

**ADDENDUM TO THE  
CITY OF SANTA ANA TRANSIT ZONING CODE  
ENVIRONMENTAL IMPACT REPORT  
SCH NO. 2006071100**

**City of Santa Ana  
Amendment to Transit Zoning  
Code/Specific Development No. 84**



*Prepared For:*

**City of Santa Ana**  
20 Civic Center Plaza  
Santa Ana, California 92701

*Prepared By:*

**MIG, Inc.**  
1650 Spruce Street, Suite 106  
Riverside, California 92507

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# 1.0 INTRODUCTION

## 1.1 Introduction and Purpose

On April 16, 2024, the City Council adopted a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within the Transit Zoning Code/Specific Development (SD) No. 84 Zoning District (or “SD 84A and 84B”) through adoption of Urgency Interim Ordinance No. NS-3063. The purpose of the moratorium was to immediately offer protection of public health, safety, and welfare from industrial uses significantly causing pollution burden to adjacent residential neighborhoods within the SD84 Zoning District. On May 21, 2024, the City Council adopted Ordinance No. NS-3064 to extend the moratorium for an additional ten (10) months and fifteen (15) days pursuant to the Government Code to provide sufficient time for staff to continue with data tracking and reporting, research appropriate regulations, and coordinate with outside regulatory agencies and City departments to determine whether further, permanent action is necessary and to generate recommendations to the Planning Commission and City Council.

Based upon the City Council’s actions and direction enacting the moratorium combined with the research and analysis of the issues herein, staff has prepared Zoning Ordinance Amendment (ZOA) No. 2024-02 and Amendment Application (AA) No. 2024-03. The proposed amendments (“proposed amendments” or “project”) will modify the list of land uses and permit types including the deletion of industrial land uses; amend nonconforming regulations including the addition of an amortization process for industrial uses; amend and add operational standards for allowed uses and nonconforming uses; delete the Industrial Overlay (I-OZ) zone from text and maps; and delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD84 Zoning District boundary as designated on the City of Santa Ana Zoning Map. Refer to Section 3.2 – Project Description.

Following preliminary review of proposed ZOA No. 2024-02 and AA No. 2024-03 amendments, the City, as the Lead Agency, has determined that the project is subject to CEQA (Public Resources Code (PRC) §§21000-21177; 14 CCR §§15000, et seq.). This Addendum to Transit Zoning Code (SD 84A and 84B) Environmental Impact Report (“TZC EIR”) (SCH No. 2006071100) has been prepared to demonstrate that, pursuant to the standards contained in CEQA Guidelines Section 15162, this project is within the scope of the TZC EIR. As a result, the City does not need to prepare a subsequent or supplemental EIR as the TZC EIR fully analyzed the potential impacts associated with the proposed amendments. This is consistent with Section 8.06 of the City’s Local Guidelines for Implementing CEQA.

## 1.2 Statutory Authority and Requirements

CEQA Guidelines Section 15164 states the following with respect to an Addendum to an EIR:

- a) *The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- b) *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- c) *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*

- d) *The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- e) *A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

CEQA Guidelines Section 15162, *Subsequent EIRs and Negative Declarations*, states the following with respect to a Subsequent EIRs:

- (a) *When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
  - (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
  - (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
  - (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
    - (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
    - (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
    - (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
    - (D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*
- (b) *If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

### **1.3 Incorporation by Reference**

The TZO Final EIR, including the original Draft EIR (DEIR), and has been made available for public review at the Lead Agency office (City of Santa Ana). The Final EIR is incorporated into this Addendum by reference.

This Addendum is available for public inspection at the City at 20 Civic Center Plaza, Santa Ana, CA, and on the City's website at <https://www.santa-ana.org/environmental-impact-report-transit-zoning-code/>.

## **2.0 BACKGROUND**

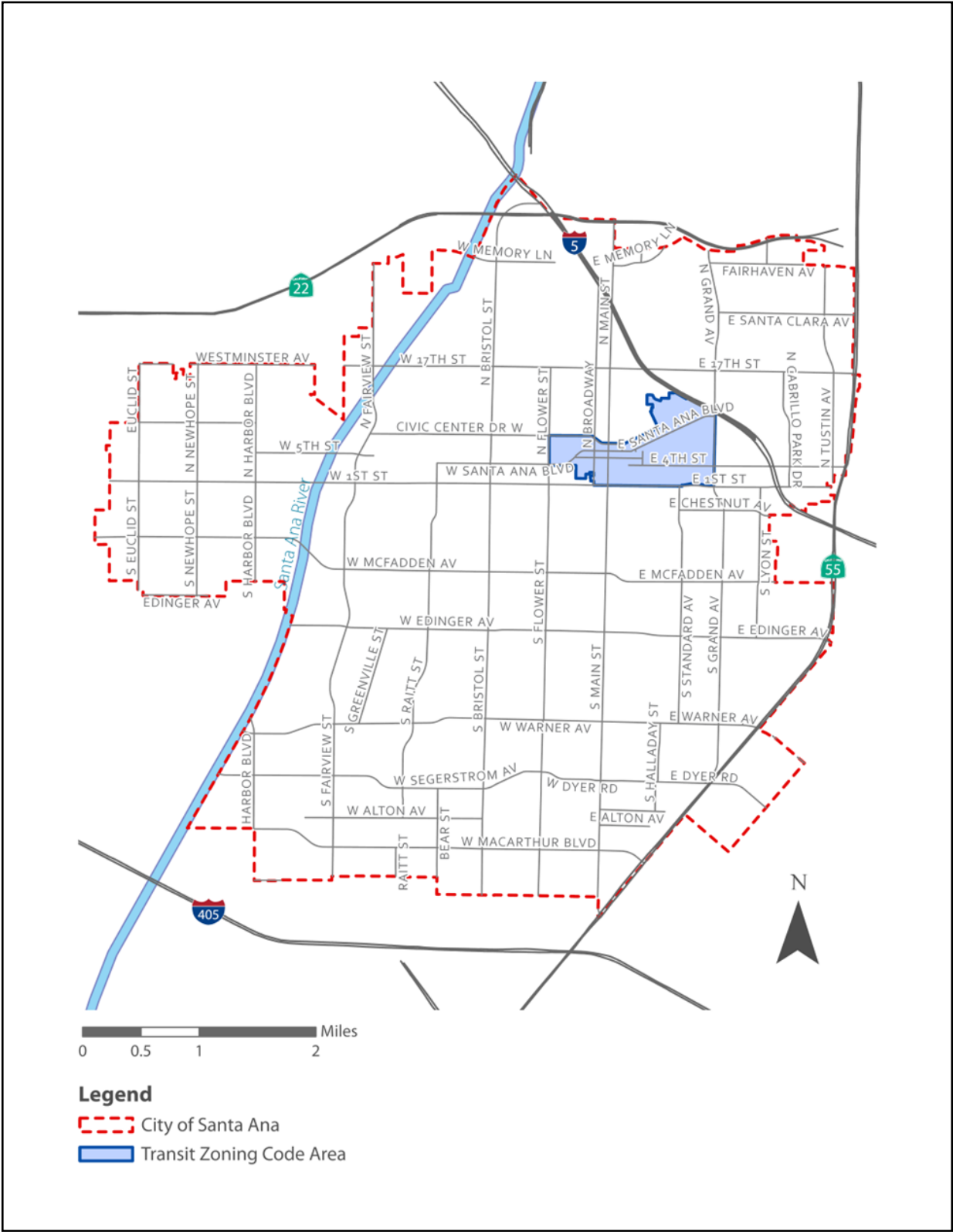
The TZC was established in June 2010, which is located in the area west of Interstate 5, north of First Street, and between Grand Avenue and Flower Street, and south of Civic Center Drive in the City of Santa Ana. The TZC provided new zoning for all of the properties contained within its boundary. However, some properties with existing M1 and M2 zoning and/or existing industrial businesses also received an overlay district designation which allowed for the continuation of industrial land uses on those properties and allows for the option of future mixed-use development to be exercised at the discretion of the property owner. The purpose was to establish a transit-supportive, pedestrian-oriented development framework to support the addition of new transit infrastructure; preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; encourage alternative modes of transportation; provide for a range of housing options; and allow for the reuse of existing structures. On June 7, 2010, the City adopted the TZC and certified the TZC Final EIR (SCH No. 2006071100).

The TZC Final EIR provides a program-level and project-level analysis of the environmental impacts resulting from implementation of the TZC. The majority of the analysis is done at the program level; however, a project-level analysis is provided for the development proposal to demolish 30,000 square feet of existing structures on eleven Redevelopment Agency-owned parcels and to construct 220 affordable residential units. The TZC Final EIR concluded full implementation of the TZC would result in significant and unavoidable impacts with respect to the following: aesthetics, air quality, cultural resources, noise, transportation, and climate change. The TZC Final EIR's background and environmental impact conclusions are cited throughout this Addendum.

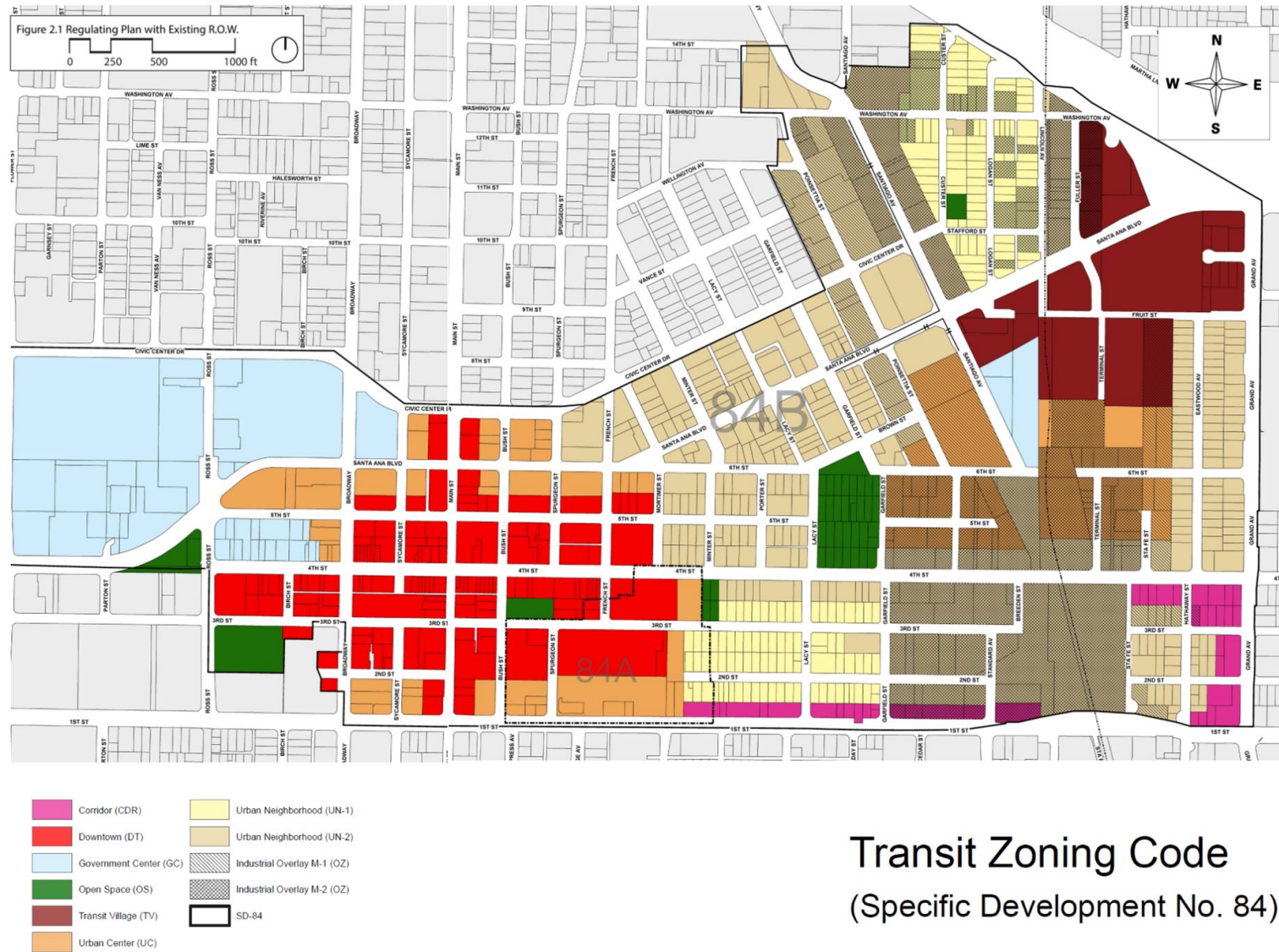
In July 2019, the City Council adopted Ordinance No. NS-2970, amending the Transit Zoning Code to modify certain design criteria regarding height, massing, open space location, driveway standards, lot dimensions, and parking alternatives, and determined that this ordinance was exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines, section 15061(b)(3). This amendment did not include changes to land uses or permit types within the TZC. In support of the TZC amendment, the City Council also approved a General Plan amendment, establishing numerous mixed-use General Plan land use designations for the entirety of the TZC. Refer to Figure 1 – Existing Transit Zoning Code area and Figure 2 Transit Zoning Code Designations, below.

However, due to the continued application of the industrial overlay zones within the TZC, implementation of the new General Plan land use designations immediately resulted in zoning inconsistencies and land use conflicts with the new General Plan.

Figure 1 – Transit Zoning Code Area



**Figure 2 – Existing Transit Zoning Code Designations**



### 3.0 DESCRIPTION OF PROPOSED PROJECT

The proposed amendments would modify the list of land uses and permit types, including the following:

- Deletion of industrial land uses
- Amend nonconforming regulations, including the addition of an amortization process
- Amend and add operational standards for allowed uses and nonconforming uses
- Delete the Industrial Overlay (I-OZ) zone from text and maps
- Delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD84 Zoning District boundary as designated on the City of Santa Ana Zoning Map

Implementation of the proposed amendments do not include nor require implementation of any site-specific development projects.

Table 1 – Current and Proposed Text Regulations, below lists the proposed amendments and is followed by a summary of each. Figure 2.5 Proposed Transit Zoning Code Designations depicts the removal of I-OZ from the map.

**Table 1 – Current and Proposed Text Regulations**

| Code Section Title                           | Existing Zoning Code Regulations  | Proposed Zoning Code Regulations   |
|--|---|--|
| Application of Article                       | SAMC Section 41-2001 establishes the land uses and standards applicable to the TZC - primarily for new uses.  | The update to text of this Section clarifies that the regulations apply to existing uses, whether conforming or nonconforming, change in land use or tenancy requiring issuance of Certificate of Occupancy.   |
| Organization                                 | SAMC Section 41-2001.5 establishes the contents and organization of the TZC regulations   | The update to the text is necessary to encompass the new Section 41-2009 (Operational Standards for Nonconforming Industrial Uses).  |
| Nonconforming Buildings, Structures and Uses | SAMC Section 41-2002 establishes the regulations for nonconforming buildings, structures or uses within the TZC boundary. The provisions contain minimal limits for rehabilitation of buildings and structures and their expansion for both residential and non-residential uses. | <p>The update to text of this Section will further limit some rehabilitation of buildings and structures, with specific emphasis on nonconforming industrial uses. These updated provisions include:</p> <ul style="list-style-type: none"> <li>• Requiring rehabilitation or expansion of buildings and structures, occupied by any nonconforming use to comply with the new operational standards contained in Section 41-2009.</li> <li>• Prohibits expansion of a building or structure occupied by a nonconforming industrial use.</li> <li>• Discontinuation of nonconforming</li> </ul> |

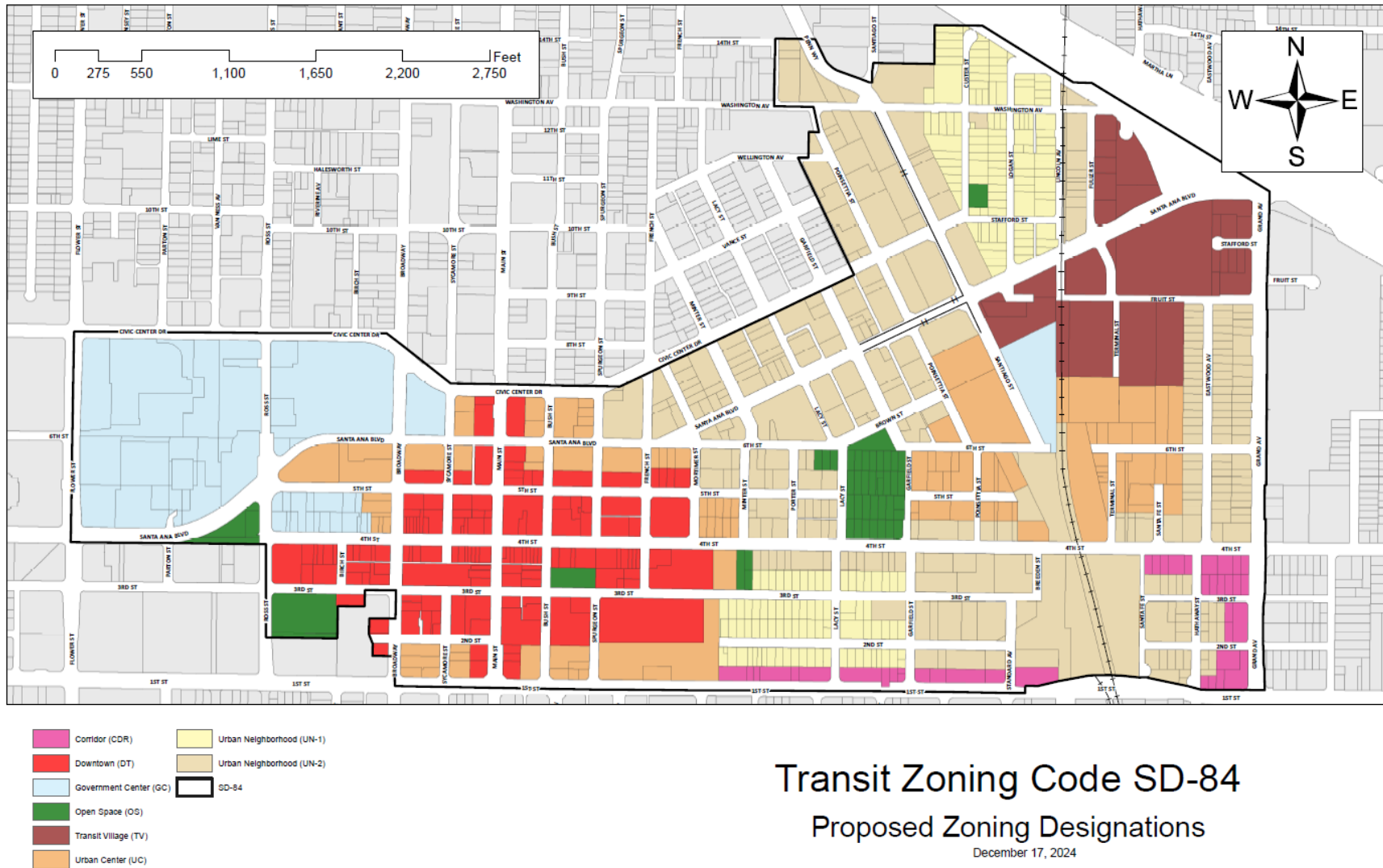


| <b>Code Section Title</b>                               | <b>Existing Zoning Code Regulations</b>   | <b>Proposed Zoning Code Regulations</b>  |
|---|---|--|
|   |   | <p>noxious uses through amortization.</p> <ul style="list-style-type: none"> <li>• Elimination of certain nonconforming uses and structures</li> <li>• Establishes a process for enacting amortization periods for eliminating certain nonconforming uses.</li> <li>• References to SAMC and State law for abatement of public nuisances.</li> <li>• Establishes authority for voluntary compliance agreements between the City and nonconforming uses.</li> </ul>   |
| The Industrial Overlay (I-OZ) Zone                      | SAMC Section 41-2004 establishes an overlay zone applied to M1 and M2 zoned properties located within the TZC boundary.                         | Section 41-2004 is deleted in its entirety, removing the I-OZ Zone from the TZC to eliminate industrial land use type zoning altogether.   |
| Application for Discretionary Approvals                 | SAMC Section 41-2005 establishes the process and timing of vesting for certain uses approved with a discretionary permit.                       | Section 41-2005 is renumbered as 41-2004, and the update to the text of this Section adds clarification for effects of the amendments to the TZC dependent upon status of an application in the City process of review, approval, and/or building permit issuance, if required.  |
| Zones Established                                       | SAMC Section 41-2006 contains the regulations for zoning districts, land uses, and permit types within the TZC.                                 | The update to the text of this Section deletes the I-OZ Zone, including replacing Figure 2.1, the Regulating Plan (map) with a new Figure 2.1 removing the I-OZ Zone designation from all parcels within the TZC boundary.   |
| Uses Permitted  | SAMC Section 41-2007 provides the allowable land uses and permit types required to establish a land use by each zoning district within the TZC. | <p>The update to the text of this Section clarifies application of the use standards by zoning district as follows:</p> <ul style="list-style-type: none"> <li>• Modifies Table 2A containing the Use Standards by adding and reclassifying certain land use types appropriate to the TZC land use subcategories</li> <li>• Deletes certain land use types that are inconsistent with the intent and purpose of the TZC, including the deletion of the Small-Scale Industry land use subcategory in its entirety.</li> </ul> |
| Operational Standards                                   | SAMC Section 41-2008 primarily regulates new uses within the TZC.   | The update to the text of this Section further limits certain operations to ensure greater compatibility between residential and non-residential land uses.  |
| Operational Standards for Nonconforming Industrial Uses | SAMC Section 41-2009 is an entirely new set of regulations specific to existing nonconforming industrial uses within the TZC.                   | The new Section establishes regulations for operation of any existing, legally established, nonconforming industrial use. The regulations cover general standards,   |

| Code Section Title | Existing Zoning Code Regulations  | Proposed Zoning Code Regulations   |
|--------------------|---|--|
|                    |   | enclosed operations, air emissions and dust, light, glare, and heat, ground vibration, outdoor storage and screening, hazardous materials, liquid and solid waste, site maintenance, truck parking and loading, and hours of operation.  |
| Definitions        | SAMC Section 41-2080 contains the definitions applicable to terms and land uses of the TZC. | The update to the text of this Section provides clarification for certain land use types (artisan/craft product with limited on-site production, commercial recreation facility – indoor, and research and development), adds definitions for land use types (business support services, pet day care facility and trade school, nonconforming industrial, and noxious use), and deletes corresponding definitions for land use types that were deleted as part of the amendments to SAMC Section 41-2006. |

Source: Planning Commission Staff Report

**Figure 2.5 – Proposed Transit Zoning Code Designations**



## Analysis of the Amendments

The proposed amendments to the Sections of the TZC under the topic headings of Application of Article, Organization, Application for Discretionary Approvals, and Definitions are largely to ensure internal consistency related to the more substantive changes being proposed for the TZC to address irreconcilable land use conflicts, described as follows:

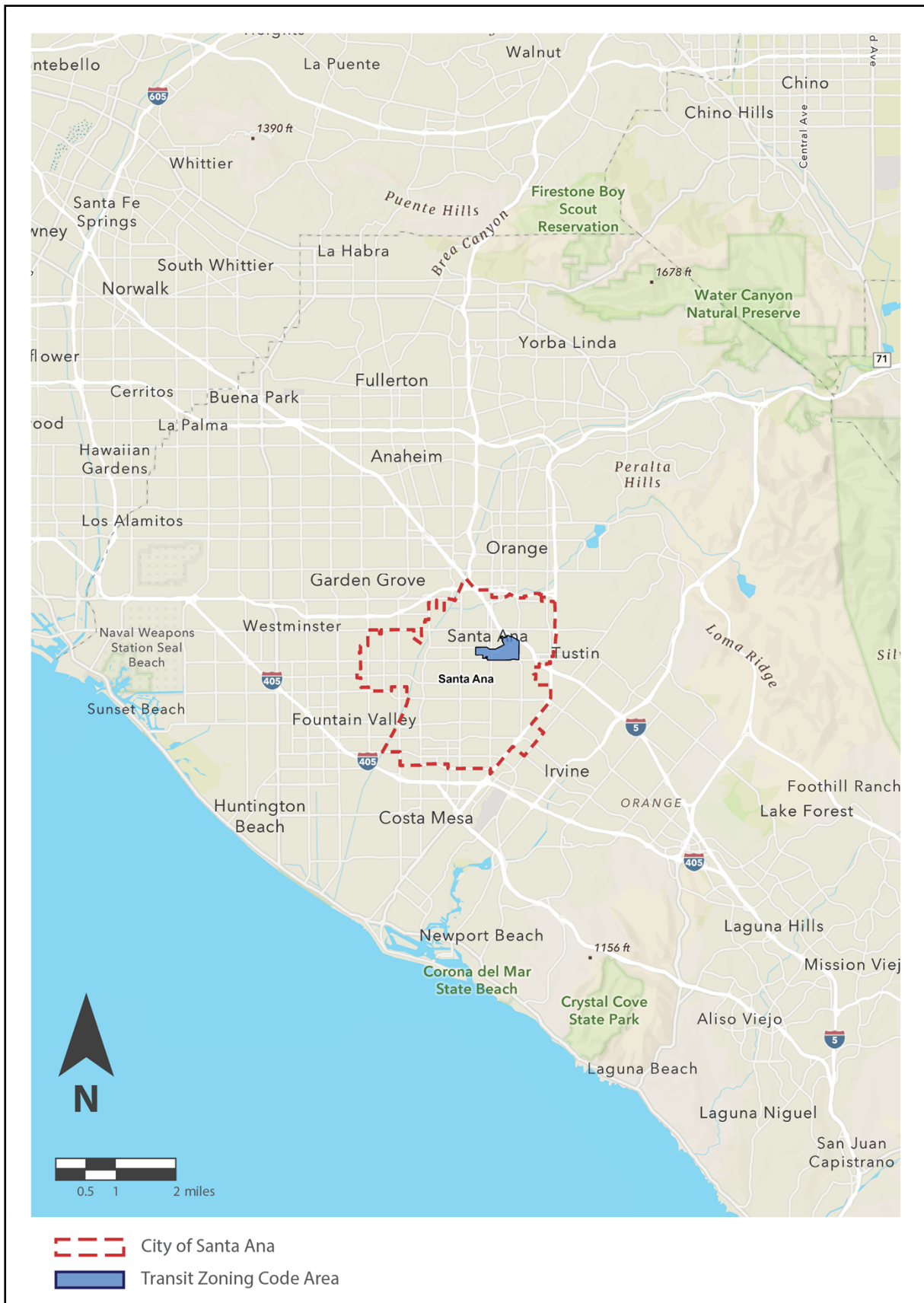
- **Nonconforming Structures and Uses** - Section 41-2002 regulates the nonconforming building, structure or use specifically within the TZC. The regulations are unique to the TZC and do not apply citywide. The regulations determine under certain circumstances when a nonconforming structure or use can rehabilitate both structural or nonstructural; or expand conditions that would allow expansion. Due to the concerns enumerated within this report related to nonconforming industrial uses within the TZC, the amendments to this section increasingly limit rehabilitation of structures to those types of improvements that address compliance with the new Section 41-2009 operational standards for nonconforming industrial uses; and disallow the expansion of any nonconforming industrial use. This Section also includes new provisions to establish a process for the discontinuance of nonconforming uses, specifically noxious uses, and the elimination of those uses or structures through an amortization hearing process. The tools that these new regulations provide are necessary to address the environmental impacts that lead to the adoption of the Moratorium, provide the framework to initiate the process to eliminate noxious industrial land uses from the TZC, and align with the adopted EJ policies of the General Plan.
- **The Industrial Overlay (I-OZ) Zone** – Section 41-2004 created an “exception” zone for properties within the TZC that contained M1 or M2 industrial zoning, uses and structures, when the TZC was adopted in 2010. In order to be both consistent and to promulgate the General Plan land use designations within the TZC, the removal of this overlay zone is necessary. The zone currently gives deference to the property owner of these parcels with an industrial overlay to decide when and whether to redevelop their properties in a manner that would remove the industrial structure and use, replacing it with an allowable use and conforming to the design standards of the TZC. Eliminating the I-OZ Zone will cause these properties to become nonconforming as to use and structure, subjecting them to the regulations as amended and added to Section 41-2002, including discontinuance of nonconforming use or structure through amortization. With the deletion of the entirety of the text of Section 41-2004, Section 41-2005 Application for Discretionary Approvals is renumbered as Section 41-2004.
- **Zones Established and Uses Permitted** – Amendments to Sections 41-2006 and 41-2007, respectively, include parallel deletion of the I-OZ Zone affecting the Regulating Plan (TZC zoning map) and the corresponding Use Standards tables regulating the land use and permit types for each of the remaining zones of the TZC. Table 2A categorizes land uses into broad subheadings for both residential and nonresidential land uses. The nonresidential land uses are further categorized into commercial-oriented versus industrial-oriented types of uses. The amendments will eliminate the Small-Scale Industry sub-category altogether, since the majority of these uses are industrial uses incompatible with residential uses. The purpose of the TZC is to promote transit-oriented mixed-use development, which pairs residential and nonresidential land uses either horizontally or vertically on a site or within a building. Compatibility of allowable land use types is critical, particularly given the history of the negative impacts from industrial uses remaining in the area and in close proximity to existing and new residential areas. Amending this Section also replaces the TZC zoning map figure to ensure consistency with the City’s Official Zoning Map and General Plan Land Use Map in accordance with requirements of State law, Government Code Section 65860.

- Operational Standards and Operational Standards for Nonconforming Industrial Uses – Section 41-2008 contains operational standards applicable to all uses within the TZC boundary. This Section is largely unchanged, with clarification and strengthening of certain regulations to address any possible industrial type function of an allowable land use type as listed in the tables of Section 41-2007. These amendments affected any possible manufacturing related activities, sound, screening walls and eliminated any vehicular service on Sundays. Section 41-2009 establishes new regulations governing existing industrial uses made nonconforming with the removal of the I-OZ Zone within the TZC, and include general standards, enclosed operations, air emissions and dust, light, glare, and heat, ground vibration, outdoor storage and screening, hazardous materials, liquid and solid waste, site maintenance, truck parking and loading, and hours of operation. The amendments to Section 41-2008 and creation of new regulations under Section 41-2009 ensure that existing nonconforming uses comply with very specific operational standards and/or face amortization that leads ultimately to discontinuance of use, effectively reestablishing the TZC area with residential uses and allowing certain nonresidential uses compatible to such residential and/or mixed-use development.

## **4.0 ENVIRONMENTAL SETTING**

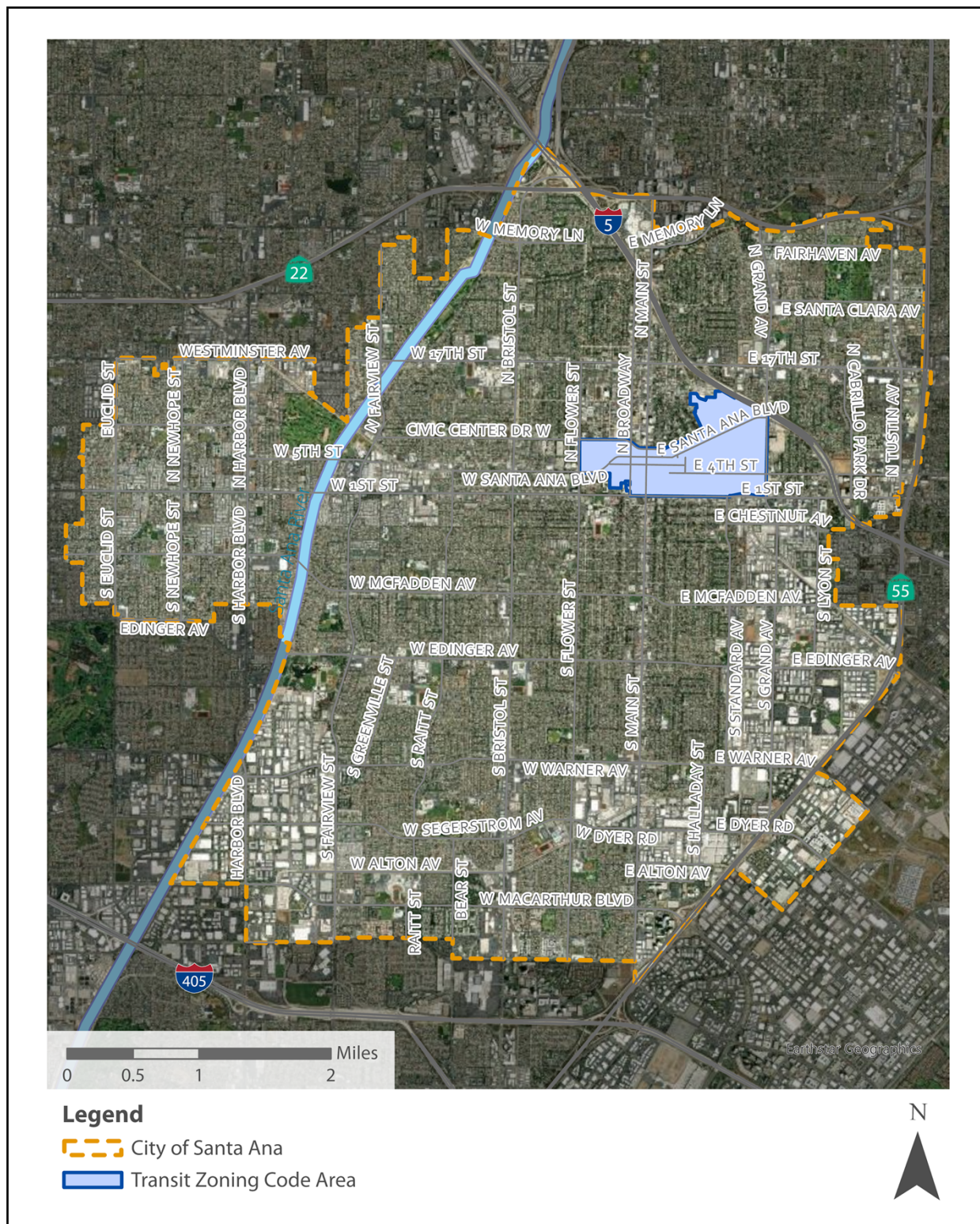
The City of Santa Ana is located in Orange County and serves as the County seat. The City is in the western central portion of Orange County, approximately 30 miles southwest of the City of Los Angeles and 10 miles northeast of the City of Newport Beach (refer to Figure 3, Regional Location). As shown in Figure 4, Citywide Aerial, the City is bordered by the City of Orange and unincorporated areas of Orange County to the north, the City of Tustin to the east, the cities of Irvine and Costa Mesa to the south, and the cities of Fountain Valley and Garden Grove to the west. The TZC area is shown in blue on both Figure 3 and Figure 4, and a detailed view is shown on Figure 1 in Section 2.0.

**Figure 3 – Regional Location**





**Figure 4 – Citywide Aerial**



At the local level, the TZC area is located in the central urban core of the City and comprises over 100 blocks and 450 acres, and is generally bounded by I-5 to the north and east, First Street to the south, and Flower Street to the west. Refer to Figure 1 in the Background section.

The majority of the City is urbanized, with residential and nonresidential development, and mobility and public facilities all contributing to Santa Ana's existing built environment. The City's incorporated boundaries encompass approximately 27.4 square miles. Residential land uses occupy almost 40 percent of the land within the current City boundaries, accounting for 5,226 acres. Other predominant land uses include commercial (1,588 acres) and industrial (1,628 acres).

While Santa Ana is a densely populated urban center with one of the most diverse international populations in Orange County, it can generally be characterized as a City of neighborhoods. Santa Ana has over 65 neighborhoods which are distinguished by their history, architecture, housing types, amenities, and unique character.

The Specific Development (SD) No. 84 Zoning District, also known as the TZC, is located in the central urban core of the City and comprises over 100 blocks and 450 acres, and is generally bounded by First Street, Flower Street, Civic Center Drive, Grand Avenue, and the Santa Ana (I-5) Freeway.

The TZC area includes the Orange County Civic Center consisting of City, County and federal buildings, City, Downtown, the Logan and Lacy neighborhoods, which are among the City's most historic in age and are established residential communities. Additional land uses include a mix of residential, commercial and industrial uses. The TZC area overlaps portions of two of the City's five focus areas, which are suited for new growth and development under the GPU: the Grand Avenue Avenue/17th Street Focus Area and the West Santa Ana Boulevard Focus Area. The Grand Avenue Avenue/17th Street Focus Area is primarily business oriented with office and commercial storefronts and large apartment complexes. The West Santa Ana Boulevard Focus Area is characterized as a mix of residential, commercial and industrial.

## **5.0 ENVIRONMENTAL ANALYSIS**

The Initial Study/Notice of Preparation of the DEIR (Appendix A) concluded certain topics to be "Effects Not Found to Be Significant" according to Section 15128 of the CEQA Guidelines as having less than significant or no impacts, and therefore were not included in the Final EIR.

Agricultural Resources. The Initial Study concluded that the soils within the Transit Zoning Code (SD 84A and SD 84B) area are not candidates for listing as prime farmland, unique farmland, or farmland of statewide importance. In addition, no farmland or agricultural activity exists on or in the vicinity of the Transit Zoning Code, and no portion is under a Williamson Act contract. The Initial Study concluded no that no impacts would occur.

Geology and Soils. The Transit Zoning Code (SD 84A and SD 84B) area is located in an area of minimal geologic hazards. Any development within the project area would be designed in accordance with applicable building code requirements, which account for seismic groundshaking. The Initial Study concluded that no and less than significant impacts to would occur.

Mineral Resources. The Initial Study determined that implementation of the Transit Zoning Code (SD 84A and SD 84B) would not result in the loss of availability of either a known mineral resource of value to the state or region, or a locally important mineral resource recovery site, because no such sites exist within the project area. The Initial Study concluded that implementation of the Transit Zoning Code (SD 84A and SD 84B) would not result in the loss of



availability of a locally important mineral resource delineated on a local general plan, specific plan, or other land use plan.

Because the TZC Final EIR was certified in 2010, certain topics that were later added to the state CEQA Guidelines checklist were not included. The Tribal Cultural Resources topic was added to the CEQA Guidelines in 2017. Although added as a separate topic, the TZC DEIR Cultural Resources section did include an evaluation of Native American resources in Section 4.4.1 – Environmental Setting and Section 4.4.2 – Regulatory Framework. Impact 4.4-1 included MM 4.4-1(a) that required construction monitoring by a tribe.

The TZC EIR included a Global Climate Change topic, which included greenhouse gas emissions. The Greenhouse Gas Emissions topic was added to the CEQA Guidelines in 2018. Greenhouse Gas Emissions was discussed in Section 4.13.2 – Existing Conditions, Section 4.13.2 – Regulatory Framework, and Section 4.13.4 – Project Impacts and Mitigation Measures.

The Energy and Wildfire topics were added to the CEQA Guidelines in 2018. Although added as separate topics, Energy is discussed within Sections 4.12.12 and 4.12.13 of the Utilities and Service Systems topic of the TZC EIR.

Wildfire (i.e. wildland fires), is discussed within Section 4.5.3 of the Hazards and Hazardous Materials topic of the TZC EIR.

Although these topics were added following certification of the TZC Final EIR, they were discussed and analyzed in the respective sections identified above and do not represent new impacts not previously addressed.

Sections 5.1 through 5.13, below, analyzes the potentially significant impacts that could occur as a result of implementing the proposed project through the adoption of the proposed text regulations identified in Table 1 – Current and Proposed Text Regulations. Each topical section lists impact statements and mitigation measures from the TZC EIR, and provides an analysis and conclusion. Each TZC EIR conclusion includes a reference to the EIR impact statement (ex., Impact 4.1-3) and includes its associated significance finding.

## **5.1 AESTHETICS/VISUAL RESOURCES**

This section analyzes the effects to aesthetics and visual resources from implementing the proposed zoning code regulations.

*Would the project:*

- a. Have a substantial adverse effect on a scenic vista?*
- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
- c. Substantially degrade the existing visual character or quality of the site and its surroundings?*
- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*
- e. A project would be considered to create significant shade/shadow impacts if shade/shadow from the project results in a substantial loss of sunlight in a residential area or other sensitive receptor. Other sensitive receptors would include schools and parks.*

## **TZC EIR Conclusions**

- Implementation of the Transit Zoning Code (SD 84A and SD 84B) would not substantially damage scenic resources within a State scenic highway, and no further analysis is necessary in this EIR. (DEIR Section 4.1.3: Effects Found to Have No Impact)
- Development under the Transit Zoning Code (SD 84A and SD 84B) would contribute to the image of, and add to the aesthetic quality of the City. As such, development under the proposed project would not degrade the existing visual quality of the area or obstruct key existing views and/or vistas in the vicinity. (Impact 4.1-1: Less Than Significant without mitigation)
- Future development under the Transit Zoning Code (SD 84A and SD 84B) would improve the existing visual character. (Impact 4.1-2: Less Than Significant without mitigation)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code, and associated infrastructure improvements would result in new sources of increased daytime glare. (Impact 4.1-3: Less Than Significant with mitigation)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code would result in new sources of spillover light. (Impact 4.1-4: Less Than Significant with mitigation)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code (SD 84A and SD 84B) would result in a substantial increase in shade/shadows over sensitive uses. (Impact 4.1-5: Significant and Unavoidable and no feasible mitigation)

## **TZC EIR FEIR Mitigation Measures**

**MM4.1-1** Proposed new structures shall be designed to maximize the use of textured or other non-reflective exterior surfaces and non-reflective glass. Building materials shall be reviewed by the City of Santa Ana prior to issuance of building permits for each project. (Impact 4.1-3)

**MM4.1-2** All exterior lighting and advertising (including signage) shall be directed onto the specific location intended for illumination (e.g., parking lots, driveways, and walkways) and shielded away from adjacent properties and public rights-of-way to minimize light spillover onto adjacent areas. (Impact 4.1-4)

**MM4.1-3** Prior to issuance of a building permit for a specific development project, the applicant shall submit a lighting plan to the City for review and approval. The plan shall specify the lighting type and placement to ensure that the effects of security and other outdoor lighting are minimized on adjacent uses and do not create spillover effects. The plan shall specifically incorporate the following design features:

- All projects shall incorporate project design features to shield light and/or glare from vehicles entering or exiting parking lots and structures that face sensitive uses (e.g., schools, hospitals, senior housing, or other residential properties) by providing barriers so that light from vehicle headlights would not illuminate off-site sensitive uses.
- All projects shall incorporate project design features to provide landscaping, physical barriers, screening, or other buffers to minimize project-generated illumination from entering off-site areas and to prevent glare or interference with vehicular traffic, in accordance with the City's Municipal Code. (Impact 4.1-4)

**MM4.1-4** For any proposed structure that would exceed four stories in height, applicants shall submit a site-specific shade/shadow report with renderings representing the level of

shade/shadows associated with the proposed development at the following times: 9:00 A.M., 12:00 P.M., 3:00 P.M. PST for the both the winter and summer solstices. An additional rendering for the 5:00 P.M. PST time period shall be prepared for the summer solstice period. Typically, a variety of criteria are used to determine the significance of a shadow impact, including the following:

- Affected land use (criticality of direct sunlight for the use).
- Duration (hours per day in shadow); time of day (critical time period for direct sunlight).
- Season (time of year use would be shadowed).
- Extent (percentage of use that would be shadowed).
- Preexisting condition (shadow condition due to existing buildings, landscaping, or other features).
- Type (solid or dappled shadow).

The report shall include any feasible design considerations that would reduce the extent of shadows cast by a proposed structure. The analysis and the project design plans shall be forwarded to the Planning and Building Agency for review and approval. (Impact 4.1-5)

### **Project Analysis and Conclusion**

The City determined that no impacts related to State Scenic Highways would result from implementation of the project because no scenic highways are located within the TZC area. Impacts related to visual and aesthetic quality (Impact 4.1-1) and visual character (Impact 4.1-2) were below the level of significance and did not require mitigation. Impacts related to daytime glare (Impact 4.1-3) and spillover light (Impact 4.1-4) were less than significant with the implementation of mitigation measures. Long-term development related shade and shadows (Impact 4.1-5) were found to be significant and unavoidable and that specific economic, social, or other considerations make mitigation infeasible. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

Implementation of the project through the proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations does not trigger new aesthetic and visual resources impacts requiring preparation of a supplemental or subsequent EIR because the project modifies the list of land uses and permit types (refer to Table 1 – Current and Proposed Text Regulations) including the deletion of industrial land uses; amend nonconforming regulations including the additional of an amortization process; amend and add operational standards for allowed uses and nonconforming uses; and delete the Industrial Overlay (I-OZ) zone from text and maps; and delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the TZC area. Thus, there are no new land uses being introduced or different development standards that would have aesthetic or visual resource impacts. In particular, the proposed amendments will establish regulations for nonconforming uses, including light and glare. These regulations and standards will cover general standards, enclosed operations, light, glare, and outdoor storage and screening. No direct or indirect glare or heat, whether from floodlights or from high-temperature processes (including combustion or welding or otherwise) shall be visible or felt at the property line. Lighting must be shielded, boxed, or directed at a downward angle so as to minimize the generation of light and glare and to assure that there is no spillover of light and glare that will impact drivers or pedestrians on the public streets, on site activities, and adjoining or nearby properties. No activity shall be permitted which causes excessive light and glare to be transmitted or reflected to surrounding properties at a level resulting in detrimental impacts to adjacent properties. Light sources shall generally not be permitted in landscaped, buffer, or setback areas except for those illuminating pedestrian walkways. Lighting used to illuminate parking areas shall be designed, located, and installed to be shielded and downlit and to reflect away from any nearby residential areas.

Lighting for advertising signs shall not create glare or light which extends to surrounding properties.

Any future development within the TZC area requiring discretionary action would be subject to a project-level CEQA review at the time an application is filed for an individual project. In addition, compliance with the existing regulations and proposed regulations will assure that potential impacts are not exacerbated, which will result in a beneficial impact to aesthetics and visual resources. Mitigation measures MM4.1-1 through MM4.1-4 would continue to apply. Therefore, the project does not trigger new aesthetics impacts requiring the preparation of a subsequent or supplemental EIR. There would be no new or more significant impacts to aesthetics and visual resources.

## **5.2 AIR QUALITY**

This section analyzes the effects to air quality from implementing the proposed zoning code regulations.

*Would the project:*

- a. Conflict with or obstruct implementation of the applicable air quality plan?*
- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*
- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the proposed project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*
- d. Expose sensitive receptors to substantial pollutant concentrations?*
- e. Create objectionable odors affecting a substantial number of people?*

### **TZC EIR Conclusions**

- The project would not create substantial objectionable odors. (Impact 4.2-1: Less Than Significant with mitigation)
- The project would not create short-term quantities of criteria pollutants above the significance thresholds published by SCAQMD. (Impact 4.2-2: Less Than Significant with mitigation)
- Operation of the project would increase local traffic volumes, but would not expose sensitive receptors to substantial localized carbon monoxide (CO) concentrations. (Impact 4.2-3: Less Than Significant without mitigation)
- The anticipated population increase of 12,225 new residents as a result of the long-term cumulative development pursuant to the Transit Zoning Code is consistent with the SCAG growth projections for Santa Ana and, therefore, would not conflict with or obstruct implementation of the Air Quality Management Plan. (Impact 4.2-4: Less Than Significant without mitigation)
- Construction activities associated with the construction of individual projects within the Transit Zoning Code area, including the Developer project, would contribute substantially to an existing or projected air quality violation for criteria air pollutants. (Impact 4.2-5: Significant and Unavoidable with mitigation)

- Operation of the proposed project would exceed South Coast Air Quality Management District standards for VOC, NOX, CO, and PM10 and would result in a projected air quality violation. (Impact 4.2-6: Significant and Unavoidable and no feasible mitigation)
- Construction and operation of the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the proposed project region is in nonattainment under an applicable federal or state ambient air quality standard. (Impact 4.2-7: Significant and Unavoidable and no feasible mitigation)

## **TZC EIR Mitigation Measures**

**MM4.2-1** Trash receptacles within the Transit Zoning Code (SD 84A and SD 84B) will be required to have lids that enable convenient collection and loading and will be emptied on a regular basis, in compliance with City of Santa Ana regulations for the collection of solid waste. (Impact 4.2-1)

**MM4.2-2** The construction contractor should ensure that no more than 5 acres per day are actively graded or developed. (Impact 4.2-2)

**MM4.2-3** The construction contractor should ensure that all active disturbed surfaces should be watered three times per day throughout the construction period. (Impact 4.2-2)

**MM4.2-4** The construction contractor should ensure that the mass grading, fine grading, and structure construction are conducted at separate time periods and do not overlap with one another. (Impact 4.2-2)

**MM4.2-5** The construction contractor should ensure that all haul roads are watered three (3) times per day. (Impact 4.2-2)

**MM4.2-6** The construction contractor should ensure that all traffic on unpaved roads is reduced to 15 mph or less. (Impact 4.2-2)

**MM4.2-7** Project applicants shall require by contract specifications that all diesel-powered equipment used will be retrofitted with after-treatment products (e.g., engine catalysts) to the extent that they are readily available in the South Coast Air Basin. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

**MM4.2-8** Project applicants shall require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site use low-NOX diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin (this does not apply to diesel-powered trucks traveling to and from the project site). Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

**MM4.2-9** Project applicants shall require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) be utilized to the extent that the equipment is readily available and cost effective in the South Coast Air Basin. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

**MM4.2-10** Project applicants shall require by contract specifications that construction equipment engines be maintained in good condition and in proper tune per manufacturer's specification for

the duration of construction. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

**MM4.2-11** Project applicants shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

**MM4.2-12** As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:

- Application of soil stabilizers to inactive construction areas.
- Quick replacement of ground cover in disturbed areas.
- Watering of exposed surfaces three times daily.
- Watering of all unpaved haul roads three times daily.
- Covering all stock piles with tarp.
- Reduction of vehicle speed on unpaved roads.
- Post signs on-site limiting traffic to 15 miles per hour or less.
- Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads.
- Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas.
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip. (Impact 4.2-5)

**MM4.2-13** The developer shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than 5 minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana. (Impact 4.2-5)

**MM 4.2-14** The developer shall require by contract specifications that construction parking be configured to minimize traffic interference during the construction period and, therefore, reduce idling of traffic. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana. (Impact 4.2-5)

**MM 4.2-15** The developer shall require by contract specifications that temporary traffic controls are provided, such as a flag person, during all phases of construction to maintain smooth traffic flow. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana. (Impact 4.2-5)

**MM 4.2-16** The developer shall require by contract specifications that construction activities that affect traffic flow on the arterial system be scheduled to off-peak hours (9:00 A.M. to 3:00 P.M.). Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana. (Impact 4.2-5)

**MM4.2-17** Upon issuance of building or grading permits, whichever is issued earliest, notification shall be mailed to owners and occupants of all developed land uses within ¼ mile of any project within the Transit Zoning Code (SD 84A and SD 84B) boundaries greater than four stories in height or 25,000 sf in area providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager shall be responsible for complying with all project requirements related to PM10 generation. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, the police department, and a sign on site. (Impact 4.2-5)

**MM4.2-18** The developer shall require by contract specifications that the architectural coating (paint and primer) products used would have a VOC rating of 125 grams per liter or less. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana. (Impact 4.2-5)

**MM4.2-19** The developer shall require by contract specifications that materials that do not require painting be used during construction to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana. (Impact 4.2-5)

**MM4.2-20** The developer shall require by contract specifications that pre-painted construction materials be used to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana. (Impact 4.2-5)

**MM4.2-21** As individual components of the Transit Zoning Code (SD 84A and SD 84B) are implemented, an air quality impact analyses will be completed to determine their independent significance levels. Mitigation is to be incorporated at the individual component level to bring the individual components to less than significant on a site-by-site basis. (Impact 4.2-6)

**MM4.2-22** Prior to issuance of a building permit, the applicant shall demonstrate that the design of the proposed buildings or structures exceeds current Title 24 requirements (Title 24, Part 6 of the California Code of Regulations; The Energy Commission adopted the 2008 Standards on April 23, 2008, and the Building Standards Commission approved them for publication on September 11, 2008. The 2008 Residential Compliance Manual was adopted by the Commission on December 17, 2008, and the 2008 Non-residential Compliance Manual was adopted January 14, 2009. Energy Efficiency Standards for Residential and Non Residential Buildings, as amended November 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 20 percent, subject to review by the County Building Official. Documentation of compliance with this measure shall be provided to the Planning Department and Building Official for review and approval prior to issuance of the permit. Installation of the identified design features or equipment will be confirmed by the County Building Official prior to certificate of occupancy. Any combination of the following design features may be used to fulfill this mitigation provided that the total increase in efficiency meets or exceeds 20 percent:

- Increase in insulation such that heat transfer and thermal bridging is minimized
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption
- Incorporate dual-paned or other energy efficient windows
- Incorporate energy efficient space heating and cooling equipment

- Incorporate energy efficient light fixtures
- Incorporate energy efficient appliances
- Incorporate energy efficient domestic hot water systems
- Incorporate solar panels into the electrical system
- Incorporate cool roofs/light-colored roofing
- Or other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above exceeds current Title 24 Standards (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended November 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 20 percent. (Impact 4.2-6)

**MM4.2-23** Prior to issuance of a building permit, the applicant shall provide a landscape plan for the Project that includes shade trees around main buildings, particularly along southern elevations where practical, and will not interfere with loading dock locations or other operational constraints. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. (Impact 4.2-6)

**MM4.2-24** Prior to issuance of a building permit, the applicant shall demonstrate that the proposed building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.2-6)

**MM4.2-25** The applicant shall provide education and publicity about reducing waste and available recycling services to future tenants. The education and publicity materials shall be provided to the City for review and approval by the Planning Department. (Impact 4.2-6)

**MM4.2-26** All showerheads, lavatory faucets, and sink faucets within the residential units shall comply with the California Energy Conservation flow rate standards. (Impact 4.2-6)

**MM4.2-27** Low-flush toilets shall be installed within all commercial and residential (including Congregate Care) units as specified in California State Health and Safety Code Section 17921.3. (Impact 4.2-6)

**MM4.2-28** All commercial/industrial/common area irrigation areas shall be capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain, and wind. In addition, the computerized irrigation system shall be equipped with flow-sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks, and eliminating over-watering and flooding due to pipe and/or head breaks. (Impact 4.2-6)

**MM4.2-29** Landscape designers shall ensure that Project landscaping of commercial/industrial/common areas uses drought-tolerant and smog-tolerant trees, shrubs, and groundcover to ensure long-term viability and conserve water and energy. (Impact 4.2-6)

**MM4.2-30** Landscape designers shall ensure that the landscape plan includes drought resistant trees, shrubs, and groundcover within the parking lot and perimeter. (Impact 4.2-6)



**MM4.2-31** Project designers shall ensure that design features incorporate light-colored roofing materials that will deflect heat away from the building and conserve energy. (Impact 4.2-6)

**MM4.2-32** The Project designers shall ensure that designs include all illumination elements to have controls to allow selective use as an energy conservation measure. (Impact 4.2-6)

**MM4.2-33** Prior to issuance of a building permit, the applicant shall demonstrate that measures have been included to promote ride sharing programs such as, but not necessarily including, publishing ride sharing information for all of the tenants, designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a website or message board for coordinating rides. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.2-6)

**MM4.2-34** Prior to issuance of a building permit, the applicant shall demonstrate that measures have been included to provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.2-6)

**MM4.2-35** Prior to issuance of any certificate of occupancy, the applicant shall demonstrate that all interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the City Building Official. (Impact 4.2-6)

**MM4.2-36** Tenants shall be responsible to ensure that preferential parking spaces are allocated to ultra-low emission vehicles and alternative fueled vehicles to encourage the use of alternative fuels and ultra-low emission vehicles. (Impact 4.2-6)

**MM4.2-2 through MM4.2-29** would also apply to this impact. (Impact 4.2-7)

### **Project Analysis and Conclusion**

The City determined that impacts related to increased local traffic volumes (Impact 5.2-3) and SCAG growth projections (Impact 4.2-4) were below the level of significance and did not require mitigation. Impacts related to objectionable odors (Impact 4.2-1), criteria pollutants (Impact 4.2-2), contribute to an air quality violation (Impact 4.2-5) were less than significant with the implementation of mitigation measures. Impacts related to exceeding criteria pollutants during operations (Impact 4.2-6) and construction (Impact 4.2-7) were significant and unavoidable, and that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because the project modifies the list of land uses and permit types including the deletion of industrial land uses; amend nonconforming regulations including the additional of an amortization process; amend and add operational standards for allowed uses and nonconforming uses; and delete the Industrial Overlay (I-OZ) zone from text and maps; and delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the TZC area. Thus, there are no new land uses being introduced that would have air quality impacts. The proposed amendments will introduce new regulations for nonconforming industrial use that would discontinue

nonconforming noxious uses, establish screening walls, eliminate vehicle servicing on Sundays. These regulations would reduce dust and lessen air quality emissions. No land use shall generate or cause any visible dust, gases, or smoke to be emitted into the atmosphere. Uses, activities, and processes shall not operate in a manner that emits dust, fumes, odors, smoke, or particulate matter, unless authorized under Federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the South Coast Air Quality Management District. These regulations will have a beneficial impact to air quality.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated, which will result in a beneficial impact to air quality. Mitigation measures MM4.2-1 through MM4.2-36 would continue to apply. Therefore, the project does not trigger new air quality impacts requiring the preparation of a subsequent or supplemental EIR. There would be no new or more severe significant impacts to air quality.

### **5.3 BIOLOGICAL RESOURCES**

This section analyzes the effects to biological resources from implementing the proposed zoning code regulations.

*Would the project:*

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
- c. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

### **TZC EIR Conclusions**

- No endangered, rare, threatened, or special status plant species (or associated habitats) or wildlife species designated by the USFWS, CDFG, or CNPS are known to occur or expected to occur within the Transit Zoning Code (SD 84A and SD 84B) area. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- No riparian habitat or other sensitive natural communities are located in these areas. (DEIR Section 4.3.3: Effects Found to Have No Impact)

- The Transit Zoning Code (SD 84A and SD 84B) area is not in proximity to, nor does it contain, wetland habitat or a blueline stream. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) is surrounded by urban uses on all four sides, including two highways, and, therefore, does not function as a wildlife movement corridor. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- Implementation of the project would not conflict with any local policies or ordinances protecting biological resources. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- No conflict with an adopted habitat conservation plan, Orange County NCCP/HCP or other local, regional, or state habitat conservation plan would occur, and there would be no impact. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code would not result in a potential reduction in nesting opportunities for resident and migratory avian species of special concern. (Impact 4.3-1: Less Than Significant without mitigation)

### **TZC EIR Mitigation Measures**

**MM4.3-1** To ensure that avian species of concern, protected migratory species (e.g., MBTA), or raptors species are not injured or disturbed by construction in the vicinity of nesting habitat, the project applicant shall implement the following measures:

1. Tree removal shall be restricted to the period between August 30 and February 15, to the extent feasible, to avoid the breeding season of any migratory species that could be using the area, and to discourage nesting in the vicinity of an upcoming construction area. If it is not feasible to remove trees outside this window then, prior to the beginning of mass grading, including grading for major infrastructure improvements, during the period between February 15 and August 30, all trees within 250 feet of any grading or earthmoving activity shall be surveyed for active nests by a qualified biologist no more than 30 days prior to disturbance. If active nests are found, and the site is within 250 feet of potential construction activity, a temporary fence shall be erected, where appropriate, around the tree(s) at a distance of up to 250 feet, depending on the species, from the edge of the canopy to prevent construction disturbance and intrusions on the nest area. The appropriate buffer shall be determined in consultation with the City of Santa Ana Park Naturalist or a designee.
2. No construction vehicles shall be permitted within restricted areas (i.e., protection zones), unless directly related to the management or protection of the legally protected species.
3. If a legally protected species nest is located in a tree designated for removal, the removal shall be deferred until after August 30, or until the adults and young of the year are no longer dependent on the nest site as determined by a qualified biologist. (Impact 4.3-1)

### **Project Analysis and Conclusion**

The City determined that impacts related to endangered, rare, threatened, or special status plant species or associated habitats or wildlife species, riparian habitat and sensitive natural communities, wetlands or blue line streams, wildlife movement corridors, habitat conservation plans, and biological resource policies would not have any impacts. Impacts to avian species were less than significant with implementation of the mitigation measures.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because the TZO area is intended to be developed for urban uses and located in an area that is completely developed for urban uses. Because TZO area is a heavily disturbed and graded area consisting of industrial and residential uses, and the project does not introduce any new types of land use, and instead removes the industrial overlay zone, there will be no impacts to biological resources.

Any future development within the TZO area requiring discretionary action would be subject to a project-level CEQA review at the time an application is filed for an individual project. In addition, compliance with the existing regulations and proposed regulations will assure that potential impacts are not exacerbated, which will result in a beneficial impact to biological resources. The project does not trigger new biological resource impacts requiring the preparation of a subsequent or supplemental EIR. Mitigation measure MM4.3-1 would continue to apply. There would be no new or more significant impacts to biological resources.

## **5.4 CULTURAL RESOURCES**

This section analyzes the effects to cultural resources and tribal cultural resources from implementing the proposed zoning code regulations.

*Would the project:*

- a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines?*
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?*
- c. Directly or indirectly destroy a unique paleontological resource or unique geologic feature?*
- d. Disturb any human remains, including those interred outside of dedicated cemeteries?*

### **TZO EIR Conclusions**

- Long-term cumulative development occurring pursuant to the Transit Zoning Code could cause a substantial adverse change in the significance of an archaeological resource or disturb human remains. (Impact 4.4-1: Less Than Significant with mitigation)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code has the potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature. (Impact 4.4-2: Less Than Significant with mitigation)
- The adoption of the Transit Zoning Code (SD 84A and SD 84B) would result in substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. (Impact 4.4-3: Significant and Unavoidable and no feasible mitigation)

### **TZO EIR Mitigation Measures**

**MM4.4-1(a)** Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to determine if the project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or disturb human remains. The investigation shall include, as determined appropriate by the archaeologist and the

City of Santa Ana, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS), updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include, as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrieliño Tongva Nation) and/or the Native American Heritage Commission. The methods shall also include procedures for the unanticipated discovery of human remains, which shall be in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. The technical report or memorandum shall be submitted to the City of Santa Ana for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on archaeological resources identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain an archaeologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-2(b). (Impact 4.4-1)

**MM4.4-1(b)** If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City of Santa Ana shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the SCCIC. (Impact 4.4-1)

**MM4.4-2(a)** Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain a professional paleontologist to determine if the project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The investigation shall include, as determined appropriate by the paleontologist and the City of Santa Ana, a paleontology records check and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies the paleontological sensitivity of the development area and includes recommendations and methods for eliminating or avoiding impacts on paleontological resources or unique geologic features. The technical report or memorandum shall be submitted to the City for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on paleontological resources or unique geologic features identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to

retain a paleontologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-3(b). (Impact 4.4-2)

**MM4.4-2(b)** Should paleontological resources (i.e., fossil remains) be identified at a particular site during project construction, the construction foreman shall cease construction within 100 feet of the find until a qualified professional can provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high
2. Assess effects on identified sites
3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted
4. Obtain comments from the researchers
5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible

In considering any suggested mitigation proposed by the consulting paleontologist, the City of Santa Ana staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out. (Impact 4.4-2)

**MM4.4-3** Prior to development activities that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting, the project applicant shall retain a cultural resource professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History to determine if the project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. The investigation shall include, as determined appropriate by the cultural resource professional and the City of Santa Ana, the appropriate archival research, including, if necessary, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) and a pedestrian survey of the proposed development area to determine if any significant historic-period resources would be adversely affected by the proposed development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any historical resources within the development area and includes recommendations and methods for eliminating or reducing impacts on historical resources. The technical report or memorandum shall be submitted to the City Santa Ana for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or reducing impacts on historical resources identified in the technical report or memorandum. Such methods could include, but not be limited to, written and photographic recordation of the resource in accordance with the level of Historic American Building Survey (HABS) documentation that is appropriate to the significance (local, state, national) of the resource. (Impact 4.4-3)

## **Project Analysis and Conclusion**

The City determined that impacts related to archaeological resources (Impact 4.4-1) unique paleontological resources (Impact 4.4-2), and disturbing human remains were less than significant with the implementation of mitigation measures. Impacts related to historical resources (Impact 4.4-3) were found to be significant and unavoidable and that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

The TZC EIR states that there are 80 designated historic properties that are listed on the Santa Ana Register of Historical Properties, five that are listed on the California Points of Historical Interest, and one that is listed on the California Historical Landmarks within and adjacent to the TZC area.

The TZC area has already been subject to extensive disruption from previous development and may contain artificial fill materials. The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required, nor would the project introduce new land uses that would have impact to cultural or tribal cultural resources that could otherwise make the long-term significant and unavoidable historical resource impacts more severe.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. Mitigation measures MM4.4-1(a), MM4.4-1(b), MM4.4-2(a), MM4.2(b), and MM4.4-3 would continue to apply. In addition, compliance with the existing regulations and proposed regulations identified in Table 1 – Current and Proposed Text Regulations will assure that potential impacts are not exacerbated, which will result in a beneficial impact to cultural resources. Therefore, the project does not trigger new cultural or tribal cultural resource impacts requiring the preparation of a subsequent or supplemental EIR. There would be no new or more severe significant impacts to cultural and tribal cultural resources.

## **5.5 HAZARDS AND HAZARDOUS MATERIALS**

This section analyzes the effects to hazards and hazardous materials from implementing the proposed zoning code regulations.

*Would the project:*

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*
- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

- f. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*
- g. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*
- h. *Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

## **TZC EIR Conclusions**

- A private airstrip/heliport is not known to be located within the Transit Zoning Code (SD 84A and SD 84B) area, nor is the Transit Zoning Code (SD 84A and SD 84B) area located in close proximity to a private airstrip/heliport. (DEIR Section 4.5.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) area is located in a dense urban environment and is surrounded by existing development. There are no wildland areas, nor wildland interface areas located in the vicinity. Consequently, no wildland fires would affect, or be affected by, implementation of the proposed Transit Zoning Code (SD 84A and SD 84B). (DEIR Section 4.5.3: Effects Found to Have No Impact)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code could involve the transportation, use, storage, and/or disposal of hazardous materials, such as diesel exhaust. (Impact 4.5-1: Less Than Significant without mitigation)
- Construction activities associated with implementation of the proposed Transit Zoning Code (SD 84A and SD 84B) would result in the release of hazardous materials to the environment through reasonably foreseeable upset and accident conditions. (Impact 4.5-2: Less Than Significant with mitigation)
- Construction activities associated with the implementation of the Transit Zoning Code would result in the handling of hazardous materials, substances, or waste within one-quarter mile of an existing school. (Impact 4.5-3: Less Than Significant without mitigation)
- The Transit Zoning Code (SD 84A and SD 84B) includes sites which are included on a list of hazardous materials sites and as a result, would create a significant hazard to the public or environment. (Impact 4.5-4: Less Than Significant with mitigation)
- Construction activities associated with the implementation of the Transit Zoning Code could result in a safety hazard for people residing or working in the project area. (Impact 4.5-5: Less Than Significant with mitigation)
- The Transit Zoning Code could impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan resulting in a significant impact. (Impact 4.5-6: Less Than Significant with mitigation)

## **TZC EIR Mitigation Measures**

**MM4.5-1** When sites that are listed in the EDR Report initiate project development, the project applicant shall prepare a Phase I ESA for the proposed site. The Phase I ESA shall be prepared in accordance with ASTM E-1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (November 1, 2006). The purpose of a Phase I ESA is to identify environmental conditions at a proposed project site that may suggest environmental contamination. The Phase I ESA report shall be prepared by a CA EPA



Registered Environmental Assessor or similarly qualified individual prior to initiating any construction activities at the site.

If recommended in the Phase I ESA, the project sponsor shall undertake (or require the responsible party to undertake) a Phase II ESA soil sampling plan; or if any environmental contamination is identified by the Phase I ESA, the project sponsor shall implement (or require the responsible party to implement) the recommendations of the report to further investigate and to remove any soil contamination. (Impact 4.5-2)

**MM4.5-2** In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction in the Transit Zoning Code (SD 84A and SD 84B) area, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., Santa Ana Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area. (Impact 4.5-2)

**MM4.5-3** Prior to the demolition of structures that were constructed before 1980, a thorough investigation shall be completed to determine if asbestos, lead, or PCBs exist on the site. All demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards. (Impact 4.5-2)

**MM4.5-4** For development of structures that exceed 200 feet in height above ground level at a development site, applicants shall file a Notice of Proposed Construction or Alteration with the FAA (FAA Form 7460-1). Following the FAA's aeronautical evaluation of the project, projects must comply with conditions of approval imposed or recommended by the FAA. Subsequent to the FAA findings, the project shall be reviewed by the ALUC for consistency analysis. (Impact 4.5-5)

**MM4.5-5** Prior to initiation of construction activities, any development within the Transit Zoning Code (SD 84A and SD 84B) Area shall have a completed traffic control plan, prepared by the project proponent that will be implemented during construction activities. This may include, but is not limited to, the maintenance of at least one unobstructed lane in both directions on surrounding roadways. At any time if only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions. If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating alternative routes. (Impact 4.5-6)

**MM4.5-6** The City Public Works Department shall consult with the Santa Ana Police Department and the Santa Ana Fire Department to disclose temporary closures and alternative travel routes in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary land or roadway closures. (Impact 4.5-6)

**MM4.5-7** The Santa Ana Fire Department, in consultation with other applicable City Departments (e.g., Police), shall update their Emergency Preparedness Plan prior to occupancy

of the first project developed under the Transit Zoning Code (SD 84A and SD 84B), to address the potential for the accidental release of hazardous materials that may be used, stored, and/or transported in association with operation of project implementation. (Impact 4.5-6)

**MM4.5-8** Project applicants shall submit evacuation plans on a project by project basis that shall be reviewed and approved by the City Police and Fire Departments. (Impact 4.5-6)

## **Project Analysis and Conclusion**

The City determined that impacts related to people residing or working in the vicinity of a private airstrip/heliport and wildland areas would have no impact (DEIR Section 4.5.3: Effects Found to Have No Impact). Impacts related to transportation, storage and disposal of hazardous materials (Impact 4.5-1) and handling of hazardous materials near a school (Impact 4.5-3) were below the level of significance and did not require mitigation. Impacts related to reasonably upset of hazardous materials into the environment (Impact 4.5-2), hazardous materials sites (Impact 4.5-4), construction safety hazards for people or residing in the TZC area (Impact 4.5-5) and interference with an adopted emergency response plan (Impact 4.5-6) were less than significant with the implementation of mitigation measures.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required. The new regulations would require that no material or waste shall be deposited upon a subject parcel in such form or manner that it may be transferred off the parcel by natural causes or forces and that all materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers. Land or buildings shall not be used or occupied in any manner so as to create any fire, explosive or other hazard. All activities involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, State, and Federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment in compliance with City of Santa Ana regulations. The burning of waste materials in open fires without written approval of the Fire Department is prohibited. No activities shall be permitted which emit dangerous radioactivity at any point nor shall electrical disturbances which adversely affect the operation of any equipment, other than that of the creator of such disturbances, be allowed. No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the property line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.5-1 through MM4.5-8 would continue to apply. Therefore, the project does not trigger new hazards and hazardous materials impacts requiring the preparation of a subsequent or supplemental EIR. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts to hazards and hazardous materials are not exacerbated. There would be no new or more severe significant impacts to hazards and hazardous materials.

## **5.6 HYDROLOGY AND WATER QUALITY**

This section analyzes the effects to hydrology and water quality from implementing the proposed zoning code regulations.

Would the project:

- a. *Violate any water quality standards or waste discharge requirements?*
- b. *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?*
- c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner that would result in substantial erosion or siltation on or off site?*
- d. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site?*
- e. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- g. *Otherwise substantially degrade water quality?*
- h. *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- i. *Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?*
- j. *Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?*
- k. *Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?*

## **TZC EIR Conclusions**

- The Transit Zoning Code (SD 84A and SD 84B) area is not located within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, and is not within the 100-year or 500-year flood hazard area. (DEIR Section 4.6.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) area is not within the 100-year flood hazard area, (DEIR Section 4.6.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) area is not located in the flood inundation area of the Prado Dam or the Santiago Dam. (DEIR Section 4.6.3: Effects Found to Have No Impact)
- The proposed Transit Zoning Code (SD 84A and SD 84B) would not expose people to a significant risk of loss, injury, or death involving inundation by a seiche, tsunami, or mudflow because the project site is not located near a coastal area, large water body, or unstable and exposed hills or slopes. (DEIR Section 4.6.3: Effects Found to Have No Impact)
- Implementation of the Transit Zoning Code would not violate water quality standards, waste discharge, or otherwise substantially degrade water quality. (Impact 4.6-1: Less Than Significant with mitigation)
- The majority of the Transit Zoning Code (SD 84A and SD 84B) area is already developed and because the project area is not used for groundwater recharge, the operation of future development under the proposed project would not interfere

substantially with groundwater recharge. (Impact 4.6-2: Less Than Significant without mitigation with mitigation)

- Development under the Transit Zoning Code (SD 84A and SD 84B) could alter the existing drainage pattern of the area and potentially result in erosion and siltation. (Impact 4.6-3: Less Than Significant)
- Future development in the Transit Zoning Code (SD 84A and SD 84B) could alter the existing drainage pattern and potentially result in increased downstream flooding through the addition of impervious surfaces, or exceeding the capacity of existing or planned stormwater drainage systems. (Impact 4.6-4: Less Than Significant with mitigation)

## **TZC EIR Mitigation Measures**

**MM4.6-1** In order to comply with the current version of the Drainage Area Master Plan (DAMP), future development projects in the Transit Zoning Code (SD 84A and SD 84B) area shall prepare Storm Drain Plans, Stormwater Pollution Prevention Plans (SWPPP), and Water Quality Management Plans (WQMP) conforming to the current National Pollutant Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer or Environmental Engineer, shall be submitted to the Public Works Agency for review and approval.

a. A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all dewatering operation flows, and for nuisance flows during construction. The SWPPP may include, but would not necessarily be limited to, the following applicable measures:

- Minimum required pavement widths for residential streets needed to comply with all zoning and applicable ordinances
- Use permeable materials for private sidewalks, driveways, parking lots, or interior roadway surfaces
- Reduce the overall imperviousness associated with parking lots by using pervious materials in spillover parking areas
- Direct rooftop runoff to pervious areas and avoid routing rooftop runoff to the roadway or the stormwater conveyance system
- Biofilters including vegetated swales and strips
- Extended/dry detention basins
- Infiltration basin
- Infiltration trenches or vaults
- Catch basin inserts
- Continuous flow deflection/separation systems
- Storm drain inserts
- Media filtration
- Foundation planting
- Catch basin screens
- Normal flow storage/separation systems
- Clarifiers
- Filtration systems
- Primary waste water treatment systems

- Dry Wells
- Cistern

b. A WQMP shall be prepared, maintained, and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall incorporate water quality measures for all improved phases of the project. (Impact 4.6-1 and Impact 4.6-3)

**MM4.6-2** Prior to issuance of grading permits for future development projects in the Transit Zoning Code (SD 84A and SD 84B) area, applicants shall submit site-specific Hydrology and Hydraulic Studies to the Public Works Department for review and approval. If existing facilities are not adequate to handle runoff that may be generated by the proposed development, then the applicant shall propose feasible remedies to assure that adequate drainage facilities will be available prior to issuance of occupancy permits. The applicant may propose storm drain improvements to be constructed in order to meet project needs. If necessary storm drain upgrades cannot be implemented prior to issuance of occupancy permits, on site detention facilities or other methods acceptable to the City shall be included with new development projects to ensure that post-construction runoff does not exceed pre-development quantities. (Impact 4.6-4)

**MM4.6-3** During the design of individual projects, applicants shall minimize impervious area by incorporating landscaped areas over substantial portions of a proposed project area. Furthermore, impervious areas shall be directly connected to landscaped areas or bioretention facilities to promote filtration and infiltration of stormwater. (Impact 4.6-4)

**MM4.6-4** During the design of individual projects, applicants shall control structural source through storm drain stenciling and signage, coverage of trash area to minimize direct precipitation, efficient irrigation to minimize runoff into stormwater conveyance system, slope and channel protection to decrease potentials for erosions of slopes, and use of deep-rooted, drought tolerant plant species for erosion control. (Impact 4.6-4)

## **Project Analysis and Conclusion**

The City determined that impacts related to within a 100-year flood hazard area, flood inundation area, inundation from the Prado Dam, a seiche, tsunami, or mudflow would have no impacts (DEIR Section 4.6-3). Impacts related to interference with groundwater recharge (Impact 4.5-1), alteration to existing drainage patterns (Impact 4.6-3) and increased downstream flooding (Impact 4.6-4) were less than significant with the implementation of mitigation measures.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of specific development projects, introduce new land uses nor increase the intensity the existing uses. The new regulations would require liquid or solid wastes discharged from future development projects be properly treated and would therefore not pollute or contaminate any water courses or groundwater.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.6-1 through MM4.6-4 would continue to apply. Therefore, the project does not trigger new hydrology and water quality impacts requiring the preparation of a subsequent or supplemental EIR. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. Therefore, there would be no new or more severe significant impacts to hydrology and water quality.

## **5.7 LAND USE**

This section analyzes the effects on land use from implementing the proposed zoning code regulations.

*Would the project:*

- a. Introduce new land uses that would result in conflicts of use?*
- b. Physically divide an established community?*
- c. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.?*
- d. Conflict with any applicable habitat conservation plan or natural community conservation plan?*

## **TZC EIR Conclusions**

- The Transit Zoning Code (SD 84A and SD 84B) area is not located within either a natural community plan or applicable habitat conservation plan. The Transit Zoning Code (SD 84A and SD 84B) area does not contain any critical or sensitive habitat. (DEIR Section 4.6.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) would not result in conflicts of use. (Impact 4.7-1: Less Than Significant without mitigation)
- The proposed Transit Zoning Code (SD 84A and SD 84B) would not physically divide an established community. (Impact 4.7-2: Less Than Significant without mitigation)
- The proposed Transit Zoning Code (SD 84A and SD 84B) would conflict with the Santa Ana General Plan by adopting standards and land uses not currently allowed within the proposed Transit Zoning Code (SD 84A and SD 84B) area; however, as part of the proposed project, the General Plan would be amended to incorporate the proposed land uses and development standards. (Impact 4.7-3: Less Than Significant without mitigation)

## **TZC EIR Mitigation Measures**

All impacts were below the level of significance and mitigation measures are not necessary nor recommended.

## **Project Analysis and Conclusion**

The City determined that impacts related to conflicts with a natural community plan or applicable habitat conservation plan would have no impacts (DEIR Section 4.6.3: Effects Found to Have No Impact). Impacts related to incompatible land uses (Impact 4.7-1), potential to divide an established community (Impact 4.7-2), and conflicts with the Santa Ana General Plan (Impact 4.7-3) were below the level of significance and did not require mitigation.

The proposed zoning ordinance amendments are consistent with various goals and policies of the Santa Ana General Plan, as required by Government Code Section 65860, by timely addressing current inconsistencies within an area of the City prioritized for addressing environmental justice and impacts were found to be less than significant. In effect, the amendments are necessary to address numerous policies of the General Plan that the current

TZC is found to be inconsistent with, that without such amendments, will continue the path of irreconcilable land use patterns within the TZC area. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-2.4 (Cost and Benefit of Development), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), Policy EP-3.3 (Mitigate Impacts), Policy CN-1.5 (Sensitive Receptor Decisions), Policy CM-3.2 (Healthy Neighborhoods), and Policy HE-5.5 (Community Development), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities.

The proposed amendments support these goals and policies by:

- Fostering the compatibility between residential and nonresidential land uses within the TZC to enhance livability and promote healthier lifestyles.
- Resolving the conflict of industrial land uses and sensitive receptors being in close proximity to each other that pose health hazards by eliminating an overlay zone that promulgated continuation of industrial uses without recourse.
- Improving the health of the existing and future residents of the TZC by regulating the operations of noxious, hazardous, dangerous, and polluting uses by giving priority to the discontinuance of those uses.
- Responding to overarching EJ policies to develop and implement land use and zoning strategies to separate existing sensitive uses from heavy industrial facilities and emission sources.
- Continuing to support the creation of healthy neighborhoods by addressing land use conflicts and incompatible uses through the elimination of the I-OZ zone and associated industrial land use types from the list of allowable land uses within the TZC.
- Developing and adopting new regulations to address facilities that emit high levels increased pollution near sensitive receptors within EJ (Environmental Justice) area boundaries, which includes areas of the TZC.
- Avoiding potential land use conflicts in the future by prohibiting the location of noxious land uses in proximity to sensitive receptors
- Creating a sustainable land use plan for the area that phases out land uses that are causing a substantial drain on City and other public agency resources in addressing the impacts from irreconcilable land use conflicts in the TZC area.

Additionally, the proposed amendments implement and/or contribute to achieving the following specific action programs of the General Plan, most particularly directly addressing LU3.3 through discontinuing nonconforming industrial uses through amortization:

LU1.1 - Development Code Update. Prepare a comprehensive update to the zoning code to ensure that the City's zoning regulations align with the General Plan's goals and policies. Update the Metro East Mixed-Use Overlay District to remove the portion within the 17th Street and Grand Avenue Focus Area. Update the Midtown Specific Plan.

LU3.3 - Healthy lifestyles. Collaborate with residents and industry stakeholders to create a program to incentivize and amortize the removal of existing heavy industrial uses adjacent to sensitive uses.

CN1.4 - Health risk criteria. Establish criteria for requiring health risk assessments for existing and new industries, including the type of business, thresholds, and scope of

assessment. Review existing and establish new regulation to reduce and avoid increased pollution near sensitive receptors within environmental justice area boundaries.

CN1.7 - Truck idling. Evaluate strategies to reduce truck idling found or reported in areas with sensitive receptors, with a priority placed on environmental justice areas.

CN1.11 - Public education. Augment existing outreach programs to improve public awareness of State, regional and local agencies' roles and resources to identify, monitor, and address air quality and other environmental hazards in the community.

HE5.C – Healthy Neighborhoods Initiatives. Update the City's zoning code development and operational standards for industrial zones to address incompatibility with adjacent uses, including minimum distance requirements to buffer heavy industrial uses from sensitive receptors. Conduct a study to evaluate and establish appropriate minimum distances and landscape buffers between polluting industrial uses from sensitive receptors such as residences.

HE44.A – Fair Housing. Ensure all City programs and activities relating to housing and community development are administered in a manner that affirmatively furthers fair housing.

Implementation of the proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations does not trigger new land use impacts that might otherwise occur with a development project requiring preparation of a supplemental or subsequent EIR. The new regulations would provide that any nonconforming business that operates in an unlawful manner, including but not limited to, frequent code violations, police calls, or loitering complaints, or is not in good standing with the City, including, but limited to constant service calls or lapses in Business License renewal, will lose its nonconforming status, enabling the City to take corrective action as it deems appropriate, including business license revocation or terminating utility services or connections. For the purposes of this section, “frequent” is defined as more than one violation, call, or complaint per month during any twelve month period, and “constant service calls” is defined as more than one service call per month during any twelve (12) month period.

Thus, the project would not physically divide an established community, or conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. Therefore, the project does not trigger new land use impacts requiring the preparation of a subsequent or supplemental EIR. There would be no new or more severe significant impacts to land use.

## **5.8 NOISE**

This section analyzes the effects to noise from implementing the proposed zoning code regulations.

*Would the project:*

- a. Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
- b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?*
- c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*



- d. *Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

## **TZC EIR Conclusions**

- The project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. (DEIR Section 4.8.3: Effects Found to Have No Impact)
- Construction activities associated with the proposed project would generate noise levels that exceed the noise standards established by the City of Santa Ana Municipal Code. (Impact 4.8-1: Less Than Significant with mitigation)
- Operation of the proposed project could expose noise-sensitive land uses to noise levels that exceed the standards established by the City of Santa Ana General Plan. (Impact 4.8-2: Less Than Significant with mitigation)
- Operation of the proposed project would not expose sensitive receptors on or off site to excessive groundborne vibration or groundborne noise levels, (Impact 4.8-3: Less Than Significant without mitigation)
- Occupants of the proposed residential units would not be exposed to potentially significant vibration levels. (Impact 4.8-4: Less Than Significant without mitigation)
- Physical impact from an increase in ambient noise levels could occur from the construction activities associated with the proposed project, an adverse effect on the nearby residents would not occur. (Impact 4.8-5: Less Than Significant)
- No temporary or periodic noise impacts to on- or off-site receptors due to operation of the project. (Impact 4.8-6: Less Than Significant without mitigation)
- Operation of the proposed project would not generate increased local traffic volumes that would cause a substantial permanent increase in ambient noise levels in the project vicinity. (Impact 4.8-7: Less Than Significant without mitigation) Operation of the Southern California Regional Rail Authority's (SCRRA) rail line would potentially expose noise-sensitive land uses located within the Transit Zoning Code (SD 84A and SD 84B) area to noise levels that exceed the standards established by the City of Santa Ana General Plan. (Impact 4.8-8: Significant and Unavoidable and no feasible mitigation)
- Construction activities associated with the proposed project would generate or expose persons or structures to excessive groundborne vibration. (Impact 4.8-9: Significant and Unavoidable and no feasible mitigation)

## **TZC EIR Mitigation Measures**

**MM4.8-1** All construction activity within the City shall be conducted in accordance with Section 18-314(e) of the City of Santa Ana Municipal Code. (Impact 4.8-1 and Impact 4.8-9)

**MM4.8-2** Each project applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:

Two weeks prior to the commencement of construction, notification must be provided to property owners within 300 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period

Ensure that construction equipment is properly muffled according to industry standards and be in good working condition

Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible

Schedule high noise-producing activities between the hours of 8:00 A.M. and 5:00 P.M. to minimize disruption on sensitive uses

Implement noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources

Use electric air compressors and similar power tools rather than diesel equipment, where feasible

Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes

Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. (Impact 4.8-1)

**MM4.8-3** Each project applicant shall require by contract specifications that construction staging areas along with the operation of earthmoving equipment within the project area would be located as far away from vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. (Impact 4.8-1 and Impact 4.8-9)

**MM4.8-4** Each project applicant shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. (Impact 4.8-1 and Impact 4.8-9)

**MM4.8-5** When residential uses would be located in areas with noise levels in excess of 60 dBA CNEL (either through conversion of use/structure or new construction), the project applicant shall provide noise barriers around private open space areas, including patios and balconies, as necessary. The height and density of the barriers shall be sufficient to reduce the exterior noise levels within private open space areas to a CNEL of 65 dBA or less. (Impact 4.8-2)

**MM4.8-6** Prior to issuance of building permits, building plans shall specify the STC rating of windows and doors for all residential land uses. Window and door ratings shall be sufficient to reduce the interior noise level to a CNEL of 45 dBA or less, and shall be determined by a qualified acoustical consultant as part of the final engineering design of the project. (Impact 4.8-2)

**MM4.8-7** Each project applicant shall provide proper shielding for all new HVAC systems used by the proposed residential and mixed use buildings to achieve an attenuation of 15 dBA at 50 feet from the equipment. (Impact 4.8-2)

**MM4.8-8** The City shall provide a written statement to each applicant for projects located within 400 feet of the SCRRA tracks that shall be provided for each residential unit and resident, notifying them of potential noise and vibration issues associated with the railroad tracks, including the following:

Notice of Disclosure

Each owner's [or renter's] interest is subject to the fact that trains operate at different times of the day and night on the railway tracks immediately adjacent to a project site; and that by accepting the conveyance of an interest [or lease agreement] in that project, owner [or renter] accepts all impacts generated by the trains.

Posting of Notice of Disclosure in each residential unit.

Prior to offering the first residential unit for purchase, lease, or rent, the property owner or developer shall post a copy of the Notice of Disclosure in every unit in a conspicuous location. Also, a copy of the Notice of Disclosure shall be included in all materials distributed for the Project, including but not limited to: the prospectus, informational literature, and residential lease and rental agreements. (Impact 4.8-8)

## **Project Analysis and Conclusion**

The City determined that no impacts related to the proximity public use airport would not result in impacts would result. Impacts related to exposure of sensitive receptors from excessive groundborne vibration (Impact 4.8-3), potentially significant vibration levels (Impact 4.8-4), ambient noise increase (Impact 4.8-5), periodic noise impacts (Impact 4.8-6), and noise from increased traffic volumes (Impact 4.8-7) were below the level of significance and did not require mitigation. Impacts from noise levels exceeding City noise standards (Impact 4.8-1) and exposure to noise-sensitive land uses (Impact 4.8-2) were less than significant with the implementation of mitigation measures. Impacts causing groundborne vibration and development exposure near the Southern California Regional Rail Authority's (SCRRA) rail line (Impact 4.8-8) and construction activities from project implementation (Impact 4.8-9) were found to be significant and unavoidable. Specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required. The new regulations would limit daily operations times and days of week, and maximum noise that could be generated from existing uses. No industrial use shall generate ground vibration perceptible without instruments at any point along the property line of the site except for motor vehicle operations. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the property lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel are exempt from this standard.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.8-1 through MM4.8-8 would continue to apply. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. This will result in a beneficial impact. Therefore, the existing less than significant and significant and unavoidable noise impacts would not result in new or different impacts.

## **5.9 POPULATION, HOUSING AND EMPLOYMENT**

This section analyzes the effects to population, housing and employment from implementing the proposed zoning code regulations.

*Would the project:*

- a. *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

## **TZC EIR Conclusions**

- Implementation of the proposed project would accommodate projected population and housing growth. (Impact 4.9-1: Less Than Significant without mitigation)
- Construction of development projects pursuant to the Transit Zoning Code (SD 84A and SD 84B) could displace existing people or housing. However, this displacement would not necessitate the construction of additional replacement housing elsewhere. (Impact 4.9-2: Less Than Significant without mitigation)

## **TZC EIR Mitigation Measures**

All impacts were below the level of significance and mitigation measures are not necessary nor recommended.

## **Project Analysis and Conclusion**

The City determined that impacts related to accommodating population and housing growth (Impact 4.9-1) and displacement of existing housing (Impact 4.9-2) were below the level of significance and did not require mitigation.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require development of housing units. The new regulations would provide architectural standards to any future development that would regulate the manner in which individual parcels and blocks are developed to create diverse and pedestrian-oriented development that would be consistent with the TZC area. In addition, there shall be no increase in the number of dwelling units unless the site on which the structure is located complies with the off-street parking and open space requirements of the SAMC. Therefore, the existing less than significant population, housing and employment impacts would not result in new or different impacts nor would it increase unplanned growth and does not trigger new population and housing impacts requiring the preparation of a subsequent or supplemental EIR.

## **5.10 PUBLIC SERVICES**

This section analyzes the effects to public services and recreational and park facilities from implementing the proposed zoning code regulations.

*Would the project:*

- a. *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental*

*impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?*

- b. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?*
- c. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*
- d. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services?*
- e. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park services?*

## **TZC EIR Conclusions**

- Construction of new projects pursuant to the Transit Zoning Code (SD 84A and SD 84B) would increase the demand for fire protection services, but it would not require the construction of new or physically altered facilities to accommodate the increased demand or maintain acceptable response times. (Impact 4.10-1: Less Than Significant with mitigation)
- Operation of the proposed project would increase the demand for police services, thereby requiring additional staffing, although it would not require the construction of new or physically altered facilities or personnel to accommodate the increased demand. (Impact 4.10-2: Less Than Significant with mitigation)
- Construction of new residential units within the project area would generate new students that could require the addition of new classroom facilities, thereby requiring new or physically altered facilities to accommodate additional students in Santa Ana Unified School District (SAUSD) schools. (Impact 4.10-3: Less Than Significant)
- Construction of new residential units within the project area would generate new library users that could require the addition of new library facilities. (Impact 4.10-4: Less Than Significant without mitigation)
- All properties identified as having new development potential to be built out pursuant to the provisions of the Transit Zoning Code (SD 84A and SD 84B) these new projects would generate a need for new or physically altered park facilities in order to maintain acceptable service ratios. (Impact 4.10-5: Less Than Significant without mitigation)

## **TZC EIR Mitigation Measures**

**MM4.10-1** Prior to an issuance of a building permit, individual projects in the Transit Zoning Code (SD 84A and SD 84B) area shall perform a water supply, fire flow test and fire protection

system design analysis to ensure that proposed projects are in accordance to meet standard fire protection design requirements. (Impact 4.10-1)

**MM4.10-2** Any development that would exceed two stories in height shall submit site-specific security plans to the SAPD for review prior to issuance of a building permit. (Impact 4.10-2)

**MM4.10-3** No developer within the Transit Zoning Code (SD 84A and SD 84B) boundaries shall utilize a frequency of 800 MHz, which is reserved for emergency services. (Impact 4.10-2)

**MM4.10-4** Individual project developers shall pay school impact fees prior to the issuance of occupancy permits. (Impact 4.10-3)

**MM4.10-5** Prior to issuance of a building permit for a residential development project, or change of use from non-residential to residential within the Transit Zoning Code (SD 84A and SD 84B) area, project applicants shall pay to the City of Santa Ana the Park Acquisition and Development Fee. (Impact 4.10-5)

### **Project Analysis and Conclusion**

The City determined that impacts related to the provision of library services (Impact 4.10-4) and recreation park facilities (Impact 4.10-5) were below the level of significance and did not require mitigation. Impacts related to fire services (Impact 4.10-1), Police services (Impact 4.10-2) and generation of new school children (Impact 4.10-3) were less than significant with the implementation of mitigation measures.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.10-1 through MM4.10-5 would continue to apply.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated, which will result in a beneficial impact to public services. Therefore, the existing less than significant and significant and public services impacts would not result in new or different impacts.

## **5.11 TRANSPORTATION**

This section analyzes the effects on transportation from implementing the proposed zoning code regulations.

*Would the project:*

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?*
- b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

- e. Result in inadequate emergency access?
- f. Result in inadequate parking capacity
- g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)

## **TZC EIR Conclusions**

- Operation of the proposed project would result in impacts related to neighborhood traffic in the adjacent residential areas to the Transit Zoning Code (SD 84A and SD 84B) area. (Impact 4.11-1: Less Than Significant with mitigation)
- Long-term cumulative development pursuant to the implementation of the Transit Zoning Code would exceed standards established by the Orange County Transportation Authority within the study area. (Impact 4.11-2: Less Than Significant without mitigation)
- Development projects constructed pursuant to the standards contained within the Transit Zoning Code would not result in a change in air traffic patterns. (Impact 4.11-3: Less Than Significant) without mitigation
- Development projects constructed pursuant to the Transit Zoning Code would not increase hazards due to a design future or incompatible uses. (Impact 4.11-4: Less Than Significant without mitigation)
- Development projects constructed pursuant to the Transit Zoning Code could result in inadequate emergency access. (Impact 4.11-5: Less Than Significant without mitigation)
- Long-term cumulative development under the implementation of the Transit Zoning Code would not result in inadequate parking capacity. (Impact 4.11-6: Less Than Significant without mitigation)
- The Transit Zoning Code would not conflict with adopted policies, plans, or programs supporting alternative transportation. (Impact 4.11-7: Less Than Significant)
- Long-term cumulative development under implementation of the Transit Zoning Code would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. (Impact 4.11-8: Less Than Significant with mitigation)
- Long-term cumulative development under implementation of the Transit Zoning Code would result in impacts related to freeway ramps in the vicinity of the Transit Zoning Code area. (Impact 4.11-9: Less Than Significant with mitigation and Significant and Unavoidable due to a public agency (Caltrans) approval other than the City)

## **TZC EIR Mitigation Measures**

**MM4.11-1** The City of Santa Ana shall, during any roadway improvement within the Transit Zoning Code boundaries, evaluate, consider, and implement as appropriate the traffic calming measure(s), including but not limited to the following:

- Curb extensions at local intersections
- Short medians at entries to wide streets
- Traffic circles at oversized intersections
- Speed humps
- Turn restrictions (Impact 4.11-1)

**MM4.11-2** As part of the project, the City of Santa Ana and the project sponsors shall work with the transit providers to implement various transit-related measures to improve and expand bus

system service within the Transit Zoning Code (SD 84A and SD 84B) area. These measures may include, but are not limited to, the following:

- Adding bus stops to the Transit Zoning Code (SD 84A and SD 84B) area along existing roadways
- Changing bus service headways to respond to increased demand
- Changing bus service destinations to respond to changing demand
- Adding local shuttle service for employees and patrons of the Transit Zoning Code (SD 84A and SD 84B) area
- The details of bus service improvements shall be determined in coordination with OCTA. The following recommendations would help encourage public transit patronage for project-related trips:
  - Bus Stop Locations—Relocation of existing bus stops and the provision of additional bus stops should be considered to accommodate transit users at convenient locations.
  - Days of Operation—The City should work with OCTA to consider changes to route times to serve nighttime and weekend project visitors and employees.
  - Headway—The City should work w would be appropriate to reduce them Code (SD 84A and SD 84B) area.

**MM4.11-3** The City of Santa Ana Public Works Agency shall monitor the traffic signals within the Transit Zoning Code study area once every five years to ensure that traffic signal timing is optimized. (Impact 4.11-8)

**MM4.11-4** The City of Santa Ana shall institute a program for systematic mitigation of impacts as development proceeds within the Transit Zoning Code to ensure mitigation of the individual improvements. The program shall prescribe the method of participation in the mitigation program by individual projects and guide the timely implementation of the mitigation measures. The program shall include the following elements:

A funding and improvement program should be established to identify financial resources adequate to construct all identified mitigation measures in a timely basis.

All properties that redevelop within the Transit Zoning Code should participate in the program on a fair share per new development trip basis. The fair share should be based upon the total cost of all identified mitigation measures, divided by the peak hour trip generation increase forecast.

This rate per peak hour trip should be imposed upon the incremental traffic growth for any new development within the Transitioning Code.

The program should raise funds from full development of the Transit Zoning Code to fund all identified mitigation measures.

The program should monitor phasing development of the Transit Zoning Code and defer or eliminate improvements if the densities permitted in the Transit Zoning Code are not occurring.

Program phasing should be monitored through preparation of specific project traffic impact studies for any project that is expected to include more than 100 dwelling units or 100,000 sf of non-residential development. Traffic impact studies should use traffic generation rates that are deemed to be most appropriate for the actual development proposed.

Properties within Santa Ana and within one-half mile of the Transit Zoning Code that redevelop to result in higher traffic generation should also participate in the program to insure equity.



The City may elect to implement appropriate mitigation measures as a condition of approval of the proposed developments, where appropriate. All or part of the costs of these improvements may be considered to be a negotiated credit toward the program, however the program must be administered in a manner that assures that it can fund necessary improvements to maintain adequate level of service at all intersections within this study. If funding of priority improvements cannot be assured, credit for construction of lower priority improvements may not be assured or may be postponed until more program funds are available. (Impact 4.11-8)

**MM4.11-5** Main Street at First Street—Install a second northbound and southbound left-turn lanes and a dedicated northbound right-turn lane for 2030 and 2035 conditions. (Impact 4.11-8)

**MM4.11-6** Lacy Street at Santa Ana Boulevard—Install a traffic signal and provide exclusive left-turn lane for both northbound and southbound directions for both 2030 and 2035 conditions. (Impact 4.11-8)

**MM4.11-7** Lacy Street at First Street—Install a traffic signal for both 2030 and 2035 conditions, a traffic signal, and provide exclusive left-turn lane for both northbound and southbound directions for both 2030 and 2035 conditions. (Impact 4.11-8)

**MM4.11-8** Santiago Street at Washington Avenue—Install a traffic signal and provide one exclusive left-turn lane for both eastbound and westbound traffic for 2035 conditions only. (Impact 4.11-8)

**MM4.11-9** Santiago Street at Civic Center Drive—Install a traffic signal and provide: one exclusive left-turn lane, one through lane, and one shared through and right-turn lane on northbound and southbound approaches; and one exclusive left-turn lane and one shared through and right lane on eastbound and westbound approaches. The improvement is only needed for 2035 conditions. (Impact 4.11-8)

**MM4.11-10** Santiago Street at Santa Ana Drive—Construct a second southbound left-turn lane for 2035 conditions. The improvement is only needed for 2035 conditions. (Impact 4.11-8)

**MM4.11-11** Santiago Street at Fourth Street—Install a traffic signal. The lane configuration for the signal is recommended as 1 Left, 1 Through, 1 Through+ Right for all approaches. (Impact 4.11-8)

**MM4.11-12** Standard Street at First Street—Construct third eastbound and westbound shared through-right lanes for 2035 conditions. The improvement is only needed for 2035 conditions. (Impact 4.11-8)

**MM4.11-13** Grand Avenue at Santa Ana Boulevard—Construct a third southbound through lane and eastbound right-turn overlap signal phasing. (Impact 4.11-8)

**MM4.11-14** Grand Avenue at First Street—Construct a third eastbound shared through/right-turn lane, a third westbound shared through/right-turn lane, and a third northbound through lane with dedicated northbound right-turn lane for 2035 conditions. The improvement is only needed for 2035 conditions. (Impact 4.11-8)

**MM4.11-15** Grand Avenue at I-5 Northbound Ramps—Construct a second westbound right-turn lane and for the I-5 northbound off ramp under both 2030 and 2035 conditions. (Impact 4.11-8)

**MM4.11-16** I-5 at Santa Ana Blvd.—Northbound Off-Ramp—The City of Santa Ana Department of Public Works shall coordinate with Caltrans for the installation of a second ramp lane for the

I-5 northbound off ramp. The improvement shall be implemented to mitigate 2035 conditions. (Impact 4.11-9)

## **Project Analysis and Conclusion**

The City determined that impacts related to exceeding standards from the Orange County Transportation Authority (Impact 4.111-2), change in air traffic patterns (Impact 4.11-3), hazards due to a design future or incompatible uses (Impact 4.11-4), inadequate emergency access (Impact 4.11-5), inadequate parking capacity (Impact 4.11-6), and alternative transportation (Impact 4.11-7) were below the level of significance and did not require mitigation. Impacts related to neighborhood traffic (Impact 4.11-1) and traffic increases to the existing traffic load (Impact 4.11-8) were less than significant with the implementation of mitigation measures. Impacts related to development near freeway ramps (Impacts 4.11-9) were found to be significant and unavoidable and that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.11-1 through MM4.11-16 would continue to apply.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required. The new regulations would provide recharging spaces for electric vehicles. Also, all truck parking areas must be on paved surfaces and the parking, loading or unloading of trucks associated with a business on public streets is prohibited. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. This will result in a beneficial impact to transportation. Therefore, the existing less than significant and significant and unavoidable transportation impacts would not result in new or different impacts.

## **5.12 UTILITIES AND SERVICE SYSTEMS**

This section analyzes the effects to utilities and service systems from implementing the proposed zoning code regulations.

*Would the project:*

- a. Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- b. Require new or expanded water entitlements and resources if there are not sufficient water supplies available to serve the project from existing entitlements and resources?*

### **TZC EIR Conclusions**

- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would generate an additional demand for water, but would not require water supplies in excess of existing entitlements and resources or result in the need for new or expanded entitlements. (Impact 4.12-1: Less Than Significant without mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would not require or result in the construction of new or expanded water

treatment facilities, the construction of which could cause significant environmental effects. (Impact 4.12-2: Less Than Significant)without mitigation

- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would not exceed wastewater treatment requirements of the Orange County Sanitation District. (Impact 4.12-3: Less Than Significant without mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) could require the construction of new or expanded wastewater conveyance systems, the construction of which would not cause significant environmental effects. (Impact 4.12-4: Less Than Significant with mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would not increase wastewater generation such that treatment facilities would be inadequate to serve the project's projected demand in addition to the provider's existing commitments. (Impact 4.12-5: Less Than Significant without mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code would not generate solid waste that exceeds the permitted capacity of landfills serving the area. (Impact 4.12-6: Less Than Significant without mitigation)
- Long-term cumulative development under the implementation of the Transit Zoning Code (SD 84A and SD 84B) would comply with all applicable federal, state, and local statutes and regulations related to solid waste. (Impact 4.12-7: Less Than Significant without mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would increase the demand for electricity and gas, but would not require or result in the construction of new energy production or transmission facilities, the construction of which could cause a significant environmental impact. (Impact 4.12-8: Less Than Significant without mitigation)

### **TZC EIR Mitigation Measures**

**MM4.12-1** Individual project applicants shall prepare site-specific sewer evaluations, including flow monitoring and modeling, during the project design to determine the adequacy of the existing sewer pipe capacity in the affected project area lines. The evaluation shall be submitted to the City of Santa Ana or OCSD, as appropriate, for review and approval prior to issuance of building permits. Any recommendations made in the site-specific sewer evaluations shall be incorporated into the design of each individual project. (Impact 4.12-4)

**MM4.12-2** Individual non-residential project applicants are encouraged to apply for Southern California Edison's "Savings By Design" program. The program is aimed at generating an overall reduction in energy use through design methods and incentive programs by maintaining a 15% or greater exceedance of Title 24. (Impact 4.12-8)

**MM4.12-3** Individual development projects within the boundaries of the Transit Zoning Code (SD 84A and SD 84B) shall implement energy conservation measures (such as energy-efficient lighting and microprocessor controlled HVAC equipment) to reduce the demand for electricity and natural gas as part of the project design. The energy conservation measures shall be subject to modification as new technologies are developed, or if current technology becomes obsolete, through replacement and shall be reviewed by the Planning and Building Agency prior to issuance of a building permit. (Impact 4.12-8)

**MM4.12-4** Individual development projects within the boundaries of the Transit Zoning Code (SD 84A and SD 84B) shall implement energy conservation measures (such as energy-efficient lighting and microprocessor controlled HVAC equipment) to reduce the demand for electricity

and natural gas as part of the project design. The energy conservation measures shall be subject to modification as new technologies are developed, or if current technology becomes obsolete, through replacement and shall be reviewed by the Planning and Building Agency prior to issuance of a building permit. (Impact 4.12-8)

## **Project Analysis and Conclusion**

The City determined that impacts related to additional water demand (Impact 4.12-1), expanded water treatment facilities (Impact 4.12-2), exceed wastewater treatment requirements (Impact 4.12-3), increase wastewater generation (Impact 4.12-5), generate solid waste exceeding permitted capacity (Impact 4.12-6), and compliance with applicable federal, state, and local solid waste regulations (Impact 4.12-7) were below the level of significance and did not require mitigation. Impacts related to new or expanded wastewater conveyance systems (Impact 4.12-4) and an increased demand for electricity and gas (Impact 4.12-8) were less than significant with the implementation of mitigation measures.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.12-1 through MM4.12-4 would continue to apply.

The new regulations identified in Table 1 – Current and Proposed Text Regulations would provide any nonconforming business that operates in an unlawful manner, including but not limited to, frequent code violations, police calls, or loitering complaints, or is not in good standing with the City, including, but limited to constant service calls or lapses in Business License renewal, will lose its nonconforming status, enabling the City to take corrective action as it deems appropriate, including business license revocation or terminating utility services or connections. Also, in addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated which will result in a beneficial impact to utilities and service systems. Therefore, the existing less than significant utilities and service systems impacts would not result in new or different impacts requiring the preparation of a subsequent or supplemental EIR.

## **5.13 GLOBAL CLIMATE CHANGE**

This section analyzes the effects to global climate change from implementing the proposed zoning code regulations.

*Would the project:*

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. Generate greenhouse gas emissions, conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gas?*

## **TZC EIR Conclusions**

- Long-term cumulative development pursuant to the Transit Zoning Code at full build-out would result in significant localized air quality impacts for operational level emissions. As a whole, this impact is significant for operational emissions due to the size of the Transit Zoning Code (SD 84A and SD 84B) area. (Impact 4.13-1: Significant and Unavoidable and no feasible mitigation)

- Long-term cumulative development pursuant to the Transit Zoning Code at full build-out has the potential to conflict with AB 32. The Project as a whole is significant for operational emissions due to the size of the Transit Zoning Code (SD 84A and SD 84B) area. (Impact 4.13-2: Significant and Unavoidable and no feasible mitigation)

## **TZC EIR Mitigation Measures**

**MM4.13-1** All diesel fueled construction equipment shall be classified EPA Tier II or better emission efficiencies. (Impact 4.3-1)

**MM4.13-2** All construction equipment shall be shut off when not in use and shall not idle for more than five minutes, unless actively engaged in construction activities.

**MM4.13-3** Queuing of trucks on- and offsite shall be limited to periods when absolutely necessitated by grading or construction activities. (Impact 4.3-1)

**MM4.13-3** Queuing of trucks on- and offsite shall be limited to periods when absolutely necessitated by grading or construction activities. (Impact 4.3-1)

**MM4.13-4** All on-road construction trucks and other vehicles greater than 10,000 pounds shall be shut off when not in use and shall not idle for more than 5 minutes. (Impact 4.3-1)

**MM4.13-5** To the extent feasible, all diesel- and gasoline-powered construction equipment shall be replaced with equivalent electric equipment.

**MM4.13-6** Project plans and specifications shall include policies and procedures for the reuse and recycling of construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). (Impact 4.3-1)

**MM4.13-7** Project plans and specifications shall include education for construction workers about reducing waste and using available recycling services. (Impact 4.3-1)

**MM4.13-8** Prior to issuance of a building permit, the applicant shall demonstrate that the design of the proposed buildings or structures meets or exceeds the most recent Title 24 requirements (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings; Cool Roof Coatings performance standards), subject to review by the City Building Official. Documentation of compliance with this measure shall be provided to the Planning and Building Agency and Building Official for review and approval prior to issuance of the permit. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to certificate of occupancy. The following design features should be considered by the applicant as a way to achieve Title 24 compliance in excess of the minimum requirement:

- Increase in insulation such that heat transfer and thermal bridging is minimized
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption
- Incorporate dual-paned or other energy efficient windows
- Incorporate energy efficient space heating and cooling equipment
- Incorporate energy efficient light fixtures
- Incorporate energy efficient appliances
- Incorporate energy efficient domestic hot water systems
- Incorporate solar panels into the electrical system
- Incorporate cool roofs/light-colored roofing

Or other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above exceeds current Title 24 Standards (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended September 11, 2008; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 20 percent. (Impact 4.3-1)

**MM4.13-9** Prior to issuance of a building permit, applicants for individual projects shall provide a landscape plan that includes shade trees around main buildings, particularly along southern elevations where practical, and will not interfere with loading dock locations or other operational constraints. Documentation of compliance with this measure shall be provided to the Planning and Building Agency for review and approval. (Impact 4.3-1)

**MM4.13-10** All showerheads, lavatory faucets, and sink faucets within the residential units, and where feasible within non-residential developments, shall comply with the California Energy Conservation flow rate standards. (Impact 4.3-1)

**MM4.13-11** Low-flush toilets shall be installed within all Congregate Care units as specified in California State Health and Safety Code Section 17921.3.

**MM4.13-12** Project designers should consider design features to incorporate light-colored roofing materials that will deflect heat away from the building and conserve energy. (Impact 4.3-1)

**MM4.13-13** Landscape designers shall ensure that landscaping of common areas for Industrial/Commercial projects uses drought-tolerant and smog-tolerant trees, shrubs, and groundcover to ensure long-term viability and conserve water and energy. (Impact 4.3-1)

**MM4.13-14** Landscape designers shall ensure that the landscape plan for Industrial/Commercial projects includes drought resistant trees, shrubs, and groundcover within the parking lot and perimeter. (Impact 4.3-1)

**MM4.13-15** Individual project applicants shall ensure that designs for Industrial/Commercial projects include all illumination elements to have controls to allow selective use as an energy conservation measure. (Impact 4.3-1)

**MM4.13-16** The applicant for Industrial/Commercial projects should promote ride sharing programs such as, but not necessarily including, publishing ride sharing information for all of the tenants, designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a website or message board for coordinating rides. Prior to issuance of a building permit, the applicant shall demonstrate that measures have been included to provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience pursuant to SAMC Chapter 41 regarding bicycle parking standards and Chapter 16 of the Santa Ana Citywide Design Guidelines regarding Bikeway Support Facilities Guidelines. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.3-1)

**MM4.13-17** Prior to issuance of any certificate of occupancy, the applicant shall demonstrate that all Multi-family/Industrial/Commercial projects' interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the Building Official. (Impact 4.3-1)

**MM4.13-18** Applicants for Multi-family/Industrial/Commercial projects shall consider providing preferential parking spaces for ultra-low emission vehicles and alternative fueled vehicles to encourage the use of alternative fuels and ultra-low emission vehicles. (Impact 4.3-1)

**MM4.13-19** Prior to issuance of a building permit, the applicant shall demonstrate that the proposed Multi-family/ Industrial/Commercial uses building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public/common areas pursuant to the adopted standards. Documentation of compliance with this measure shall be provided to the Planning and Building Agency for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.3-1)

**MM4.13-20** All common area irrigation areas for Multi-family/Industrial/Commercial projects shall consider systems that are capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain, and wind. In addition, the computerized irrigation system shall also consider the ability to be equipped with flow-sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks, and eliminating over-watering and flooding due to pipe and/or head breaks. (Impact 4.3-1)

**MM4.13-21** Consideration of installation of solar roofs on homes and businesses to offset the increasing demand for energy and natural gas. (Impact 4.3-1)

**MM4.13-22** Project applicants shall, where feasible, incorporate passive solar design features into the buildings, which may include roof overhangs or canopies that block summer shade, but that allow winter sun, from penetrating south facing windows. (Impact 4.3-1)

**MM4.13-23** Use Energy Efficient Roofing Materials. All roofing materials used in commercial/retail buildings at the Mixed-Use Retail Development shall be Energy Star® certified. All roof products shall also be certified to meet American Society for Testing and Materials (ASTM) high emissivity requirements. (Impact 4.3-1)

**MM4.13-24** All commercial/industrial projects shall, where feasible, include up to 10% renewable energy sources within the project. (Impact 4.3-1)

**MM4.13-1 through MM4.13-24** would also apply to this impact. (Impact 4.3-2)

## **Project Analysis and Conclusion**

The City determined that long-term development related to localized air quality impacts from operational emissions (Impact 4.13-1) and operational emissions due to the size of the TZC area with the potential to conflict with AB 32 (Impact 4.13-2) were found to be significant and unavoidable and that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM 4.13-1 through MM4.13.24 would continue to apply.

The new regulations in Table 1 – Current and Proposed Text Regulations would provide that no land use shall generate or cause any visible dust, gases, or smoke to be emitted into the atmosphere and that uses, activities, and processes shall not operate in a manner that emits dust, fumes, odors, smoke, or particulate matter, unless authorized under Federal, State, or local law. This will result in a beneficial impact to climate change/greenhouse gas emissions. Therefore, the existing significant and unavoidable global climate change impacts would not result in new or different impacts requiring the preparation of a subsequent or supplemental EIR.

## **5.14 MANDATORY FINDINGS OF SIGNIFICANCE**

*Would the project:*

- a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*
- b. Does the project have potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?*
- c. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*
- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

As detailed herein, on the basis of substantial evidence in the light of the whole record, a Subsequent or Supplemental EIR is not appropriate for the project because none of the criteria permitting such a document under State CEQA Guidelines section 15162 are met.

Project implementation does not include nor require implementation of specific development projects. The majority of the City is urbanized, with residential and nonresidential development, and mobility and public facilities all contributing to Santa Ana’s existing built environment.

The proposed text amendments to SAMC Sections 41-2001, 41-2001.5, 41-2002, 41-2004, 41-2005, 41-2006, 41-2008, 41-2009, and 41-2008 would merely update to clarify that the regulations apply to existing uses, further limit some rehabilitation of existing buildings and structures, clarify the effects of amendments to the TZC, further limit certain existing operations to ensure greater compatibility between residential and non-residential land uses, and to establish regulations for operation of any existing, legally established, nonconforming industrial uses. Section 41-2001.5 is updated to encompass new SAMC Section 21-2009, which establishes regulations for operation of any existing, legally established, nonconforming industrial use. Section 41-2004 deletes the Overlay I-OZ zone from the text and map.

Implementation of these SAMC amendments would not require implementation of any specific developments or direct physical changes to the environment, and therefore would not be in conflict with the GPU and no intensification of land uses would result.

The City of Santa Ana, which includes the TZC area, is not within a NCCP/HCP area, and therefore would not conflict with an adopted NCCP/HCP plan. No direct or indirect substantial adverse effects on human beings would occur.



## **5.15 CONCLUSION**

This project proposes amendments to the Transit Zoning Code (SD-84) by way of ZOA No. 2024-02 and AA No. 2024-03. These proposed amendments would modify the list of land uses and permit types including the deletion of industrial land uses; amend nonconforming regulations including the addition of an amortization process; amend and add operational standards for allowed uses and nonconforming uses; delete the Industrial Overlay (I-OZ) zone from text and maps; and delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD-84 Zoning District boundary as designated on the City of Santa Ana Zoning Map. Refer to Section 3.0 – Description of the Proposed Project.

This project would not result in new or more severe environmental impacts than previously addressed in the TZC FEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts have been identified because the project basically limits industrial uses and would not lead to the expansion or intensification of new, expanded or more intensive uses. Therefore, there will be no new or more severe impacts as the result of the implementation of this project, beyond the impacts that have already been analyzed in the TZC FEIR.

In taking action on any of the approvals, the decision-making body of the lead agency must consider the whole of the data presented in the TZC FEIR. As outlined in this Addendum analysis, all impacts of the project were fully examined in the TZC FEIR, and the proposed changes do not require substantial changes to the prior-certified EIR or previously adopted mitigation measures. Therefore, the preparation of an Addendum to the existing certified EIR is the appropriate CEQA document to support the City's consideration of the project, as outlined in CEQA Guidelines Sections 15162 and 15164.