that is not designated as Franklin Park is not counted in the City's park inventory. The proposed public park dedication is consistent with the City's code requirements and is consistent with the goals and policies within the Environmental Resources and Conservation Element of the General Plan as the minimum of five acres of parkland per 1,000 residents is maintained.

JAM-3 The comment relates to the Aesthetics section of the MND that states the change in the existing condition of the project site (school buildings, fields, parking lot and park area) is "subjective," and that the new homes and associated park space and landscaping may be viewed aesthetically as an improvement from the current conditions. The Aesthetics section of the MND analyzes the impact of a proposed change from the existing site conditions as it relates to the visual character of the site and the surroundings only. The comment also reiterates the loss of parkland. As discussed in Section 5.15 of the draft MND, the project, with the proposed reduction in park space, would not affect the City's ability to meet the park standard of the General Plan Environmental Resources and Conservation Element. Also, refer to Response PIE-1.

JAM-4 The comment addresses the loss of park as it relates to the General Plan. The comment states the General Plan calls on the City to prioritize developing new park facilities in underserved areas in a way that equitably services neighborhood and community needs while balancing budget constraints. The comment also addresses Goal ERC-1 of the Environmental Resources and Conservation Element of the General Plan, which states: Adequately sized and located parks meet the changing recreational and leisure needs of existing and future residents. The proposed project meets the goals and policies within the Environmental Resources and Conservation Element of the General Plan, and more specifically, with Goal ERC-1, Policy A, which requires to maintain or exceed the current park per capital ratio of five acres per 1,000 persons, including the beach in the calculations. The reduction in parkland still meets the minimum requirement of five acres per 1,000 persons.

The comment also raises the concern that the area is underserved based on the City's Park and Recreation Master Plan. The area surrounding the project site is not considered underserved. In accordance with the Park and Recreation Master Plan, areas zoned for residential use are considered underserved when a residential area is more than one-half mile from a park boundary. The proposed park is located in the general area of the existing Franklin Park.

- JAM-5 The comment relates to the General Plan from the City of Newport Beach and compares it to the City of Huntington Beach. The comment states the northwest part of the city is underserved by parks. To the north of the residential area is the City of Westminster, and to the south are industrial uses. In accordance with the Park and Recreation Master Plan, an underserved area is a residential area that is more than one-half mile from a park boundary. The residential area surrounding the project site is adequately served for parkland. The proposed park will be located in the same general location of the existing park. Also refer to Response JAM-1, JAM-2, and JAM-4.
- JAM-6 The comment relates to assumptions made in the General Plan and Program EIR related to loss of parkland for analysis associated with adoption of the General Plan Update project. The comment also notes that the General Plan acknowledges that it will be difficult to locate new parks and notes that the City has not acquired additional park space in recent years. The commenter states that the City should not accept a reduction of park space with the proposed project and that this would be contrary to the General Plan. However, it should be noted that for school sites, the General Plan seeks to retain existing open spaces in the event school sites are closed or decommissioned. When school sites close and a school district chooses to sell or lease the property, the school district must first offer the sale or lease to the City in accordance with the Naylor Act. However, land held and conveyed by a school district for purposes of exchange is expressly exempt from the Naylor Act. As such, the City does not have the option to lease or purchase school site or portions thereof to maintain the existing parkland or to acquire additional land for park space. Also refer to Response ROM-6 regarding project density.
- JAM-7 The comment states the developer's offer to make park improvements is a mitigation measure. The MND does not include park improvements as a mitigation measure. The park improvements are one of the public benefits proposed by the developer as required for approval of the proposed Planned Unit Development.
- The comment also includes not addressing mitigation for loss of the park during construction. Under the Recreation section of the MND, 5.15a, demolition of the existing closed school buildings and the public park for the construction of the development is anticipated to take approximately 18 months. During the demolition and construction, there may be temporary displacement of residents for the use of the existing park. However, the displacement is temporary and it is likely that residents would use other parks in the area (there are two within a mile of the project site) during project construction. In addition, the new park and park improvements will provide enhanced facilities, when compared to the existing park, upon completion. The temporary displacement is a less than significant impact and does not require a mitigation measure.
- JAM-8 The comment addresses the existing conditions of the site and the lack of maintenance is the responsibility of the property owner and the City failing to enforce its zoning codes. The commenter asserts that the MND anticipates public resistance to the project and "argues" that the site is not regularly maintained and is vacant. The purpose of the MND is to disclose potential environmental impacts of the proposed project to the public and decision-makers; it does not argue for or against a project. The MND accurately describes the current condition of the project site as vacant and lacking regular maintenance. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

- JAM-9 The comment relates to the City's efforts to acquiring the closed school site in accordance with the Naylor Act. When school sites close and choose to sell or lease the property, the school district must first offer the sale or lease to the City in accordance with the Naylor Act. However, the Westminster School District is exchanging property with the developer and is exempt from the Naylor Act. As such, the City does not have the option to lease or purchase the land to maintain the existing parkland or to acquire additional land for park space. Further, as discussed in Sections 5.10 – Land Use and Planning, 5.14 – Public Services, and 5.15 – Recreation of the draft MND, although there would be a reduction in park space from the existing condition, the proposed park area meets the requirements of the City's zoning code for dedication of park space; will not affect the City's minimum parkland standard of five acres for every 1,000 residents per the General Plan; and would not result in significant impacts on existing recreational opportunities. As impacts are anticipated to be less than significant, no mitigation would be required.
- JAM-10 The comment indicates the MND is silent on the City's current School Purchase Plan. As the proposed project does not include the purchase of the school, no analysis regarding the city's Surplus School Purchase Plan would be appropriate and no impacts would be anticipated. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.
- JAM-11 The comment states the MND does not address the degradation of sight lines and loss of open space along Hammon Lane and Sands Drive. Under the Aesthetics section, 5.1c, the loss of open space has been addressed and analyzed. Aesthetic impacts are subjective. Some may view the development of new homes as an improvement from the current conditions of the property. It is not anticipated that the proposed project will substantially degrade the visual character or its surroundings because it will be redeveloped with new detached single-family residences with landscaping and a park. The proposed park will be sited along, and accessed from Sands Drive and from the private streets of the new residential development. The location and access to the proposed park will be similar to the existing Franklin Park. The loss of private views of the park, which is not considered a scenic vista, from existing homes along Hammon Lane, is not an environmental issue. However, the concern is noted and will be forwarded to the Planning Commission and City Council for their consideration. Also, the commenter references Hammon Lane as a "major street," but it classified as a local street in the General Plan Circulation Element.
- JAM-12 The comment relates to safety within the park area. The comment does not raise any specific environmental issues. Also, the park design is required to be reviewed by the Community Services Commission and ultimately approved by the City Council. The comment will be forwarded to the Planning Commission and City Council for consideration.
- JAM-13 The comment relates to Development Impact Fees (DIF) for parks. In accordance with Chapter 17.76 of the Huntington Beach Municipal Code, DIF for parks is only required for non-subdivided new residential and nonresidential development. The proposed project includes a tentative tract map, or subdivision of land. In addition, as discussed in Section 5.15 of the draft MND, impacts associated with the proposed reduction in park space would be less than significant and no mitigation would be required. Use of the City's Parkland Acquisition and Park Facilities Development Fund is ultimately a budget decision of the City Council. The comment does not raise any specific environmental issues. The comment will be forwarded to the Planning Commission and City Council for consideration.

- JAM-14 The comment is in opposition of the reduced lot sizes and sizes of the proposed homes. The comment does not raise any specific environmental issues. Also, refer to Responses ROM-6, PIE-1, and QUE-8. The comment will be forwarded to the Planning Commission and City Council for consideration.
- JAM-15 The comment also states children are picked up and dropped off at the existing closed school site. The Westminster School District will relocate the current school bus pick up and drop off area for students prior to demolition of the school site. The new pick up and drop off area will likely be in the same general area within the neighborhood similar to typical procedures for school bus pick-up and drop off in other neighborhoods. . The comment will be forwarded to the Planning Commission and City Council for consideration. In addition, see Response to Comment PRE-3.
- JAM-16 The comment relates to negotiating with the developer to reduce the size of the project and to increase park space. The comment indicates that these issues could be resolved through “addressing the shortcomings of the MND.” However, the comment does not raise any specific environmental issues in the MND. The commenter’s concerns regarding the reduction of park space, the size and scale of the proposed project and consideration for the needs of the Westminster School District are noted and will be forwarded to the Planning Commission and City Council for consideration during the public hearings for the project.

▪ **NEIGHBORHOOD LETTER NO. 1 – 57 , MAY 5, 2018**

- NL 1-57 Staff received 57 of the same letters that were individually signed by residents. The letter states opposition to the size of the homes, number of stories, and the reduction in parkland. The comments within the letter do not raise any specific environmental issues in the MND. Also refer to Responses PIE-1 and QUE-5. The letters will be forwarded to the Planning Commission and City Council for consideration.