

TECHNICAL MEMORANDUM

1. INTRODUCTION

Project Title: Cabrillo Town Center

Project Location: 1901, 1971 E. 4th Street and 515, 525 N. Cabrillo Park Drive
Santa Ana, CA 92705

Lead Agency: City of Santa Ana Planning Division
20 Civic Center Plaza
Santa Ana, CA 92701

Applicant: Fairfield
5355 Mira Sorrento Place, Suite 100
San Diego, CA 92121

Prepared By: CAJA Environmental Services, LLC
9410 Topanga Canyon Boulevard, Suite 101
Chatsworth, CA 91311

The purposes of this Technical Memorandum are to assess the consistency of the Project's proposed development plan with the development assumptions for the Project Site in the environmental impact report (EIR) that was prepared in 2006 and certified by the City of Santa Ana (the "City") in 2007 for City of Santa Ana Metro East Mixed Use (MEMU) Overlay Zone (the "Overlay Zone"), which is hereinafter referred to as the "Certified EIR." This Technical Memorandum assesses whether the environmental impacts of the Project fall within the extent of the environmental impacts disclosed in the Certified EIR or whether the Project would result in new or increase significant impacts beyond those disclosed in the Certified EIR in accordance with CEQA Guidelines Section 15168(c), which sets forth criteria to use a program EIR for "later activities" within the scope of a program EIR.

According to CEQA Guidelines Section 15168(c)(2), "[w]hether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR."

As discussed in detail below, the impacts of the Project fall within the scope of the impacts disclosed in the Certified EIR. For these reasons, no additional CEQA review is required for the Project.

1.1 Overlay Zone

The description of the Overlay Zone below is from Chapter 3 (Project Description) of the Certified EIR.

The Overlay Zone included the following primary elements:

- A potential increase in City population of 11,102 residents.
- A potential increase in the number of available residences within City limits by 5,551 units.
- The potential development of 1,275,440 gross square feet of commercial (retail and service) space, as well as 3,410,507 gross square feet of office space. This corresponds to a potential net increase of approximately 963,000 square feet of commercial space and 690,000 square feet of office space beyond existing conditions.

The Certified EIR notes that the above development scenario is in accordance with the intended mix of uses as envisioned by the City, in accordance with the Overlay Zone requirements and restrictions explained therein. The project description for the Metro East Mixed Use Overlay Zone EIR provides detailed information regarding (1) development standards by district within the Overlay Zone, (2) residential development and City population, and (3) parking and circulation. The Overlay Zone allows for mixed-use development with an emphasis on residential, commercial, and office uses.

Development Standards by District within the Overlay Zone

The Overlay Zone allows development to occur per the following district designations:

- Neighborhood Transitional
- Village Center
- Active Urban
- Office

Neighborhood Transitional

The Neighborhood Transitional District is intended to provide opportunities for development that acts as a transition between the single-family residential to the north and the adjacent high-intensity Active Urban District. Designated for the lowest scale and the lowest intensity of uses in the Overlay Zone, development in this district is limited to residential, live/work, or office uses. These uses may combine office on the ground floor with residential above or in freestanding single-use buildings on the same site at between two and three (2–3) stories in height. New development in this area will be designed to provide an appropriate interface with high levels of landscaping and design features that minimize impacts to the adjacent single-family residential area to the north.

Active Urban

The Active Urban District is intended as the location for well-designed high-rise mixed-use developments in a highly urbanized environment that capitalizes on the exposure and access provided by two adjacent freeways, the Santa Ana Freeway (Interstate 5) and Costa Mesa (State Route 55), and two major arterials (First and Fourth Streets and Tustin Avenue), as well as its proximity of the Santa Ana Depot. Development in this District is envisioned to reflect signature architecture that reinforces the identity and character of Metro East as a vibrant urban village that serves as a regional employment and activity center. The Active Urban District will include major office, residential, commercial, hotel, and entertainment opportunities that are more intensive in scale and design than the adjacent Village Center. Developments in this District may combine office, commercial, and residential uses within one vertical mixed use-building with commercial on the ground floor and office or residential on the upper floors or a mix of uses within freestanding buildings on the same site. Developments will be designed to showcase an amenity-enhanced environment that provides numerous open space opportunities within this urban environment for the enjoyment of residents, employees, and visitors, and to promote pedestrian connections between this District and the Village Center as well as Cabrillo Park located north of the Overlay Zone.

Village Center

The Village Center District is intended to serve as the focal point and central gathering place within the Overlay Zone in well-designed highly connected development sites and public spaces. The District will provide a high level of neighborhood identity and activity through its central location and its emphasis on creating a vibrant, attractive, and highly-interconnected pedestrian environment. Opportunities will be provided for shopping, dining, recreation, entertainment, and services accessed by extensively landscaped, wide sidewalks that allow free flow between jobs, housing, and commercial services, or opportunities for leisure walking within the Village Center. This District will provide commercial, office, and residential uses in the same building or on the same site in mid-rise buildings of between four and ten (4–10) stories in settings that provide open spaces, niches, and areas for gatherings and activities along streets, paseos, and interconnecting walkways that link the Village Center to adjacent districts and nearby public parks north of the District.

Office

The Office District contains existing low- to high-rise office development along Tustin Avenue and adjacent to Interstate Freeway. These properties were in place prior to the establishment of the Overlay Zone and will retain their exclusive office zoning in order to promote and maintain a healthy balance between office, commercial, and residential land uses within the Overlay Zone.

Parking and Circulation

Under the Overlay Zone, several improvements/modifications to the existing roadway network may occur. These improvements are designed to enhance the existing circulation of vehicular and pedestrian traffic in the area. The location of the Overlay Zone between Interstate 5 and State Route 55 necessitates the provision of an adequate street network to handle the increased traffic volumes that would occur under this project. Three additional street segments may potentially be constructed during the implementation of the Overlay Zone in conjunction with re-use of the properties under a private development scenario. The first would involve the connection of Sixth Street to Park Court Place from Parkcenter Drive westward to Cabrillo Park Drive. The second segment would extend Golden Circle Drive northward to connect with the proposed extension of Sixth Street. The third and final segment would extend Parkcenter Drive at Fourth Street southward to First Street. In addition, an alleyway with pedestrian improvements may be constructed from Cabrillo Park Drive to the proposed extension of Parkcenter Drive, between First and Fourth Streets.

Additional Amenities

In addition to the street network improvements, the City is proposing the installation of numerous additional street trees and pedestrian-scale streetlights. Additional streetlights would be restricted to the proposed street segments. Additional street trees would be provided along all roadway segments (proposed and existing) within the Overlay Zone to enhance the residential/aesthetic character of the area.

Residential Development and City Population

the Overlay Zone is dominated by office and commercial facilities. Under the Overlay Zone, residential uses would be introduced into an area that is devoid of any residential structures. In total, up to 5,551 residential units would be constructed should the overlay zone reach full buildout.

A household size ratio in the range of 1.8 persons per household (pph) is consistent with the sales/rental experience of downtown-oriented mixed-use development in other similar cities (e.g., Pasadena, Burbank, Long Beach). Sales, rental, and marketing experience of downtown developers in other cities with higher density mixed-use development projects comparable to that expected in the Overlay Zone suggest that residents of these areas are predominantly singles, young couples, and empty-nesters, but rarely families with children. The experience of comparable developments suggests that the average medium-high density mixed-use residential unit is occupied by one or two individuals. As such, for the purposes of the analysis in this EIR, a conservative household size estimate of 2.0 pph is considered an appropriate and accurate prediction of the future demographics of the Overlay Zone. Buildout of the Overlay Zone would result in a potential population increase of 11,102 residents.

In addition, implementation of the Overlay Zone would include improvement/widening of existing sidewalks and certain existing roadways within the Overlay Zone.

General Plan Amendment

The General Plan was amended concurrently with the adoption of the Overlay Zone to include a new land use designation, Metro East Mixed Use (MEMU), which replaced the existing Professional and Administrative Office (PAO) designation. The General Plan Amendment accomplished two primary objectives of the Overlay Zone: (1) to allow residential uses in order to facilitate mixed-use development, and (2) to increase the development intensity permitted within the Overlay Zone. These changes achieved the active, highly-amenitized urban village environment envisioned within the Overlay Zone. Specifically, the Land Use Element Policy Plan, which includes the Land Use Map and Development Intensity Standards, was amended to include the MEMU designation. In addition, text was added to the Land Use Implementation Section of the Land Use Element to discuss the general provisions of the MEMU designation including its purpose and objectives as well as the land uses envisioned within each of the four districts of the Overlay Zone: Neighborhood Transitional, Village Center, Active Urban, and Office.

The General Plan Amendment changed the land use designation of properties within the Overlay Zone. However, uses specified under the PAO designation are included in the MEMU designation in addition to a variety of additional non-residential uses, including, but not limited to uses such as hotels, health clubs, studios, and art galleries. The MEMU designation permits these land uses subject to a development proposal's compliance with required provisions specified in the Overlay Zone.

Proposed Zoning

The Zoning Code and Zoning Map for the Overlay Zone was amended concurrently with the adoption of the Overlay Zone to include a mixed-use overlay zone to be offered in addition to the existing zoning for that area. Any issue not specifically covered in the Overlay Zone is subject to the provisions of the underlying zoning district specified in Chapter 41 of the Santa Ana Municipal Code. Interpretations may be made by the applicable review authority if not specifically covered in the City's existing regulations. As proposed, property owners will have the option to develop to the provisions of the Overlay Zone at their discretion. They may also choose to develop to the existing underlying zone.

BUILDOUT OF THE OVERLAY ZONE

The City envisions the potential buildout of a mixed-use community within the Overlay Zone by 2030. The City anticipates that buildout of the Overlay Zone would occur at a rate of approximately 5 percent per year.

1.2 PROJECT DESCRIPTION

1.2.1 Project Location

The 8.97-acre (390,657-square-foot) Project Site is located in the City at 1901, 1971 E. 4th Street and 515, 525 N. Cabrillo Park Drive. The Project Site location is shown in Figures 1 and 2. The Project Site is bounded by Cabrillo Park on the north, 4th Street on the south, commercial development on the east, and Cabrillo Park Drive on the west. Regional access to the Project Site is provided by Interstate 5 located approximately 750 feet west of the Project Site.

1.2.2 Existing Conditions

The Project Site is zoned P-Professional and is identified with a “Village Center District” designation in the Metro East Mixed Use (MEMU) Overlay Zone (the “Overlay Zone”). The land use designation for the Project Site is GP-DC-3, 3.0. The Project Site is currently developed with four three-story office buildings with a total floor area of 173,025 square feet of floor area and approximately 617 surface parking spaces.

1.2.3 Surrounding Land Uses

The Project Site is located in an urbanized area of the City. The greater Project Site area is largely developed with a mix of commercial and residential development.

1.3 DESCRIPTION OF THE PROJECT

1.3.1 Project Overview

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space. Project plans are shown in Figures 3 through 31.

The Project Site would be separated into two distinct areas by a roadway (Parkcourt Place), which would traverse the site east/west. The southern portion of the Project Site (Parcel 1) would be developed with a five-story mixed-use building arranged around an internal parking structure and one subterranean level that includes residential storage. This building would include 449 apartment units and 26,800 square feet of ground-floor commercial uses, which could include retail, office, and shopkeeper uses. The northern portion of the Project Site (Parcel 2) would be developed with 58 townhomes in eight, three-story (37 feet and 1 inch in height) buildings arranged around a central open space area. Each townhome would include two, three, or four bedrooms, a parking garage, and private outdoor space.

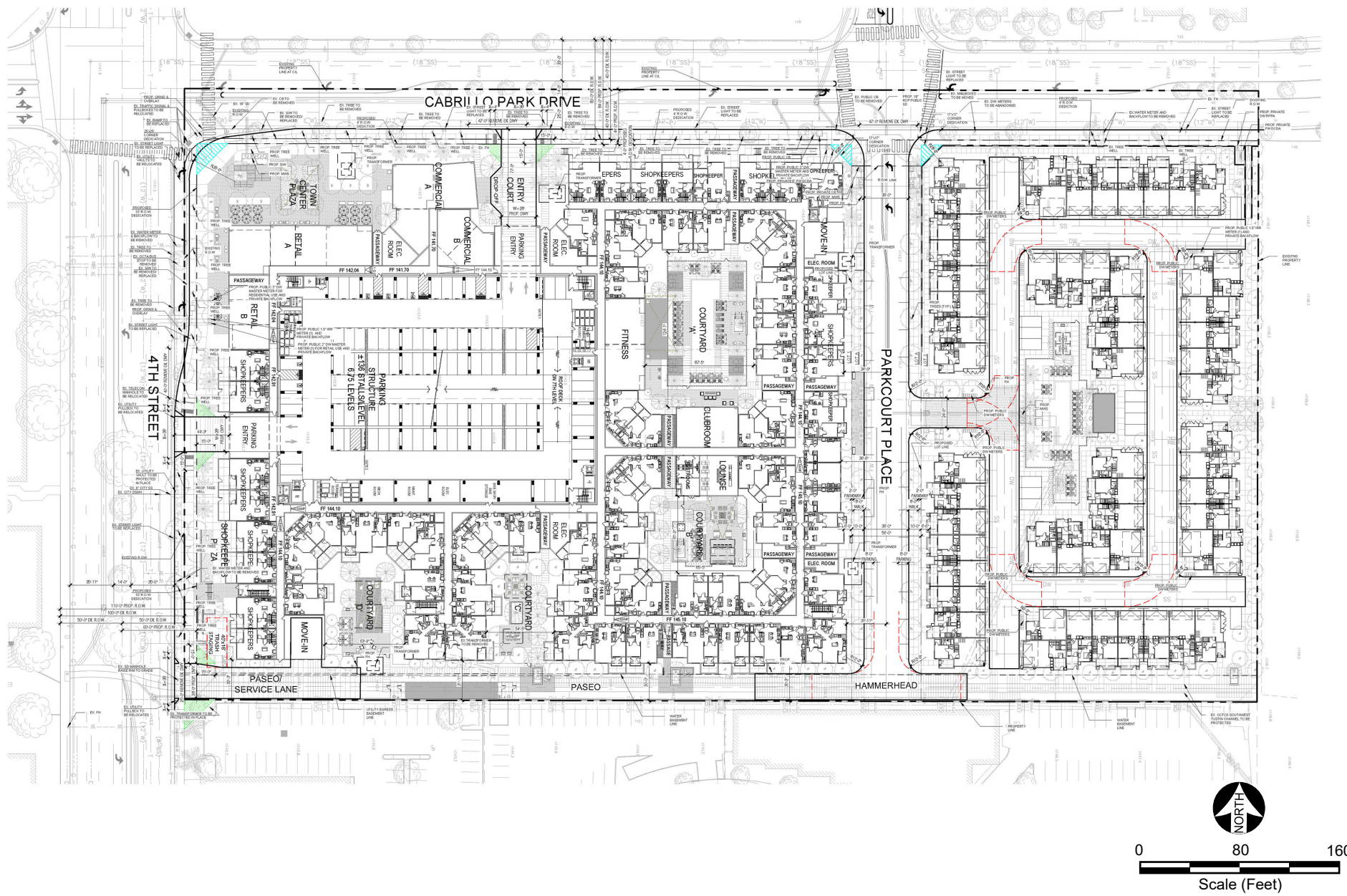
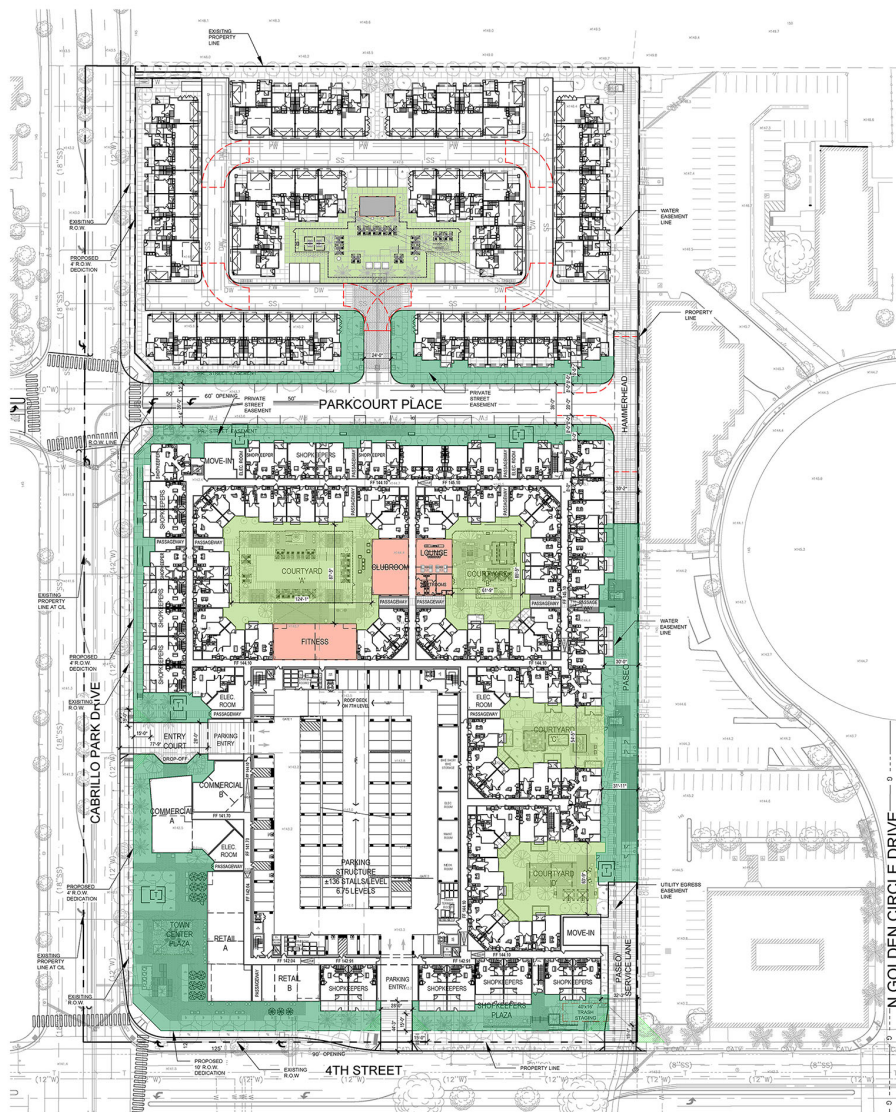


Figure 3
Overall Site Plan



OPEN SPACE REQUIRED			
CATEGORY	NUMBER OF UNITS	AREA PER UNIT (SQ. FT.)	TOTAL AREA REQUIRED (SQ. FT.)
TOWNHOMES	58	90	5,220
APARTMENTS	449	90	40,410
TOTAL COMMERCIAL AREA		PERCENTAGE OF TOTAL LOT AREA	TOTAL AREA REQUIRED (SQ. FT.)
26,800		5%	1,340
TOTAL OPEN SPACE REQUIRED			50,990

PRIVATE OPEN SPACE PROVIDED			
UNIT TYPE	UNIT DECK AREA (SQ. FT.)	NUMBER OF UNITS	TOTAL AREA (SQ. FT.)
PLAN 1	158	6	948
PLAN 2	141	6	846
PLAN 3	109	14	1,526
PLAN 4	208	20	4,160
PLAN 5	162	12	1,944
TOWNHOME PRIVATE OPEN SPACE			9,424
S1	0	23	0
A1	54	9	486
A2	58	115	6,670
A3	53	63	3,339
A4	55	33	1,815
A5	54	35	1,890
A6	58	7	406
B1	53	13	689
B3	58	96	5,568
B6	61	36	2,196
LW1	0	1	0
LW2	58	2	116
LW3	58	1	58
LW4	61	1	61
LW5	61	14	854
APARTMENTS PRIVATE OPEN SPACE			24,148
TOTAL PRIVATE OPEN SPACE PROVIDED			33,572

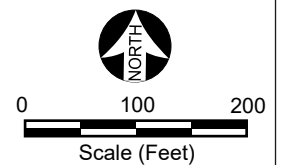
COMMON OPEN SPACE PROVIDED	
AREA TYPE	TOTAL AREA (SQ. FT.)
TOWNHOME POOL COURTYARD	8,934
POOL AMENITY BUILDING	580
TOWNHOME COMMON OPEN SPACE	9,514
COURTYARD B - APARTMENT POOL	11,851
COURTYARD B - ENTERTAINMENT	6,311
COURTYARD C - THE "BACKYARDS"	4,994
COURTYARD D - THE "BACKYARDS"	5,642
ROOF TERRACE	9,500
FITNESS	2,410
LOUNGE	1,656
CLUBROOM	1,655
APARTMENTS COMMON OPEN SPACE	44,019
TOTAL COMMON OPEN SPACE PROVIDED	76,187

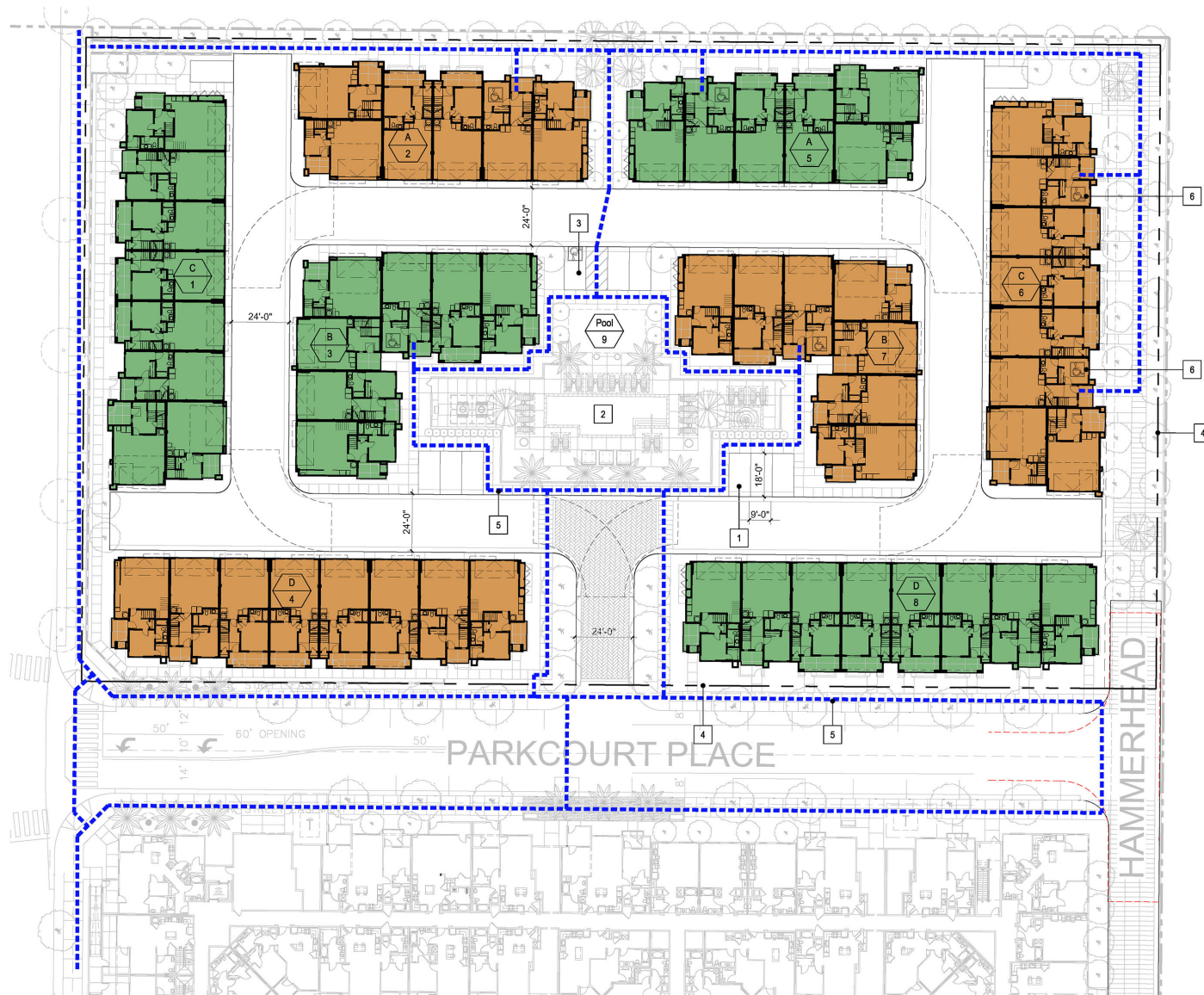
OPEN SPACE PROVIDED	
TYPE	TOTAL AREA REQUIRED (SQ. FT.)
PRIVATE OPEN SPACE	33,572
COMMON OPEN SPACE	76,187
TOTAL OPEN SPACE PROVIDED	109,759

PUBLICLY ACCESSIBLE OPEN SPACE		
TOTAL LOT AREA	PERCENTAGE OF TOTAL LOT AREA	TOTAL AREA REQUIRED (SQ. FT.)
390,733	10%	39,073
TOTAL PUBLIC OPEN SPACE REQUIRED		39,073
AREA		TOTAL AREA PROVIDED (SQ. FT.)
TOWN CENTER PLAZA		15,927
SHOPKEEPER'S PLAZA		4,253
CO-WORK + LIVE/WORK ALONG CABRILLO PARK DRIVE		3,756
PARCOURT PLACE		14,091
PASEO		9,783
TOTAL PUBLIC OPEN SPACE PROVIDED		47,810

LEGEND

- PUBLICLY ACCESSIBLE OPEN SPACE
- COMMON USABLE OPEN SPACE
- INTERIOR AMENITY SPACE





Townhome Site Summary:

Project Address: 1901, 1971 E. 4th Street & 515, 525 N. Cabrillo Park Dr.
 APN: 400-051-02,09,14 & 15
 General Plan Designation: GP-DC-3, 3.0
 Allowable FAR: 0.75-3.0
 Current Zoning: P - Professional
 MEMU Overlay Zone: Village Center District
 Site Area: 2.74 Acres, 119,278 sf
 Dwelling Units: 58 DU
 Density: 21 DU/Ac
 Gross Habitable Area: 122,226 sf (Excludes Garage)
 FAR: 1.12
 Occupancy Type: R-3
 Construction Type: V-B
 Sprinkler Type: NFPA 13-D

Unit Summary:

Unit Plan	Unit Type	Net Area	Quantity	%
Plan 1	2 bd/2.5ba	1,479 SF	6 DU	10%
Plan 2	2 bd/2.5ba	1,478 SF	6 DU	10%
Plan 3	3 bd/3.5ba	1,738 SF	14 DU	24%
Plan 4	3 bd/3.5ba	1,811 SF	20 DU	35%
Plan 5	4 bd/3.5ba	1,927 SF	12 DU	21%
Total			58 DU	

Building Summary:

Type	Bldg Area	# Bldgs	Total Area
Bldg A	15,311 sf	2	30,622 sf
Bldg B	17,962 sf	2	35,924 sf
Bldg C	20,474 sf	2	40,948 sf
Bldg D	21,352 sf	2	42,704 sf
Pool	580 sf	1	580 sf
Total			150,778 sf

Parking Required:

58 du x 2 Spaces: 116 Spaces

Accessible parking Required:

11 guest spaces x 5%: 1 Space

Parking Provided

Garages: 116 Spaces

Open Spaces: 11 Spaces (1 Accessible)

Total (2.19/Unit) 127 Spaces

KEYNOTES

- 1 Parallel Parking Space
- 2 Pool
- 3 Accessible Parking Space
- 4 Property Line
- 5 Accessible Route
- 6 Accessible Ground Floor

COLOR SCHEME 1
 COLOR SCHEME 2

X Building Type
 X Building Number



0 40 80
 Scale (Feet)





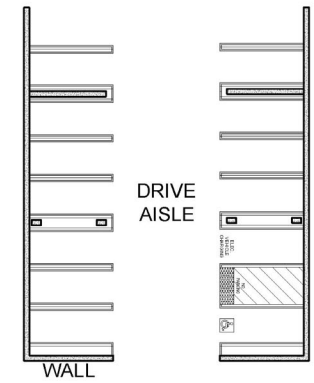
Source: Schematic Design, 2023.

Figure 7
Townhome Perspective 2



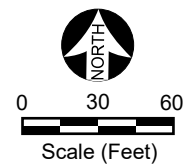
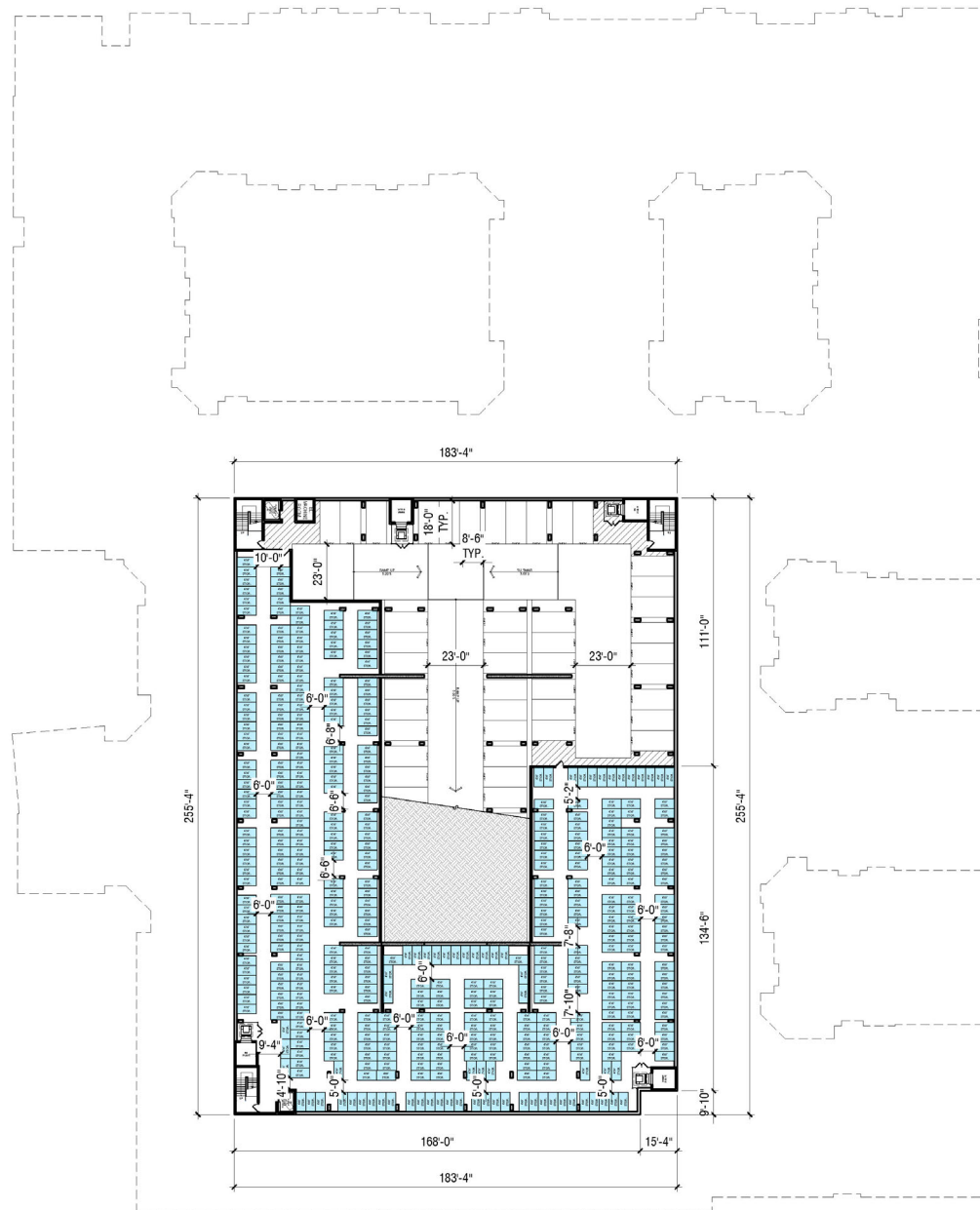
LEGEND

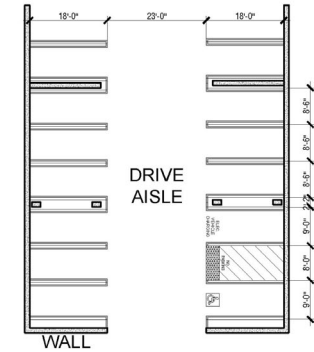
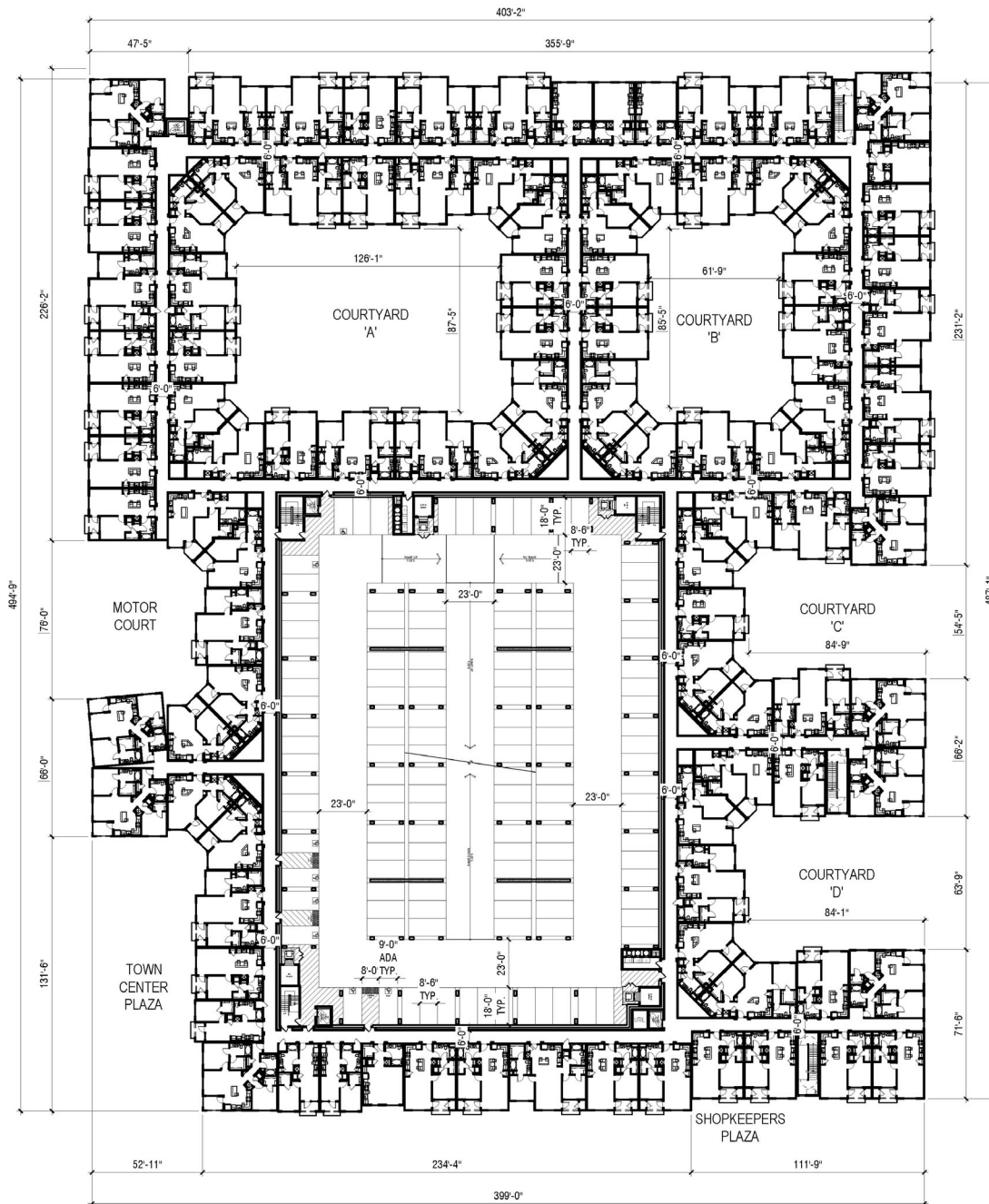
4x8' STOR. 4x8' STORAGE UNIT (250 CU. FT.)



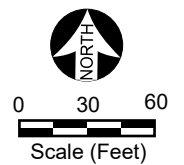
PARKING STRUCTURE STANDARD DIMENSIONS

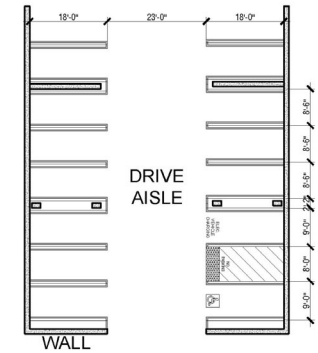
SCALE: $\frac{1}{16}'' = 1'-0''$



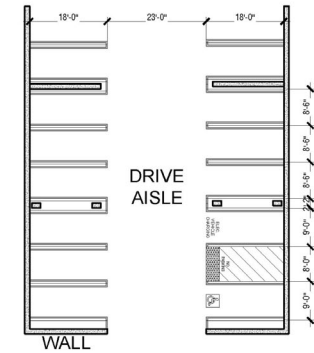


**PARKING STRUCTURE
STANDARD DIMENSIONS**
SCALE: $\frac{1}{16}" = 1'-0"$





A north arrow pointing upwards, labeled "NORTH". Below it is a scale bar with markings at 0, 30, and 60 feet. The text "Scale (Feet)" is written below the scale bar.



**PARKING STRUCTURE
STANDARD DIMENSIONS**
SCALE: $\frac{1}{16}" = 1'-0"$

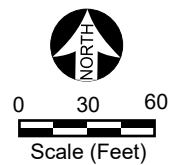


Figure 14
Building Plans - Seventh Floor



SOUTH ELEVATION 1



WEST ELEVATION 2



SOUTHWEST CORNER VIEW 3

MATERIAL / COLOR LEGEND

- 1 LIGHT SAND FINISH STUCCO
- 2 FIBER CEMENT BOARD SIDING
- 3 METAL RAILING
- 4 METAL CANOPY
- 5 VINYL WINDOWS
- 6 ALUMINUM STOREFRONT
- 7 ARCHITECTURAL SIGNAGE
- 8 BRICK VENEER
- A SW 7757 - HIGH REFLECTIVE WHITE
- B SW 6242 - BRACING BLUE
- C SW 6892 - CARNIVAL
- D SW 6991 - BLACK MAGIC
- E SW 7649 - SILVERPLATE

KEY MAP

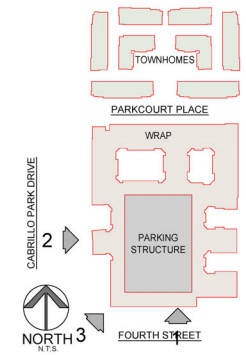


Figure 15
Elevations - South, West and Southwest



NORTH ELEVATION 4



EAST ELEVATION 5

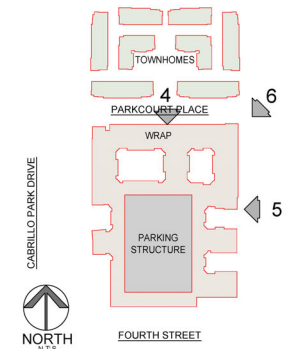


NORTHEAST CORNER VIEW 6

MATERIAL / COLOR LEGEND

- | | |
|---|---------------------------------|
| 1 | LIGHT SAND FINISH STUCCO |
| 2 | FIBER CEMENT BOARD SIDING |
| 3 | METAL RAILING |
| 4 | METAL CANOPY |
| 5 | VINYL WINDOWS |
| 6 | ALUMINUM STOREFRONT |
| 7 | ARCHITECTURAL SIGNAGE |
| 8 | BRICK VENEER |
| A | SW 7757 - HIGH REFLECTIVE WHITE |
| B | SW 6242 - BRACING BLUE |
| C | SW 6892 - CARNIVAL |
| D | SW 6991 - BLACK MAGIC |
| E | SW 7649 - SILVERPLATE |

KEY MAP





CORNER VIEW ON E 4TH ST AND CABRILLO PARK DR 1

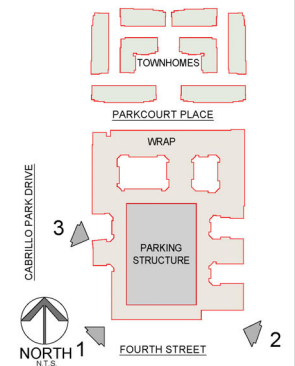


SOUTHEAST CORNER OF PROJECT ALONG E 4TH ST 2



VIEW OF MAIN ENTRANCE AND LEASING ON CABRILLO PARK DR 3

KEY MAP





NORTHWEST CORNER OF PROJECT ON CABRILLO PARK DR 4

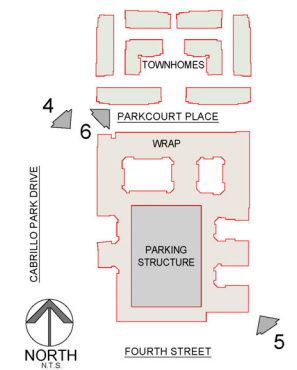


VIEW OF WEST FACING COURTYARDS AND PASEO 5



VIEW OF TOWNHOMES ALONG CABRILLO PARK DRIVE 6

KEY MAP





VIEW OF MAIN ENTRY INTO TOWNHOMES 7

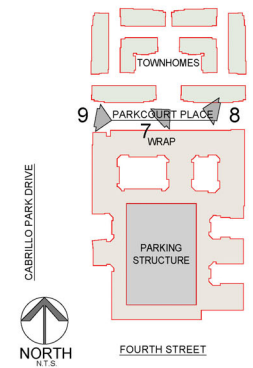


VIEW ALONG PARKCOURT DRIVE 8



VIEW ALONG PARKCOURT DRIVE 9

KEY MAP





1. CORNER OF FOURTH STREET AND CABRILLO PARK DRIVE



2. CORNER OF CABRILLO PARK DRIVE AND PARKCOURT PLACE

ROOF MATERIAL

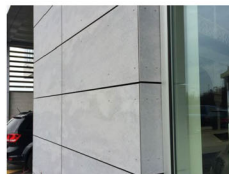


TPO MEMBRANE ROOFING SYSTEM
WHITE

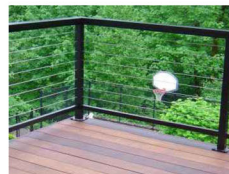
MATERIALS



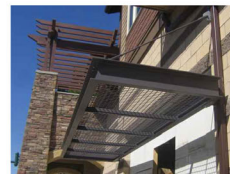
1. LIGHT SAND STUCCO



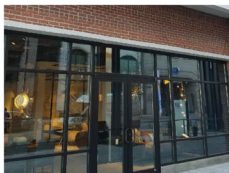
2. FIBER CEMENT PANEL
SIDING



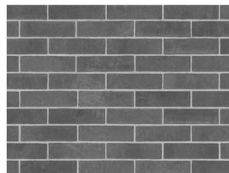
3. METAL RAILING



4. METAL CANOPY



5. ALUMINUM STOREFRONT
WINDOW SYSTEM

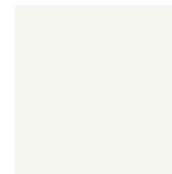


6. BRICK VENEER



7. VINYL WINDOW

COLORS



A. SHERWIN WILLIAMS
SW 7757 HIGH REFLECTIVE
WHITE



B. SHERWIN WILLIAMS
SW 7649 SILVERPLATE



C. SHERWIN WILLIAMS
SW 6242 BRACING BLUE

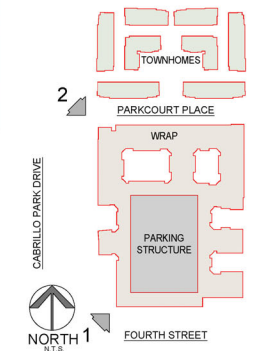


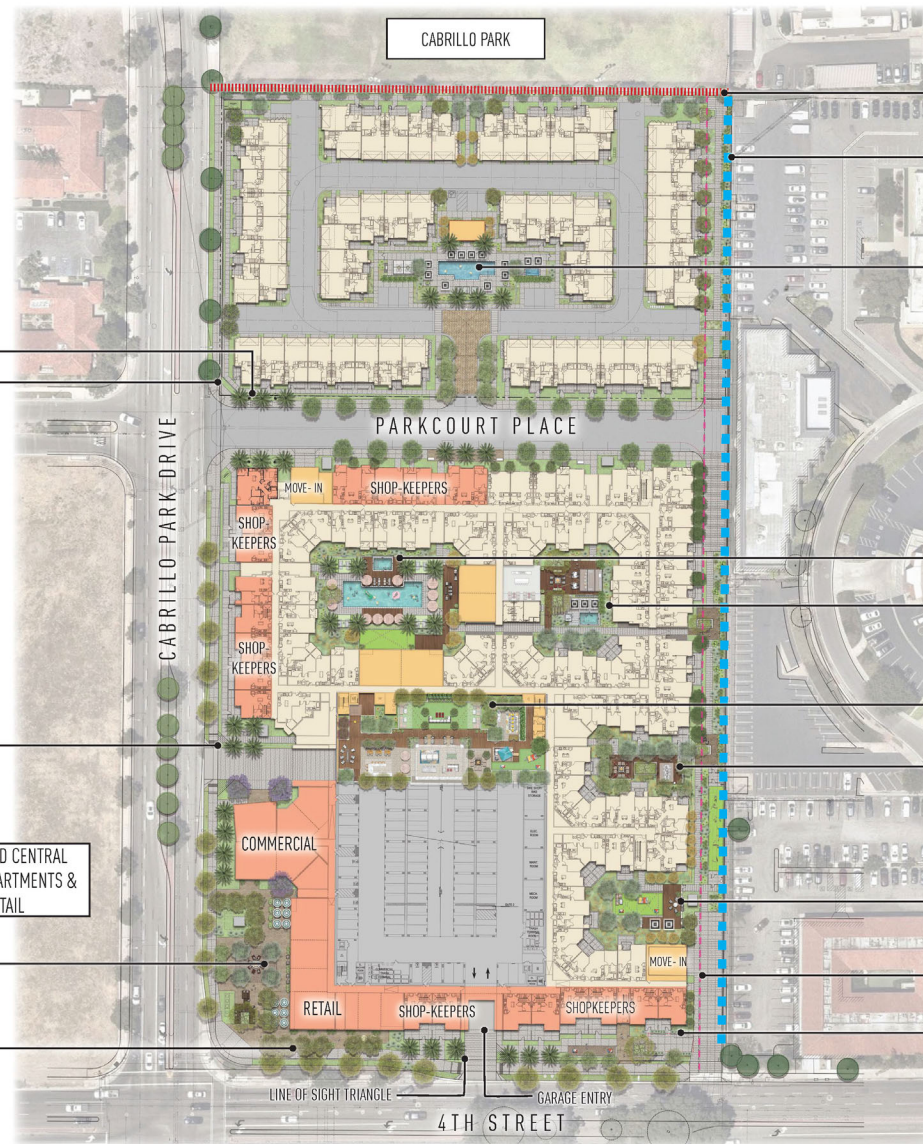
D. SHERWIN WILLIAMS
SW 6892 CARNIVAL



E. SHERWIN WILLIAMS
SW 6991 BLACK MAGIC

KEY MAP





ART COLUMNS

LINE OF SIGHT TRIANGLE

- shrubs maintained to 30" high max
- trees trimmed to trunk 7' from top of sidewalk

LINE OF SIGHT TRIANGLE

- shrubs maintained to 30" high max
- trees trimmed to trunk 7' from top of sidewalk

TOWN CENTER PLAZA
see sheet L.4

- STREET TREES TO BE INSTALLED AS 24" BOX SIZE PER THE CITY STANDARDS & APPROVED PLAN, AS NEEDED
- STREET TREES TO BE 35' O.C. ALONG THE PROJECT FRONTAGE, INCLUDING DEEP ROOT IRRIGATION SYSTEMS, PER CITY STANDARDS. CONTACT THE TREE SECTION SUPERVISOR (714)647-3337 FOR TREE SPECIES & FOR NUMBER AND SIZE OF REQUIRED TREES REPLACEMENTS

6'H TUBULAR STEEL FENCE

6'H DECORATIVE MASONRY WALL

TOWNHOME POOL COURTYARD
see sheet L.10

APARTMENT POOL COURTYARD
see sheet L.8

ENTERTAINMENT COURTYARD
see sheet L.7

ROOF TERRACE
see sheet L.9

THE "BACKYARDS"
see sheet L.6

THE "BACKYARDS"
see sheet L.6

OCFCO EASEMENT
• no trees to be planted in easement

SHOPKEEPERS PLAZA
see sheet L.5

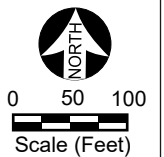
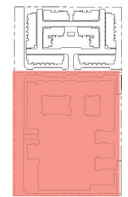
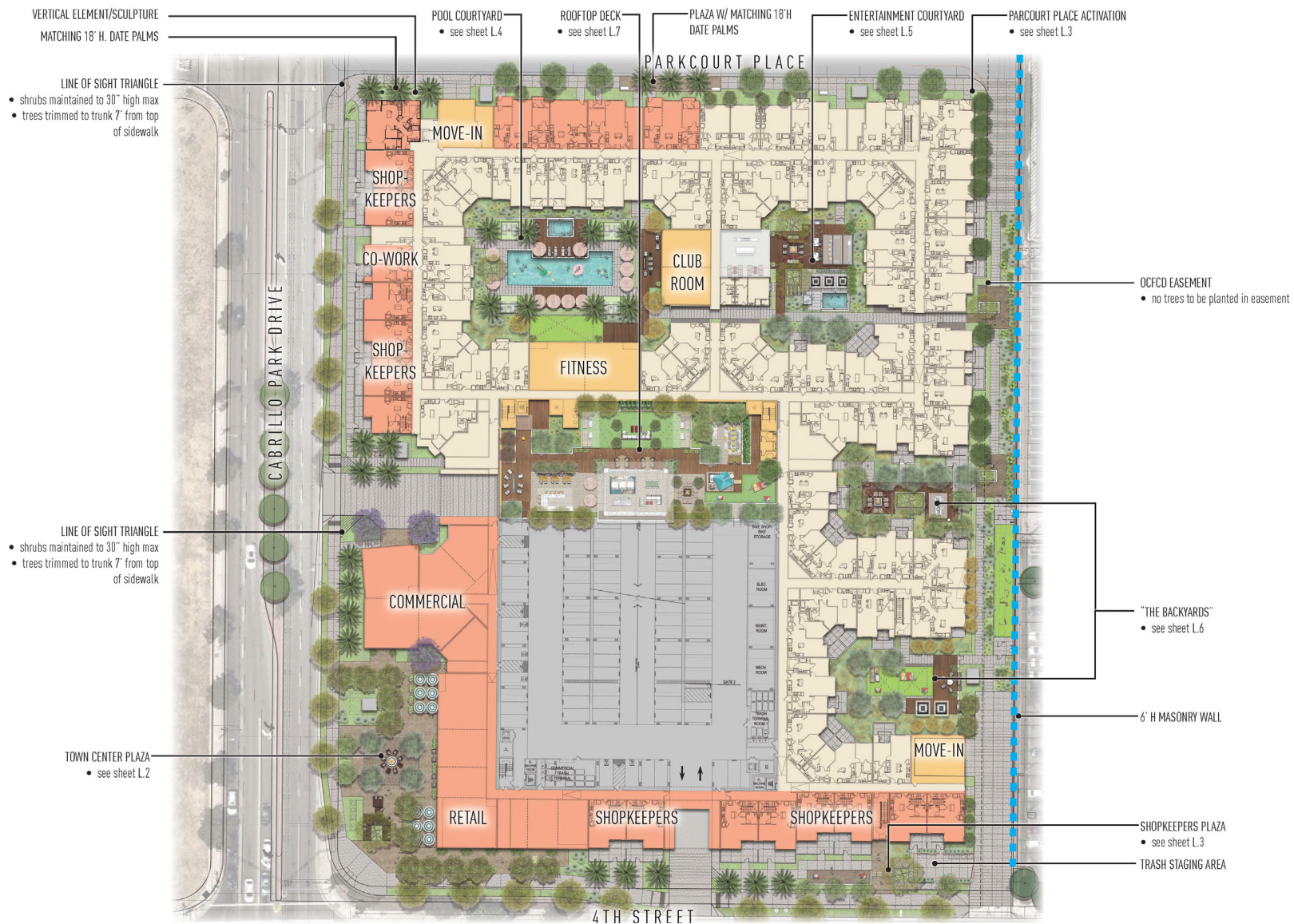


Figure 21
Conceptual Landscape Plan



KEYMAP



0 50 100
Scale (Feet)

Figure 22
Conceptual Landscape Plan - Apartments





Figure 24
Town Center Plaza

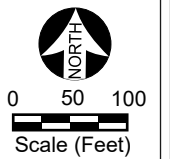
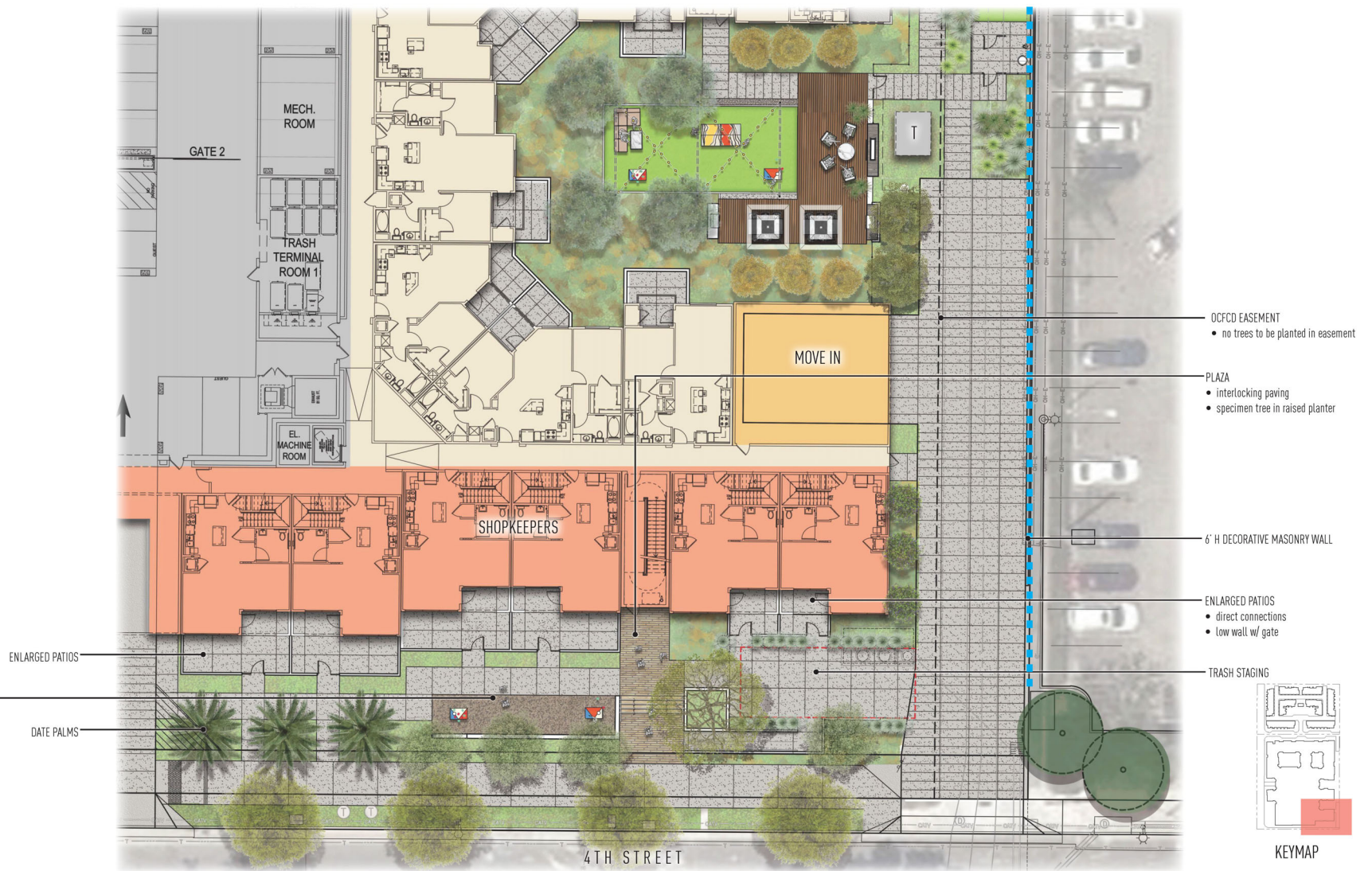
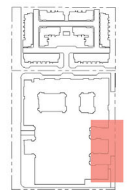


Figure 25
Shopkeepers Plaza



KEYMAP

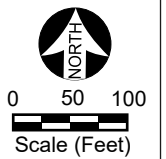


Figure 26
"The Backyards" Plans

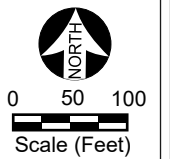
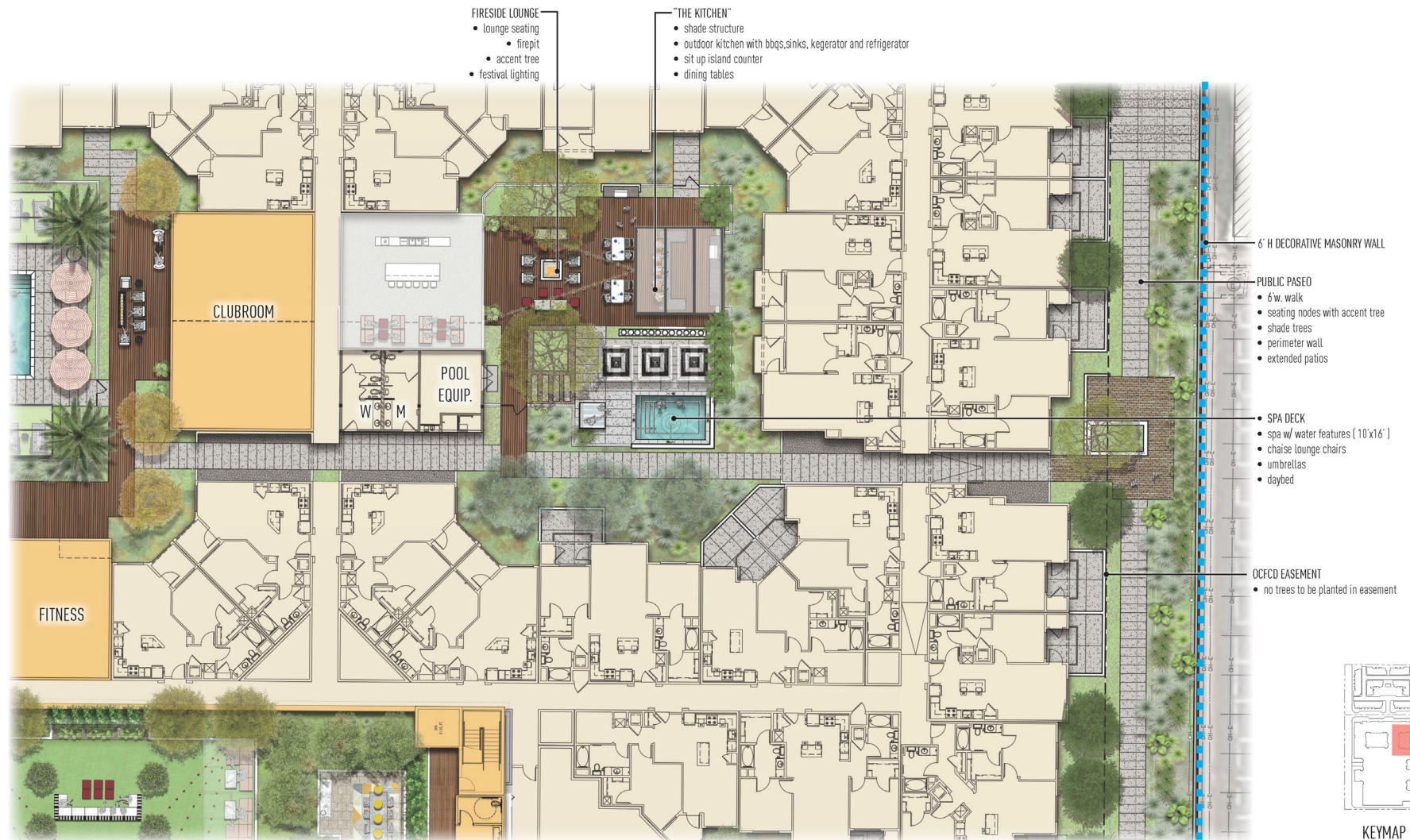


Figure 27
Entertainment Courtyard Plan



Figure 28
Apartment Pool Courtyard Plan

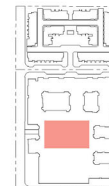
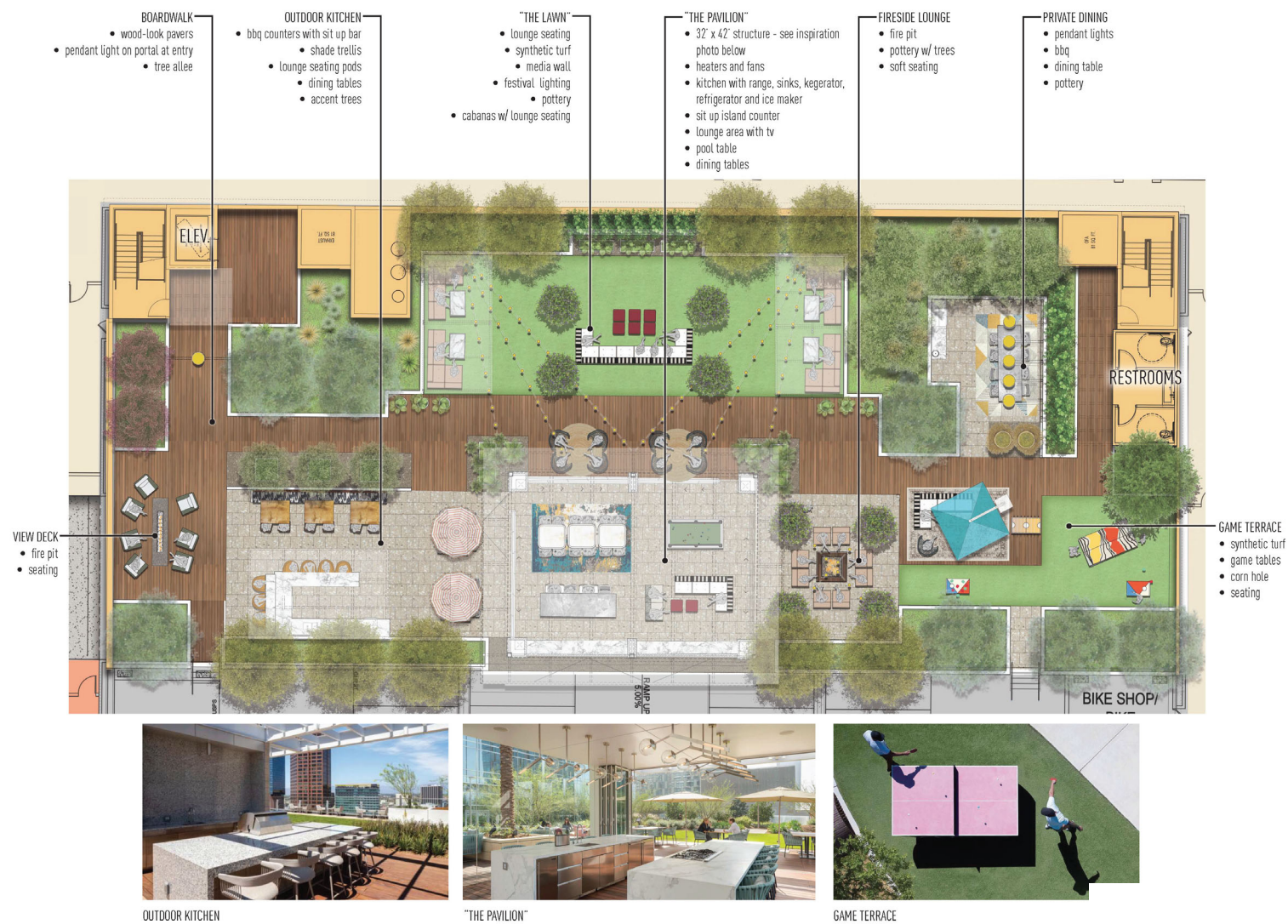


Figure 29
6th Level Rooftop Entertainment Terrace

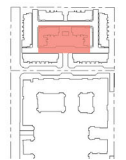
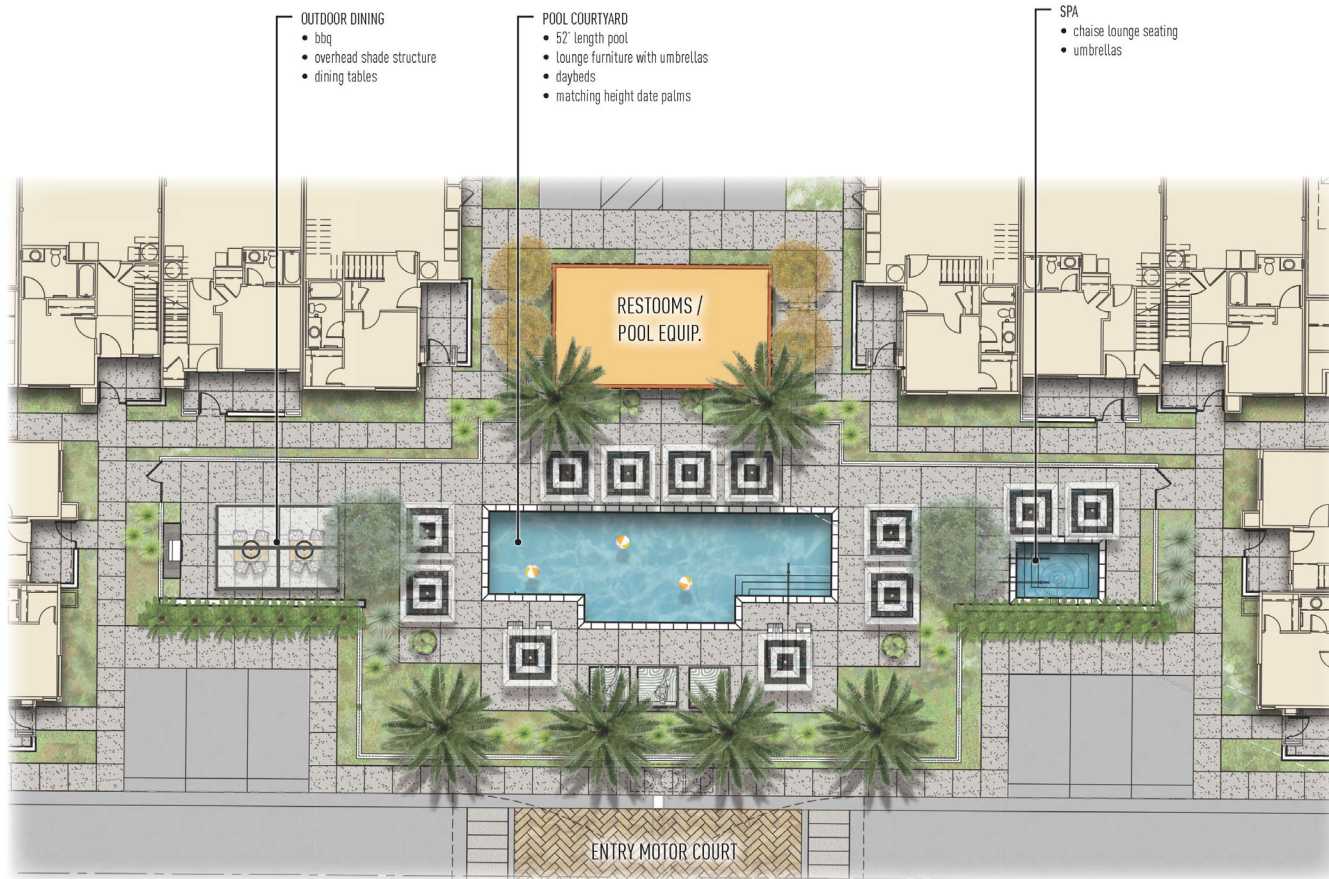


Figure 30
Townhome Pool Courtyard

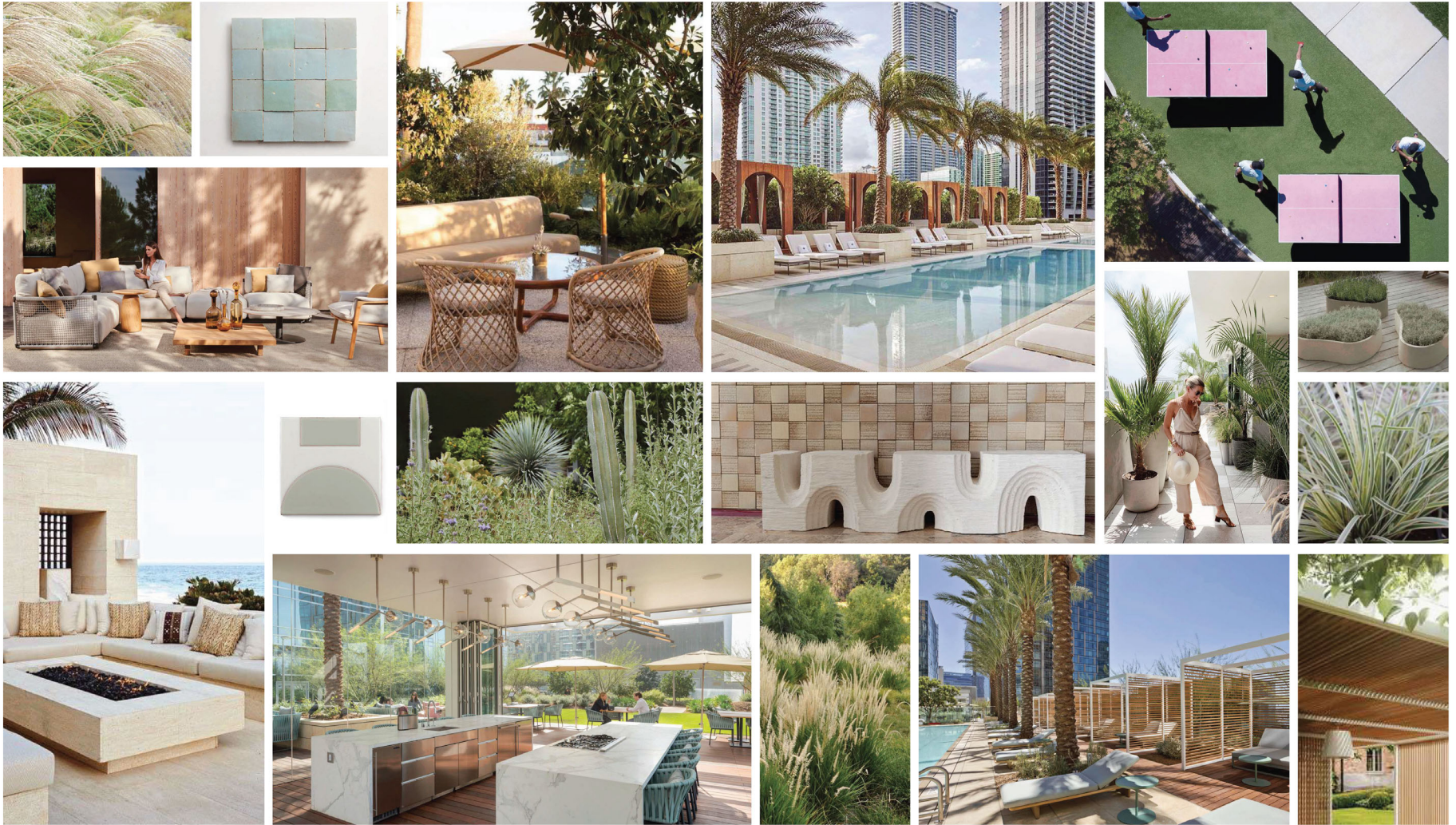
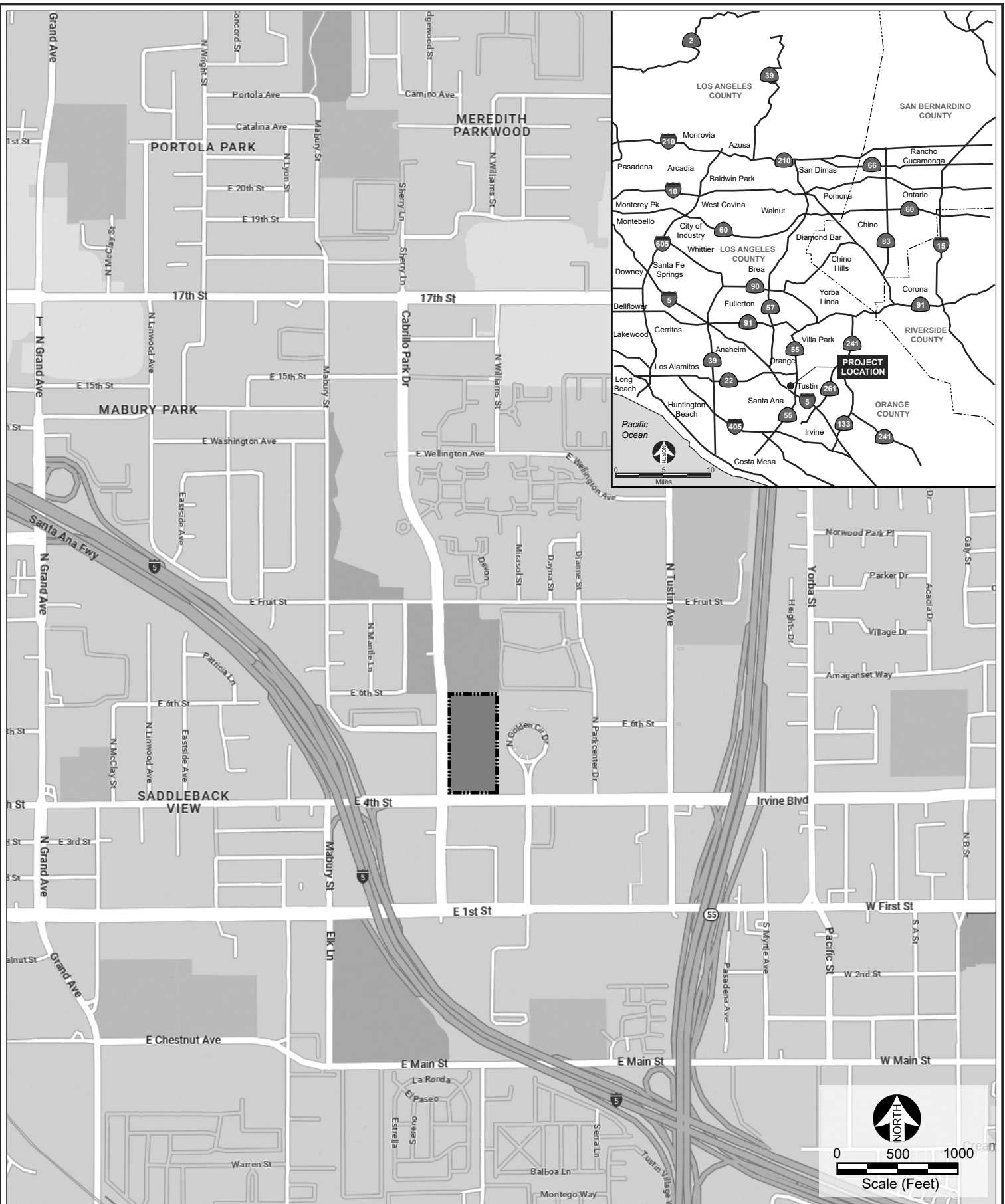


Figure 31
Landscape Imagery



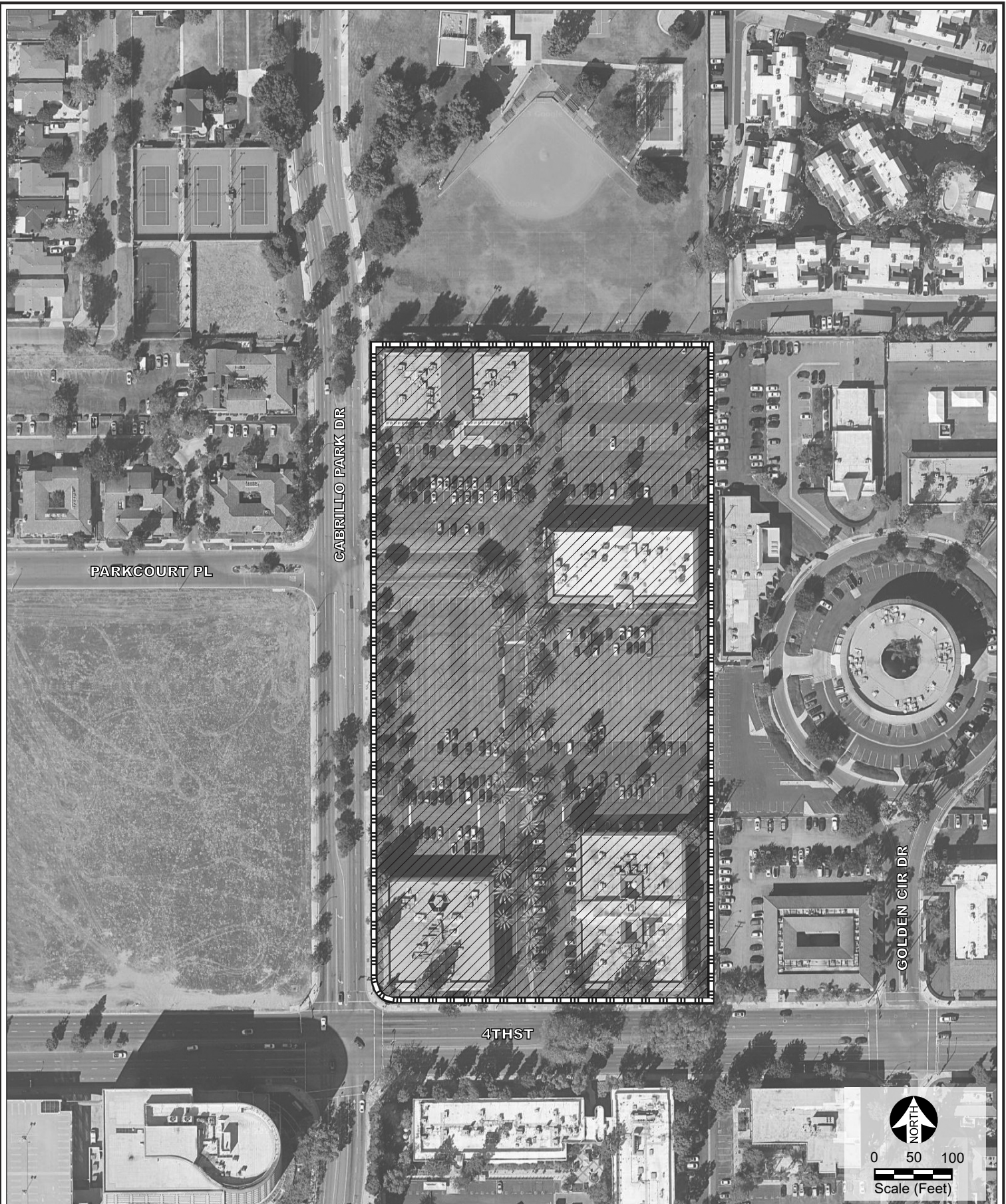
Legend



Project Site

Source: Google Maps 2023.

Figure 1
Regional Location Map



Legend



Project Site

Source: Google Maps 2023.

Figure 2
Aerial Photo of the Project Site

A breakdown in the types of residential units is provided in Table 1.

Table 1
Residential Unit Breakdown

Unit Type	Number
Parcel 1	
Studio	23
1 Bedroom	262
2 Bedroom	145
Shopkeeper	19
<i>Subtotal</i>	<i>449</i>
Total	507
<i>Source: AO Architects, March 16, 2023.</i>	

1.3.2 Open Space

The open space requirements for the Project are outlined in Table 2. As shown, the Project would be required to provide a minimum of 50,990 square feet of private/common open space and 39,066 square feet of publicly accessible open space. The Project's open space components are shown in Tables 3, 4, and 5, and the Project's compliance with all open space requirements is shown in Table 6. As shown, the Project would provide a total of 33,572 square feet of private open space and 76,187 square feet of common open space (a total of 109,759 square feet), exceeding the amount required by 58,769 square feet. The Project would also provide 47,810, exceeding the amount of required by 8,744 square feet.

Table 2
Open Space Requirements

Site Area: Use Category	Project	Standard	Required sf
Private & Common Open Space			
Parcel 1: Apartments & Shopkeeper	449 units	90 sf/unit	40,410
Parcel 1: Commercial	26,800 sf	10% of total Commercial Area	1,340
Parcel 2: Townhomes	58 units	90 sf/unit	5,200
Total			50,990
Publicly Accessible Open Space			
Parcels 1	119,278 sf	10% of Lot Area	27,138
Parcel 2	271,379 sf	10% of Lot Area	11,928
Total			39,066
<i>sf = square feet</i>			
<i>Source: AO Architects, March 16, 2023.</i>			

Table 3
Private Open Space Provided

Unit Type	Unit Deck Area (sf)	Number of units	Total Area (sf)
Parcel 1			
S1	0	23	0
A1	54	9	486
A2	58	115	6,670
A3	53	63	3,339
A4	55	33	1,815
A5	54	35	1,890
A6	58	7	406
B1	53	13	689
B3	58	96	5,568
B6	61	36	2,196
SK1	0	1	0
SK2	58	2	116
SK3	58	1	58
SK4	61	1	61
SK5	61	14	854
<i>Subtotal</i>			24,148
Parcel 2			
Plan 1	158	6	948
Plan 2	141	6	846
Plan 3	109	14	1,526
Plan 4	208	20	4,160
Plan 5	162	12	1,944
<i>Subtotal</i>			9,424
Total			33,572
<i>sf = square feet</i>			
<i>Source: AO Architects, March 16, 2023.</i>			

**Table 4
Common Open Space Provided**

Area Type	Total Area (sf)
Parcel 1	
Courtyard A – Apartment Pool	11,851
Courtyard B – Entertainment	6,311
Courtyard C – The “Backyards”	4,994
Courtyard D – The “Backyards”	5,642
Roof Terrace	9,500
Fitness	2,410
Lounge	1,656
Clubroom	1,655
<i>Subtotal</i>	44,019
Parcel 2	
Townhome pool Courtyard	8,934
Pool Amenity Building	580
<i>Subtotal</i>	9,514
Total	76,187
<i>sf = square feet</i>	
<i>Source: AO Architects, March 16, 2023.</i>	

**Table 5
Publicly Accessible Open Space**

Area Type	Total Area Required (sf)
Town Center Plaza	15,927
Shopkeeper Plaza	4,253
Co-Work+Shopkeeper Along Cabrillo Park Drive	3,756
Parkcourt Place	14,091
Paseo	9,783
Total	47,810
<i>sf =square feet</i>	
<i>Source: AO Architects, March 16, 2023.</i>	

**Table 6
Total Open Space**

Type	Total Area Required (sf)	Total Area Provided (sf)
Private & Common Open Space	50,990	109,759 (58,769 more than required)
Publicly Accessible Open Space	39,066	47,810 (8,744 more than required)
<i>sf = square feet</i>		
<i>Source: AO Architects, March 16, 2023.</i>		

1.3.3 Parking

The Project's parking requirements are shown in Table 7. As shown in Table 8, the Project would provide a total of 1,014 vehicle spaces, which would include 116 spaces in Parcel 1 and 898 spaces (including 898 residential spaces and 90 nonresidential spaces) in Parcel 2. The Project would also provide 23 on-street parallel parking spaces along the new roadway (Parkcourt Place) separating Parcels 1 and 2.

**Table 7
Parking Requirements**

Unit Type	Number of Units	Ratio Per Unit	Required Spaces
Parcel 1			
Studios	23	2.0	46
1 bedroom	262	2.0	524
2 bedroom	145	2.0	290
Shopkeeper	19	2.0	38
<i>Subtotal</i>			898
Parcel 2			
2 bedroom	12	2.0	24
3 bedroom	34	2.0	68
4 bedroom	12	2.0	24
<i>Subtotal</i>			116
Total			1,014
<i>Source: AO Architects, March 16, 2023.</i>			

**Table 8
Parking Provided**

Unit Type	Number of Units	Ratio Per Unit	Required Spaces
Parcel 1			
Studios	23	2.0	46
1 bedroom	262	2.0	524
2 bedroom	145	2.0	290
Shopkeeper	19	2.0	38
<i>Subtotal</i>			898
Parcel 2			
2 bedroom	12	2.2	26
3 bedroom	34	2.2	75
4 bedroom	12	2.2	26
<i>Subtotal</i>			127
Total			1,025
<i>Source: AO Architects, March 16, 2023.</i>			

1.3.6 Estimated Construction Schedule

The Project's construction phase would occur over an estimated 36-month period. The estimated construction schedule is shown in Table 9.

**Table 9
Construction Schedule Assumptions**

Phase	Duration	Notes
Demolition	Months 1-2	Removal of 6,000 tons of demolition debris in 10-cubic yard capacity trucks, hauled up to 20 miles to the Olinda Alpha Landfill.
Site Preparation	Month 3 (one week)	Grubbing and removal of trees, plants, landscaping, weeds over a 64,000 square-foot area
Grading	Months 3-5	Approximately 400 cubic yards of soil hauled 20 miles to Olinda Alpha Landfill in 14-cubic yard capacity trucks.
Trenching	Months 6-8	Trenching for utilities, including gas, water, electricity, and telecommunications.
Paving	Months 9-11	Flatwork, including paving of driveways and walkways
Building Construction	Months 12-36	Footings and foundation work (e.g., pouring concrete pads), framing, welding; installing mechanical, electrical, and plumbing. Floor assembly, cabinetry and carpentry, elevator installations, low voltage systems, trash management.
Architectural Coatings	Months 33-36	Application of interior and exterior coatings and sealants.
<i>Source: Fairfield and DKA Planning, 2023.</i>		

1.5 REQUESTED DISCRETIONARY APPROVALS

The Applicant is seeking the following discretionary approvals from the City:

- Site Plan Review No. 2023-01
- Tentative Tract Map No. 2023-03

Other approvals and permits from the Department of Building and Safety and other municipal agencies would be required for Project construction actions including, but not limited to demolition, excavation, shoring, grading, foundation, building, and tree removal.

2. REGULATORY FRAMEWORK

2.1 CEQA Guidelines Section 15168 – Program EIR

2.1.1 CEQA Guidelines Section 15168 Overview and Requirements

CEQA Guidelines Section 15168(a) defines a program EIR as:

[A]n EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1) Geographically,
- (2) As logical parts in the chain of contemplated actions,
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

CEQA Guidelines Section 15168(c) sets forth criteria to use a program EIR for “later activities.” Specifically, CEQA Guidelines Section 15168(c) states the following:

(c) Use with Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

- (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.
- (2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.
- (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.

(4) Where the later activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.

2.1.2 Applicability of CEQA Guidelines Section 15168 to the Project

The Certified EIR meets the definition under Guidelines Section 15168(a) because the Certified EIR analyzed the potential impacts associated with the Overlay Zone, which is a generally applicable plan containing rules, regulations and other general criteria governing a specified geographically contained area. The Certified EIR fully analyzed the potential environmental effects associated with the City's adoption of the Overlay and subsequent foreseeable development within the Overlay Zone. As discussed below, the Project is fully consistent with the Overlay Zone and within the scope of the Certified EIR.

The Project Site is located in the Village Center District of the Overlay Zone. Uses allowed in the Village Center District include a mix of commercial, office, and residential in mid-rise buildings of between 4 and 10 stories in a setting that provides open spaces, niches, and areas for gatherings and activities along streets, paseos, and interconnecting walkways that link the Village Center to adjacent districts and nearby public parks north of the Village Center District. The Project meets this description by including development of the Project Site with a mixed-use development including up to 507 residential dwelling units (including apartments, live/work units, and townhomes), approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space in accordance with the Development Standards outlined in Table 1 in the Project Description of the Draft EIR portion of the Certified EIR.

As shown in Figure 3, the Project Site would be separated into two distinct areas by a roadway (Parkcourt Place), which would traverse the site east/west. The northern portion of the Project Site would be developed with eight, three-story (37 feet and 1 inch in height) buildings with 58 townhomes arranged around a central open space area. Each townhome would include two, three, or four bedrooms, a parking garage, and private outdoor space. The southern portion of the Project Site would be developed with a five-story mixed-use building arranged around an internal parking structure and one subterranean level that includes residential storage. This building would include 449 apartment units and 26,800 square feet of ground-floor commercial uses, which could include retail, office, and shopkeeper, and would also surround a central open space area. The Project also includes development of pedestrian infrastructure to connect the Project to adjacent land uses. As demonstrated here, the Project would be consistent with the allowable development under the Overlay Zone.

Finally, as demonstrated in Section 4 of this technical memorandum, all applicable mitigation measures from the Certified EIR would be implemented by the Project, and each of the applicable mitigation measures would also be made conditions of approval for the Project.

The analysis contained in Section 3 of this technical memorandum demonstrates that pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, there are no

substantial changes to the circumstances under which the Project would be undertaken that would result in new or more severe significant impacts, and there is no new information of substantial importance that has become available that would result in new or more severe significant impacts.

Thus, pursuant to PRC Section 21166 and CEQA Guidelines Section 15162, no subsequent EIR would be required for the Project. Based on the analysis herein and the Certified EIR and the whole of the record, under CEQA Guidelines Section 15168, the Project is within the scope of the Housing Element Update and the Certified EIR adequately described the activity for purposes of CEQA.

3. Revisions to Appendix G of the CEQA Guidelines

3.1 Introduction

The most recent comprehensive revisions to the CEQA Guidelines adopted by the California Natural Resources Agency became effective on December 28, 2018, after the preparation and certification of the Certified EIR. The revisions to the CEQA Guidelines were adopted largely to create efficiencies and to align the CEQA Guidelines with California appellate court and Supreme Court decisions, including changes to Appendix G.

Appendix G of the CEQA Guidelines contains a sample initial study format. The purpose of an initial study is to assist lead agencies in determining whether a project may cause a significant impact on the environment. To help guide that determination, Appendix G asks a series of questions in the form of a checklist regarding a range of environmental resources and potential impacts.

When the Appendix G checklist was originally developed, it contained only a handful of questions. Over time, the list of questions has grown in response to increasing awareness of the effects of development on the environment. Currently, the sample checklist contains 89 questions divided into 20 categories of potential impacts.

3.2 Modifications to Appendix G of the CEQA Guidelines

The most recent comprehensive revisions to Appendix G were adopted largely to reduce redundancy, provide additional clarity, and align Appendix G with California appellate court and Supreme Court decisions and changes to the Public Resources Code. An overview of the modifications to Appendix G is provided below by environmental topic. Based on the discussion below, while Appendix G was modified, the modified Appendix G questions that would apply to the Project have been addressed within the Certified EIR.

3.2.1 Aesthetics

The Appendix G modifications include updates to aesthetics analysis and provide distinct checklist questions for public views and consistency with zoning regulations governing scenic views, depending upon whether the project is within a non-urbanized or urbanized area. All of the checklist questions as presented in the updated Appendix G checklist are addressed in Section 4.1, Aesthetics, of the Draft EIR.

3.2.2 Agriculture and Forestry Resources

These checklist questions were not updated as part of the modifications and are responded to in the Initial Study that preceded the Draft EIR and is included in Appendix A of the Draft EIR portion of the Certified EIR.

3.2.3 Air Quality

These checklist questions were modified to delete Checklist Question III.b regarding violation of air quality standards and to modify the question regarding odors. All of the checklist questions as presented in the updated Appendix G checklist are addressed in Section 4.2, Air Quality, of the Draft EIR portion of the Certified EIR.

3.2.4 Biological Resources

Checklist Question IV.c was modified to remove the reference to Section 404 of the Clean Water Act. This modification does not affect the analysis of biological resources provided in Section 4.3, Biological Resources, of the Draft EIR portion of the Certified EIR.

3.2.5 Cultural Resources

These modifications consisted of a minor word change to Checklist Question V.a and moving Checklist Question V.c from the cultural resources subsection to the geology subsection of Appendix G. Impacts on cultural resources are addressed in Section 4.4, Cultural Resources, of the Draft EIR portion of the Certified EIR.

3.2.6 Energy

The modifications included creating a separate subsection for energy and also incorporating language from Appendix F of the CEQA Guidelines. These added checklist questions have already been addressed in Section 4.13, Utilities and Service Systems, of the Draft EIR portion of the Certified EIR.

3.2.7 Geology and Soils

These checklist questions were modified to focus on both the direct and indirect impacts associated with geology and soils and to move the analysis of paleontological resources to this topic (from the cultural resources section). Impacts on geology and soils are fully addressed in Section 4.5, Geology and Soils, of the Draft EIR portion of the Certified EIR. Further, impacts with respect to paleontological resources are addressed in Section 4.4, Cultural Resources, of the Draft EIR portion of the Certified EIR.

3.2.8 Greenhouse Gas Emissions

This topic was not included in the 2006 CEQA Guidelines, and therefore the Certified EIR did not include analysis of greenhouse gas (GHG) emissions. However, both the existence and potential impacts of carbon dioxide and other GHG emissions from fossil fuel combustion and other activities were known and understood at the time the Certified EIR was certified. Therefore, potential GHG impacts do not constitute new information that would require a subsequent EIR.

Despite being omitted from the Certified EIR, an analysis of potential impacts related to the Project's GHG emissions is included in this document.

3.2.9 Hazards and Hazardous Materials

These checklist questions were revised to delete Checklist Question VIII.f regarding safety hazards associated with proximity to a private airstrip and to clarify that Checklist Question VIII.g (formerly Checklist Question VIII.h) includes both direct or indirect impacts associated with wildland fires. All of the checklist questions as presented in the updated Appendix G checklist are addressed in Section 4.6, Hazards and Hazardous Materials, of the Draft EIR portion of the Certified EIR.

3.2.10 Hydrology and Water Quality

These checklist questions were revised to provide clarification and eliminate redundancy. All of the topics addressed in these checklist questions, including those related to water quality, groundwater, flooding, and flood hazards, are thoroughly addressed in Section 4.7, Hydrology and Water Quality, of the Draft EIR portion of the Certified EIR.

3.2.11 Land Use and Planning

Checklist Question X.a (introduce new land uses that would result in conflicts of use) was removed prior to the 2018 revisions. Checklist Question X.c was revised to focus on conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Checklist Question X.d was deleted, as it addressed habitat conservation plans, which are already addressed under the biological resources checklist questions. An analysis of the Project's consistency with land use plans, policies, and regulations is provided in Section 4.8, Land Use and Planning, of the Draft EIR portion of the Certified EIR.

3.2.12 Mineral Resources

These checklist questions were not updated as part of the modifications and are responded to in the Initial Study that preceded the Draft EIR and is included in Appendix A of the Draft EIR portion of the Certified EIR.

3.2.13 Noise

Checklist Questions XII.a and XII.b were revised to focus on impacts associated with the generation of noise and vibration noise levels. In addition, Checklist Questions XII.c, XII.d, and XII.f were deleted, as they were redundant, and Checklist Question XII.e was revised accordingly. The topics associated with these modified questions are fully addressed in Section 4.9, Noise, of the Draft EIR portion of the Certified EIR.

3.2.14 Population and Housing

Checklist Question XIII.a was clarified to focus on potential impacts associated with unplanned growth, and Checklist Questions XIII.b and XIII.c were combined. The topics in these modified questions are fully addressed in Section 4.10, Population, Housing, and Employment, of the Draft EIR portion of the Certified EIR.

3.2.15 Public Services

These checklist questions were not updated as part of the modifications and are responded to in Sections 4.11, Public Services, of the Draft EIR portion of the Certified EIR.

3.2.16 Recreation

These questions were not updated as part of the modifications and are responded to in Section 4.11, Public Services, of the Draft EIR portion of the Certified EIR.

3.2.17 Transportation

Checklist Questions XVI.a (level of service [LOS] analysis), XVI.b (CMP analysis), XVI.c (air traffic patterns), and XVI.f (parking) were deleted. None of these issues are addressed for the Project in this document. The LOS analysis was replaced with a vehicle miles traveled (VMT) analysis to address consistency with CEQA Guidelines Section 15064.3(b). Although a VMT analysis was not required under the 2006 CEQA Guidelines, impacts associated with VMT were known of and understood at the time the Certified EIR was certified and therefore do not constitute new information. Despite being omitted from the Certified EIR, and the lead agency's decision to evaluate transportation impact consistency based on LOS, an analysis of the Project's VMT impacts is included in this document in response to public comments received for informational purposes only. Further, the former Checklist Question XVI.d (now Checklist Question XVI.c) was revised to add "geometric" for clarity. With the exception of VMT, all of the topics addressed in these questions were addressed in Section 4.12, Transportation and Traffic, of the Draft EIR.

3.2.18 Tribal Cultural Resources

Assembly Bill (AB) 52 went into effect on July 1, 2015, and requires that for a project for which a Notice of Preparation (NOP) for a Draft EIR was filed on or after July 1, 2015, the lead agency is required to consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if: (1) the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area; and (2) the tribe requests consultation, prior to the release of a negative declaration, mitigated negative declaration or environmental impact report for a project. The NOP for the Certified EIR was released on March 10, 2006, and as such, the lead agency was not required to comply with the requirements of AB 52. The Final Certified EIR was released in 2007, and thus, did not include responses to the updated Appendix G questions related to tribal cultural resources. Although AB 52 consultation was not required for the Certified EIR, the potential impacts related

to tribal resources were known and understood at the time the Certified EIR was certified. Despite being omitted from the Certified EIR, an analysis of the Project's impacts on tribal resources is included in this document. Per Public Resources Code 21080.3.1, AB 52 tribal consultation is only required prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. Because the Project relies on the Certified EIR, no negative declaration, mitigated negative declaration, or environmental impact report will be released. Therefore, AB 52 tribal consultation is not required for the Project.

3.2.19 Utilities and Service Systems

These checklist questions were revised to reduce redundancy. Specifically, Checklist Question XVIII.a was eliminated, as wastewater treatment was already addressed in former Checklist Question XVIII.e (now Checklist Question XVIII.c). In addition, former Checklist Questions XVIII.b and XVIII.c were combined to address all infrastructure types in one question (now Checklist Question XVIII.a) and to include the addition of telecommunications. Former Checklist Question XVIII.d regarding water supply was also updated to clarify that the analysis of water supply should include reasonably foreseeable future development during normal, dry and multiple dry years. Former Checklist Questions XVIII.f and XVIII.g regarding solid waste impacts were also clarified. With the exception of telecommunications, all of the topics addressed in these questions were addressed in Section 4.13, Utilities and Service Systems, of the Draft EIR portion of the Certified EIR.

3.2.20 Wildfire

New Checklist Question XX. Wildfire pertains to projects that are located in, or near, state responsibility areas or lands classified as very high fire hazard severity zones. The Project Site is not located in or near state responsibility areas, nor is the Project Site located in a City-designated Very High Fire Hazard Severity Zone. Therefore, these questions are not applicable to the Project. However, this topic was addressed in Section 4.6, Hazards and Hazardous Materials, of the Draft EIR portion of the Certified EIR.

4. ENVIRONMENTAL IMPACT ANALYSIS

The information below addresses each of the environmental issues that were previously analyzed in the Certified EIR issue area for the purpose of describing how the Project is within the scope of the Overlay Zone that was analyzed in the Certified EIR, would not result in any new significant impacts, and would not increase the severity of the significant impacts identified in the Certified EIR.

Consistent with CEQA Guidelines Section 15168(c)(4), a modified Environmental Checklist Form was used to compare the anticipated environmental effects of the Project with those analyzed and disclosed in the Certified EIR and to review whether any of the conditions set forth in PRC 21166 or CEQA Guidelines Section 15162 requiring preparation of a subsequent or supplemental EIR have been triggered. This analysis provides the following information as to each of the impact thresholds analyzed in each of the impact categories:

Impact Determination in the EIR. This column sets forth the impact determination made in the Certified EIR for each impact threshold.

Any Substantial Changes Involving New Significant Impacts or a Substantial Increase in the Severity of Significant Impacts? Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this column indicates whether the changes represented by the Project will result in new significant impacts that have not already been considered and mitigated by the measures in the Certified EIR or a substantial increase in the severity of a previously identified impact.

Any Substantially Changed Circumstances Involving New Significant Impacts or a Substantial Increase in the Severity of Significant Impacts? Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been substantial changes to the circumstances under which the Project is undertaken (e.g., changes to the Project Site or vicinity) that have occurred subsequent to the preparation of the Certified EIR, which would result in the Project having a new significant environmental impact or a substantial increase in the severity of a previously identified impact.

Any New Information of Substantial Importance? Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, this column indicates whether 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 Certified EIR was certified, shows that: (A) the Project will have one or more significant effects not discussed in the Certified EIR; or (B) that significant effects previously examined will be substantially more severe than shown in the Certified EIR; or (C) that 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) that mitigation measures or alternatives, which are considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but the project

proponents decline to adopt the mitigation measure or alternative. New studies completed as part of this environmental review are attached to this technical memorandum or are on file with the Planning Department.

Mitigation Measures Addressing Impacts. Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this column indicates whether the prior environmental document provides mitigation measures to address effects in the related impact category. In some cases, the mitigations have already been implemented.

Discussion and Mitigation Sections. A discussion of the elements of the checklist is provided under each environmental category in order to clarify and provide support for the answers. The discussion provides information about the particular environmental issue, how the Project relates to the issue, and the status of any mitigation that may be required or that has already been implemented. Applicable mitigation measures from the Certified EIR that apply to the Project are listed under each environmental category.

Conclusions. A discussion of the conclusion relating to the analysis is contained in each section.

4.1 Aesthetics

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
AESTHETICS: Except as provided in Public Resources Code Section 21099, would the project:					
(a) Have a substantial adverse effect on a scenic vista?	Less Than Significant	No	No	No	No
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact	No	No	No	No
(c) In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less Than Significant	No	No	No	No
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less Than Significant with Mitigation	No	No	No	Yes

4.1.1 Impact Determination in the EIR

Scenic Resources

The Certified EIR stated, the City does not have any State- or County-designated scenic highways, nor are there any state- or County-designated scenic highways located nearby. Although First and Fourth Streets are designated as local scenic corridors, these are addressed below under Scenic Resources. Consequently, implementation of the Overlay Zone would not substantially damage scenic resources within a State scenic highway, and no significant impacts would occur.

Scenic Vista

The Certified EIR stated that for purposes of this analysis, “scenic resources” can include natural open spaces, topographic formations, and landscapes. Many people associate natural landforms and landscapes with scenic resources, such as oak woodlands, lakes, rivers, streams, and some historical areas. Scenic resources can also include urban open spaces and the built environment.

Examples of these would include parks, trails, pathways, nature centers, archaeological, historical resources, and architectural features. With respect to the Overlay Zone area, First Street and Fourth Street qualify as scenic resources under this definition due to their local designation as major city entries within the Scenic Corridors Element of the City's General Plan.

The Overlay Zone seeks to provide an integrated and revitalized urban area and would guide the future development and improvements of the Overlay Zone area through implementation of the associated development standards. Development under the Overlay Zone would introduce development forms and uses that will provide for the creation of a high-intensity, mixed-use urban village within a previously developed mid-rise to high-rise office environment.

The majority of the Overlay Zone is developed. However, the Overlay Zone would establish the framework for a new development pattern in the area through the re-use and revitalization of existing uses. Implementation of the Overlay Zone would serve to guide future development in the Overlay Zone such that the physical design of the proposed uses would enhance the visual character and quality of the area.

The Overlay Zone is divided into four distinct districts: the Neighborhood Transitional District, the Village Center District, the Active Urban District, and the Office District. These four districts would contain varying mixtures of building heights and aesthetic characteristics to create a vibrant urban mixed-use area in the heavily traveled eastern entryway of the City. New structures could range in height from one or two stories, up to 20+ stories. Future development within the Overlay Zone would provide an effective new gateway into the City and could provide a prominent skyline of taller buildings. Both visual attributes would help signify a new, distinctive identity for the City. The varying heights and massing of new buildings would provide a distinctive skyline with planar changes that would create visual interest in the area. The inclusion of ground-floor commercial space at strategic locations, as well as a highly-integrated pedestrian system throughout the Overlay Zone area would also create an internal physical and visual connection for pedestrians with adjacent mixed-use buildings, where one does not exist.

Existing views of the Overlay Zone are primarily available from adjacent commercial and office uses, as well as from portions of First Street, Fourth Street, Interstate 5, State Route 55, and Tustin Avenue. Limited views of the Overlay Zone are available from the residential uses to the north. The existing views of the area could be significantly altered with the introduction of revitalized development. Views of the project site from the I-5, SR-55, and First and Fourth Streets would be most significantly altered, as the Overlay Zone area as a whole is most visible when traveling along these routes.

Sensitive receptors located near the Overlay Zone area include residences adjacent to the northern boundary of the Overlay Zone area, north of Sixth Street. Under the Overlay Zone, the Neighborhood Transitional District would frame the northern boundary of the Overlay Zone area, and the scale and design of buildings in this area would reflect the relationship to the adjacent residential uses. Specifically, this district is intended to provide opportunities for low-intensity development that acts as a transition between single-family residential uses to the north and the

adjacent high-intensity Active Urban District and Village Center to the south. Designated for the lowest scale and the lowest intensity of uses in the Overlay Zone, development in this district is limited to residential, live/work, or office uses, generally between two and three stories in height. New development in this area would be designed to provide an appropriate interface with high levels of landscaping and design features that minimize impacts to adjacent single family residential areas.

In addition to new buildings, implementation of the Overlay Zone could also include the extension of some roads that would provide more views of the area, which are not currently available. Specifically, the Overlay Zone would extend Circle Center Drive to the north, which would intersect with the new extension of Park Court Place (from Cabrillo Park Drive to Parkcenter Drive). In addition, Parkcenter Drive would extend south of Fourth Street to the intersection of First Street, and a new roadway between First and Fourth Streets would extend from Cabrillo Park Drive to Parkcenter Drive. With the incorporation of these street extensions, new views could be afforded of the Overlay Zone for motorists and pedestrians because the bridging of these streets would minimize the existing visual and physical barriers between the proposed districts.

Although future development would incorporate a range of architectural styles, building heights, and massing, the Overlay Zone would provide a visual entryway of the City from multiple locations, including along First and Fourth Streets, as well as from the I-5 and SR-55 freeways. Specifically, a new skyline of varying building forms and heights would be created along these major thoroughfares by the new development and would not degrade views from adjacent roadways or uses. Under the Overlay Zone, the new design guidelines are intended to create a unified identity within the area, with buildings that are compatible in scale, design, character, quality, and style. While some portions of the Overlay Zone area are more visually prominent than others due to location of streets and existing view corridors, development standards of the Overlay Zone would ensure that each future development project includes appropriate site planning, unique architecture, high-quality building materials, extensive indoor and outdoor amenities and first-rate public improvements. Essentially, the Overlay Zone would ensure that form, height, and treatment of buildings would reinforce the prominence and role of major urban spaces and streets. Thus, although future development would include high-rise buildings, the height, bulk, architecture, and/or signage would not degrade the visual unity of the area.

The addition of open space, and landscape and streetscape improvements throughout the Overlay Zone would also improve the aesthetics of the overall area and create a pedestrian-friendly environment that could include widened sidewalks, bike paths, street trees, and street furniture. Thus, the Overlay Zone would provide the area with a set of improvement and development standards that enhance the current level of aesthetics associated with the area. Upon its adoption, future development in the Overlay Zone area would be guided by and be in conformance with the development standards of the Overlay Zone, which would result in new buildings with common architectural design and that would be compatible in scale, mass, and density.

As mentioned previously, the Overlay Zone area currently consists of a variety of low-scale office and commercial structures, with the exception of limited vacant parcels and a few newer structures in the western portion of the area (e.g., the Xerox Building). Although long-term visual characteristics of the Overlay Zone area would be altered with development under the Overlay Zone, it would visually enhance the area and provide the City with a distinctive entryway identity. Further, the intensification of the Overlay Zone is consistent with the City's intent of the Major Development Area, which calls for high intensity, high-quality projects.

Project implementation would also create contiguous landscaped pedestrian areas throughout the area in order to promote active street life. Thus, although views of the Overlay Zone area would be modified, the Overlay Zone would not degrade the existing visual character or quality of the site and its surrounding. Rather, development under the Overlay Zone would contribute to the image of and add to the aesthetic quality of the City of Santa Ana. As such, development under the Overlay Zone would not degrade the existing visual quality of the area or obstruct key existing views and/or vistas in the vicinity. This impact was determined to be less than significant.

Visual Character

Construction

The Certified EIR stated that although construction activities would take place primarily within the Overlay Zone, these visual impacts could affect surrounding land uses to the south and east. Automobiles traveling along Tustin Avenue, Sixth Street, and the I-5 and SR-55 freeways could have short-term views of the Overlay Zone during construction activities. In addition, motorists and pedestrians in the vicinity of intersections at which roadway improvements would occur would have views of construction associated with project improvements. However, these visual conditions would be temporary visual distractions typically associated with construction activities and commonly encountered in developed areas. In addition, the City's building codes require screening and pedestrian protection for sidewalks during construction activities. Therefore, this short-term impact was determined to be less than significant.

Operation

The Overlay Zone would facilitate development of a high-quality urban village consisting of residential, office, commercial, service, and entertainment uses within a community of street and sidewalk-facing individual buildings on urban blocks separated by streets, sidewalks, pedestrian paseos, and courtyards. Underutilized areas would be redeveloped with an integrated design intended to foster architectural quality and variety, community connections, landscape buffers, and pedestrian-oriented uses. A variety of massing and forms would be encouraged to introduce variety at the ground plane and skyline of the Overlay Zone area.

The overall scale and massing of development would transition from the one- to two-story scale of the existing residential community to the north to a higher intensity adjacent to the I-5, located west and south of the Overlay Zone. To create a varied skyline and enhance the form of the Overlay Zone area, taller buildings and distinct tower elements that rise from a lower base of three

stories and higher would be encouraged within the Active Urban district. Per the general design principals provided for the Overlay Zone, development on sites throughout the Overlay Zone would encourage connections and linkages to other sites in the Overlay Zone area and surrounding community amenities, while individual building typologies and unit designs would facilitate pedestrian activity and visual connectivity with surrounding development through active sidewalks. To establish interaction between the properties and reinforce the long-term development of the Overlay Zone area as a pedestrian-friendly mixed-use urban village, community- and neighborhood-serving commercial uses would be permitted along Fourth Street and Cabrillo Park Drive in the area specifically designated to establish a pedestrian linkage between First and Fourth Street. These linkages would be enhanced throughout the district by a strong emphasis to provide on-site publicly accessible open spaces and amenities. To further establish human scale and interest and a sense of urban variety and liveliness, architectural diversity with regard to unit types, building types, massing, forms and styles would be strongly encouraged.

One of the primary intents of the Overlay Zone is to guide new development that enhances the overall image of the Overlay Zone area as an exciting destination for visitors and residents. Pedestrian activity would be encouraged, and new development would include public open spaces and increased or improved landscaping. Urban design concepts include small urban plazas, street closing for special events, upgrading alleys as paseos, and dedicating portions of wide sidewalks for social and recreational uses. All new development is expected to be sensitive to existing places and character in the Overlay Zone and surrounding area. In addition, as discussed above under Scenic Vistas, the Overlay Zone includes a gateway and entries concept to further define entries to and definition of, the Overlay Zone area.

The incorporation of new landscaping within the Overlay Zone would provide an additional visual enhancement to the Santa Ana area. New landscaping will occur as new developments are implemented throughout the Overlay Zone and serve to soften and buffer views of the proposed structures. New landscaping features would include potted plants, mature trees, turf surfaces, outdoor furniture, decorative lighting, and other amenities intended to add variety and contribute to a sense of human scale. Plantings would include both new, mature specimen trees, and relocated trees.

Other design guidelines and requirements in the Overlay Zone will help ensure maximum compatibility of design, minimization of light and glare, promote pedestrian-friendly entries and uses, and promote the use of compatible exterior materials. In general, the new development projects that would be introduced would serve to improve the aesthetic character of the Overlay Zone given the architectural design guidelines required for the new developments, the use of design elements, such as landscaped view corridors, and walkways; and the new landscape features to be implemented. Additionally, supporting infrastructure, such as telecommunications equipment and utility lines, will be appropriately screened from view or placed underground.

In general, implementation of the Overlay Zone would enhance the visual character of the area through the guidelines and standards described above. Although future development could result

in taller buildings in certain districts compared to existing uses, the overall changes that are proposed would be designed to create visually attractive and compatible uses. Additionally, future development would be required to adhere to policies identified in the City's General Plan Elements, as identified in the Regulatory Framework. Consequently, future development under the Overlay Zone would improve the existing visual character, and this impact was determined to be less than significant.

Light and Glare

Daytime Glare

Implementation of the Overlay Zone, which entails development of commercial, residential, and office uses, could affect daytime views from adjacent sensitive land uses, such as residential neighborhoods located to the north along Sixth Street, to the west along Elk Street, and to the southeast of the Overlay Zone.

Future development under the proposed Overlay Zone will create new sources of light and glare in the Overlay Zone. The Overlay Zone will result in greater intensity and density of development over that which exists, resulting in a greater potential for light and glare impacts. Artificial lighting will accompany all new development, including exterior lighting for parking lots, signs, walkways, and interior lighting which could be visible outside. Thus, some areas may experience an increase in lighting with future development. High-intensity structures will also cause spillover light to adjacent lots. Glare from reflective surfaces will occur with developments that use mirrors, bright lights, and other reflective surfaces for building facades.

Generally, light poles and exterior lighting which spillover to adjacent properties may be considered adverse if these properties are considered light-sensitive uses, such as residential homes, hospitals, or nursing homes. In addition, driveway design, which directs vehicle headlights into sensitive land uses, could have adverse impacts. The use of reflective surfaces and facades on buildings could also create glare impacts on motorists driving along the surrounding streets. Avoidance of these design features can reduce adverse light and glare impacts.

While daytime glare is currently at a minimum in the Overlay Zone, glare could be produced by the increased amount of surface area of the proposed commercial and retail structures, which could reflect or concentrate sunlight and result in a potentially significant impact. However, implementation of design features required by Mitigation Measure MM-OZ 4.1-1, including the use of non-reflective textured surfaces on building exteriors, as well as avoidance of the use of reflective glass, will ensure no significant impacts to off-site uses resulting from daytime glare from new development will occur.

Ambient Light

Implementation of the Overlay Zone would result in the redevelopment, intensification, and reuse of existing office or commercial uses, as well as development of limited vacant parcels. Nighttime lighting would be included in future project development in a variety of forms including: security

lighting; street and parking area lighting; interior lighting for commercial, retail stores/restaurants and residential uses; as well as increased vehicle headlights due to the intensified uses in the Overlay Zone. It should be noted that no high-intensity lighting (e.g., sports field lighting) is currently anticipated within the Overlay Zone. Although the St. Jeanne De Lestonnac School has a sports field, this land use is not located within the Overlay Zone. Due to the urbanized nature of the surrounding area, a significant amount of ambient nighttime light currently exists, reducing the views of stars and affecting views of the nighttime sky. Thus, the increase in nighttime light that would occur under the Overlay Zone would not significantly affect nighttime views of the sky (ability to see stars) because such views are already limited in city settings. Therefore, the impact related to ambient nighttime light was determined to be less than significant.

Spillover Light

New development in the Overlay Zone would introduce new and potentially substantial sources of nighttime lighting. Lighting would be used to highlight architectural elements, landscaping, and building tenant and project signage. In addition, security and safety lighting would be provided in parking areas, service passages, and common areas utilized by employees and visitors during and after commercial operating hours. Further, because minimal nighttime traffic is present in the Overlay Zone, increased vehicular traffic could result in more opportunities for vehicular headlights to affect surrounding residences.

The increase in the Overlay Zone lighting could potentially affect adjacent uses if new buildings were developed next to existing sensitive uses (i.e., residential uses) that do not experience impacts from existing lighting sources or if tall buildings included significant neon lighting or lighted signs. The nearest residential neighborhood is located immediately adjacent to the northern boundary of the Overlay Zone. As discussed above in Impact 4.1-1, the Neighborhood Transitional District would frame the northern boundary of the Overlay Zone area, and the scale and design of buildings in this area would reflect the relationship to the adjacent residential uses. Building heights would range between two- and three- stories, and development in this area would be specifically designed to provide an appropriate interface with high levels of landscaping and design features to minimize impacts to the adjacent residential area to the north.

The Overlay Zone would provide outdoor lighting standards that aim to prevent impacts on surrounding residential uses. Although the Overlay Zone would provide outdoor light standards, future development could create light pollution disturbances which do not exist. Depending on the location and design specifications of lighting on future buildings, lighting could present a potentially significant Implementation of Mitigation Measures MM-OZ 4.1-2 and MM-OZ 4.1-3 will ensure these lighting impacts will be less than significant.

Shade/Shadow

The current low-rise buildings within the Overlay Zone create limited shade and shadow patterns that are contained within close proximity to each low- to mid-rise building. In the Overlay Zone Active Urban District, shadows cast by existing on-site development are more extensive. Future development of new multi-story buildings in the Overlay Zone may create new sources of shading

that could impact shadow-sensitive uses in the vicinities of the new development sites. Due to the programmatic nature of this EIR, specific project-level design plans (including building heights, positioning, and dimensions) were not available at the time the Certified EIR was prepared, and a complete assessment of shade and shadow impacts of proposed development under the Overlay Zone was not possible. In the future when specific development projects are proposed within the Overlay Zone, project design plans will be developed and subject to project-level CEQA review. The project-level design plans will be evaluated, as necessary, to determine the extent of potential shade and shadow impacts upon adjacent shadow-sensitive uses. 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)
- Type (solid or dappled shadow)
- Preexisting condition (shadow condition due to existing buildings, landscaping, or other features)

With these criteria as a basis for shadow impact analysis, Mitigation Measure MM-OZ 4.1-4 shall be applied to future development in the Overlay Zone.

Therefore, future development would be required to adhere to the significance criteria for shade and shadow impacts identified in Mitigation Measure MM-OZ 4.1-4. To ensure that future projects comply with these standards, development would require individual shade and shadow analyses, as identified above, and compliance would be further ensured by Mitigation Measure MM-OZ 4.1-3, which requires the applicant to submit a lighting plan to the Planning Division for review and approval. Therefore, because future development in the Overlay Zone would be required to adhere to significance criteria for shade and shadow impacts, this impact was determined to be less than significant.

Mitigation Measures

- | | |
|-------------|--|
| MM-OZ 4.1-1 | Proposed new structures shall be designed to maximize the use of textured or other non-reflective exterior surfaces and non-reflective glass. |
| MM-OZ 4.1-2 | 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. |
| MM-OZ 4.1-3 | Prior to issuance of a Site Development Permit for each specific development project, the applicant shall submit a lighting plan to the City of Santa Ana 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.

MM-OZ 4.1-4 Prior to issuance of a building permit each project shall be required to perform a shade and shadow analysis that demonstrates that the project will not result in significant impacts according to the following criteria. Shadowing impacts in the Overlay Zone are considered significant when shadows would be cast upon potentially sensitive uses during a substantial portion (greater than 50 percent) of the main daylight hours (9:00 a.m. to 3:00 p.m. during the fall, winter, and spring seasons, and 9:00 a.m. to 5:00 p.m. [daylight savings time] during the summer season). Light-sensitive uses are those that depend upon light for their operation (e.g., solar panels) or for which solar access is essential for their function (e.g., swimming pools). Light-sensitive uses also include public parks, residences, and routinely useable outdoor spaces associated with residences (e.g., yards).

4.1.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope, including height, considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. As demonstrated below, the Project would incorporate the applicable mitigation measures identified in the Certified EIR and would not result in any new or increased significant aesthetics impacts beyond those already identified in the Certified EIR.

Replacing development at the Project Site, a majority of which is a parking lot, with a mixed-use development constructed with high-quality materials and containing publicly accessible open

space would improve the visual character of the Project Site. The City has conducted a Site Plan Review of the Project to confirm that the Project complies with all zoning and development standards of the Overlay Zone. The City has made the following findings:

Finding 1: That the proposed development plan is consistent with and will further the objectives that are outlined in Section 1.2 for the MEMU.

Project Compliance: The Project will create a new mixed-use development within close proximity to office buildings, Cabrillo Park, Mabury Park, and less than two miles from Downtown Santa Ana, that provides additional opportunities to live, work, and play. The Project includes two distinct market-rate housing product types, including a townhouse development and mixed-use residential development. Each townhouse building will be three-stories in height, while the mixed-use building will be five stories with ground floor commercial/retail and residential units on upper floors, wrapped around a 6.5-level parking structure.

The height of the buildings will blend in with the heights of the nearby office buildings, which range from single-story, three-story and eight-story buildings. The Project will be built to California Building Code standards, which include energy and water conservation measures and will improve pedestrian mobility by providing new sidewalks and parkways along Fourth Street and Parkcourt Place. In addition, the publicly accessible linear park along Parkcourt Place will serve as a link to the Cabrillo Park to the north. Each residential unit will have storage opportunities for personal bicycles.

Additionally, public transit bus service is provided in the Project Site area by the Orange County Transportation Authority (OCTA). Four OCTA bus routes operate within the vicinity of the Project Site on First Street, Fourth Street, Seventeenth Street, and Tustin Avenue, which consists of the following: OCTA routes 60, 64, 71, and 463.

The commercial space has been designed with retail floor heights of approximately 20 feet with storefronts that will be visible from Fourth Street and Cabrillo Park Drive. In addition, the commercial space links directly to an on-site public plaza at the corner of Fourth Street and Cabrillo Park Drive which will include outdoor dining opportunities, decorative hardscape, specimen trees and plantings, umbrellas, seating and lawn games. In addition, the ground floor residential units along Parkcourt Place will have doors and patios with direct access to the street to help activate the street.

Finding 2: That the proposed development plan is consistent with the development standards specified in section 4 of the MEMU.

Project Compliance: The Project is consistent with the development standards specified in Section 4 of the MEMU including land use, height, minimum development site area, building frontages, publicly accessible open space, private/common open space, building setbacks, and parking and access. The Project is a mixed-use development that has been well designed to fit within the Village Center District. Further, the access and egress for the Project has been

thoroughly review by the Public works Agency for compliance with all applicable development standards.

Finding 3: The proposed development plan is designed to be compatible with adjacent development in terms of similarity of scale, height, and site configuration and otherwise achieves the objectives of the Design Principles specified in Section 5 of the MEMU.

Project Compliance: The Project is consistent with the development standards specified in Section 5 of the MEMU. The building is designed with a high-quality design that includes varied massing, changes in form, and comprises high-quality materials including a light sand stucco exterior, fiber cement panel siding, metal railings, aluminum storefronts, brick veneer, metal canopies, and high-quality architectural detailing (e.g., exterior lighting, entry doors, fenestration, etc.). During the development review process, City staff provided extensive design comments, which resulted in higher-quality building materials, an increase in the commercial square footage, and building elevations that are architecturally detailed and designed to be pedestrian-oriented. The commercial storefronts are enhanced with cornices and metal canopies and the primary access to the commercial uses will be from Fourth Street and Cabrillo Park Drive. The Project promotes pedestrian activity with landscaping and publicly accessible open space.

Finding 4: That the land uses, site design, and operational considerations in the proposed development plan have been planned in a manner that will result in a compatible and harmonious operation as specified in Section 7 of the MEMU.

Project Compliance: The Project is consistent with the development standards specified in Section 7 of the MEMU. The Project has been designed to ensure compatibility between the residential and non-residential uses on site. The commercial uses have separate entrances from the residential uses, and the parking management plan will manage parking between the residential and non-residential uses. On-site lighting will be consistent with Chapter 8 of the Santa Ana Municipal Code.

The Project would implement the mitigation measures identified in the Certified EIR. MM-OZ 4.4-1, which requires maximum use of non-reflective materials, will minimize potential glare. In compliance with Mitigation Measure MM-OZ 4.1-3, the Applicant will prepare a lighting plan that demonstrates the Project will minimize potential impacts related spillover light. Thus, the Project would not result in any new or increased significant impacts related to light and glare beyond impacts already identified in the Certified EIR.

4.1.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to the aesthetic or visual environment have occurred since certification of the Certified EIR, and no substantial new scenic resources have been identified within the vicinity of the Project Site that would result in new or more severe significant environmental impacts.

4.1.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to visual or aesthetic resources that would result in new or more severe significant environmental impacts.

4.1.5 EIR's Mitigation Measures Addressing Impact

The Project would implement Mitigation Measures MM-OZ 4.1-1, MM-OZ 4.1-2, MM-OZ 4.1-3, and MM-OZ 4.1-4.

4.1.6 Conclusion

Based on the above, no new significant aesthetics impacts or a substantial increase in previously identified aesthetic impacts would occur as a result of the Project. Therefore, the Project does not meet the conditions for a subsequent or supplemental EIR pursuant to PRC Section 21166 and CEQA Guidelines Section 15162.

4.2 Agriculture and Forestry Resources

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
AGRICULTURE AND FORESTRY RESOURCES: Would the project:					
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact	No	No	No	No
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact	No	No	No	No
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	No Impact	No	No	No	No
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	No Impact	No	No	No	No
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	No Impact	No	No	No	No

4.2.1 Impact Determination in the EIR

The Certified EIR stated that the Overlay Zone would not result in any impacts related to agricultural resources, because there are not agricultural or forest land located within the Overlay Zone area.

Mitigation Measures

None required.

4.2.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

There still is no agricultural or forest land located within the Overlay Zone area, including the Project Site. The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. Thus, the Project would not result in any new or increased significant impacts related to agricultural resources beyond impacts already identified in the Certified EIR.

4.2.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to agriculture and forestry resources have occurred and no new agricultural or forestry resources have been identified within the vicinity of the Project since certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.2.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to agricultural or forestry resources that would result in new or more severe significant impacts.

4.2.5 EIR's Mitigation Measures Addressing Impact

None identified and none required.

4.2.6 Conclusion

Based on the above, no new significant impacts or a substantial increase in the severity of previously identified impacts to agricultural or forestry resources would occur as a result of the Project. Therefore, the Project does not meet the conditions for a subsequent or supplemental EIR pursuant to PRC Section 21166 and CEQA Guidelines Section 15162.

4.3 Air Quality

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
AIR QUALITY: Would the project:					
(a) Conflict with or obstruct implementation of the applicable air quality plan?	Less Than Significant	No	No	No	No
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Significant and Unavoidable	No	No	No	Yes
(c) Expose sensitive receptors to substantial pollutant concentrations?	Less Than Significant	No	No	No	No
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less Than Significant With Mitigation	No	No	No	Yes

3.3.1 Impact Determination in the EIR

AQMP Consistency

The Certified EIR stated that the 2003 Air Quality Management Plan (AQMP), which was applicable at the time the Certified EIR was certified, was prepared to accommodate growth, to reduce the high levels of pollutants within the areas under the jurisdiction of the South Coast Air Quality Management District (SCAQMD), and to return clean air to the region. Projects that are considered to be consistent with the AQMP would not interfere with attainment, because this growth is included in the projections used to formulate the AQMP. Therefore, projects, uses, and activities that are consistent with the applicable assumptions used in the development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP, even if they exceed the SCAQMD's recommended daily emissions thresholds.

Projects that are consistent with the projections of employment and population forecasts identified in the Growth Management Chapter of SCAG's 1996 Regional Comprehensive Plan and Guide

(RCPG) are considered consistent with the AQMP growth projections. This is because the Growth Management Chapter of the 1996 RCPG forms the basis of the land use and transportation control portions of the AQMP. Implementation of the Overlay Zone would introduce new residential housing which would directly induce population growth within the Overlay Zone. As a result, the Overlay Zone would result in an estimated direct population increase of 11,102 residents. Population projections for the City assumed a population increase of 16,905 residents between the years 2005 and 2030. As implementation of the Overlay Zone would result in increased population that is within that projected for the City, the proposed residential development would not result in an exceedance by the City for either SCAG or General Plan population projections because SCAG's regional growth forecasts are based upon, among other things, land uses specified in city general plans. As the AQMP is based on SCAG growth projections, the Overlay Zone would be consistent with the AQMP population growth projections.

SCAG projections indicate an increase of up to 13,394 employees in the City from 2005-2030. The Overlay Zone could generate up to 2,343 employment positions and would not substantially affect the employment forecasts within the City. By generating approximately 2,343 long-term employment positions, the Overlay Zone would contribute only an incremental portion to this growth in employment. Therefore, the employment that would be generated by implementation of the Overlay Zone has been accounted for in previous growth projections, and the Overlay Zone would not result in any increase in employment not accounted for in the General Plan. The employment growth resulting from the Overlay Zone would be consistent with SCAG's employment forecasts for the City. Therefore, the Overlay Zone would be consistent with the AQMP employment forecasts for Los Angeles County.

Based on the consistency of the Overlay Zone with the existing SCAG population and employment projections and the AQMP forecasts, as discussed above, the Overlay Zone would not impair implementation of the AQMP, and this impact was determined to be less than significant. No mitigation measures were required.

Cumulatively Considerable Net Increase in Criteria Pollutant

Construction

As stated in the Certified EIR, implementation of the Overlay Zone would likely generate emissions of volatile organic compounds (VOC) and nitrogen oxide (NO_x) that exceed established SCAQMD thresholds. Further environmental review will be required as on a site-specific basis to make a determination of contribution of air emissions from individual projects.

If a site-specific review of the future development projects occurring within the Overlay Zone identifies potentially significant air quality impacts associated with construction activities, Mitigation Measures MM- OZ 4.2-2 through MM-OZ 4.2-16 would be implemented to reduce these emissions. While implementation of Mitigation Measures MM-OZ 4.2-2 through MM-OZ 4.2-16 would reduce construction-related emissions, they may not reduce these emissions to levels below the SCAQMD thresholds for each individual development project, as the amount of

emissions generated for each project would vary depending on its size, the land area that would need to be disturbed during construction, and the length of the construction schedule. Under these conditions, no further feasible mitigation measures are available and this impact would be considered significant and unavoidable. The City will make site-specific determinations of significance during the review of these individual development projects to determine which projects for which construction emissions may exceed significance thresholds.

For the purpose of analysis in this EIR, a programmatic level of analysis is provided for the proposed development under the Overlay Zone. The Overlay Zone would develop 5,400 residential units, a total of 1.1 million square feet of commercial space, and 1.7 million square feet of office uses by the year 2030. As the Overlay Zone has the potential to exceed SCAQMD's recommended thresholds of significance and results in short-term air quality impacts, the impact of the Overlay Zone is anticipated to be significant. Mitigation Measures MM-OZ 4.2-2 through MM-OZ 4.2-13 shall be implemented where appropriate.

In addition, emission levels of VOCs, which are a precursor for ozone, would likely exceed SCAQMD significance thresholds during the application of architectural coatings (paint and primer) for the Overlay Zone. In order to reduce the VOC emissions levels associated with architectural coatings, Mitigation Measures MM-OZ 4.2-14 through MM-OZ 4.2-16.

However, because construction emissions for an individual project typically exceed the SCAQMD's recommended thresholds of significance and results in short-term air quality impacts, the impact of the Overlay Zone, which takes into consideration the construction emissions generated from all of the development proposed under the Overlay Zone, were determined to be significant and unavoidable.

Operation

The Certified EIR stated that operational emissions generated by both stationary and mobile sources would result from normal day-to-day activities on the project site after occupation. Stationary, area source emissions would be generated by the consumption of natural gas for space and water heating devices, and the operation of landscape maintenance equipment. Mobile emissions would be generated by the motor vehicles traveling to and from the Overlay Zone.

The analysis of daily operational emissions from the Overlay Zone has been prepared utilizing the URBEMIS 2002 computer model recommended by the SCAQMD. In terms of operational emissions, the Overlay Zone would incorporate certain features in its design that would help reduce the operational emissions that would otherwise be generated by the Overlay Zone. These design features include the following:

- Street lighting to provide safety along pedestrian routes
- Shade trees to shade sidewalks to encourage use by pedestrians

The Overlay Zone's design features would encourage pedestrian activity, which would reduce the emissions from the operation of motor vehicles by project employees and residents.

Operation of the Overlay Zone would generate emissions that exceed the thresholds of significance recommended by the SCAQMD for VOC, NO_x, CO, and particulate matter 10 (PM₁₀). The exceedance of the SCAQMD thresholds for these four criteria pollutants is primarily due to the increase in motor vehicles traveling to and from the project site. As no feasible mitigation is available to reduce these emissions, this impact was determined to be significant and unavoidable.

Expose Sensitive Receptors

The Certified EIR stated that as was done to assess existing carbon monoxide (CO) concentrations, the simplified CALINE4 screening procedure was used to predict future CO concentrations. CO concentrations were calculated at 20 intersections evaluated in the traffic report (included in its entirety as Appendix H to the Draft EIR portion of the Certified EIR) that is expected to operate at LOS E or F (unacceptable levels) at project buildout. Intersections operating at LOS E or F typically generate high CO concentrations that could exceed the federal or state 1-hour and 8-hour standards and are analyzed at project buildout to show the maximum effect of implementation of the Overlay Zone on ambient CO concentrations. Future CO concentrations near these intersections would not exceed the national 35.0 ppm and state 20.0 ppm 1-hour ambient air quality standards or the national or state 9.0 ppm 8-hour ambient air quality standards when the Overlay Zone is fully implemented in 2030. Therefore, sensitive receptors located in close proximity to these intersections would not be exposed to substantial pollutant concentrations, and the potential impacts of the Overlay Zone were determined to be less than significant. No mitigation is required. It should be noted that projected CO concentrations shown in the Certified EIR are lower than the baseline CO concentrations due to anticipated improvements in vehicle emission rates projected for the future by the California Air Resources Board (CARB).

Odors

The Certified EIR stated that construction activities do not usually emit offensive odors. Although construction activities occurring in association with the Overlay Zone could generate airborne odors associated with the operation of construction vehicles (i.e., diesel exhaust) and the application of interior and exterior architectural coatings, these emissions would only occur during daytime hours, would generally be restricted to the immediate vicinity of the construction site and activity, and would not affect a substantial number of people.

Potential operational airborne odors could result from cooking activities associated with the new residential units and restaurants. These odors would be similar to existing residential and restaurant uses in the vicinity and would be confined to the immediate vicinity of the Overlay Zone. Restaurants are also typically required to have ventilation systems that avoid substantial adverse odor impacts. The other potential source of odors would be new trash receptacles within the Overlay Zone. Implementation of Mitigation Measure MM-OZ 4.2-1 would ensure the Overlay Zone would not create substantial objectionable odors, and this impact was determined to be less than significant.

Mitigation Measures

- MM-OZ 4.2-1 Trash receptacles within the Overlay Zone 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.
- MM-OZ 4.2-2 The developer shall require by contract specifications that all diesel-powered equipment used would be retrofitted with after-treatment products (e.g., engine catalysts and other technologies available at the time construction commences) when construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.
- MM-OZ 4.2-3 The developer shall require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site would use low-NO_x 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 at the time construction activities commence. This requirement shall not apply to diesel-powered trucks traveling to and from the project site. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.
- MM-OZ 4.2-4 The developer shall require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent feasible in the South Coast Air Basin at the time construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.
- MM-OZ 4.2-5 The developer shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.
- MM-OZ 4.2-6 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 Planning and Building Agency staff.

- MM-OZ 4.2-7 The developer 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 the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.
- MM-OZ 4.2-8 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 Planning and Building Agency staff.
- MM-OZ 4.2-9 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 Planning and Building Agency staff.
- MM-OZ 4.2-10 The developer shall require by contract specifications that construction activities that affect traffic flow on the arterial system be scheduled to off-peak hours (10:00 A.M. to 4:00 P.M.). Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.
- MM-OZ 4.2-11 The developer shall require by contract specifications that dedicated on-site and off-site left-turn lanes on truck hauling routes be utilized for movement of construction trucks and equipment on site and off site to the extent feasible during construction activities. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.
- MM-OZ 4.2-12 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 the Overlay Zone and the individual projects within the Overlay Zone 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.

- MM-OZ 4.2-13 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:
- Limiting the amount of area disturbed during site grading to 10 acres per day
 - Application of soil stabilizers to inactive construction areas
 - Quick replacement of ground cover in disturbed areas
 - Watering of all unpaved haul roads three times daily
 - Covering all stockpiles 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
- MM-OZ 4.2-14 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 Planning and Building Agency staff.
- MM-OZ 4.2-15 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 Planning and Building Agency staff.
- MM-OZ 4.2-16 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 Planning and Building Agency staff.

4.3.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. As demonstrated below, the Project would incorporate the applicable mitigation measures identified in the Certified EIR and would not result in any new or increased significant air quality impacts beyond those already identified in the Certified EIR.

The analysis of the Project's air quality impacts presented below is based on the technical *Air Quality Report* included as Attachment A.

AQMP Consistency

Since preparation of the Certified EIR in 2006, the AQMP has been updated. Below is a discussion of the Project's consistency with the 2022 AQMP.

As discussed below, the Project's air quality emissions would not exceed any state or federal standards. Therefore, the Project would not increase the frequency or severity of an existing violation or cause or contribute to new violations for these pollutants. As the Project would not exceed any of the state and federal standards, the Project would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP.

With respect to the determination of consistency with AQMP growth assumptions, the projections in the AQMP for achieving air quality goals are based on assumptions in SCAG's 2020-2045 RTP/SCS regarding population, housing, and growth trends. Determining whether or not a project exceeds the assumptions reflected in the AQMP involves the evaluation of three criteria: (1) consistency with applicable population, housing, and employment growth projections; (2) project Mitigation Measures; and (3) appropriate incorporation of AQMP land use planning strategies. The following discussion provides an analysis with respect to each of these three criteria.

- Is the project consistent with the population, housing, and employment growth projections upon which AQMP forecasted emission levels are based?

A project is consistent with the AQMP, in part, if it is consistent with the population, housing, and employment assumptions that were used in the development of the AQMP, which are based on SCAG's 2020-2045 RTP/SCS.

SCAG's 2020-2045 RTP/SCS provides socioeconomic forecast projections of regional population

growth. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on local plans and policies applicable to the specific area; these are used by SCAG in all phases of implementation and review. The 2020-2045 RTP/SCS accommodates 360,100 persons; 80,100 households; and 172,400 jobs in the City by 2045.

Based on SCAG's average 2020 persons-per-household rate for the City of 4.6 persons per household, the Project would add a net residential population of approximately 2,334 people to the Project Site based on the 507 dwelling units proposed.¹ The Project's residential population would represent approximately 11.7 percent of the forecast population growth between 2020 and 2045.

Development of the Project also would result in the removal of about 542 on-site jobs based on the 173,025 square feet of general office uses.² Thus, the Project's estimated employment impact would not help produce job growth that exceeds the capacity that is accommodated in the 2022 AQMP. As a result, the Project would be consistent with the projections in the AQMP.

- Does the project implement feasible air quality mitigation measures?

As discussed below, the Project would not result in any significant air quality impacts and thus, would not require mitigation. In addition, the Project would incorporate the applicable mitigation measures contained in the Certified EIR and would comply with all applicable regulatory standards as required by SCAQMD. Furthermore, with compliance with the regulatory requirements identified above, no significant air quality impacts would occur. As such, the proposed Project meets this AQMP consistency criterion.

- To what extent is project development consistent with the land use policies set forth in the AQMP?

With regard to land use developments such as the Project, the AQMP's air quality policies focus on the reduction of vehicle trips and VMT. The Project would implement all applicable land use policies and measures within the AQMP. Further, the Project would be designed and constructed to support and promote environmental sustainability. The Project represents an infill development within an existing urbanized area that would concentrate more housing and population within a high quality transit area (HQTa). "Green" principles are incorporated throughout the Project to comply with the Green Building Code and the California Green Building Standards Code (CALGreen) through energy conservation, water conservation, and waste reduction features. The air quality plan applicable to the Project area is the 2022 AQMP, the current management plan for progression toward compliance with State and federal clean air requirements. The Project

¹ Southern California Association of Governments; Final Connect SoCal Demographics and Growth Forecast by Jurisdiction; https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579.

² Prepared by The Natelson Company, Inc. for the Southern California Association of Governments, Employment Density Study Summary Report; October 2001. Assumes 319 square feet average per general office (low-rise) employee.

would be required to comply with all regulatory measures set forth by the SCAQMD. Implementation of the Project would not interfere with air pollution control measures listed in the 2022 AQMP. In addition, as demonstrated in the following analyses, the Project would not result in significant emissions that would jeopardize regional or localized air quality standards.

The Project Site is classified as “District Center” (Medium High DC-3) in the General Plan, a classification that allows mixed-use residential, retail, and commercial development at a 3:1 Floor Area Ratio such as that proposed by the Project.³ As such, the 2020-2045 RTP/SCS’ assumptions about growth in the City accommodate population, housing, and job growth on the Project Site. As a result, the Project would be consistent with the growth assumptions in the City’s General Plan. Because the AQMP accommodates growth forecasts from local General Plans, the emissions associated with this Project are accounted for and mitigated in the region’s air quality attainment plans. The air quality impacts of development on the Project Site are accommodated in the region’s emissions inventory for the 2020-2045 RTP/SCS and 2022 AQMP. Therefore, the Project would be consistent with the 2022 AQMP, and no new or increased significant impacts would occur beyond the AQMP consistency impacts already identified in the Certified EIR.

Cumulatively Considerable Net Increase in Criteria Pollutant

The Project would contribute to local and regional air pollutant emissions during its construction (short-term) and operations (long-term). However, as discussed in the following analysis, construction and operations of the Project would not result in exceedances of SCAQMD daily thresholds for project-specific impacts that could subsequently cause cumulatively considerable increases in emissions of pollutants for which the Basin is designated as non-attainment.

Construction Emissions

Construction of the Project is anticipated to take approximately 36 months. During this time, a variety of heavy-duty diesel-powered vehicles and equipment would be operated on-site. Demolition of the existing site improvements would likely require an excavator, as well as a loader, bulldozer, or another similar grading vehicle. Grading for the Project would require similar vehicles. During the demolition and excavation phases, haul trucks would be utilized to transport demolished materials and cut soils to a nearby landfill. The building construction phase could require vehicles such as a forklift and a crane or truck-mounted crane. Table 9 summarizes the potential construction schedule that was used to model the Project’s air quality impacts.

As shown in Table 10, the Project’s regional and localized construction-related pollutant emissions would not exceed SCAQMD’s applicable significance thresholds. Additionally, the Project would be required to implement applicable mitigation measures from the Certified EIR that would further reduce the Project’s emission, which would not exceed SCAQMD’s thresholds.

⁴ *South Coast Air Quality Management District, Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, 2002.*

Therefore, no new or increased significant impacts would occur beyond the construction emissions impacts already identified in the Certified EIR.

Table 10
Regional and Localized Project Construction Emissions

	Emissions in lbs per day					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
2024	3.8	38.6	34.9	0.1	10.0	5.6
2025	3.3	29.8	44.1	0.1	8.3	2.6
2026	2.9	15.5	42.3	0.1	8.2	2.2
2027	63.2	15.7	46.7	0.1	9.6	2.5
Maximum Regional Total	63.2	38.6	46.7	0.1	10.0	5.6
<i>Regional Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed Threshold?	No	No	No	No	No	No
Maximum Localized Total	57.5	33.0	21.7	0.1	4.1	1.8
<i>Localized Threshold</i>	<i>N/A</i>	<i>183</i>	<i>1,253</i>	<i>N/A</i>	<i>13</i>	<i>7</i>
Exceed Threshold?	N/A	No	No	N/A	No	No
<p><i>The construction dates are used for the modeling of air quality emissions in the CalEEMod software. If construction activities commence later than what is assumed in the environmental analysis, the actual emissions would be lower than analyzed because of the increasing penetration of newer equipment with lower certified emission levels. Assumes implementation of SCAQMD Rule 403 (Fugitive Dust Emissions).</i></p> <p><i>Source: DKA Planning, 2023 based on CalEEMod 2022.1.1.14 model runs. LST analyses based on five-acre site with 25-meter distances to receptors in Central Orange County source receptor area. Estimates reflect the peak summer or winter season, whichever is higher. Totals may not add up due to rounding. Modeling sheets included in Attachment A.</i></p>						

Operational Emissions

As shown in Table 11, the Project's regional and localized operational-related pollutant emissions would not exceed SCAQMD's applicable significance thresholds. Therefore, no new or increased significant impacts would occur beyond the operational emissions impacts already identified in the Certified EIR.

Table 11
Regional and Localized Operational Emissions

Emissions Source	Emissions in lbs per day					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Sources	28.6	0.6	45.2	<0.1	0.1	0.1
Energy Sources	0.1	1.7	0.8	<0.1	0.1	0.1
Mobile Sources	8.5	6.3	74.9	0.2	19.6	5.1
<i>Less Existing Emissions</i>	<i>(12.3)</i>	<i>(7.0)</i>	<i>(71.4)</i>	<i>(0.2)</i>	<i>(13.5)</i>	<i>(3.6)</i>
Net Regional Total	24.9	1.6	49.6	<0.1	6.3	1.6
<i>Regional Significance Threshold</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed Threshold?	No	No	No	No	No	No
Net Localized Total	28.7	2.3	46.0	<0.1	0.2	0.2
<i>Localized Significance Threshold</i>	<i>N/A</i>	<i>183</i>	<i>1,253</i>	<i>N/A</i>	<i>3</i>	<i>2</i>
Exceed Threshold?	N/A	No	No	N/A	No	No
<p><i>LST analyses based on five-acre site with 25-meter distances to receptors in Central Orange County SRA.</i></p> <p><i>Source: DKA Planning, 2023, based on CalEEMod 2022.1.1.14 model runs (refer to Attachment A). Totals reflect the summer season maximum and may not add up due to rounding.</i></p>						

Expose Sensitive Receptors

Sensitive receptors in the vicinity of the Project Site include the following:

- Cabrillo Park, 1820 East Fruit Street; directly north of the Project Site.
- Residences, 724 North Parkcenter Drive; 80 feet northeast of the Project Site
- Residences, 618 Sherry Lane; 400 feet west of the Project Site.
- Residences, 1901 East First Street; 450 feet south of the Project Site.

Construction Emissions

Construction of the Project could expose sensitive receptors to substantial pollutant concentrations if maximum daily emissions of regulated pollutants generated by sources located on and/or near the Project Site exceeded the applicable localized significance threshold (LST) values, or if construction activities generated significant emissions of TACs that could result in carcinogenic risks or non-carcinogenic hazards exceeding the SCAQMD Air Quality Significance Thresholds of 10 excess cancers per million or non-carcinogenic Hazard Index greater than 1.0, respectively. As discussed above, the LST values were derived by the SCAQMD for the criteria pollutants NO_x, CO, PM₁₀, and PM_{2.5} to prevent the occurrence of concentrations exceeding the air quality standards at sensitive receptor locations based on proximity and construction site size.

As shown in Table 10, during construction of the Project, maximum daily localized unmitigated emissions of NO₂, CO, PM₁₀, and PM_{2.5} from sources on the Project Site would remain far below each of the respective LST values. Daily localized emissions would not exceed any of the

localized standards for receptors that are within 25 meters of the Project's construction activities. Additionally, the Project would be required to implement applicable mitigation measures from the Certified EIR that would further reduce the Project's emission, which would not exceed SCAQMD's thresholds. Therefore, based on SCAQMD guidance, localized emissions of criteria pollutants would not have the potential to expose sensitive receptors to substantial concentrations that would present a public health concern.

The primary toxic air contaminant TAC that would be generated by construction activities is diesel particulate matter (PM), which would be released from the exhaust stacks of construction equipment. The construction emissions modeling conservatively assumed that all equipment present on the Project Site would be operating simultaneously throughout most of the day, while in all likelihood this would rarely be the case. Average daily emissions of diesel PM would be less than one pound per day throughout the course of Project construction. Therefore, the magnitude of daily diesel PM emissions, would not be sufficient to result in substantial pollutant concentrations at off-site locations nearby.

Furthermore, according to SCAQMD methodology, health risks from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of TACs over a 30-year period will contract cancer based on the use of standard risk-assessment methodology. The entire duration of construction activities associated with implementation of the Project is anticipated to be approximately 36 months, and the magnitude of daily diesel PM emissions will vary over this time period. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period, construction TAC emissions would result in a less than significant impact. Thus, construction of the Project would not expose sensitive receptors to substantial diesel PM concentrations. Therefore, no new or increased significant impacts would occur beyond the air quality impacts already identified in the Certified EIR.

Operational Emissions

The Project Site would be redeveloped with multi-family residences, retail, and office uses, land uses that are not typically associated with TAC emissions. Typical sources of acutely and chronically hazardous TACs include industrial manufacturing processes (e.g., chrome plating, electrical manufacturing, petroleum refinery). The Project would not include these types of potential industrial manufacturing process sources. It is expected that quantities of hazardous TACs generated on-site (e.g., cleaning solvents, paints, landscape pesticides) for the types of proposed land uses would be below thresholds warranting further study under California Accidental Release Program.

When considering potential air quality impacts under CEQA, consideration is given to the location of sensitive receptors within close proximity of land uses that emit TACs. CARB has published and adopted the Air Quality and Land Use Handbook: A Community Health Perspective, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities). The SCAQMD adopted similar recommendations in its Guidance Document for Addressing Air Quality Issues in General Plans

and Local Planning. Together, the CARB and SCAQMD guidelines recommend siting distances for both the development of sensitive land uses in proximity to TAC sources and the addition of new TAC sources in proximity to existing sensitive land uses.

The primary sources of potential air toxics associated with Project operations include diesel PM from delivery trucks (e.g., truck traffic on local streets and idling on adjacent streets) and to a lesser extent, facility operations (e.g., natural gas-fired boilers). However, these activities and the land uses associated with the Project, are not considered land uses that generate substantial TAC emissions. It should be noted that the SCAQMD recommends that health risk assessments (HRAs) be conducted for substantial individual sources of diesel PM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units) and has provided guidance for analyzing mobile source diesel emissions.⁴ Based on this guidance, the Project would not include these types of land uses and is not considered to be a substantial source of DPM warranting a refined HRA since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units. Further, Mitigation Measure MM-OZ 4.6-1 of the Certified EIR requires that an HRA for diesel exhaust be prepared for future residential uses that are developed within the Overlay Zone and within 500 feet of an existing freeway. However, the Project Site is more than 500 feet from the nearest freeway, and as such, Mitigation Measure MM-OZ 4.6-1 does not apply to the Project. In addition, the CARB-mandated airborne toxic control measures (ATCM) limit diesel-fueled commercial vehicles (delivery trucks) to idle for no more than five minutes at any given time, which would further limit diesel particulate emissions.

As the Project would not contain substantial TAC sources and is consistent with the CARB and SCAQMD guidelines, the Project would not result in the exposure of off-site sensitive receptors to carcinogenic or toxic air contaminants that exceed the maximum incremental cancer risk of 10 in one million or an acute or chronic hazard index of 1.0, and potential TAC impacts would be less than significant.

While long-term operations of the Project would add traffic to local roads that produces off-site emissions, these would not result in exceedances of CO air quality standards at roadways in the area due to three key factors. First, CO hotspots are extremely rare and only occur in the presence of unusual atmospheric conditions and extremely cold conditions, neither of which applies to this Project Site area. Second, auto-related emissions of CO continue to decline because of advances in fuel combustion technology in the vehicle fleet. Finally, the Project would not contribute to the levels of congestion that would be needed to produce emissions concentrations needed to trigger a CO hotspot, as it would add 875 vehicle trips to the local roadway network on weekdays when the development could be leased and operational in 2027.⁵ However, peak hour vehicle travel would generally reduce from existing conditions, as traffic to and from Project Site would reduce by 50 trips and zero trips during the A.M. and P.M. peak hours, respectively.⁶ This would represent

⁴ *South Coast Air Quality Management District, Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, 2002.*

⁵ *Linscott Law & Greenspan, Memorandum: Vehicle Miles Traveled Assessment for the Proposed Cabrillo Town Center Mixed-Use Project; June 27, 2023.*

⁶ *Ibid.*

a reduction in peak hour traffic, which would benefit arterials like Fourth Street between Tustin Avenue and Cabrillo Park Drive, which carry 23,828 vehicles during a weekday.⁷ This would help reduce any potential that traffic volumes would generate CO exceedances of the ambient air quality standard.⁸

Finally, the Project would not result in any substantial emissions of TACs during the construction or operations phase. During the construction phase, the primary air quality impacts would be associated with the combustion of diesel fuels, which produce exhaust-related particulate matter that is considered a toxic air contaminant by CARB based on chronic exposure to these emissions.⁹ However, construction activities would not produce chronic, long-term exposure to diesel particulate matter. During long-term project operations, the Project does not include typical sources of acutely and chronically hazardous TACs such as industrial manufacturing processes and automotive repair facilities. As a result, the Project would not create substantial concentrations of TACs.

In addition, the SCAQMD recommends that health risk assessments be conducted for substantial sources of diesel particulate emissions (e.g., truck stops and warehouse distribution facilities) and has provided guidance for analyzing mobile source diesel emissions.¹⁰ The Project would not generate a substantial number of truck trips. Based on the limited activity of TAC sources, the Project would not warrant the need for a health risk assessment associated with on-site activities. Thus, the Project's operational activities would not expose sensitive receptors to excessive emissions. Therefore, the Project would not result in any new or increased significant air quality impacts beyond those already identified in the Certified EIR.

Odors

The Project would not result in activities that create objectionable odors. The Project is a mixed-use development that would not include any activities typically associated with unpleasant odors and local nuisances (e.g., rendering facilities, dry cleaners). SCAQMD regulations that govern nuisances (i.e., Rule 402, Nuisances) would regulate any occasional odors associated with residences. Additionally, the Project would implement Mitigation Measure MM-OZ 4.2-1 from the

⁷ City of Santa Ana GIS Open Data portal, accessed July 26, 2023. 2015 traffic counts adjusted by a one percent adjustment to reflect ambient traffic growth. <https://gis-santa-ana.opendata.arcgis.com/datasets/927f0b948fcf400eaf1c13d35239a7b1/explore?location=33.749256%2C-117.838786%2C17.62>

⁸ South Coast Air Quality Management District; 2003 AQMP. As discussed in the 2003 AQMP, the 1992 CO Plan included a CO hotspot analysis at four intersections in the peak A.M. and P.M. time periods, including Long Beach Boulevard and Imperial Highway (Lynwood), Wilshire Boulevard and Veteran Avenue (Westwood), Sunset Boulevard and Highland Avenue (Hollywood), and La Cienega Boulevard and Century Boulevard (Inglewood). The busiest intersection was Wilshire and Veteran, used by 100,000 vehicles per day. The 2003 AQMP estimated a 4.6 ppm one-hour concentration at this intersection, which meant that an exceedance (20 ppm) would not occur until daily traffic exceeded more than 400,000 vehicles per day.

⁹ California Office of Environmental Health Hazard Assessment. Health Effects of Diesel Exhaust. [www.http://oehha.ca.gov/public_info/facts/dieselfacts.html](http://oehha.ca.gov/public_info/facts/dieselfacts.html)

¹⁰ South Coast Air Quality Management District, Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Emissions, December 2002.

Certified EIR, which requires compliance with the City's solid waste regulations. The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, the Project would not result in any new or increased significant odor impacts beyond those already identified in the Certified EIR.

Conclusion

As demonstrated above, the Project's air quality impacts would be less than significant. Additionally, the Project would be required to implement mitigation measures from the Certified EIR that would further reduce the Project's emission, which would not exceed SCAQMD's thresholds. Therefore, the Project would not result in new or increased significant impacts beyond those already identified in the Certified EIR.

4.3.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to air quality have occurred and no substantial pollutant emissions or concentrations have been identified within the vicinity of the Project Site since certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.3.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to air quality that would result in new or more severe significant environmental impacts.

4.3.5 EIR's Mitigation Measures Addressing Impacts

The Project would implement Mitigation Measures MM-OZ 4.2-1 through MM-OZ 4.2-16 from the Certified EIR.

4.3.6 Conclusion

Based on the above, no new significant impacts or a substantial increase in previously identified impacts on air quality would occur as a result of the Project. Therefore, the impacts to air quality do not meet the standards for a subsequent or supplemental EIR pursuant to PRC Section 21166 and CEQA Guidelines Section 15162.

4.4 Biological Resources

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
BIOLOGICAL RESOURCES: 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?	Less Than Significant With Mitigation	No	No	No	Yes
(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 Wildlife or U.S. Fish and Wildlife Service?	No Impact	No	No	No	No
(c) Have a substantial adverse effect on state or federally-protected wetlands, (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	No Impact	No	No	No	No
(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?	No Impact	No	No	No	No
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact	No	No	No	No
(f) Conflict with the provisions of an adopted Habitat	No Impact	No	No	No	No

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?					

4.4.1 Impact Determination in the EIR

Substantial Adverse Effect on Special Status Species

The Certified EIR stated that 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 were found within the Overlay Zone area. Therefore, there are no impacts to special-status species associated with implementation of the Overlay Zone, either directly or indirectly. However, migratory avian species that may use portions of the Overlay Zone for nesting during the breeding season are protected under the MBTA. Construction-related activities, that may include, but are not necessarily limited to, building demolition and/or relocation, grading, materials laydown, access and infrastructure improvements, and building construction, could result in the disturbance of nesting migratory species covered under the MBTA. The most identifiable potential direct impact to migratory species would involve the removal of vegetation (esp. trees) within the Overlay Zone. Although no identifiable habitats exist within the Overlay Zone, this does not preclude the presence of migratory species nesting among the existing landscape vegetation. At this time, the precise number of trees that would be removed or the number of trees that could be indirectly impacted by construction activities, are not known. However, as mentioned above, the MBTA provides for the protection of migratory birds, including the non-permitted take of migratory birds. Implementation of Mitigation Measure MM-OZ 4.3-1 would reduce this potentially significant impact to a less than significant level by ensuring that surveys for MBTA species are performed during the appropriate time of year and, if necessary, construction buffer zones are established to protect nesting MBTA species.

Substantial Adverse Effect on Riparian Habitat or Sensitive Community

The Certified EIR stated that the Overlay Zone and surrounding areas are completely developed and/or disturbed. No riparian habitat or other sensitive natural communities are located in these areas. Therefore, no impacts to riparian habitat or other sensitive natural communities would occur.

Substantial Adverse Effect on Wetlands

The Certified EIR stated that the Overlay Zone is not in proximity to, nor does it contain, wetland habitat or a blueline stream. Therefore, development within the Overlay Zone would have no impact on federally protected wetlands, as defined by Section 404 of the Clean Water Act.

Substantially Interfere with Migratory Movement

The Certified EIR stated that development within the Overlay Zone would not substantially interfere 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. The Overlay Zone and surrounding areas are completely developed and/or disturbed. The Overlay Zone is surrounded by urban uses on all four sides, including two highways, and, therefore, does not function as a wildlife movement corridor. There is no impact.

Conflict with Tree Preservation Ordinance

The Certified EIR stated that the City recognizes that it is located in an urban setting and has tailored the goals of its conservation element accordingly. To obtain its goals, the City has established objectives that focus on the preservation of open space and cultural resources and protecting the public's health and welfare. The Overlay Zone does not contain cultural resources, nor is it zoned open space, and as such, the Overlay Zone does not conflict with any local policies or ordinances protecting biological resources. The City's conservation element encourages establishment of mixed-use districts, and the overall visual enhancement of the City, both of which will occur within the Overlay Zone. There is no impact.

Conflict with Habitat Conservation Plan/Natural Community Conservation Plan

The Orange County Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/NCP) can be met through observing previously established laws and regulations (i.e., the Federal Endangered Species Act and the California Endangered Species Act). If a take is unavoidable, then the payment of mitigation fees will be made to the proper non-profit organization. There is no impact.

Mitigation Measures

MM-OZ 4.3-1 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. When feasible, all tree removal shall occur between August 30 and February 15 to avoid the breeding season of any raptor species that could be using the area, and to discourage hawks from nesting in the vicinity of an upcoming construction area. This period may be modified

with the authorization of the DFG; or 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 350 feet of any grading or earthmoving activity shall be surveyed for active raptor nests by a qualified biologist no more than 30 days prior to disturbance. If active raptor nests are found, and the site is within 350 feet of potential construction activity, a fence shall be erected around the tree(s) at a distance of up to 350 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 by the City in consultation with CDFG.

2. No construction vehicles shall be permitted within restricted areas (i.e., raptor protection zones), unless directly related to the management or protection of the legally protected species.
3. In the event that a nest is abandoned, despite efforts to minimize disturbance, and if the nestlings are still alive, the developer shall contact CDFG and subject to CDFG approval, fund the recovery and hacking (controlled release of captive reared young) of the nestling(s).
4. If a legally protected species nest is located in a tree designated for removal, the removal shall be deferred until after August 30th, or until the adults and young of the year are no longer dependent on the nest site as determined by a qualified biologist.

4.4.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. The Project would not remove any trees identified on the City's list of Designated Tree Species.¹¹ The Project would incorporate MM-OZ 4.3-1 identified in the Certified EIR to minimize impacts related to migratory/nesting species, and accordingly, would not result in any new or increased significant biological impacts beyond those already identified in the Certified EIR.

¹¹ City of Santa Ana Designated Tree Species Materis, <https://storage.googleapis.com/proudcity/santaanaca/uploads/2022/03/Designated-Tree-Species-Guide.pdf>.

Mitigation Measures

The Project would implement Mitigation Measure MM-OZ 4.3-1 from the Certified EIR.

4.4.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to biological resources have occurred and no substantial new biological resources have been identified within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.4.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to biological resources that would result in new or more severe significant environmental impacts.

4.4.5 Mitigation Measures Addressing Impact

The project would implement Mitigation Measure MM-OZ 4.3-1 from the Certified EIR.

4.4.6 Conclusion

Based on the above, no new significant impacts to biological resources or a substantial increase Project. Therefore, the adoption of the Project does not meet the conditions for a subsequent or supplemental EIR pursuant to CEQA Guidelines Section 15162.

3.5 Cultural Resources

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
CULTURAL RESOURCES: Would the project:					
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?	Less Than Significant With Mitigation	No	No	No	Yes
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	Less Than Significant With Mitigation	No	No	No	Yes
(c) Disturb any human remains, including those interred outside of formal cemeteries?	Less Than Significant With Mitigation	No	No	No	Yes

4.5.1 Impact Determination in the EIR

Historic Resources

The Certified EIR stated that there are no documented significant historical resources (i.e., buildings, structures, landmarks, or historic districts) within the Overlay Zone, although five historically significant structures occur within ½-mile of the Overlay Zone boundaries. Therefore, impacts to existing formally- documented historic resources would be less than significant, as no direct impacts would occur to any historic structures. Potential indirect impacts could occur to those structures located outside of the Overlay Zone in the form of shade/shadow impacts. Refer to Section 4.1 for a description of shade/shadow impacts.

However, it is expected that multiple structures within the Overlay Zone are currently 50+ years of age or will be 50+ years of age in the future when actual redevelopment projects may be proposed. As such, redevelopment of sites within the Overlay Zone could result in the demolition or major modification of historically-aged structures which have not yet been evaluated to determine their cultural and/or architectural significance. Because of the site-specific nature of the historically-aged structures in relation to potential (not yet defined) future redevelopment, it is difficult to determine if actual adverse impacts will occur. Such impacts can only be determined once project sites have been chosen, development projects are designed, and affected 50+ year-old structures in the vicinity of the Overlay Zone footprints are formally evaluated to determine their cultural significance.

If it is determined in the future that any existing historically-aged (50+ years old) structures in the Overlay Zone have cultural significance, and proposed future development would ultimately affect

those structures, then potentially significant impacts would occur. Implementation of Mitigation Measure MM-OZ 4.4-1 will ensure that no significant impacts on historical resources would occur.

Archaeological Resources

The Certified EIR stated that no known archaeological resources exist within the Overlay Zone, but archaeological resources have been documented within and near the City of Santa Ana. In addition, the Overlay Zone has already been subject to extensive disruption from previous development and may contain artificial fill materials. As such, any archaeological resources which may have existed within the Overlay Zone have likely been disturbed. While not expected, the remote potential exists that construction activities associated with ground disturbance within the Overlay Zone may unearth undocumented archaeological resources. However, implementation of Mitigation Measures MM-OZ 4.4-2 and MM-OZ 4.4-3 will ensure that no significant on archaeological resources would occur.

Human Remains

The Certified EIR stated that no formal cemeteries are known to have occupied any portion of the Overlay Zone, so any human remains encountered would likely come from archaeological or historical archaeological contexts. Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code (PRC) and Sections 7050.5, 7051, and 7054 of the California Health and Safety Code (HSC). Because no know archaeological sites are present in the Overlay Zone area and the area is underlain by disturbed soils, the presence of human remains is remote. However, if remains are encountered, disturbing these remains could violate PRC and HSC provisions, as well as destroy the resource. Implementation of Mitigation Measure MM-OZ 4.4-5 will ensure that this impact will be less than significant by ensuring appropriate examination, treatment, and protection of human remains, if any are discovered.

Mitigation Measures

- MM-OZ 4.4-1 The City of Santa Ana shall require as part of the environmental review of development projects within the Overlay Zone that impacts to potentially significant historic resources be considered. If any existing structures on a proposed development site are at or approaching 50+ years of age at the time of CEQA review, the City shall retain the services of a qualified architectural historian to conduct a field survey of the structure in question and technical study to determine its potential historical significance and develop mitigation measures as necessary.
- MM-OZ 4.4-2 Due to the lack of cultural resource studies for the project site and in order to avoid damaging any unidentified cultural resources, a qualified archaeologist should be retained to monitor any significant ground-disturbing activities in undeveloped areas within the Overlay Zone, and any deep (10' or deeper) ground-disturbing activities in all areas of the Overlay Zone.

- MM-OZ 4.4-3 In the event that archeological resources are unearthed during project subsurface activities, all earth-disturbing work within a 100-meter radius must be temporarily suspended or redirected until an archeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume.
- MM-OZ 4.4-5 If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendant of the deceased Native American, who will then serve as consultant on how to proceed with the remains.

4.5.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. As discussed below, the Project will incorporate mitigation measures to minimize impacts related to cultural resources would be less than significant, and accordingly, would not result in any new or increased significant impacts to cultural resources beyond those already identified in the Certified EIR.

Historic Resources

The Certified EIR concluded that redevelopment of sites within the Overlay Zone could result in the demolition or major modification of historically-aged structures which have not yet been evaluated to determine their significance as defined by Section 15064.5 of the CEQA Guidelines, and this was considered a significant impact. The Project Site contains four structures construction between 1971 and 1978, only one of which is over 50 years (the office building located at 1971 East 4th Street). In compliance with MM-OZ 4.4-1, a Historic Resources Assessment was prepared for the Project by LSA, dated July 2022 (refer to Attachment B). The assessment included archival research, outreach to local historical groups, a field survey, and a written analysis. The purpose of the assessment is to provide the City with the necessary information and analysis to determine, as mandated by CEQA, whether the Project would cause substantial adverse changes to any historical resources that may exist in or around the Project Site area. In order to identify and evaluate such resources, LSA conducted historical background research and carried out an intensive-level field survey.

As a result of the research and field survey, the commercial building at 1971 East 4th Street does not appear to be historically significant under either the California Register of Historical Resources (California Register) or City of Santa Ana criteria. The building is therefore not a significant historical resource as defined by CEQA. The building is part of an approximately 8-acre development, Town Center Plaza, that includes four buildings with a cohesive design aesthetic. However, the development as a whole is less than 50 years old, with the exception of the building at 1971 East 4th Street, and none of the buildings are exceptional examples of a particular style. Thus, the Project would not directly or indirectly impact a historic resource and would not result in any new or increased significant impacts related to historic resources beyond impacts already identified in the Certified EIR.

Archaeological Resources

The Certified EIR concluded that implementation of the Overlay Zone has the potential to directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature and this would be considered a significant impact, and compliance with the identified mitigation measure would reduce this impact to less than significant. The Project would include excavation beyond 10 feet below ground surface and would be required to implement Mitigation Measures MM-OZ 4.4-2 and MM-OZ 4.4-3, requiring construction monitoring by a qualified archeologist and certain actions in the event that a potential resource is encountered during Project construction. Thus, the Project would not result in any new or increased significant impacts related to archaeological resources beyond impacts already identified in the Certified EIR.

Human Remains

The Certified EIR concluded that construction activities under the Overlay Zone could result in the disturbance of human remains interred outside of formal cemeteries. The Project would include excavation and would be required to implement Mitigation Measure MM-OZ 4.4-4, which prescribes certain actions in the event human remains are encountered during Project construction. Thus, the Project would not result in any new or increased significant impacts related to human remains beyond impacts already identified in the Certified EIR.

Mitigation Measures

The Project would implement Mitigation MM-OZ 4.4-1 through MM-OZ 4.4-4 from the Certified EIR.

4.5.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to cultural resources have occurred and no substantial new cultural resources have been identified within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.5.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to cultural resources that would result in new or more severe significant environmental impacts.

4.5.5 Mitigation Measures Addressing Impact

The Project would implement Mitigation MM-OZ 4.4-2 through MM-OZ 4.4-4 from the Certified EIR.

4.5.6 Conclusion

Based on the above, no new significant impacts to cultural resources or a substantial increase in previously identified cultural resource impacts would occur as a result of the Project. Therefore, the adoption of the Project does not meet the conditions for a subsequent or supplemental EIR pursuant to PRC Section 21166 CEQA Guidelines Section 15162.

4.6 Energy

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
ENERGY: Would the project:					
(a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less Than Significant With Mitigation	No	No	No	Yes
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less Than Significant	No	No	No	No

4.6.1 Impact Determination in the EIR

Wasteful, Inefficient, or Unnecessary Consumption of Energy/Conflict with or Obstruct Plan for Renewable Energy or Energy Efficiency

The Certified EIR stated that on peak days, the increase in demand from implementation of future development under the Overlay Zone would contribute to electricity supply and delivery constraints. However, all future development would be constructed in compliance with Title 24 energy efficiency standards.

By the time future development would be constructed under the Overlay Zone, it is expected that some steps outlined in the California Energy Commission (CEC) action plan will have been implemented to alleviate energy constraints. If these constraints do remain, they could be addressed through “rolling blackouts,” which are limited to specific geographic areas for a period of hours. Further, if energy constraints remain, they are a reflection of the broad energy supply issues experienced by California as a whole, and not unique to the demands of the development in the City.

Further, the CEC licensed two additional power plants in 2001 that were anticipated to provide California with electrical energy supply capacity and the ability to meet peak load demand in excess of forecasts of regional energy supplies. Consequently, although the Overlay Zone would result in an increased electricity demand in the City, additional energy demands resulting from the Overlay Zone would be adequately met by current and planned infrastructure during most of the year. Further, development under the Overlay Zone would be required to comply with the

energy conservation measures contained in Title 24, which would reduce the amount of energy needed for the operation of any buildings constructed as a part of the Overlay Zone.

Additionally, the current electrical demand of the Overlay Zone is within the capacity limitations of the electrical facilities serving the City. Excluding any unforeseen problems, existing distribution resources have the ability to serve all existing customer loads in accordance with its rules and tariffs. The projected electrical demand of the Overlay Zone area and for build-out under the Overlay Zone is expected to be within Southern California Edison's (SCE) current 10-year load forecasts. Though SCE's total system demand is expected to continue to increase annually, excluding any unforeseen problems, SCE's plans for new distribution resources would be adequate to serve all existing and new customer loads throughout the next decade. SCE does not expect that utilities deregulation will affect service to the Overlay Zone area. However, to reduce any potential impacts associated with build out of the Overlay Zone, SCE recommends the use of energy-efficient and high-performance design for nonresidential and residential building design and construction.

The Southern California Gas Company (SCGC) declares itself a "reactive" utility and will provide natural gas as customers request its services. SCGC has also indicated that an adequate supply of natural gas is currently available to serve additional development, and that the natural gas level of service provided to the City would not be impaired by buildout under the Overlay Zone. Any expansion of service necessitated by implementation of the Overlay Zone would be in accordance with SCGC's policies and extension rules on file with the California Public Utilities Commission at the time contractual agreements are made.

Although the Overlay Zone would result in the energy demand increases in demand noted above, an adequate energy supply is anticipated to be available, as the electrical and gas supplies and infrastructure to support demand are provided as needed by SCE and SCGC. Therefore, the Overlay Zone would not substantially increase demands beyond the available supply. In case of electricity, the cost associated with relocating the facilities, if required shall be borne by the developer. The developer will also be required to make contractual arrangements with SCGC prior to initiation of construction for the gas. Prior to the issuance of grading permits, the project developer shall coordinate with SCE/SCGC to determine the exact location of all underground and overhead electrical/gas facilities. All electrical/gas facilities and associated structures left on the site shall be protected from damage. Grading plans should reflect the undergrounding of utility lines serving the Overlay Zone.

The project-generated demand for electricity and natural gas would be negligible in the context of overall demand within the City of Santa Ana and the state and thus is not anticipated to require substantial upgrades or expansion of existing energy systems. Though the project would not increase the energy demand significantly, mitigation measures are suggested to promote conservation of energy to further reduce the impact.

It was determined that implementation of Mitigation Measure MM-OZ 4.13-2 will foster efficient energy use and ensure that energy impacts will be less than significant.

Mitigation Measures

MM-OZ 4.13-2 The project shall implement energy conservation measures (such as energy-efficient lighting and micro-processor-controlled HVAC equipment) to reduce the demand for electricity and natural gas. The energy conservation measures shall be subject to modification as new technologies are developed or if current technology becomes obsolete through replacement.

4.6.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

Wasteful, Inefficient, or Unnecessary Consumption of Energy/Conflict with or Obstruct Plan for Renewable Energy or Energy Efficiency

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. Therefore, the Project's energy consumption has been accounted for in the Certified EIR.

The Certified EIR concluded that implementation of the Overlay Zone could increase the demand for electricity and gas. However, the Project would implement Mitigation Measure MM-OZ 4.13-2 from the Certified EIR, requiring energy conservation measures. Further, the Project will comply with CalGreen and Title 24 energy efficiency standards and requirements and other state and local regulations that reduce the Project's energy use. The current 2022 CalGreen requirements impose greater sustainability requirements and green features, including solar and electric vehicle mandates than were in place at the time the City adopted the Certified EIR in 2006. Thus, the Project would not result in any new or increased significant impacts related to energy beyond impacts already identified in the Certified EIR.

Mitigation Measures

The Project would implement Mitigation Measure MM-OZ 4.13-2 from the Certified EIR.

4.6.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to energy use and resources have occurred since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.6.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to energy that would result in new or more severe significant environmental impacts.

4.6.5 Mitigation Measures Addressing Impact

The Project would implement Mitigation Measure MM-OZ 4.13-2 from the Certified EIR.

4.6.6 Conclusion

Based on the above, no new significant impacts to energy or a substantial increase in previously identified energy impacts would occur as a result of the Project. Therefore, the adoption of the Project does not meet the conditions for a subsequent or supplemental EIR pursuant to PRC Section 21166 and CEQA Guidelines Section 15162.

4.7 Geology and Soils

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
GEOLOGY AND SOILS: Would the project:					
(a) Directly or indirectly cause potential substantial adverse effects, including the risk or loss, injury or death involving:					
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	No Impact	No	No	No	No
(ii) Strong seismic ground shaking?	Less Than Significant With Mitigation	No	No	No	Yes
(iii) Seismic-related ground failure, including liquefaction?	Less Than Significant with Mitigation	No	No	No	Yes
(iv) Landslides?	No Impact	No	No	No	No
(b) Result in substantial soil erosion or the loss of topsoil?	Less Than Significant	No	No	No	No
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Less Than Significant	No	No	No	No
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Less Than Significant with Mitigation	No	No	No	Yes
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No Impact	No	No	No	No
(f) Directly or indirectly destroy a unique paleontological	Less Than Significant With Mitigation	No	No	No	Yes

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
resource or site or unique geologic feature?					

4.7.1 Impact Determination in the EIR

Alquist-Priolo Earthquake Fault Zone

The Certified EIR stated that there are no active faults, or currently mapped Earthquake Fault Zone State Special Study Zones (formerly known as Alquist-Priolo Zones) within the Overlay Zone that would cause a fault rupture. The Overlay Zone is also not located within any currently mapped Seismic Hazard Zone, where a site-specific investigation to determine the location of any faults would be required. The Overlay Zone would have no impact associated with exposing people or structures to rupture of a known earthquake fault, and no impacts would occur.

Strong Seismic Ground Shaking

The Certified EIR stated that the Overlay Zone is located in close proximity to two major fault zones, including the Newport- Inglewood fault zone and the Whittier-Elsinore fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Santa Ana and nearby communities. Consequently, the Overlay Zone would expose on-site structures and people to substantial seismic hazards if an intense earthquake occurred along any of the major faults in the area. Active and potentially active faults in the Santa Ana area are capable of producing seismic shaking at the project site. Additionally, it is anticipated that the project site would experience ground acceleration caused by small and moderate magnitude earthquakes on distant active faults.

In order to reduce the risks associated with seismically induced groundshaking, it is necessary to take the location and type of subsurface materials into consideration when designing or retrofitting foundations and structures for a particular project site. Because the Overlay Zone site is in Seismic Zone 4, as is most of Southern California, structures are required to be designed in accordance with applicable parameters of the current California Building Code (CBC). Specific engineering design and construction measures as required by CBC for the construction of new buildings and/or structures would be implemented to anticipate and avoid the potential for adverse impacts to human life and property caused by seismically induced groundshaking. In addition, adherence to Mitigation Measure MM-OZ 4.5-1 would further ensure that site-specific construction measures would be implemented to reduce any additional geotechnical hazards, including groundshaking.

Following the proper design guidelines and construction measures outlined in the CBC and as required by Mitigation Measure MM-OZ 4.5-1 would reduce this risk to a less-than-significant level.

Liquefaction

The Certified EIR stated that the Overlay Zone is located in a low potential liquefaction hazard area as identified in the City's Seismic Safety Element of the General Plan. Despite being in a low hazard area for liquefaction, the City requires compliance with the CBC and all provisions related to construction and design guidelines which prevent injury or other adverse effects potentially caused by liquefaction. Among the provisions of the CBC that would be implemented by the Overlay Zone would be the conformance of all proposed facilities at the project site to the seismic-resistant design standards designated for Seismic Zone 4, and the incorporation of additional seismic-resistant earthwork and construction design criteria as recommended by project-specific geotechnical reports with implementation of Mitigation Measure MM-OZ 4.5-1. Adherence by the proposed development structures to CBC guidelines and geotechnical reports would ensure that proper foundations would be designed to safeguard against the potential risks associated with liquefaction. This impact was determined to be less than significant.

Erosion/Loss of Topsoil

The Certified EIR state that topsoil is the uppermost layer of soil, usually the top 6 to 8 inches. It has the highest concentration of organic matter and microorganisms and is where most biological soil activity occurs. Plants generally concentrate their roots in, and obtain most of their nutrients from, this layer. Topsoil erosion is of concern when the topsoil layer is blown or washed away, which makes plant life or agricultural production impossible. Much of the Overlay Zone is built out and topsoil erosion is, thus, not an issue for the majority of the area. However, there are limited undeveloped areas that could be affected by loss of topsoil if developed.

Future development under the Overlay Zone could involve the demolition of existing structures, followed by grading and excavation activities prior to the construction of new development. The uncovered on-site soil would be exposed to erosional processes during these phases of construction. However, operational activities such as the addition of paved and landscaped areas would, over the long term, decrease the potential for erosion, particularly on the existing limited undeveloped sites, because less exposed soil would exist in the Overlay Zone.

Specific erosion impacts would depend largely on the areas affected and the length of time soils are subject to conditions that would be affected by erosion processes. All demolition and construction activities within the City would be required to comply with CBC Chapter 70 standards, which would ensure implementation of appropriate measures during grading activities to reduce soil erosion. In addition, all construction activities would comply with Chapter 33 of the CBC, which regulates excavation activities and the construction of foundations, and Chapter 33 of the CBC, which regulates grading activities, including drainage and erosion control.

Further, all new development would also be subject to regional and local regulations pertaining to construction activities. Specifically, development that is greater than 5 acres would be required to comply with the provisions of the General Construction Activity Stormwater Permit adopted by the State Water Resources Control Board (SWRCB), which would require the employment of Best Management Practices (BMPs) to limit the extent of eroded materials from a construction site. All development that is between 1 and 5 acres would be required to comply with the provisions of the NPDES Phase II regulations concerning the discharge of eroded materials and pollutants from construction sites.

Compliance with the CBC and the NPDES permits would minimize effects from erosion and ensure consistency with the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan. In view of these regulations, it was determined that implementation of the Overlay Zone will have a less than significant impact associated with soil erosion or topsoil. No mitigation is required.

Geologic Unit/Soil Stability

The Certified EIR stated that the project site and surrounding area are relatively flat, making the possibility for landslides extremely remote. Consequently, there is no potential for landslides to occur on or near the Overlay Zone site as a result of the proposed development. The Overlay Zone would have no impact associated with exposing people or structures to landslides, and no impacts would occur.

Using unsuitable soils would have the potential to create future lateral spreading, subsidence, or collapse problems leading to building settlement and/or utility line disruption. When weak soils are re-engineered specifically for stability prior to use, these potential effects can be reduced or eliminated. An acceptable degree of soil stability would be achieved for expansive, liquefaction-prone, and compressible soils by the incorporation of soil treatment programs (replacement, grouting, compaction, drainage control, etc.) in the excavation and construction plans to address site-specific soil conditions. A site-specific evaluation of soils is required by Mitigation Measure MM-OZ 4.5-1 and must contain recommendations for ground preparation and earthwork specific to the site, that become an integral part of the construction design.

As part of the construction permitting process, future developers in the Overlay Zone would be required to prepare geotechnical reports to identify potentially unsuitable soil conditions including liquefaction, subsidence, and collapse. The evaluations must be conducted by registered soil professionals, and measures to eliminate inappropriate soil conditions must be applied, depending on the soil conditions. Adherence to Mitigation Measure MM-OZ 4.5-1 as well as specified design provisions in the CBC would ensure the maximum practicable protection available for users of buildings and infrastructure and associated trenches, slopes, and foundations. This impact was determined to be less than significant.

Expansive Soil

The Certified EIR stated that the Overlay Zone is greater than 200 acres in size, and as such, does not contain uniform soil types throughout the Overlay Zone area. In addition, because implementation of the Overlay Zone does not identify specific development projects within the Overlay Zone, it would be inconclusive to classify the entire Overlay Zone as having a particular expansive soil potential because different soil types have varying degrees of expansion potential. Consequently, additional tests should be conducted at each future project site to determine the expansion potential of the near surface materials that may influence the structural elements of the projects. Final design recommendations should be based on the results of those tests. It was determined that with implementation of Mitigation Measure MM-OZ 4.5-2, appropriate construction standards will ensure that impact of expansive soils on future development will be less than significant.

Septic Tanks

The Certified EIR stated that the City is almost entirely built out with established utility services and new development would not require the use of septic tanks. For this reason, it was determined that there will be no impact related to the capacity of soils to support septic tanks or other alternative wastewater disposal systems.

Paleontological Resources

The Certified EIR stated that the Overlay Zone area is not known to contain documented paleontological resources. Plant and animal fossils are typically found within sedimentary rock deposits. Given the geology of the Overlay Zone area, it is unlikely that unknown paleontological resources would exist within the Overlay Zone. In addition, the Overlay Zone area has already been subject to extensive ground disturbance and development. Any superficial paleontological resources that could have existed at one time have likely been previously unearthed by past development activities. While not anticipated, the remote potential remains for intact paleontological resources to exist at deep levels. It was determined that implementation of Mitigation Measure MM-OZ 4.4-4 will reduce any potential impacts to less-than-significant levels.

Mitigation Measures

MM-OZ 4.5-1 During project-specific building design of future development in the Overlay Zone, site-specific geotechnical studies shall be conducted under the direct supervision of a California Registered Engineering Geologist or licensed geotechnical engineer to assess detailed seismic, geological, soil, and groundwater conditions at each construction site and develop recommendations to prevent or abate any identified hazards. The report shall specify foundation recommendations to ensure issues associated with underlying soils are addressed. Construction of the project shall comply with all recommendations in the geotechnical report. The study shall follow

applicable of CDMG Special Publication 117 where applicable and shall include, but not necessarily be limited to

- Determination of the locations of any suspected fault traces and anticipated ground acceleration at the building site
- Potential for displacement caused by seismically induced shaking, liquefaction, differential soil settlement, expansive and compressible soils, or other earth movements or soil constraints
- Evaluation of depth to groundwater

MM-OZ 4.5-2 Developers within the Overlay Zone shall conduct expansion index tests in accordance with UBC Standard 18-2 prior to project construction. The design of structural elements of future projects shall include recommendations set forth by the expansion index tests.

MM-OZ 4.4-4 In the event that paleontological resources are unearthed during subsurface construction activities, all earth-disturbing work within a 100-meter radius of the find must be temporarily suspended or redirected until a paleontologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume.

4.7.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. As discussed below, the Project would incorporate mitigation measures to minimize impacts related to geology and soils would be less than significant, and accordingly, would not result in any new or increased significant impacts beyond those already identified in the Certified EIR.

Alquist-Priolo Earthquake Fault Zone

The Certified EIR concluded that there are no Alquist-Priolo Zones within the Overlay Zone that would cause a fault rupture. The Overlay Zone is also not located within any currently mapped Seismic Hazard Zone, where a site-specific investigation to determine the location of any faults would be required. The Project Site is still not located in either an Alquist-Priolo or a Seismic Hazard Zone. Thus, the Project would not result in any new or increased significant impacts related to being located in such a Zone beyond impacts already identified in the Certified EIR.

Strong Seismic Ground Shaking

The Certified EIR concluded that implementation of the Overlay Zone could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic groundshaking. However, implementation of Mitigation Measure MM-OZ 4.5-1 would reduce this to a less-than-significant level. In compliance with Mitigation Measure MM-OZ 4.5-1, a Supplemental Geotechnical Investigation Report has been prepared for the Project by LGC Valley, Inc., dated December 16, 2021 (refer to Attachment C). The report includes preliminary development standards that are specific to the Project and its potential to endure seismic groundshaking to ensure no significant impacts related to seismic groundshaking would occur. Thus, the Project would not result in any new or increased significant impacts related to being located in a fault zone beyond impacts already identified in the Certified EIR.

Liquefaction

The Certified EIR concluded that implementation of the Overlay Zone could expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction. However, implementation of Mitigation Measure MM-OZ 4.5-1 would reduce this impact to a less-than-significant level. In compliance with Mitigation Measure MM-OZ 4.5-1, a Supplemental Geotechnical Investigation Report has been prepared for the Project by LGC Valley, Inc., dated December 16, 2021 (refer to Attachment C). The report noted that some soils at the Project Site are susceptible to liquefaction. The report includes preliminary development standards that are specific to the Project to ensure no significant impacts related to liquefaction would occur. Thus, the Project would not result in any new or increased significant impacts related to liquefaction beyond impacts already identified in the Certified EIR.

Erosion/Loss of Topsoil

The Certified EIR concluded that implementation of the Overlay Zone could result in soil erosion and the loss of topsoil. However, compliance with applicable regulations would ensure that this impact remains less than significant. The Project would be required to comply with the same regulatory standards outlined in the Certified EIR that would ensure no significant impacts related to erosion/loss of topsoil would occur. Thus, the Project would not result in any new or increased significant impacts related to erosion/loss of topsoil beyond impacts already identified in the Certified EIR.

Geologic Unit/Soil Stability

The Certified EIR concluded that implementation of the Overlay Zone could subject people and structures to hazards associated with lateral spreading, subsidence, or collapse. However, adherence to MM-OZ 4.5-1 and the CBC would ensure that this impact would be less than significant. In compliance with Mitigation Measure MM-OZ 4.5-1, a Supplemental Geotechnical Investigation Report has been prepared for the Project by LGC Valley, Inc., dated December 16, 2021 (refer to Attachment C). The report noted that soils at the Project Site are not subject to

hydro-consolidation settlement, but the normal settlement that occurs from placing a building on top of soil would occur. The report includes preliminary development standards that are specific to the Project to ensure no significant impacts related to geologic unit/soil instability would occur. Thus, the Project would not result in any new or increased significant impacts related to geologic unit/soil instability beyond impacts already identified in the Certified EIR.

Expansive Soil

The Certified EIR concluded that future development under the Overlay Zone could be located on expansive soil. However, implementation of Mitigation Measure MM-OZ 4.5-2 would reduce this impact to a less-than-significant level. In compliance with Mitigation Measure MM-OZ 4.5-2, testing for expansive soils was conducted as part of the Supplemental Geotechnical Investigation Report prepared for the Project by LGC Valley, Inc., dated December 16, 2021 (refer to Attachment C). The report noted that some soils at the Project Site have high expansive potential. The report includes preliminary development standards that are specific to the Project to ensure that no significant impacts related to expansive soil would occur. Thus, the Project would not result in any new or increased significant impacts related to expansive beyond impacts already identified in the Certified EIR.

Septic Tanks

The Certified EIR concluded that new development would connect to the existing sewer system and would not use septic tanks. No impacts would occur. The Project would connect to the City's existing sewer system and would not require the use of septic tanks or alternative wastewater disposal systems. Thus, the Project would not result in any new or increased significant impacts related to expansive soils beyond impacts already identified in the Certified EIR.

Paleontological Resources

The Certified EIR concluded that implementation of the Overlay Zone has the potential to directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature, and this impact would be less than significant with implementation of Mitigation Measure MM-OZ 4.4-4. The Project would include excavation beyond 10 feet below ground surface and would be required to implement Mitigation Measure MM-OZ 4.4-4 from the Certified EIR, requiring certain actions in the event that a potential resource is encountered during Project construction. Thus, the Project would not result in any new or increased significant impacts related to paleontological resources beyond impacts already identified in the Certified EIR.

4.7.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to geology and soils have occurred and no areas that are susceptible to geology and soil impacts have been identified within the vicinity of the Project Site since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.7.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to geology and soils that would result in new or more severe significant environmental impacts.

4.7.5 Mitigation Measures Addressing Impacts

The Project would implement Mitigation Measures MM-OZ 4.5-1, MM-OZ 4.5-2, and MM-OZ 4.4-4 from the Certified EIR

4.7.6 Conclusion

Based on the above, no new significant geology and soils impacts or a substantial increase in previously identified geology and soils impacts would occur as a result of the Project. Therefore, the impacts to geology and soils do not meet the standards for a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 or CEQA Guidelines Section 15162.

4.8 Greenhouse Gas Emissions

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
GREENHOUSE GAS EMISSIONS:					
Would the project:					
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	NA	NA	NA	NA	No
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	NA	NA	NA	NA	No

4.8.1 Impact Determination in the EIR

Generate GHG emissions/Consistency with Plans, Policies, and Regulations

The topic of GHG Emissions impacts was not included in the 2007 CEQA Guidelines, and as such, was not included in the Certified EIR's analysis of the Overlay Zone's potential impacts. Since the approval of the Certified EIR, international agreements, as well as federal and state laws and regulations, have been adopted to reduce GHG emissions. However, recent California case law confirms that changes in the CEQA Guidelines only apply prospectively to CEQA documents that have not yet been circulated for public review and not to CEQA documents that rely on previously certified EIRs that complied with applicable CEQA requirements when publicly reviewed. The court in *Olen Properties Corp. v. City of Newport Beach* (2023) 93 Cal.App.5th 270 recognized that impacts known of and understood at the time the EIR was certified do not constitute new information that would trigger recirculation. Both the existence of carbon dioxide and other greenhouse gases from fossil fuel combustion and other activities were known at the time the Certified EIR was approved. California is a recognized leader in reducing GHG emissions and addressing climate change, and has enacted scores of legal requirements mandating reductions in fossil fuel use for electricity generation, adopting fuel and fleet standards to reduce GHG emissions from the transportation sector, improve energy and water efficiency and conservation in buildings and landscaping, and require GHG emissions reductions from virtually all economic sectors from agriculture, to manufacturing, to oil production, to waste management.

Mitigation Measures

Not applicable.

4.8.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

As stated above, the topic of GHG Emissions impacts was not included in the 2007 CEQA Guidelines but is included in the current version of the CEQA Guidelines. Since the approval of the Certified EIR, international agreements, as well as federal and state laws and regulations, have been adopted to reduce GHG emissions. However, both the existence of carbon dioxide and other GHG emissions from fossil fuel combustion and other activities were known at the time the Certified EIR was approved. Therefore, a GHG analysis is not required for the Project. Nevertheless, a detailed analysis of the Project's GHG emissions impacts is included in Attachment D of this document. As summarized below, the Project would not result in any significant impacts related to GHG emissions.

Methodology

CEQA Guidelines Section 15064.4(a) assists lead agencies in determining the significance of the impacts of GHG emissions, giving them discretion to determine whether to assess impacts quantitatively or qualitatively. It calls for a good-faith effort to describe and calculate emissions. This emissions inventory also demonstrates the reduction in a project's incremental contribution of GHG emissions that results from regulations and requirements adopted as implementation efforts for these plans for the reduction or mitigation of GHG emissions. As such, it provides further justification that a project is consistent with plans adopted for the purpose of reducing and/or mitigating GHG emissions by a project and over time. The significance of a project's GHG emissions impacts is not based on the amount of GHG emissions resulting from that project.

The City, SCAQMD, Office of Planning and Research (OPR), CARB, California Air Pollution Control Officers Association (CAPCOA), and other applicable agencies have not adopted a numerical threshold of significance for assessing impacts related to GHG emissions. As a result, the methodology for evaluating a project's impacts related to GHG emissions focuses on its consistency with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions.

The analysis also calculates the amount of GHG emissions from the Project using recommended air quality models. The primary purpose of quantifying the Project's GHG emissions is to satisfy CEQA Guidelines Section 15064.4(a). The estimated emissions inventory is also used to determine if there would be a reduction in the Project's incremental contribution of GHG emissions because of compliance with regulations requirements adopted to implement plans for reducing or mitigating GHG emissions. However, the significance of the Project's GHG emissions is not based on the amount of emissions from the Project as there is no adopted quantified threshold supported by substantial evidence.

Attachment D of this document contains a detailed explanation of the methodology underlying this analysis.

Project Emissions

In support of the consistency analysis below that describes the Project's compliance with, or exceedance of performance-based standards included in the regulations and policies outlined in the applicable portions of the 2022 Scoping Plan, the 2020-2045 RTP/SCS, and the City's Climate Action Plan (CAP), quantitative calculations are provided below.

The Project would generate direct and indirect GHG emissions as a result of different types of emissions sources, including the following:

- Construction: emissions associated with demolition of the existing uses, grading, and construction-related equipment and vehicular activity;
- Area source: emissions associated with landscape equipment;
- Energy source (building operations): emissions associated with electricity and natural gas use for space heating and cooling, water heating, energy consumption, and lighting;
- Stationary source: emissions associated with stationary equipment (e.g., emergency generators);
- Mobile source: emissions associated with vehicles accessing the Project Site;
- Solid Waste: emissions associated with the decomposition of the waste, which generates methane based on the total amount of degradable organic carbon; and
- Water/Wastewater: emissions associated with energy used to pump, convey, deliver, and treat water.

Construction Emissions

Project construction is anticipated to be completed in 2027 with occupancy the same year. The GHG emissions associated with construction of the Project were calculated for each year of construction activity. Construction of the Project is estimated to generate a total of 3,523 MTCO₂e (refer to Table 12). As recommended by the SCAQMD, the total GHG construction emissions were amortized over the 30-year lifetime of the Project (i.e., total construction GHG emissions were divided by 30 to determine an annual construction emissions estimate that can be added to the Project's operational emissions) in order to determine the Project's annual GHG emissions inventory. This results in annual Project construction emissions of 117 MTCO₂e.

Table 12
Combined Construction-Related Emissions (MTCO₂e)

Year	MTCO ₂ e ^a
2024	293
2025	773
2026	1,517
2027	940
Total	3,523

Amortized Over 30 Years	117
^a CO ₂ e was calculated using CalEEMod version 2022.1.1.14. Refer to Attachment D.	
Source: DKA Planning, 2023.	

Operation

Area Source Emissions

Area source emissions were calculated using the CalEEMod emissions inventory model, which includes landscape maintenance equipment, use of consumer products, and other everyday sources. As shown in Table 13, the Project would result in 19 MTCO₂e per year from area sources.

Table 13
Annual GHG Emissions Summary (Buildout)^a
(metric tons of carbon dioxide equivalent [MTCO₂e])

Year	MTCO₂^a
Area ^b	19
Energy ^c (electricity and natural gas)	908
Mobile	3,355
Solid Waste ^d	186
Water/Wastewater ^e	53
Refrigerants	1
Construction	117
Total Emissions	4,639
^a CO ₂ e was calculated using CalEEMod.	
^b Area source emissions are from landscape equipment and other operational equipment only; hearths omitted.	
^c Energy source emissions are based on CalEEMod default electricity and natural gas usage rates.	
^d Solid waste emissions are calculated based on CalEEMod default solid waste generation rates.	
^e Water/Wastewater emissions are calculated based on CalEEMod default water consumption rates.	
Source: DKA Planning, 2023. Refer to Attachment D.	

Electricity and Natural Gas Generation Emissions

GHG emissions are emitted because of activities in buildings when electricity and natural gas are used as energy sources. Combustion of any type of fuel emits CO₂ and other GHG emissions directly into the atmosphere. When electricity is used in a building, the electricity generation typically takes place off-site at the power plant; electricity use in a building generally causes emissions in an indirect manner.

Electricity and natural gas emissions were calculated for the Project using the CalEEMod emissions inventory model, which multiplies an estimate of the energy usage by applicable emissions factors chosen by the utility company. GHG emissions from electricity use are directly dependent on the electricity utility provider. In this case, GHG emissions intensity factors for SCE were selected in CalEEMod. The carbon intensity (pounds per megawatt an hour [lbs/MWh]) for electricity generation was calculated for the Project buildout year based on SCE projections. A straight-line interpolation was performed to estimate the SCE carbon intensity factor for the Project buildout year. SCE's carbon intensity projections also consider SB 350 RPS requirements for renewable energy.

This approach is conservative, given the 2018 chaptering of SB 100 (De Leon), which requires electricity providers to provide renewable energy for at least 60 percent of their delivered power by 2030 and 100 percent use of renewable energy and zero-carbon resources by 2045. SB 100 also increases existing renewable energy targets, called Renewables Portfolio Standard (RPS), to 44 percent by 2024 and 52 percent by 2027.

The 2022 Title 24 standards contain more substantial energy efficiency requirements for new construction, emphasizing the importance of building design and construction flexibility to establish performance standards that substantially reduce energy consumption for water heating, lighting, and insulation for attics and walls.

Energy use in buildings is divided into energy consumed by the built environment and energy consumed by uses that are independent of the construction of the building, such as in plug-in appliances. CalEEMod calculates energy use from systems covered by Title 24 (e.g., HVAC system, water heating system, and lighting system); energy use from lighting; and energy use from office equipment, appliances, plug-ins, and other sources not covered by Title 24 or lighting.

CalEEMod electricity and natural gas usage rates are based on the CEC-sponsored California Commercial End-Use Survey (CEUS) and the California Residential Appliance Saturation Survey (RASS) studies. The data are specific for climate zones; therefore, Zone 11 was selected for the Project Site based on the zip code tool.

As shown in Table 13, Project GHG emissions from electricity and natural gas usage would result in a total of 908 MTCO_{2e} per year.

Mobile Source Emissions

Mobile-source emissions were calculated using the SCAQMD-recommended CalEEMod emissions inventory model. CalEEMod calculates the emissions associated with on-road mobile sources associated with residents, employees, visitors, and delivery vehicles visiting the Project Site based on the number of daily trips generated and VMT. Mobile source operational GHG emissions were calculated using CalEEMod and are based on the Project's VMT analysis.

The Project represents an infill development within an urbanized area that would concentrate mixed residential and commercial uses within an HQTa. The Project Site is in a dense mixed-use corridor with proximity to two OCTA local bus lines and the Metrolink Santa Ana station to the west. The Project would also incorporate characteristics that would reduce trips and VMT as

compared to standard ITE trip generation rates. The Project characteristics listed below are consistent with the CAPCOA guidance document, Quantifying Greenhouse Gas Mitigation Measures, which provides emission reduction values for transportation related design techniques. These techniques would reduce vehicle trips and VMT associated with the Project relative to the standard ITE trip generation rates, which would result in a comparable reduction in VMT and associated GHG emissions. Techniques applicable to the Project include the following (a brief description of the Project's relevance to the measure is also provided):

CAPCOA Measure LUT-1 - Increase Density: Increased density, measured in terms of persons, jobs, or dwelling units per unit area, reduces emissions associated with transportation as it reduces the distance people travel for work or services and provides a foundation for the implementation of other strategies, such as enhanced transit services.

CAPCOA Measure LUT-3 - Increase Diversity of Urban and Suburban Developments (Mixed-Use): The Project would introduce new uses on the Project Site, including new residences and retail uses. The increases in land use diversity on the Project Site would reduce vehicle trips and VMT by encouraging visitors to walk and use non-automotive forms of transportation (i.e., public transit, biking), which would result in corresponding reductions in transportation-related emissions.

CAPCOA Measure LUT-4 - Increase Destination Accessibility: The Project Site is in a dense corridor, which is easily accessible by public transportation. Access to multiple destinations, and commercial and retail uses in proximity to the Project Site would reduce vehicle trips and VMT compared to the statewide average and encourage walking and non-automotive forms of transportation and would result in corresponding reductions in transportation-related emissions because of the Project.

CAPCOA Measure LUT-5 - Increase Transit Accessibility: The Project would be located near two OCTA bus routes and the Metrolink Santa Ana station. The Project would also provide bicycle parking spaces to encourage utilization of alternative modes of transportation.

CAPCOA Measure LUT-9 - Improve Design of Development: The Project would enhance the pedestrian and bicycle environment through an attractive open space component and improved sidewalk and streetscape, which would enhance walkability in the Project vicinity. The Project would also locate a development with a high level of street access, which improves street accessibility and connectivity.

CAPCOA Measure SDT-2 - Traffic Calming Measures: Providing traffic calming measures encourages people to walk or bike instead of using a vehicle. This mode shift results in a decrease in VMT. Streets within a half mile of the Project Site are equipped with sidewalks, and several of the intersections include marked crosswalks and/or count-down signal timers that calm traffic.

CalEEMod calculates VMT based on the type of land use, trip purpose, and trip type percentages for each land use subtype in the project (primary, diverted, and pass-by). As shown in Table 13, the Project GHG emissions from mobile sources would result in a total of 3,355 MTCO₂e per

year. This estimate reflects reductions attributable to the Project's characteristics (e.g., infill project near transit that supports multi-modal transportation options), as described above.

Solid Waste Generation Emissions

Emissions related to solid waste were calculated using the CalEEMod emissions inventory model, which multiplies an estimate of the waste generated by applicable emissions factors provided in Section 2.4 of the USEPA's AP-42, Compilation of Air Pollutant Emission Factors. CalEEMod solid waste generation rates for each applicable land use were selected for this analysis. As shown in Table 13, the Project scenario is expected to result in a total of 186 MTCO₂e per year from solid waste that accounts for a 50-percent recycling/diversion rate.¹²

Water Usage and Wastewater Generation Emissions

GHG emissions are related to the energy used to convey, treat, and distribute water, and treat wastewater. Thus, these emissions are generally indirect emissions from the production of electricity to power these systems. Three processes are necessary to supply potable water; these include (1) supply and conveyance of the water from the source; (2) treatment of the water to potable standards; and (3) distribution of the water to individual users. After use, energy is used as the wastewater is treated and reused as reclaimed water.

Emissions related to water usage and wastewater generation were calculated for the Project using the CalEEMod emissions inventory model, which multiplies an estimate of the water usage by the applicable energy intensity factor to determine the embodied energy necessary to supply potable water. GHG emissions are then calculated based on the amount of electricity consumed multiplied by the GHG emissions intensity factors for the utility provider. In this case, embodied energy for Southern California supplied water and GHG emissions intensity factors for SCE were selected in CalEEMod. Water usage rates were calculated consistent with the requirements under the 2022 California Plumbing Code (which is based on the 2021 Uniform Plumbing Code), 2022 CALGreen, and reflect an approximately 20-percent reduction as compared to the base demand.

As shown in Table 13, Project GHG emissions from water/wastewater usage would result in a total of 53 MTCO₂e per year, which reflects a 20-percent reduction in water/wastewater emissions consistent with building code requirements as compared to the Project without sustainability features related to water conservation.

Refrigerants

Emissions related to cooling structures and refrigeration needs were calculated using the CalEEMod emissions inventory model. As shown in Table 13, the Project scenario is expected to result in a total of one MTCO₂e per year from use of refrigerants that used HFCs and have high GWP values.

Combined Construction and Operational Emissions

As shown in Table 13, when taking into consideration implementation of project design features, including the requirements set forth in the City's Green Building Code and the full implementation of current state mandates, the GHG emissions for the Project would equal 117 MTCO₂e annually (as amortized over 30 years) during construction.

Consistency with Applicable Plans and Policies

The discussion below describes the extent to which the Project is consistent with or exceeds the performance-based standards included in the regulations outlined in the 2022 Climate Change Scoping Plan, the 2020-2045 RTP/SCS, and the City's CAP. As discussed below, the Project would be substantially consistent with all applicable plans, policies, and regulations related to reduction of GHG emissions. This consistency analysis is provided for informational purposes only given that, although GHG emissions impacts were known and recognized when the City adopted the Certified EIR, these GHG emissions reduction plans and policies did not exist at that time.

Statewide: 2022 Climate Change Scoping Plan

The goal to reduce GHG emissions to 1990 levels by 2020 (Executive Order S-3-05) was codified by the Legislature as the 2006 Global Warming Solutions Act (AB 32). In 2008, CARB approved a Climate Change Scoping Plan as required by AB 32 that has been updated over time to reflect updated strategies. In addition, SB 32 was approved in 2016, calling for deeper GHG emissions reductions by 2030. The 2022 Climate Change Scoping Plan addresses the 2030 horizon but also addresses the objective of carbon neutrality by 2045 and has a range of GHG emissions reduction actions that include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 implementation fee to fund the program. The following discussion demonstrates how the pertinent reduction actions relate to and reduce project-related GHG emissions.

Table 14 evaluates the Project's consistency with applicable reduction actions/strategies by emissions source category outlined in the 2022 Climate Change Scoping Plan Update. When compared to SB 32, the Project would be substantially consistent with its objectives and the GHG reduction-related actions and strategies of the 2022 Scoping Plan. Table 14 confirms that the Project is consistent with the Scoping Plan's focus on increasing renewable energy use, putting more electric cars on the road, and improving energy efficiency. Although a number of these strategies are currently promulgated, some have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions will be adopted as required to achieve statewide GHG emissions targets.

Independent studies confirm CARB's determination that the state's existing and proposed regulatory framework will put the state on a pathway to reduce its GHG emissions level to 40 percent below 1990 levels by 2030, and to 85 percent below 1990 levels by 2045 to meet carbon neutrality objectives if additional appropriate reduction measures are adopted. Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and

2050 goals, they demonstrated that various combinations of policies could allow the statewide emissions level to remain very low through 2045, suggesting that the combination of new technologies and other regulations not analyzed in the studies could allow the state to meet the 2045 target.

Table 14
Consistency Analysis—2022 Climate Change Scoping Plan

Sector	Actions and Strategies	Statutes, Executive Orders, Other Direction	Project Consistency Analysis
Smart Growth / Vehicle Miles Traveled (VMT)	VMT per capita reduced 25% below 2019 levels by 2030, and 30% below 2019 levels by 2045	SB 375: Reduce demand for fossil transportation fuels and GHG	No Conflict. The Project represents an infill development within an urbanized area that would concentrate new residences and jobs within an HQTAs and reduce per capita VMT and GHG emissions. The Project would be consistent with SB 375 and its VMT reduction goals, as well as the GHG emissions and transportation goals of the 2020-2045 RTP/SCS.
Light-duty Vehicle (LDV) Zero Emission Vehicles (ZEVs)	100% of Light Duty Vehicle sales are ZEV by 2035	EO N-79-20: Reduce demand for fossil transportation fuels and GHGs and improve air quality. In November 2022, the Advanced Clean Cars II regulations took effect, setting ZEV and plug-in hybrid vehicle sales requirements for model years 2026 to 2035 (ZEV program) and increasingly stringent emission standards (LEV program) to ensure automakers phase out sales of internal combustion engine vehicles.	No Conflict. Emissions from vehicle engines from the Project would be regulated by State regulations governing technology and cleaner emissions.
Truck ZEVs	100% of medium-duty (MDV)/HDV sales are ZEV by 2040 (AB 74 University of California Institute of Transportation Studies [ITS] report)	EO N-79-20: Reduce demand for fossil transportation fuels and GHGs and improve air quality. CARB's Advanced Clean Truck Regulation accelerates the transition of zero-emission medium- and heavy-duty vehicles from 2024 to 2035. CARB also adopted the Innovative Clean Transit measure in 2018 that requires all public transit agencies to transition to zero emission fleets.	No Conflict. While the Project would not generate substantial medium- and heavy-duty truck traffic, it would not impede the advancement of cleaner trucks over time.

Table 14
Consistency Analysis—2022 Climate Change Scoping Plan

Sector	Actions and Strategies	Statutes, Executive Orders, Other Direction	Project Consistency Analysis
Aviation	20% of aviation fuel demand is met by electricity (batteries) or hydrogen (fuel cells) in 2045. Sustainable aviation fuel meets most or the rest of the aviation fuel demand that has not already transitioned to hydrogen or batteries.	CARB focuses on reducing emissions from ground support equipment and airport transit vehicles. It is also working with national and international entities to tighten aircraft emission standards. AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. This strategy focuses on industry availability of clean fuel alternatives over time. The Project would not impede the advancement of a cleaner aviation industry over time.
Ocean-going Vessels (OGVs)	2020 OGV At-Berth regulation fully implemented, with most OGVs utilizing shore power by 2027. 25% of OGVs utilize hydrogen fuel cell electric technology by 2045.	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory In 2015, Executive Order B-32-15 called. For a less polluting freight transport system that addressed OGVs, transport refrigeration units, and clean trucks.	No Conflict. While the Project would not directly impact trade or OGVs, it would not impede the advancement of a cleaner on- or off-shore sources over time.
Port Operations	100% of cargo handling equipment is zero-emission by 2037. 100% of drayage trucks are zero emission by 2035.	Executive Order N-79-20: Reduce demand for petroleum fuels and GHGs and improve air quality. AB 197: direct emissions reductions for sources covered by the AB 32 Inventory. In 2015, Executive Order B-32-15 called. For a less polluting freight transport system that addressed OGVs, transport refrigeration units, and clean trucks.	No Conflict. While the Project would not directly impact trade or port operations, it would not impede the advancement of a cleaner on-shore sources over time.
Freight and Passenger rail	100% of passenger and other locomotive sales are ZEV by 2030. 100% of line haul locomotive sales are ZEV by 2035. Line haul and passenger rail rely primarily on hydrogen fuel cell technology, and others primarily utilize electricity.	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory In 2015, Executive Order B-32-15 called. For a less polluting freight transport system that addressed OGVs, transport refrigeration units, and clean trucks.	No Conflict. While the Project would not directly impact freight or passenger rail, it would not impede the advancement of a cleaner locomotives over time. The Project's land uses would not include freight transportation or warehousing that would be subject to the California Sustainable Freight Action Plan. Therefore, the Project would not interfere or

Table 14
Consistency Analysis—2022 Climate Change Scoping Plan

Sector	Actions and Strategies	Statutes, Executive Orders, Other Direction	Project Consistency Analysis
			impede the implementation of the Sustainable Freight Action Plan.
Oil and Gas Extraction	Reduce oil and gas extraction operations in line with petroleum demand by 2045.	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. While the Project would not directly impact oil extraction, it would help reduce demand for petroleum products from energy, area, and mobile sources.
Petroleum Refining	CCS on majority of operations by 2030, beginning in 2028 Production reduced in line with petroleum demand.	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. While the Project would not directly impact oil extraction, it would help reduce demand for petroleum products that require refining.
Electricity Generation	Sector GHG target of 38 MMTCO ₂ e in 2030 and 30 MMTCO ₂ e in 2035. Retail sales load coverage 20 gigawatts (GW) of offshore wind by 2045. Meet increased demand for electrification without new fossil gas-fired resources.	SB 350 and SB 100: Reduce GHGs and improve air quality. AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would not directly impact the sources of electricity generation.
New Residential and Commercial Buildings	All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030.	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would incorporate appliances that are consistent with Title 24 and Green Building requirements and consistent with the reduction of residential and commercial energy use.
Existing Residential Buildings	80% of appliance sales are electric by 2030 and 100% of appliance sales are electric by 2035. Appliances are replaced at end of life such that by 2030 there are 3 million all-electric and electric-ready homes—	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would comply with Title 24 and Green Building requirements during construction and any future retrofit or appliance replacement requirements.

Table 14
Consistency Analysis—2022 Climate Change Scoping Plan

Sector	Actions and Strategies	Statutes, Executive Orders, Other Direction	Project Consistency Analysis
	and by 2035, 7 million homes— as well as contributing to 6 million heat pumps installed statewide by 2030.		
Existing Commercial Buildings	80% of appliance sales are electric by 2030, and 100% of appliance sales are electric by 2045. Appliances are replaced at end of life, contributing to 6 million heat pumps installed statewide by 2030.	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. While the Project is not an existing commercial development, it would not interfere with any future requirements to retrofit commercial appliances.
Food Products	7.5% of energy demand electrified directly and/or indirectly by 2030; 75% by 2045	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would not directly impact sources of energy for food production.
Construction Equipment	25% of energy demand electrified by 2030 and 75% electrified by 2045	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would not impact the production and availability of electrified construction equipment.
Chemicals and Allied Products; Pulp and Paper	Electrify 0% of boilers by 2030 and 100% of boilers by 2045. Hydrogen for 25% of process heat by 2035 and 100% by 2045 Electrify 100% of other energy demand by 2045.	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would not directly impact the sources of energy for boilers.
Stone, Clay, Glass, and Cement	CCS on 40% of operations by 2035 and on all facilities by 2045 Process emissions reduced through alternative materials and CCS	SB 596: Reduce demand for fossil energy, process emissions, and GHGs, and improve air quality. AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would not directly impact the sources of energy for stone, clay, glass, and cement facilities.
Other Industrial Manufacturing	0% energy demand electrified by 2030 and 50% by 2045	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would not directly impact the sources of energy for industrial facilities.
Combined Heat and Power	Facilities retire by 2040.	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would not affect facilities that produced heat and power.

Table 14
Consistency Analysis—2022 Climate Change Scoping Plan

Sector	Actions and Strategies	Statutes, Executive Orders, Other Direction	Project Consistency Analysis
Agriculture Energy Use	25% energy demand electrified by 2030 and 75% by 2045	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory	No Conflict. The Project would not affect directly agricultural sources of energy.
Low Carbon Fuels for Transportation	Biomass supply is used to produce conventional and advanced biofuels, as well as hydrogen.	AB 197: direct emissions reductions for sources covered by the AB 32 Inventory In November 2022, the Advanced Clean Cars II regulations took effect, setting low emission standards for transportation.	No Conflict. This regulatory program applies to fuel suppliers, not directly to land use development. GHG emissions related to vehicular travel associated with the Project would benefit from this regulation because fuel used by Project-related vehicles would be required to comply with the LCFS. Mobile source GHG emissions estimates were calculated using CalEEMod that includes implementation of the LCFS into mobile source emission factors. The current LCFS targets a 20% reduction in CI from a 2010 baseline by 2030. GHG emissions generated by Project-related vehicular travel would benefit from the Advanced Clean Cars Program.
Low Carbon Fuels for Buildings and Industry	In 2030s biomethane blended in pipeline Renewable hydrogen blended in fossil gas pipeline at 7% energy (~20% by volume), ramping up between 2030 and 2040 In 2030s, dedicated hydrogen pipelines constructed to serve certain industrial clusters	SB 350: The Clean Energy and Pollution Reduction Act of 2015 increases the standards of the California RPS program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased to 50 percent by 2030. Required measures include increasing RPS to 50 percent of retail sales by 2030, establishing annual targets for statewide energy efficiency that achieve a cumulative doubling of statewide energy	No Conflict. The Project would comply with this this action/strategy being located within the Southern California Edison (SCE) and Southern California Gas (SCG) service areas and would comply with CalGreen and Title 24 energy efficiency standards. SCE must generate electricity that would increase renewable energy resources to 33 percent by 2020

Table 14
Consistency Analysis—2022 Climate Change Scoping Plan

Sector	Actions and Strategies	Statutes, Executive Orders, Other Direction	Project Consistency Analysis
		<p>efficiency savings in electricity and natural gas end uses by 2030.</p> <p>SB 100: The California Renewables Portfolio Standard Program (2018) requires retail sellers to procure renewable energy that is at least 50 percent by December 31, 2026 and 60 percent by December 31, 2030. It requires local publicly owned electric utilities to procure a minimum quantity of electricity from renewable energy resources of 44 percent of retail sales by December 31, 2024 and 60 percent by December 31, 2030.</p>	<p>and 50 percent by 2030. As SCE would provide electricity service to the Project Site, by 2030 the Project would use electricity consistent with the requirements of SB 350. With regard to gas service, SCG has committed to achieving net zero GHG emissions in its operations and delivery of gas by 2045. This would be accomplished with clean fuels and hydrogen technology, renewable natural gas, and hydrogen blends.</p> <p>As required under SB 350, doubling of the energy efficiency savings from retail customers by 2030 would primarily rely on the existing suite of building energy efficiency standards under CCR Title 24, Part 6 (consistency with this regulation is discussed below) and utility-sponsored programs such as rebates for high-efficiency appliances, HVAC systems, and insulation.</p>
Non-combustion Methane Emissions	<p>Increase landfill and dairy digester methane capture. Some alternative manure management deployed for smaller dairies Moderate adoption of enteric strategies by 2030 Divert 75% of organic waste from landfills by 2025. Oil and gas fugitive methane emissions reduced 50% by 2030 and further reductions as</p>	<p>SB 1383 (2016) requires CARB to set 2030 emission reduction targets of 40 percent for methane and hydrofluorocarbons and 50 percent black carbon emissions below 2013 levels. The Project would comply with the CARB SLCP Reduction Strategy by using HVAC equipment with lower GWP refrigerants.</p>	<p>No Conflict. This program applies to State regulators looking to reduce methane emissions from landfill and dairy facilities and is not directly related to development of the Project. However, the Project would not interfere or impede efforts to reduce such pollutants.</p>

Table 14
Consistency Analysis—2022 Climate Change Scoping Plan

Sector	Actions and Strategies	Statutes, Executive Orders, Other Direction	Project Consistency Analysis
	infrastructure components retire in line with reduced fossil gas demand		
High GWP Potential Emissions	Low GWP refrigerants introduced as building electrification increases, mitigating HFC emissions	SB 605 (2014) directed CARB to develop a comprehensive Short-Lived Climate Pollutant (SLCP) strategy.	No Conflict. This program applies to State regulators looking to reduce high GWP refrigerants and is not directly related to development of the Project. However, the Project would not interfere or impede efforts to reduce such pollutants.
Natural and Working Lands	Conserve 30% of the state's NWL and coastal waters by 2030. Implement near- and long-term actions to accelerate natural removal of carbon and build climate resilience in our forests, wetlands, urban greenspaces, agricultural soils, and land conservation activities in ways that serve all communities—and in particular low-income, disadvantaged, and vulnerable communities.	EO N-82-20 and SB 27: CARB to include an NWL target in the Scoping Plan. AB 1757: Establish targets for carbon sequestration and nature-based climate solutions. SB 1386: NWL are an important strategy in meeting GHG reduction goals.	No Conflict. This program applies to State regulators governing Natural and Working Lands and is not directly related to development of the Project. However, the Project would not interfere or impede implementation of the Integrated Natural and Working Lands Implementation Plan, EO N-82-20, SB 27, or SB 1386.
Forests and Shrublands	At least 2.3 million acres treated statewide annually in forests, shrublands/chaparral, and grasslands, comprised of regionally specific management strategies that include prescribed fire, thinning, harvesting, and other management actions. No land conversion of forests,	Restore health and resilience to overstocked forests and prevent carbon losses from severe wildfire, disease, and pests. Improve air quality and reduce health costs related to wildfire emissions. Improve water quantity and quality and improve rural economies. Provide forest biomass for resource utilization. EO B-52-18: CARB to increase the opportunity for using prescribed fire.	No Conflict. This program applies to State regulators governing forest and shrubland management and is not directly related to development of the Project. However, the Project would not interfere or impede implementation of EO B-52-18, AB 1504, or the Forest Carbon Plan.

Table 14
Consistency Analysis—2022 Climate Change Scoping Plan

Sector	Actions and Strategies	Statutes, Executive Orders, Other Direction	Project Consistency Analysis
	shrublands/chaparral, or grasslands.	AB 1504 (Skinner, Chapter 534, Statutes of 2010): CARB to recognize the role forests play in carbon sequestration and climate mitigation.	
Grasslands	At least 2.3 million acres treated includes increased management of grasslands interspersed in forests to reduce fuels surrounding communities using management strategies appropriate for grasslands. No land conversion of forests, shrublands/chaparral, or grasslands.		No Conflict. This program applies to State regulators of grasslands and is not directly related to development of the Project. However, the Project would not interfere or impede efforts to reduce fuels in grasslands surrounding communities.
Croplands	Implement climate smart practices for annual and perennial crops on ~80,000 acres annually. Land easements/ conservation on annual crops at ~5,500 acres annually. Increase organic agriculture to 20% of all cultivated acres by 2045 (~65,000 acres annually).	SB 859: Recognizes the ability of healthy soils practices to reduce GHG emissions from agricultural lands.	No Conflict. This program applies to State regulators overseeing croplands and is not directly related to development of the Project. However, the Project would not interfere or impede SB 859 and efforts to increase organic agriculture and conserve croplands.
Developed Lands	Increase urban forestry investment by 200% above current levels and utilize tree watering that is 30% less sensitive to drought. Establish defensible space that accounts for property boundaries.	AB 2251 (Calderon, Chapter 186, Statutes of 2022): Increase urban tree canopy 10% by 2035.	No Conflict. This program applies to State regulators addressing urban forestry and is not directly related to development of the Project. However, the Project would not interfere or impede implementation of AB 2251 and efforts to increase the urban canopy.
Wetlands	Restore 60,000 acres of Delta wetlands		No Conflict. This program applies to State regulators restoring Delta wetlands and is not directly related

Table 14
Consistency Analysis—2022 Climate Change Scoping Plan

Sector	Actions and Strategies	Statutes, Executive Orders, Other Direction	Project Consistency Analysis
			to development of the Project. However, the Project would not interfere or impede efforts to restore wetland ecologies.
Sparsely Vegetated Lands	Land conversion at 50% of the Reference Scenario land conversion rate.		No Conflict. This program applies to State regulators slowing the conversion of sparsely vegetated lands and is not directly related to development of the Project. However, the Project would not interfere or impede efforts to slow urban conversion of such lands.
Cap-and-Trade Program	Implement the post-2020 Cap-and-Trade Program with declining annual caps.	AB 398 was enacted in 2017 to extend and clarify the role of the state's Cap-and-Trade Program from January 1, 2021, through December 31, 2030. As part of AB 398, refinements were made to the Cap-and-Trade program to establish updated protocols and allocation of proceeds to reduce GHG emissions.	Not Applicable. This applies to the market-based program to reduce GHG emissions over time and is not applicable to a development project.
Source: DKA Planning, 2023 based on California Air Resources Board, 2022 Scoping Plan for Achieving Carbon Neutrality, Scoping Plan Scenario.			

Based on the analysis in Table 14, the Project would be substantially consistent with the State's 2022 Climate Change Scoping Plan's objective of achieving carbon neutrality statewide by 2045 and reducing 2030 GHG emissions in accord with SB 32.

The Project would also benefit from statewide and utility-provider efforts towards increasing the portion of electricity provided from renewable resources. SCE has committed to increasing renewable sources that exceed the Renewables Portfolio Standard requirements. The Project would include energy efficient mechanical systems, energy efficient glazing and window frames, Energy-Star appliances to be installed on-site, and the use of high-efficiency lighting. The Project would also benefit from statewide efforts to improve fuel economy of vehicles. The Project would also help reduce VMT growth given its design and complementary mix of uses at an infill site that is accessible to existing public transit.

As summarized in Table 15, the Project's attributes for reducing GHG emissions is also, on balance after weighing all of the requirements collectively, substantially consistent with the 2022 Climate Change Scoping Plan's suggested attributes for housing and mixed-use projects that are evaluated under CEQA.

Table 15
Consistency Analysis—2022 Climate Change Scoping Plan
(Key Residential and Mixed-Use Project Attributes That Reduce GHG Emissions)

Priority Area	Key Project Attribute	Project Substantial Consistency
Transportation Electrification	Provides EV charging infrastructure that, at minimum, meets the most ambitious voluntary standard in the California Green Building Standards Code at the time of project approval.	The Project would provide 90 spaces with electric vehicle charging equipment. CalGreen's Tier 2 voluntary standards include 40 percent of spaces with Level 2 EV charging receptacles, 15 percent of spaces equipped with Level 2 chargers, and one receptacle per dwelling unit. Thus, the Project would further the expansion of the EV charging network.
VMT Reduction	Is located on infill sites that are surrounded by existing urban uses and reuses or redevelops previously undeveloped or underutilized land that is presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer).	The Project is located on an urban infill site in an HQTa along a major regional arterial that is served by two public transit bus lines (OCTA local Lines 64 and 71), Metrolink's Santa Ana station, as well as water and sewer service.
	Does not result in the loss or conversion of natural and working lands.	The Project is located on an urban infill site that is currently unused. There are no natural or working lands on the Project Site.
	Consists of transit-supportive densities (minimum of 20 residential dwelling units per acre) or Is in proximity to existing transit stops (within a half mile) or satisfies more detailed and stringent criteria specified in the region's SCS.	The Project would be fully consistent with this attribute, as it would provide a density of 56.5 residences per acre and would be located on an urban infill site along a major regional arterial that is served by two public

Table 15
Consistency Analysis—2022 Climate Change Scoping Plan
(Key Residential and Mixed-Use Project Attributes That Reduce GHG Emissions)

Priority Area	Key Project Attribute	Project Substantial Consistency
		transit bus lines (OCTA local Lines 64 and 71), Metrolink's Santa Ana station.
	Reduces parking requirements by: Eliminating parking requirements or including maximum allowable parking ratios (i.e., the ratio of parking spaces to residential units or square feet); or Providing residential parking supply at a ratio of less than one parking space per dwelling unit; or for multifamily residential development, requiring parking costs to be unbundled from costs to rent or own a residential unit.	The Project provides 2 parking spaces per apartment unit (including guest spaces) and 2.2 units per townhouse. Project parking would be unbundled.
	At least 20 percent of units included are affordable to lower-income residents	The Project would be a market-rate residential development with no units dedicated to affordable housing for lower-income residents. However, the Project would be required to pay an affordable housing in lieu fee in compliance with Article XVIII.I of Chapter 41 of the Santa Monica Municipal Code to further the production of affordable housing units and development within the City.
	Results in no net loss of existing affordable units	The Project would not remove any housing or affordable housing units; rather, it would increase the housing stock of market-rate and affordable housing units through payment of an in lieu fee. The Project would result in a net increase of 507 total units which consists of wide range of housing types, including apartment units at different bedroom counts and townhome style units.
Building Decarbonization	Uses all-electric appliances without any natural gas connections and does not use propane or other fossil fuels for space heating, water heating, or indoor cooking	The Project would comply with Title 24 and CalGreen standards.
Source: Priority Areas and Key Project Attributes from California Air Resources Board, 2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D (Local Actions) Table 3; November 2022.		

The 2022 Scoping Plan notes that these project attributes are intended as a guide to help local jurisdictions qualitatively identify those residential and mixed-use projects that are clearly consistent with the state's climate goals, since these attributes address the largest sources of operational emissions for residential projects. However, lead agencies may determine, with

adequate additional supporting evidence, that projects that incorporate some, but not all, of the key project attributes are consistent with the State's climate goals. Based on the above-referenced compliance with many aspects of the Plan's residential and mixed-use infill, transit proximate and sustainability attributes, the Project has been determined to be substantially consistent overall with the 2022 Scoping Plan.

Regional: 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

Table 16 includes an analysis of the Project's consistency with the GHG-related objectives of the 2020-2045 RTP/SCS.

Table 16
Consistency with the 2020-2045 RTP/SCS

Objectives	Consistency Analysis^a
Increase percentage of region's total household growth occurring within HQTAs.	The Project would result in an increase of 507 households in an HQTA, including both townhomes and attached apartments.
Increase percent of the region's total employment growth occurring within HQTAs.	The Project is an infill development that would create more service-related retail and commercial jobs, consistent with the 2020 RTP/SCS policies and would focus on job growth in HQTAs.
Decrease total acreage of greenfield or otherwise rural land uses converted to urban use.	The Project is an infill development that would reduce the demand for sprawl development in greenfield or rural areas on the fringes of Southern California.
Decrease daily vehicle miles driven per person.	The Project is an infill development amid heavy transit infrastructure that would reduce daily VMT per capita. The Project is served by two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station to the west.
Decrease average daily distance traveled for work and non-work trips (in miles)	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would reduce per capita travel distances.
Increase percentage of work and non-work trips which are less than 3 miles in length.	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would increase the rate of travel less than three miles in length.
Increase share of short trip lengths for commute purposes.	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would shorten commute trips.
Decrease average minutes of delay experienced per capita due to traffic congestion.	The Project is an infill development in the dense urban corridor within an HQTA and within a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would reduce the rate of growth in auto traffic and congestion by virtue of its

Table 16
Consistency with the 2020-2045 RTP/SCS

Objectives	Consistency Analysis ^a
	transit and active transportation mode share given its location along this major corridor.
Decrease excess travel time resulting from the difference between a reference speed and actual speed.	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would reduce the rate of growth in auto traffic and congestion by virtue of its transit and active transportation mode share given its location. As such, the Project would help reduce recurrent traffic congestion delay for general vehicles.
Decrease excess travel time for heavy-duty trucks result from the difference between reference speed and actual speed.	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would reduce the rate of growth in auto traffic and congestion by virtue of its transit and active transportation mode share. As such, the Project would help reduce recurrent traffic congestion delay for heavy-duty trucks.
Increase percentage of PM peak period trips completed within 45 minutes by travel mode.	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would reduce the rate of growth in auto traffic and congestion by virtue of its transit accessibility. Because the Project's location will attract travel to and from the corridor and local community, the share of PM peak period trips that are less than 45 minutes would increase when compared to an urban sprawl location.
Increase percentage of trips that use transit (work and all trips)	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would help increase transit mode share.
Decrease average travel time to work (all modes)	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would reduce the rate of growth in auto traffic and congestion by virtue of its transit and active transportation mode share given its location along the corridor. As such, average travel time to work should be reduced when compared to an urban sprawl location.
Increase percentage of trips using either walking or biking (by trip type)	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would reduce the rate of

Table 16
Consistency with the 2020-2045 RTP/SCS

Objectives	Consistency Analysis ^a
	growth in auto traffic and congestion by virtue of its transit accessibility along the corridor.
Reduce per capita GHG emissions (from 2005 levels)	The Project is an infill development in the dense urban corridor within an HQTa with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would reduce the rate of growth in auto traffic and congestion by virtue of its transit accessibility. As such, it is consistent with AB 32, SB 32, SB 375, and other initiatives designed to reduce per capita GHG emissions from 2005 levels.
Increase percentage of trips using a travel mode other than single occupancy vehicle (SOV)	The Project is an infill development in the dense urban corridor with a heavy density of housing and jobs amid transit infrastructure (two OCTA bus lines 64 and 71, as well as the Santa Ana Metrolink station) that would reduce the rate of growth in SOV use and congestion by virtue of its transit accessibility within walking distance of the Project Site.

Locally, the City has several conservation-based plans, programs, and requirements that also indirectly produce GHG reductions. While these are not considered climate action plans, the Project's consistency with these local initiatives is summarized below for informational purposes.

Santa Ana Climate Action Plan

The 2022 CAP provides a summary table of Climate-Ready Development Standards, including mandatory measures that are applicable to development projects. It should be noted that most of the CAP's measures are voluntary, with financial incentives available to promote increased implementation of those measures. As shown in Table 17, the Project would be substantially consistent with the City's CAP.

Table 17
Project Consistency with the Santa Ana CAP

Source	Measure	Consistency
Transportation and Land Use Measures	Development of Local Retail Service Nodes	The Project includes retail uses along Fourth Street and Cabrillo Town Drive that would serve the Project and the larger Santa Ana community that would help reduce VMT associated with travel to retail services.
	Local Residential Nodes Near Retail and Employment	The Project includes 507 residences along Fourth Street and Cabrillo Town Drive on a largely commercial corridor that would help reduce VMT associated with travel from residences.
	Local Employment Nodes Near Residential and Retail Areas	The Project includes retail and commercial uses along Fourth Street and Cabrillo Town Drive that would serve the Project Site and the larger Santa Ana community that would help reduce VMT associated with travel to retail services within an HQT.
	End of Trip Facilities in New Projects	The Project includes short- and long-term parking for bicycles for both residents and commercial tenants.
Community-Wide Energy Measures	Title 24 Energy Efficiency Standards – Commercial.	The Project would meet energy efficiency requirements for the commercial spaces and comply with current 2022 CalGreen requirements.
	Title 24 Energy Efficiency Standards – Residential.	The Project would meet energy efficiency requirements for the residential spaces.
Solid Waste, Water, and Wastewater Measures	AB 341 Commercial and Multifamily Recycling.	Residential and commercial tenants would have full-service recycling options consistent with AB 341 that would help increase diversion of waste from landfills.
	Turf Removal.	The Project would provide artificial turf in its common areas and courtyards that would reduce water consumption.
Source: City of Santa Ana, Climate Action Plan (Final); December 2015.		

Post-2030 Analysis

Recent studies show that the state’s existing and proposed regulatory framework will put the state on a pathway to reduce its GHG emissions level to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050 if additional appropriate reduction measures are adopted.¹³ Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and 2050 goals, they demonstrated that various combinations of policies could allow the statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the studies could allow

¹³ Energy and Environmental Economics (E3). “Summary of the California State Agencies’ PATHWAYS Project: Long-term Greenhouse Gas Reduction Scenarios” (April 2015); Greenblatt, Jeffrey, Energy Policy, “Modeling California Impacts on Greenhouse Gas Emissions” (Vol. 78, pp. 158–172). The California Air Resources Board, California Energy Commission, California Public Utilities Commission, and the California Independent System Operator engaged E3 to evaluate the feasibility and cost of a range of potential 2030 targets along the way to the state’s goal of reducing GHG emissions to 80 percent below 1990 levels by 2050. With input from the agencies, E3 developed scenarios that explore the potential pace at which emission reductions can be achieved, as well as the mix of technologies and practices deployed. E3 conducted the analysis using its California PATHWAYS model. Enhanced specifically for this study, the model encompasses the entire California economy with detailed representations of the buildings, industry, transportation, and electricity sectors.

the state to meet the 2050 target. After the findings of these studies, SB 32 was passed on September 8, 2016, and would require the state board to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. As discussed above, the new plan, outlined in SB 32, involves increasing renewable energy use, imposing tighter limits on the carbon content of gasoline and diesel fuel, putting more electric cars on the road, improving energy efficiency, and curbing emissions from key industries.

As discussed above, SCAG's 2020-2045 RTP/SCS establishes a regulatory framework for achieving GHG reductions from the land use and transportation sectors pursuant to SB 375 and the state's long-term climate policies. The 2020-2045 RTP/SCS ensures VMT reductions and other measures that reduce regional emissions from the land use and transportation sectors.

The Project is the type of land use development that is encouraged by the 2020-2045 RTP/SCS to reduce VMT and expand multi-modal transportation options for the region to achieve the GHG reductions from the land use and transportation sectors required by SB 375, which, in turn, advances the state's long-term climate policies. By furthering implementation of SB 375, the Project supports regional land use and transportation GHG reductions substantially consistent with state climate targets for 2020 and beyond. In addition, the Project would be consistent with the Actions and Strategies set forth in the 2020-2045 RTP/SCS. Therefore, the Project would be consistent with the 2020-2045 RTP/SCS.

Conclusion

Given the Project's substantial consistency with state, SCAG, and City GHG emissions reduction goals and objectives, the Project is consistent with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHG emissions. In the absence of adopted standards and established significance thresholds, and given this consistency, it is concluded that the Project's incremental contribution to GHG emissions and their effects on climate change would not be cumulatively considerable.

Mitigation Measures

None required.

4.8.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

Although the topic of GHG emissions is new to the CEQA Guidelines (when compared to the 2006 CEQA Guidelines), as demonstrated above for informational purposes, the Project would be substantially consistent with all applicable GHG emissions reduction plans and would not result in any significant impacts related to GHG emissions. Thus, the Project would not result in new or more severe significant environmental impacts as compared with the potential GHG impacts resulting from a Project consistent with the uses, building density and intensity and envelope permitted by the Overlay Zone assumed in the Certified EIR .

4.8.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

Although the topic of GHG emissions is new to the CEQA Guidelines (when compared to the 2006 CEQA Guidelines), as demonstrated above for informational purposes, the Project would be substantially consistent with all applicable GHG emissions reduction plans and would not result in any significant impacts related to GHG emissions as could have occurred at the time of adoption of the Certified EIR, given the Project's consistency with the Overlay Zone's permitted uses, intensity, density and building envelope. Thus, the Project would not result in new or more severe significant environmental impacts than could have occurred at the time of the Certified EIR.

Further, GHG emissions-related impacts have long been known and understood at the time the Certified EIR was certified, and therefore, does not constitute new information for the purposes of this analysis.

4.8.5 Mitigation Measures Addressing Impacts

None required.

4.8.6 Conclusion

Although the topic of GHG emissions is new to the CEQA Guidelines (when compared to the 2006 CEQA Guidelines), as demonstrated above for informational purposes, the Project would be substantially consistent with all applicable GHG emissions reduction plans and would not result in any significant impacts related to GHG emissions. Thus, the Project would not result in new or more severe significant environmental impacts.

4.9 Hazards and Hazardous Materials

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
HAZARDS AND HAZARDOUS MATERIALS: Would the project:					
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less Than Significant with Mitigation	No	No	No	Yes
(b) Create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	Less Than Significant With Mitigation	No	No	No	Yes
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less Than Significant	No	No	No	No
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less Than Significant with Mitigation	No	No	No	No
(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 or excessive noise for people residing or working in the project area?	Less Than Significant With Mitigation	No	No	No	No
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less Than Significant With Mitigation	No	No	No	Yes
(g) Expose people or structures either directly	No Impact	No	No	No	No

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
or indirectly to a significant risk of loss, injury or death involving wildland fires?					

4.9.1 Impact Determination in the EIR

Routine Transport, Use, or Disposal of Hazardous Materials

The Certified EIR stated that the Overlay Zone is characterized by office and commercial facilities. Implementation of the Overlay Zone would introduce residential uses and create a mixed-use area that is divided into four distinct districts. While the residential, commercial and office mixed-uses that could be developed under Overlay Zone are not expected to introduce any unusual hazardous materials to the area, some hazardous materials would be used in varying amounts during construction and operation of future occupation and would consist mostly of typical household-type cleaning products as well as maintenance products (e.g., paints, solvents, cleaning products). Additionally, grounds and landscape maintenance within the development area could also use a wide variety of commercial products formulated with hazardous materials, including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides.

Exposure of persons to hazardous materials could occur in the following manners: improper handling or use of hazardous materials or hazardous wastes during construction or operation of future developments, particularly by untrained personnel; transportation accident; environmentally unsound disposal methods; or fire, explosion or other emergencies. The types and amounts of hazardous materials would vary according to the nature of the activity. In some cases, it is the type of hazardous material that is potentially hazardous; in others, it is the amount of hazardous material that could present a hazard.

Whether a person exposed to a hazardous substance would suffer adverse health effects depends upon a complex interaction of factors that determine the effects of exposure to hazardous materials: the exposure pathway (the route by which a hazardous material enters the body); the amount of material to which the person is exposed; the physical form (e.g., liquid, vapor) and characteristics (e.g., toxicity) of the material; the frequency and duration of exposure; and the individual's unique biological characteristics, such as age, gender, weight, and general health. Adverse health effects from exposure to hazardous materials may be short-term (acute) or long-term (chronic). Acute effects can include damage to organs or systems in the body and possibly death. Chronic effects, which may result from long-term exposure to a hazardous material, can also include organ or systemic damage, but chronic effects of particular concern

include birth defects, genetic damage, and cancer. Implementation of existing hazardous materials regulations were established at the state level to ensure compliance with federal regulations to reduce the risk to human health and the environment from the routine use of hazardous substances.

All new developments that handle or use hazardous materials would be required to comply with existing regulations, standards, and guidelines established by the EPA, State, Orange County, and the City of Santa Ana related to storage, use, and disposal of hazardous materials. Specific requirements for implementation of these statutes are codified in Title 40 of the Code of Federal Regulations (CFR). Additional regulations that apply to workplace safety are contained in CFR Titles 8 and 29. Regulations that pertain to radioactive materials are included in CFR Title 10.

The USDOT Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as described in Title 49 of the Code of Federal Regulations and implemented by Title 13 of the CCR.

Additionally, both the federal and state governments require all businesses that handle more than a specified amount of hazardous materials to submit a business plan to a regulatory agency. Specifically, any new business that meets the specified criteria must submit a full hazardous materials disclosure report that includes an inventory of the hazardous materials generated, used, stored, handled, or emitted; and emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. Specific requirements for implementation are codified primarily in Title 26 of the California Code of Regulations (CCR) and Chapter 6.95 of the California Health and Safety Code.

Hazardous materials are required to be stored in designated areas designed to prevent accidental release to the environment. California Building Code (CBC) requirements prescribe safe accommodations for materials that present a moderate explosion hazard, high fire or physical hazard, or health hazards. Compliance with all applicable federal and state laws related to the storage of hazardous materials would be implemented to maximize containment (through safe handling and storage practices) and to provide for prompt and effective cleanup if an accidental release occurs.

Adherence to existing regulations would ensure compliance with safety standards related to the use and storage of hazardous materials, and the safety procedures mandated by applicable federal, state, and local laws and regulations (RCRA, California Hazardous Waste Control Law, and principles prescribed by the California Department of Health Services, Centers for Disease Control and Prevention, and National Institutes of Health), which would ensure that risks resulting from the routine transportation, use, storage, or disposal of hazardous materials or hazardous wastes associated with construction and implementation of the Overlay Zone would be less than significant. No mitigation is required.

The Certified EIR also stated implementation of the Overlay Zone would not result in land uses that would create a significant hazard to the public or the environment. However, it is possible that existing uses within the vicinity could create a significant hazard to future residents of the

area. The Overlay Zone is located directly between two heavily traveled freeways (I-5 and SR-55), which could emit hazardous amounts of diesel exhaust. Due to the proximity of the freeways and the potential increase in residential uses as a result of project implementation, this could pose a potentially significant impact. In order to ensure that existing conditions within the Overlay Zone area do not pose a significant health threat to future uses, compliance with Mitigation Measure MM-OZ 4.6-1 would be required. Implementation of Mitigation Measure MM-OZ 4.6-1 would ensure that risks associated with diesel emissions from the nearby freeways would be thoroughly evaluated prior to construction of residential uses. The health risk assessments would identify any unacceptable risk and would provide recommendations to reduce the risk within acceptable limits. Thus, development within the Overlay Zone would not pose an actual or potential endangerment to future residents. Therefore, it was determined that this impact will be reduced to a less than significant level.

Release of Hazardous Materials

The Certified EIR stated that the Overlay Zone would primarily result in urban infill and redevelopment with mixed-uses within the Overlay Zone area, existing structures may need to be demolished prior to the construction of new buildings. Demolition of existing structures could result in exposure of construction personnel and the public to hazardous substances such as asbestos or lead-based paints, depending on the age of the structure. In addition, the disturbance of soils and the demolition of existing structures could result in the exposure of construction workers or employees to health or safety risks if contaminated structures and/or soils are encountered during construction. Exposure to contaminated structures or soil could occur from asbestos or lead in older buildings, unknown contaminants that have not previously been identified, or existing contamination present at locations identified in the site records search.

Exposure to hazardous materials during construction activities could occur through any of the following:

- Direct dermal contact with hazardous materials
- Incidental ingestion of hazardous materials (usually due to improper hygiene, when workers fail to wash their hands before eating, drinking, or smoking)
- Inhalation of airborne dust released from dried hazardous materials

Demolition Activities

While specific development projects are not associated with approval of the Overlay Zone it is assumed that older buildings could be demolished as uses are redeveloped according to the overlay zone. With that activity, construction workers and nearby workers and/or future residents could potentially be exposed to airborne lead-based paint dust, asbestos fibers, and/or other contaminants. In addition, there is the possibility that future development may also uncover previously undiscovered soil contamination as well as result in the release of potential contaminants that may be present in building materials (e.g., mold, lead, etc.). It was determined that this could result in a potentially significant impact.

Lead and Asbestos

Federal and State regulations govern the renovation and demolition of structures where materials containing lead and asbestos are present. These requirements include: SCAQMD Rules and Regulations pertaining to asbestos abatement (including Rule 1403), Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead) from Title 8 of the California Code of Regulations, Part 61, Subpart M of the Code of Federal Regulations (pertaining to asbestos), and lead exposure guidelines provided by the U.S. Department of Housing and Urban Development (HUD). Asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the State Department of Health Services. In addition, Cal/OSHA has regulations concerning the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous materials, describing the hazards of chemicals, and documenting employee-training programs. All demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards. It was determined that adherence to existing regulations, which require appropriate testing and abatement actions for hazardous materials, will ensure that impacts are less than significant.

Soil and Groundwater Contamination

Unknown Contaminated Sites

Aside from the potential release of hazardous materials from demolition of existing structures within the Overlay Zone, grading and excavation of sites for future development resulting from implementation of the Overlay Zone may also expose construction workers and the public to potentially unknown hazardous substances present in the soil or groundwater. If any unidentified sources of contamination are encountered during grading or excavation, the removal activities required could pose health and safety risks such as the exposure of workers, materials handling personnel, and the public to hazardous materials or vapors. Such contamination could cause various short-term or long-term adverse health effects in persons exposed to the hazardous substances. In addition, exposure to contaminants could occur if the contaminants migrated from the contaminated zone to surrounding areas either before or after the surrounding areas were developed, or if contaminated zones were disturbed by future development at the contaminated location. If exposed to hazardous substances, this would result in a significant hazard to the public.

It is also possible that old underground storage tanks (USTs) that were in use prior to permitting and record keeping requirements may be present in the Overlay Zone. If an unidentified UST were uncovered or disturbed during construction activities, it would be closed in place or removed. Removal activities could pose both health and safety risks, such as the exposure of workers, tank handling personnel, and the public to tank contents or vapors. Potential risks, if any, posed by USTs would be minimized by managing the tank according to existing Orange County standards

as enforced and monitored by the Department of Environmental Health. The extent to which groundwater may be affected, if at all, depends on the type of contaminant, the amount released, and depth to groundwater at the time of the release. If groundwater contamination is identified, remediation activities would be required by the Santa Ana Regional Water Quality Control Board (SARWQCB) prior to the commencement of any new construction activities.

Existing Contaminated Sites

Another potential hazard to construction workers and the public could involve construction activities on existing sites that may potentially be contaminated. However, any new development occurring on these documented hazardous materials sites would have to be preceded by remediation and cleanup under the supervision of the State Department of Toxic Substance Control (DTSC) before construction activities could begin, if such actions have not already occurred.

In order to address the potential for encountering contamination within the Overlay Zone, Mitigation Measures MM-OZ 4.6-2 and MM-OZ 4.6-3 will minimize the potential risk of contamination by implementing investigation and remediation efforts at future development sites. As such, the potential impacts associated with unknown contamination will be reduced to a less than significant level.

Compliance with existing regulations and implementation of Mitigation Measures MM-OZ 4.6-2 and MM-OZ4.6-3 would ensure that construction workers and the general public would not be exposed to any unusual or excessive risks related to hazardous materials during construction activities. As such, it was determined that impacts associated with the exposure of construction workers and the public to hazardous materials during construction activities will be less than significant.

Off-Site Transportation of Hazardous Materials

The United States Department of Transportation (USDOT) Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as described in Title 49 of the *Code of Federal Regulations* and implemented by Title 13 of the CCR.

The transportation of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion. It is possible that licensed vendors could bring some hazardous materials to and from new retail-commercial sites in the Overlay Zone as a result of the subsequent projects constructed pursuant to the proposed project. However, appropriate documentation for all hazardous waste that is transported in connection with specific project-site activities would be provided as required for compliance with existing hazardous materials regulations codified in Titles 8, 22, and 26 of the California Code of Regulations, and their enabling legislation set forth in Chapter 6.95 of the *California Health and Safety Code*. In addition, specific project-site developers shall comply with all applicable Federal, State, and local laws and regulations

pertaining to the transport, use, disposal, handling, and storage of hazardous waste, including but not limited to, Title 49 of the *Code of Federal Regulations*.

Compliance with all applicable Federal and State laws related to the transportation of hazardous materials would reduce the likelihood and severity of accidents during transit, thereby ensuring that a less than significant impact would occur. No mitigation is required.

Hazardous Materials Storage

Hazardous materials are required to be stored in designated areas designed to prevent accidental release to the environment. *California Building Code* (CBC) requirements prescribe safe accommodations for materials that present a moderate explosion hazard, high fire or physical hazard, or health hazards. Compliance with all applicable Federal and State laws related to the storage of hazardous materials would be implemented to maximize containment (through safe handling and storage practices described above) and to provide for prompt and effective clean-up if an accidental release occurs, thereby ensuring that a less than significant impact would occur. No mitigation is required.

Hazardous Materials Use

Hazardous materials use would present a slightly greater risk of accident than hazardous materials storage. However, for those employees who would work with hazardous materials, the amount of hazardous materials that are handled at any one time are generally relatively small, reducing the potential consequences of an accident during handling. Further, specific project-site activities would be required to comply with Federal and State laws to eliminate or reduce the consequence of hazardous materials accidents. For example, employees who would work around hazardous materials would be required to wear appropriate protective equipment, and safety equipment is routinely available in all areas where hazardous materials are used.

The Santa Ana Fire Department Haz-Mat personnel responds to hazardous materials incidents. Major hazardous materials accidents associated with retail-commercial uses are extremely infrequent, and additional emergency response capabilities are not anticipated to be necessary to respond to the potential incremental increase in the number of incidents that could result from implementation of the proposed project. Further, adherence to applicable regulations as discussed above would be required to reduce any potential consequences of a hazardous materials operational accident. Thus, impacts related to the use of hazardous materials would be less than significant.

Summary

Compliance with Titles 8, 22, 26, and 49 of the California Code of Regulations, and their enabling legislation set forth in Chapter 6.95 of the *California Health and Safety Code*, would ensure that this impact is less than significant by requiring compliance with applicable laws and regulations that would reduce the risk of hazardous materials use, transportation, and handling through the

implementation of established safety practices, procedures, and reporting requirements. No mitigation is required.

Release Hazardous Materials Near a School

The Certified EIR stated that there are two schools located within one-quarter mile of the Overlay Zone. No additional schools are proposed in the Overlay Zone as part of the Overlay Zone. As discussed previously, limited amounts of some hazardous materials could be used in the construction and operation of new developments in the Overlay Zone, including the use of standard construction materials (e.g., paints, solvents, and fuels), cleaning and other maintenance products (used in the maintenance of buildings, pumps, pipes and equipment), diesel and other fuels (used in construction and maintenance equipment and vehicles), and the limited application of pesticides associated with landscaping around new developments. None of these materials would result in hazardous emissions or are considered acutely hazardous.

Although hazardous materials and waste generated from future development may pose a health risk to nearby schools, all businesses that handle or have on-site transportation of hazardous materials would be required to comply with the provisions of the City's Fire Code and any additional elements as required in the California Health and Safety Code Article 1 Chapter 6.95 for Business Emergency Plan. As described previously, both the federal and state governments require all businesses that handle more than a specified amount of hazardous materials to submit a business plan to a regulatory agency.

The routine transport, use, and disposal of these materials would be subject to a wide range of laws and regulations intended to minimize potential health risks associated with their use or the accidental release of such substances. Compliance with existing regulations would minimize the risks associated with the exposure of sensitive receptors, including schools, to hazardous materials. This impact would be less than significant. No mitigation is required.

Listed Hazardous Materials Site

The Certified EIR stated that the Overlay Zone contains sites that have been identified on various regulatory databases as being contaminated from the release of hazardous substances in the soil, including d storage tanks and small-quantity generators of hazardous waste. Implementation of the Overlay Zone could lead to development of these sites. As discussed under Impact 4.6-3, development of these sites would be required to undergo remediation and cleanup before construction activities can begin. If contamination at any specific project site were to exceed regulatory action levels, the proponent would be required to undertake remediation procedures prior to grading and development under the supervision of appropriate regulatory oversight agencies (e.g., Santa Ana Fire Department, Orange County Environmental Health Division, Department of Toxic Substances Control, or Regional Water Quality Control Board), depending on the nature of any identified contamination. Thus, implementation of Mitigation Measures MM-OZ 4.6-2 and MM-OZ 4.6-3, above, would ensure that contaminated sites undergo remediation activities prior to development activities. Consequently, if future development under the Overlay Zone is located on a site that is included on a list of hazardous materials sites, remediation would

ensure that this impact would be reduced to a less-than-significant level.

Airport Hazards

The Certified EIR stated that John Wayne Airport (JWA) is the nearest public airport, which is located approximately 6.5 miles to the southwest of the Overlay Zone. As discussed previously in the Regulatory Framework, the Overlay Zone is located within a height restriction of 200 feet that overlays the entirety of Orange County. Because land uses that may occur in the Active Urban district under the Overlay Zone could exceed 200 feet in height, any such uses (over 200 feet in height) would subsequently fall within the Airport Planning Area for JWA. Therefore, any construction or alteration of more than 200 feet in height above the ground level at a project site requires filing with the FAA. Projects meeting this threshold must comply with procedures provided by Federal and State law, including filing a Notice of Proposed Construction or Alteration (FAA Form 7460-1). Specifically, filing the FAA Form 7460-1 would be required for any proposed structure that would be greater than 200 feet in height, at which time FAA would conduct an aeronautical study to determine if the structure would have an adverse effect on the airport or on aeronautical operations. Subsequent to the findings of the FAA aeronautical study, the project would be subject to ALUC consistency review.

As mentioned previously, development in the Active Urban district under the Overlay Zone could involve structures that exceed 200 feet in height. Development in the Neighborhood Transitional and Village Center districts would be more restricted in height limitations and would not be expected to exceed 200 feet in height. Because specific development projects are not proposed in the Overlay Zone, it is unknown whether future developments would actually be greater than 200 feet.

Additionally, it is possible that during the temporary construction period of projects in the Active Urban district, cranes could be used for a limited time to affix the floors and other appurtenances. The FAA recognizes that construction of structures normally requires the use of temporary construction equipment that is of a greater height than the proposed structure.

Therefore, because future development could exceed 200 feet in height in the Active Urban district, this would be considered a potentially significant impact. Thus, implementation of Mitigation Measure MM-OZ 4.6-4 would be required for future development that could exceed 200 feet in height, which would require FAA approval to be obtained to ensure that construction and operation of future projects do not present a hazard to air navigation.

In addition, due to the fact that buildings within the Active Urban district may exceed 200 feet in height and because of the required City approvals for the Overlay Zone (i.e., General Plan Amendment and Zone change), the City would submit a referral for the Overlay Zone to the ALUC per Public Utilities Code (PUC) Section 21676(b) and the AELUP. Coupled with implementation of Mitigation Measure MM-OZ 4.6-4, future development in the Overlay Zone would not result in a safety hazard for people residing or working in the Overlay Zone area. It was determined that this impact will be reduced to a less-than-significant level.

Heliports

Heliports are not proposed within the Overlay Zone. Due to the potential for an increase in residential uses within the Overlay Zone, it is assumed that heliports would be discouraged for future development because of noise and other safety issues. However, should heliports be proposed in the future within the Overlay Zone, such developments would be required to be submitted through the City to the ALUC for review and action (pursuant to Public Utilities Code Section 2166.5). While not anticipated, any future heliport projects must comply with the state permit procedure provided by law and with conditions of approval imposed or recommended by the FAA, ALUC for Orange County, and by Caltrans/Division of Aeronautics. As such, this impact was determined to be less than significant

Impair Emergency Response Plan

The Certified EIR stated that construction of future development in the Overlay Zone could result in short-term temporary impacts on street traffic adjacent to the proposed sites during construction activities due to roadway improvements and potential extension of construction activities into the right-of-way. This could result in a reduction in the number of lanes or temporary closure of certain street segments. Any such impacts would be limited to the construction period and would affect only adjacent streets or intersection. However, Mitigation Measures MM-OZ 4.6-5 and MM-OZ 4.6-6 would be required to ensure that temporary street closures would not affect emergency access in the vicinity of future developments.

Operation of the various residential uses and businesses or facilities developed as part of the Overlay Zone could increase traffic on roads or modify existing transportation routes and could interfere with the response times of emergency vehicles, which would be potentially significant in the case of a hazardous material spill. Implementation of Mitigation Measure MM-OZ 4.6-7 would require the City to update their Emergency Preparedness Plan to address changes in the emergency response for accidental release of hazardous materials that may be used, stored, and/or transported at any new facility. Furthermore, the haulers and users of hazardous materials would be required to register with the Santa Ana Fire Department and would be regulated and monitored under the auspices of City.

With implementation of Mitigation Measures MM-OZ 4.6-5 through MM-OZ 4.6-7, the Overlay Zone would not interfere with any emergency response or emergency evacuation plans, and this impact was determined to be less than significant.

Wildland Fires

The Certified EIR stated that the Overlay Zone 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 project vicinity. Consequently, no wildland fires would affect, or be affected by, implementation of the Overlay Zone. Therefore, no impacts would occur.

Mitigation Measures

- MM-OZ 4.6-1 For future residential uses that are developed under the Overlay Zone within 500 feet of an existing freeway, a health risk assessment (HRA) for diesel exhaust shall be prepared. Recommendations contained within the HRA shall be implemented in project design.
- MM-OZ 4.6-2 Prior to the issuance of grading permits on any project site, the site
- Investigate the project site to determine whether it or immediately adjacent areas have a record of hazardous material contamination via the preparation of a preliminary environmental site assessment (ESA), which shall be submitted to the City for review. If contamination is found the report shall characterize the site according to the nature and extent of contamination that is present before development activities precede at that site.
 - If contamination is determined to be on site, the City, in accordance with appropriate regulatory agencies, shall determine the need for further investigation and/or remediation of the soils conditions on the contaminated site. If further investigation or remediation is required, it shall be the responsibility of the site developer(s) to complete such investigation and/or remediation prior to construction of the project.
 - If remediation is required as identified by the local oversight agency, it shall be accomplished in a manner that reduces risk to below applicable standards and shall be completed prior to issuance of any occupancy permits.
- MM-OZ 4.6-3 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 of the proposed project, 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., City of 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.

- MM-OZ 4.6-4 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 nautical evaluation of the project, projects must comply with conditions of approval imposed or recommended by the FAA. Subsequent to the FAA
- MM-OZ 4.6-5 Prior to initiation of construction activities, any development within the Overlay Zone shall have a completed traffic control plan, prepared by the developer, 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 only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flag persons), 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.
- MM-OZ 4.6-6 The City Planning 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.
- MM-OZ 4.6-7 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 Overlay Zone, to address potential for accidental release of hazardous materials that may be used, stored, and/or transported in association with operation of project implementation.

4.9.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. As discussed below, the Project would incorporate mitigation measures to minimize impacts related to hazards and hazardous materials would be less than significant, and accordingly, would not result in any new or increased significant impacts beyond those already identified in the Certified EIR.

Routine Transport, Use, or Disposal of Hazardous Materials/Release of Hazardous Materials/ Handling Near Schools/ Listed Hazardous Materials Site

The Project would not introduce any unusual hazardous materials to the area and would be required to adhere to existing regulations to ensure compliance with safety standards related to the use and storage of hazardous materials, and the safety procedures mandated by applicable federal, state, and local laws and regulations (RCRA, California Hazardous Waste Control Law, and principles prescribed by the California Department of Health Services, Centers for Disease Control and Prevention, and National Institutes of Health), including those that minimize the risks associated with the exposure of sensitive receptors, including schools. The nearest school to the Project Site is more than one-quarter mile away and the Project Site has not been identified on any of the various regulatory databases as being contaminated from the release of hazardous substances in the soil, including d storage tanks and small-quantity generators of hazardous waste. Further, in compliance with Mitigation Measure MM-OZ 4.6-2, a Phase I Environmental Site Assessment (ESA) has been prepared for the Project by Weis Environmental, dated January 16, 2022 (refer to Attachment E). The Phase I ESA concluded that no evidence of recognized environmental conditions, controlled recognized environmental conditions, or historical recognized environmental conditions in connection with the Project Site. In any event, the Project will still implement Mitigation Measure MM-OZ 4.6-3, which requires certain actions in the event an unanticipated contamination is discovered. Thus, the Project would not result in any new or increased significant impacts related to the routine transport, use, and disposal of hazardous materials, the accidental release of hazardous materials, or handling of hazardous materials near schools beyond impacts already identified in the Certified EIR.

As previously discussed, the Project is greater than 500 feet away from the nearest freeway. Therefore, Mitigation Measure MM-OZ 4.6-1, requiring preparation of a HRA for projects within 500 feet of the nearest freeway, does not apply.

Airport Hazards

The Project Site is not located within the JWA Airport Influence Area, and the Project would not include buildings that reach a height of 200 feet or taller.¹⁴ Thus, implementation of Mitigation Measure MM-OZ 4.6-4 is not required. Thus, the Project would not result in any new or increased significant impacts related to hazardous materials site list beyond impacts already identified in the Certified EIR.

Impair Emergency Response Plan

The Project would be required to implement Mitigation Measures MM-OZ 4.6-5 through MM-OZ 4.6-7 to ensure that the Project would not interfere with any emergency response or emergency evacuation plans. Thus, the Project would not result in any new or increased significant impacts related to emergency response beyond impacts already identified in the Certified EIR.

¹⁴ Orange County Airport Land Use Commission, *Airport Influence Area for John Wayne Airport*, available at <https://files.ocair.com/media/2021-02/jwanotf2008.pdf?VersionId=7s4A26J9sMzn02SK2kO3c9kcnvAT8f9s>.

Wildland Fires

The Project Site is located in a dense urban environment and is surrounded by existing development. Further the Project Site is not located within a designated Very High Fire Hazard Severity Zone or State Responsibility Area where wildfire risk is most acute. There are no wildland areas, nor wildland interface areas, located in the vicinity of the Project Site. Thus, the Project would not result in any new or increased significant impacts related to wildland fires beyond impacts already identified in the Certified EIR.

Mitigation Measures

The Project would implement Mitigation Measures MM-OZ 4.6-5, MM-OZ 4.6-6, and MM-OZ 4.6-7 from the Certified EIR.

4.9.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to hazards and hazardous materials have occurred within the vicinity of the Project Site since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.9.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to hazards and hazardous materials that would result in new or more severe significant environmental impacts.

4.9.5 Mitigation Measures Addressing Impacts

The Project would implement Mitigation Measures MM-OZ 4.6-1, MM-OZ 4.6-2, MM-OZ 4.6-3, MM-OZ 4.6-5, MM-OZ 4.6-6, and MM-OZ 4.6-7 from the Certified EIR.

4.9.6 Conclusion

Based on the above, no new significant impacts or a substantial increase in previously identified impacts to hazards and hazardous materials would occur as a result of the Project. Therefore, the impacts to hazards and hazardous materials do not meet the standards for a subsequent or supplemental EIR pursuant to PRC Section 21166 and CEQA Guidelines Section 15162.

4.10 Hydrology and Water Quality

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
HYDROLOGY AND WATER QUALITY: Would the project:					
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less Than Significant With Mitigation	No	No	No	Yes
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less Than Significant	No	No	No	No
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
(i) Result in substantial erosion or siltation on- or off-site?	Less Than Significant With Mitigation	No	No	No	Yes
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Less Than Significant With Mitigation	No	No	No	No
(iii) 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?	Less Than Significant With Mitigation	No	No	No	No
(iv) Impede or redirect flood flows?	No Impact	No	No	No	No
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact	No	No	No	No
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less Than Significant	No	No	No	No

4.10.1 Impact Determination in the EIR

Water Quality

The Certified EIR concluded that construction activities in the Overlay Zone could include road improvements and realignments, installation and realignment of utilities, demolition of existing structures for new development or replacement and new development. Areas that disturb one or more acres of land surface are subject to the Construction General Permit, 99-08-DWQ adopted by the State Water Resources Control Board (SWRCB). Preparation of a Stormwater Pollution Prevention Plan (SWPPP) is required for compliance with the National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Activity Permit. Compliance with the permit would involve filing a Notice of Intent with the SWRCB and preparing and submitting a SWPPP prior to construction activities. The SWPPP must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Inspection of construction sites before and after storms is required to identify stormwater discharge from the construction activity and to identify and implement controls where necessary. The Construction General Permit requirements would need to be satisfied prior to beginning construction on any project located on a site greater than one acre.

Water quality degradation from construction would be specific to each site within the Overlay Zone and depend largely on the areas affected and the length of time soils are subject to erosion and construction activities on site. All development would be subject to regional and local regulations, including the City's Water Pollution Ordinance, adopted to ensure compliance with federal requirements for the control of urban pollutants to stormwater runoff which enters the network of storm drains throughout the County of Orange. Contractors constructing new development or redevelopment projects are required to comply with the conditions of the City's Local Implementation Plan (LIP) and the Orange County Drainage Area Master Plan (DAMP), including the implementation of appropriate best management practices (BMPs) to control stormwater runoff so as to prevent any deterioration of water quality.

In order to ensure compliance with existing regulations, implementation of Mitigation Measure MM-OZ 4.7-1 would be required for future development projects in the Overlay Zone. Compliance with Mitigation Measure MM-OZ 4.7-1 and applicable permit requirements for construction conditions will ensure that construction water quality effects for future development in the Overlay Zone will be reduced to the maximum extent practicable and will be considered less than significant.

Operation of future developments in the Overlay Zone could result in the addition of contaminants into the stormwater runoff entering the City's drainage system. The major source of pollution to runoff and infiltrating groundwater would be contaminants that have accumulated on the land surface over which stormwater passes. Between rainstorms, material would be deposited on the streets, paved areas, roof tops, and other surfaces from debris dropped or scattered by

individuals, wastes and dirt from construction and renovation or demolition, fecal droppings from animals, oil and various residues contributed by vehicular traffic, and fallout of air-borne particles.

Discretionary projects would require the preparation of a Water Quality Management Plan (WQMP). A WQMP would be specific to the expected pollutants that would be present in the stormwater flow from project sites after completion of construction. The WQMP would incorporate the requirements of DAMP Section 7, including all feasible recommended BMPs. It would include site design, source control, and treatment control BMPs to address the specific pollutants anticipated from the project and project site and would detail the specific operation and maintenance of each BMP. The WQMP would outline a routine maintenance schedule for each BMP, in compliance with the DAMP and local regulations.

In addition, as discussed previously, developments within the City would be subject to the provisions of the City's Water Pollution Ordinance. Further, as is required for construction activities, operation of new development or redevelopment projects are required to comply with provisions set forth the City's LIP and the DAMP, including the implementation of appropriate BMPs to control stormwater runoff so as to prevent any deterioration of water quality.

Compliance with Mitigation Measure MM-OZ 4.7-1, NPDES permits requirements, the DAMP, and the City's LIP and Municipal Code would reduce the risk of water degradation within the Overlay Zone from the operation of new developments to the maximum extent practicable. Therefore, since violation of waste discharge requirements or water quality standards would be minimized, this impact was determined to be less than significant.

Groundwater Recharge/Conflict with Groundwater Management Plan

The Certified EIR stated that construction activities would primarily occur as part of infill/redevelopment, with the exception of the potential for development on the limited number of vacant sites in the Overlay Zone. According to the City's General Plan, Santa Ana does not serve as the main spreading basin for groundwater recharge. Depending on the groundwater table at particular project sites within the Overlay Zone, pile driving, dewatering, and other construction activities that would encounter groundwater could potentially occur. While the insertion of support and foundation structures in the groundwater may reduce the storage capacity of groundwater, the displaced volume would not be substantial relative to the volume of the Basin. Likewise, while dewatering would remove groundwater, the volume of water removed would not likely be substantial relative to groundwater pumping for water supply. Also, water used during construction for cleaning, dust control, and other uses would be nominal. Thus, construction activities would not substantially deplete groundwater supplies nor interfere substantially with groundwater recharge. This impact was determined to be less than significant.

Future development under the Overlay Zone would lead to increases in water consumption, particularly because residential uses typically use more water than commercial and office uses (which characterize the area). However, because the majority of the Overlay Zone area is developed with existing uses, the potential future development would not substantially reduce areas of ground percolation and recharge because the existing uses would simply be replaced

with new uses. The City does not serve as the main spreading basin for groundwater recharge. Thus, any development on the limited undeveloped land within the Overlay Zone, groundwater recharge would not substantially affect groundwater recharge. Therefore, because the majority of the Overlay Zone is already developed and because the Overlay Zone area is not used for groundwater recharge, the operation of future development under the Overlay Zone would not interfere substantially with groundwater recharge. This impact was determined to be less than significant.

Erosion/Siltation

The Certified EIR stated that construction activities under the Overlay Zone would involve stockpiling, grading, excavation, paving, and other earth-disturbing activities, which could result in the alteration of existing drainage patterns. These types of activities would constitute a temporary alteration of drainage patterns. However, future development would be required to comply with the DAMP and the City's corresponding LIP, which serves as the primary policy and implementation document for compliance with the NPDES Stormwater permits. Compliance with NPDES regulations and the City's Municipal Code would reduce the risk of short-term erosion resulting from drainage alteration during construction to a less-than-significant impact.

The majority of the Overlay Zone is developed with office and commercial uses. The introduction of new uses throughout the Overlay Zone is not anticipated to result in substantial changes to the existing drainage patterns because existing drainage facilities would continue to be used and the amount of drainage would remain similar to present levels. However, it is possible that future development in the Overlay Zone could result in minor alterations to drainage, such as changes in ground surface permeability via paving, or changes in topography via grading and excavation.

The above discusses applicable regulations that would limit pollutant discharges from future development in the Overlay Zone. In addition, all development in the Overlay Zone would be subject to the provisions of the City's LIP and Orange County DAMP. These regulations include the implementation of appropriate BMPs including a range of methods that could minimize off-site erosion, including but not limited to hydrodynamic devices, swales/biofilters, basins, and various filters.

In addition, as required by Mitigation Measure MM-OZ 4.7-1, future developments would be required to prepare a storm drain plan and WQMP. Implementation of these plans would reduce the volume of sediment-laden runoff discharging from sites within the Overlay Zone. Consequently, because future projects in the Overlay Zone are not anticipated to substantially alter drainage patterns in comparison to existing conditions in the area, and because adherence to existing requirements would reduce erosion and siltation during operation, this impact was determined to be less than significant.

Onsite and Offsite Flooding/Contribution of Runoff

The Certified EIR stated that future development in the Overlay Zone would generally result in infill development or redevelopment. As such, most of the future projects would not result in new

development that would substantially alter drainage patterns because these areas are already developed with existing uses and impervious surfaces. However, limited development of land that is currently vacant (i.e., agricultural parcels) and covered with permeable surfaces may occur. Although minimal, increased impervious surfaces would increase stormwater runoff in the Overlay Zone. In addition, it is unknown whether the existing drainage system throughout the Overlay Zone is adequate. Therefore, in order to provide a conservative assessment, it is possible that this increased runoff could exceed the capacity of existing and planned infrastructure and cause downstream flooding impacts.

The Certified EIR stated that adherence to Mitigation Measure MM-OZ 4.7-1 would require the preparation of a WQMP and implementation of appropriate BMPs, which could incorporate stormwater detention facilities, and would reduce the volume of runoff generated (and potential for flooding) in the Overlay Zone. However, because the existing capacity of the existing storm drain system in the Overlay Zone is unknown, it was determined that this impact could be potentially significant. Implementation of Mitigation Measure MM-OZ 4.7-2 is required to address these issues.

Impede/Redirect Flood Flows

The Certified EIR stated the Overlay Zone is not within the 100-year flood hazard area and is outside the 0.2 percent annual chance floodplain. As there would be no risk of flooding in the Overlay Zone, there would be no impact to the placement of structures which would impede or redirect flood flows, and no impacts will occur.

Tsunami/Seiche Water Quality Hazards

The Certified EIR stated Overlay Zone is located approximately 9 miles from the Pacific Ocean and 130 feet above sea level, which is a sufficient distance so as not to be subject to tsunami impacts. No impact associated with tsunamis is anticipated to occur. The closest enclosed bodies of water that could result in earthquake-induced seiches are the Prado Dam, which is located near the City of Corona to the northwest of the Cleveland National Forest, or the Santiago Dam, which is located approximately 12 miles east of the area in Silverado. The project site is not located within a flood hazard (inundation) area associated with either dam. Therefore, overflow as the result of a seiche would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche within the Overlay Zone. The City is located on nearly flat surfaces and there are no areas with slopes significant enough to cause mudflows near the Overlay Zone which would expose people or structures to a significant risk of loss, injury, or death. Therefore, no impact associated with mudflows is anticipated to occur. In summary, it was determined that there will be no impact to the exposure of people or structures at the Overlay Zone to a significant risk of loss, injury, or death involving inundation by a seiche, tsunami, or mudflow.

Mitigation Measures

MM-OZ 4.7-1 In order to comply with the 2003 DAMP, future development projects in the

Overlay Zone shall prepare Storm Drain Plans, Stormwater Pollution Prevention Plans (SWPPP), and Water Quality Management Plans (WQMP) conforming to the current National Pollution System (NPDES) requirements, prepared by a Licensed Civil Engineer or Environmental Engineer, shall be submitted to the Department of Public Works for review and approval.

- 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.
- 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.
- Location of the BMPs shall not be within the public right-of-way.

MM-OZ 4.7-2 Prior to issuance of grading permits, future development projects in the Overlay Zone shall submit a Hydrology and Hydraulic Study 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 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.

4.10.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. As discussed below, the Project would incorporate mitigation measures to minimize impacts related to hydrology and water quality

would be less than significant, and accordingly, would not result in any new or increased significant impacts beyond those already identified in the Certified EIR.

Water Quality

The Project would implement Mitigation Measure MM-OZ 4.7-1, which requires preparation and implementation of a SWPP that would incorporate BMPs and other City requirements to eliminate polluted runoff until all construction work for the Project is complete. Additional Mitigation Measure MM-OZ 4.7-1 requires the preparation and maintenance of a WQMP in compliance with the adopted NPDES program. The WQMP would incorporate water quality measures for all phases of the Project. Further, the Project would be subject to the provisions of the City's Water Pollution Ordinance and provisions set forth the City's LIP and the DAMP. Thus, the Project would not result in any new or increased significant impacts related to water quality beyond impacts already identified in the Certified EIR.

Groundwater Recharge/ Conflict with Groundwater Management Plan

The Project Site is currently developed with impervious surfaces and is not a source of groundwater recharge. The Project would not change this. Thus, the Project would not result in any new or increased significant impacts related to water quality beyond impacts already identified in the Certified EIR.

Erosion/Siltation

The Project would be required to implement Mitigation Measure MM-OZ 4.7-1, which requires preparation of a WQMP in compliance with NPDES regulations, the DAMP, and the City's Municipal Code and would reduce the risk of erosion. These regulations include the implementation of appropriate BMPs including a range of methods that could minimize off-site erosion, including but not limited to hydrodynamic devices, swales/biofilters, basins, and various filters. Thus, the Project would not result in any new or increased significant impacts related to erosion and siltation beyond impacts already identified in the Certified EIR.

Onsite and Offsite Flooding/ Contribution of Runoff

As previously discussed, the Project would incorporate Mitigation Measure MM-OZ 4.7-1, which requires the preparation of a WQMP and implementation of appropriate BMPs, which could incorporate stormwater detention facilities and would reduce the volume of runoff generated (and potential for flooding). However, to conservatively confirm no potential impacts, the Project would also incorporate Mitigation Measure MM-OZ 4.7-2, which requires preparation of a Hydrology and Hydraulic Study to ensure the existing storm drain capacity could accommodate the Project and that the Project would not result in on- or off-site flooding. Thus, the Project would not result in any new or increased significant impacts related to on- or off-site flooding beyond impacts already identified in the Certified EIR.

Impede/Redirect Flood Flows

The Project Site is still not located in a flood hazard area and would not impede or redirect flood flows. Thus, the Project would not result in any new or increased significant impacts related to impeding or redirecting flood flows beyond impacts already identified in the Certified EIR.

Tsunami/Seiche Water Quality Hazards

The Project Site is still not located in an area that is subject to tsunami/seiche/mudflow hazards. Thus, the Project would not result in any new or increased significant impacts related to water quality hazards beyond impacts already identified in the Certified EIR.

4.10.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to hydrology and water quality have occurred within the vicinity of the Project Site since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.10.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance which has become available relative to hydrology and water quality that would result in new or more severe significant environmental impacts.

4.10.5 Mitigation Measures Addressing Impacts

The Project would implement Mitigation Measures MM-OZ 4.7-1 and MM-OZ 4.7-2 from the Certified EIR.

4.10.6 Conclusion

Based on the above, no new significant hydrologic/water quality impacts or a substantial increase in previously identified hydrologic/water quality impacts would occur as a result of the Project. Therefore, the impacts on hydrology and water quality do not meet the standards for a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 or CEQA Guidelines Section 15162.

4.11 Land Use and Planning

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
LAND USE AND PLANNING: Would the project:					
(a) Physically divide an established community?	Less Than Significant	No	No	No	No
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less Than Significant	No	No	No	No

4.11.1 Impact Determination in the EIR

Land Use Conflicts

The Certified EIR stated that the Overlay Zone would allow for introduction of residential, commercial, and entertainment uses in a largely office-oriented district. The transition of the area from a predominantly office-oriented area to a mixed-use center would occur over time as individual properties are developed under the Overlay Zone standards and guidelines.

Land use incompatibility can occur where differences exist among uses that are near each other. These incompatibilities may result from differences in the physical scale of development, noise levels, traffic levels, hours of operation, and other factors. The potential for conflicts exists in particular where mixed-use development occurs. The Overlay Zone adds new mixed-use designations to an area that is designated primarily as Professional and Commercial uses. Mixed-use development would be permissible within the Neighborhood Transitional, Village Center, and Active Urban districts, such that residential uses could be placed in proximity to commercial, office, and entertainment uses, including those in a highly urbanized environment.

Development standards contained in the Overlay Zone provide guidance that would minimize conflicts among uses in mixed-use facilities. Principles to minimize conflicts include:

1.2 Objectives

- Achieve the harmonious integration of new mixed-use development within the existing fabric of the mid-rise and high-rise environment

4.2 Development Intensity (FAR)

- The overall scale and massing of development within the Overlay Zone should transition from 2 story scale of the Neighborhood Transitional district to mid-rise development in the Village Center district and high-rises in the Active Urban district adjacent to the Santa Ana Freeway.

Neighborhood Transitional

- New development in the Neighborhood Transitional district shall be of a low scale and should serve as a visual transition between the Village Center and adjacent residential areas to the north.
- New develop shall be compatible in height, scale, and mass with adjacent residential development to the north, with heights ranging between two and three stories.

Village Center

- New development in the Village Center district is more intensive in scale than the Neighborhood Transitional district and shall serve as a visual transition from the low-intensity development of the Neighborhood Transitional district to the high-intensive development in the Active Urban district.

Active Urban

- New development shall relate in similarity of scale, height, and configuration with adjacent buildings.
- New development shall be designed and oriented to promote intensive public activity at the ground level that integrates and establishes a cohesive transition with adjacent districts.

Project-specific features would depend on the types of uses proposed and the specific design of individual projects. Examples of design elements to reduce conflicts include screening of mechanical equipment, and locating these uses away from residential components; specific locations and hours of operation for service deliveries; and separate vehicular entrances for residential and commercial uses. Implementation of Development Standards therefore ensure that design of mixed use development does not result in significant land use incompatibilities.

In many locations, the addition of uses similar to existing uses would occur. For instance, in the Office District, uses would continue as currently permitted, and additional offices could be built in the Neighborhood Transitional district. Where additional development that is the same as or similar to existing development could occur, these uses would be compatible.

Neighborhood Transitional: Existing land uses in the Neighborhood Transitional district consist of one- and two-story office buildings. Land uses that would be permitted within this district under

the Overlay Zone would be limited to residential, live/work, or office uses, limited to three stories in height.

The Neighborhood Transitional district would remain as a low-intensity neighborhood as it is intended in the General Plan, and act as a transition between the single-family residential to the north and adjacent Village Center district and high-intensity Active Urban district to the south. The Neighborhood Transitional district development will be designed to provide an appropriate interface with the adjacent single-family residential area to the north by incorporating high levels of landscaping and design features.

Village Center: Existing land uses in the Village Center district consist of office buildings one to four stories in height, and minor retail, auto-related retail, and motel uses. Land uses that would be permitted within this District under the Overlay Zone include commercial, office, and residential uses. The area would remain as a mid-rise building environment with heights between four and six stories. The Village Center is intended to serve as the focal point and central gathering place within the Overlay Zone, with an emphasis on creating a vibrant, attractive, and highly-interconnected pedestrian environment. The Village Center will provide open spaces, niches, and areas for gatherings and activities along streets, paseos, and interconnecting walkways that link the Village Center to adjacent districts and nearby public parks north of the district.

Active Urban: Existing development in the Active Urban district includes primarily office, with minor retail/commercial, auto-related retail, and a motel and care/rehab facility. Land uses that would be permitted within this district under the Overlay Zone include commercial, office, residential, and entertainment uses (all uses that would occur in Village Center, plus entertainment uses). Pursuant to the General Plan, the Active Urban district is intended as the location for well-designed high-rise mixed-use developments in a highly urbanized environment. Developments will be designed to showcase an amenity-enhanced environment that provides numerous open space opportunities for the enjoyment of residents, employees, and visitors, and to promote pedestrian connections between this District and the Village Center as well as Cabrillo Park located north of the Overlay Zone.

The Office District: Existing development in the Office District consists almost entirely of office uses, with minor retail/commercial, and a care/rehab facility. Land uses and intensity standards that would be permitted within this district under the Overlay Zone would continue pursuant to the existing Zoning Code.

Provided that the above objectives and development standards are implemented into the design of individual projects, land use impacts to the Office District and adjacent communities would be less than significant. The land use character of the area would change from a largely office-oriented district to a mixed-use area with development divided into a series of districts and scaled in a variety of intensities. Because the Overlay Zone would not adversely affect existing land uses, impacts to established communities within and adjacent to the Overlay Zone were determined to be less than significant.

Physically Divide an Established Community

The Certified EIR stated the Overlay Zone does not include any features that would be considered divisive. Rather, the Development Standards of the Overlay Zone are intended to allow cohesive development. The required public realm improvements would enhance and unify the existing with the new development and create linkages to adjacent communities through pedestrian amenities and an integrated and interconnected open space and landscaping network. Existing uses would continue to be permitted within the Overlay Zone and be subject to the regulations and development standards of the underlying zoning districts, with the exception that certain standards contained in the Overlay Zone as to public realm improvements would be required. Because the Overlay Zone would encourage connectivity, impacts to established communities within and adjacent to the Overlay Zone would be less than significant.

Plan Consistency

The Certified EIR stated that the City's General Plan Land Use Element designates the entire Overlay Zone within the Professional and Administrative (PAO) land use category. The General Plan identifies the following uses as types of uses typically located in the PAO district:

- Professional and administrative offices/office parks;
- Service activities such as copy centers, courier services, travel agencies, and restaurants when such uses are an integral component of a planned office development; and
- Professional uses such as accountants, attorneys, doctors, engineers, and insurance brokers.

The Land Use Element also prescribes a floor area ratio (FAR) intensity standard from 0.5 to 1.0 FAR for the PAO land use category.

Adoption of the Overlay Zone would conflict with the adopted General Plan by permitting additional uses including commercial, residential, and entertainment uses. The Santa Ana General Plan will be amended as part of the approval process of the Overlay Zone to include the Overlay Zone. Therefore, impacts of the Overlay Zone would be less than significant.

Development within the Overlay Zone would consist of development ranging in intensity from AR, exceeding the General Plan recommended FAR threshold of 1.0; however, the proposed intensity standards by district generally reflect the intent of the General Plan. The General Plan prescribes an FAR of 0.5 for those areas adjacent to low-density residential neighborhoods. The Neighborhood Transitional District in the Overlay Zone contains an intensity standard ranging from 0.5 to 0.75. The General Plan also designates the area south of Fourth Street as a "major development area" with high-intensity and high-quality regional office projects. The Active Urban District and the Office District of the Overlay Zone are located within this area. The existing high-rise Xerox Center (SD 54) within the proposed Office District is an example of development appropriate for the "major development area". It has an FAR of over 3. While the FAR allowance in the Overlay Zone exceeds the range prescribed in the General Plan, the Santa Ana General

Plan will be amended as part of approval of the Overlay Zone to reflect the Overlay Zone intensity standards. Therefore, impacts of the Overlay Zone would be less than significant.

Under the City's existing zoning, there are six land use zones within the Overlay Zone. The provisions of the Overlay Zone would apply to all properties within the Overlay Zone but would not supersede the underlying zoning districts. All regulations, development standards, and requirements in the underlying zoning districts would continue to apply to those properties that are developed according to the existing standards, with the exception that certain standards contained in the Overlay Zone as to public realm improvements would be required. Properties within the Overlay Zone may choose to develop to the standards contained within the Overlay Zone as an alternative to developing to the standards of the underlying zoning districts. Therefore, adoption of the Overlay Zone would be complementary to, and compatible with the existing Zoning Code.

Mitigation Measures

None identified or required.

4.11.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project is consistent with the permitted uses, density and intensity, building envelope and development standards contained in the Overlay Zone and evaluated in the Certified EIR. The Project will pay in-lieu fees required by the City's 2021 Affordable Housing Opportunity and Creation Ordinance. Thus, no changes are proposed to the Overlay Zone to accommodate the Project that were not considered in the Certified EIR. . Thus, the Project would not result in any new or increased significant land use impacts beyond those already identified in the Certified EIR.

4.11.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to land use and planning have occurred within the vicinity of the Project Site since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.11.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance which has become available relative to land use that would result in new or more severe significant environmental impacts.

4.11.5 Mitigation Measures Addressing Impacts

None required.

4.11.6 Conclusion

Based on the above, no new significant land use impacts or a substantial increase in previously identified land use impacts would occur as a result of the Project. Therefore, the impacts to land use do not meet the standards for a subsequent or supplemental EIR pursuant to CEQA Guidelines Section 15162.

4.12 Mineral Resources

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
MINERAL RESOURCES: Would the project:					
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact	No	No	No	No
(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on local general plan, specific plan or other land use plan?	No Impact	No	No	No	No

4.12.1 Impact Determination in the EIR

The Certified EIR stated that the Overlay Zone would not result in any impacts related to mineral resources.

Mitigation Measures

None required.

4.12.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. Thus, the Project would not result in any new or increased significant impacts related to mineral resources beyond those already identified in the Certified EIR.

4.12.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to mineral resources have occurred within the vicinity of the Project Site since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.12.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance which has become available relative to mineral resources that would result in new or more severe significant environmental impacts.

4.12.5 Mitigation Measures Addressing Impacts

Because the EIR determined the Project would have no impact on mineral resources, no mitigation measures were required. Implementation of the Project does not change these impact determinations. Therefore, no additional mitigation measures are required.

4.12.6 Conclusion

Based on the above, no new significant mineral resources or a substantial increase in previously identified mineral resources would occur as a result of the Project. Therefore, the impacts to mineral resources do not meet the standards for a subsequent or supplemental EIR pursuant to CEQA Guidelines Section 15162.

4.13 Noise

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
NOISE: Would the project result in:					
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Significant and Unavoidable	No	No	No	Yes
(b) Generation of excessive groundborne vibration or groundborne noise levels?	Significant and Unavoidable	No	No	No	Yes
(c) For a project located within the vicinity of a private airstrip or 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 expose people residing or working in the project area to excessive noise levels?	No Impact	No	No	No	No

4.13.1 Impact Determination in the EIR

Substantial Temporary or Permanent Increase In Noise

The Certified EIR stated that the Overlay Zone has the potential to result in events that may exceed permitted noise levels. The primary sources of noise associated with the Overlay Zone would be construction activities and project-related traffic volumes. Secondary sources include increased human activity throughout the sites. Noise limits for sensitive uses established in Section 18-311 and 18-312 of the Santa Ana Municipal Code.

Development of projects under the Overlay Zone would require the use of heavy equipment for demolition, site excavation, installation of utilities, site grading, paving, and building fabrication. Construction activities would also involve the use of smaller power tools, generators, and other sources of noise. During each stage of construction there would be a different mix of equipment operating, and noise levels would vary based on the amount of equipment in operation and the location of the activity.

Noise that would be experienced by sensitive uses due to development associated with implementation of the Overlay Zone is determined at their property lines. While the nearest sensitive uses vary at different locations in and around the Overlay Zone and as specific development plans have not yet been determined at individual sites, for the purpose of this analysis it is assumed that sensitive receptors could be as close as 50 feet from where construction would take place. Sensitive receptors in the project vicinity could experience noise levels up to 86 dBA L as a result of construction activities, or as high as 107 dBA Leq in the event that pile drivers are used. Section 18-314(e) of the Municipal Code allows for noise resulting from construction activities to be exempt from noise limits established in the Code. In accordance with the Noise Ordinance, construction activities would also be limited to the hours of 7:00 A.M. and 8:00 P.M. on Monday through Saturday, and is prohibited on Sundays and federal holidays. As construction would not occur except during the times permitted in the Noise Ordinance, and as the Municipal Code, Section 18-314(e) of the Municipal Code allows construction noise in excess of standards to occur between these hours, the Overlay Zone would not violate established standards.

Development within the Overlay Zone would be required to implement Mitigation Measures MM-OZ 4.9-1 through MM-OZ 4.9-4. Implementation of these mitigation measures would ensure that impacts associated with construction-related noise would be less than significant.

Operation of the Overlay Zone could expose noise-sensitive land uses to noise levels that exceed the standards established by the City of Santa Ana General Plan. This is considered a potentially significant impact. Implementation of Mitigation Measures MM-OZ 4.9-5 through MM-OZ 4.9-7 would reduce this impact to a less-than-significant level.

Sources of noise generated by implementation of the Overlay Zone would include new stationary sources (such as rooftop heating, ventilation, and air conditioning [HVAC] systems for the residential and office uses). The Overlay Zone would also introduce new activity and noise to the area as residences are included and people are attracted to the new mix of uses that would develop as part of the Overlay Zone. Noise monitoring on the project site indicates that existing noise levels on site exceed the 65 dBA “desirable maximum” noise standard for high density residential uses. Development of new residences in areas where existing noise levels are over 65 dBA would constitute a significant impact. As the noise levels monitored on-site exceed the 65 dBA thresholds, the project site would not meet acceptable noise levels for a residential use. It should be noted that some monitoring locations such as First Street between Cabrillo Park Drive and Golden Circle Drive are primarily commercial corridors that typically do not qualify as sensitive receptors. Further, impacts related to substantial permanent increases in ambient noise levels that could potentially result with implementation of the Overlay Zone are discussed below.

The City of Santa Ana General Plan states that all residential uses should be protected with sound insulation over and above that provided by normal building construction when constructed in areas exposed to greater than 60 dBA CNEL. As such, Mitigation Measures MM-OZ 4.9-5 and MM-OZ 4.9-6 shall be implemented for all residential development within the Overlay Zone Area

where the existing noise levels exceed the 60 dBA CNEL standard established in the General Plan.

Mitigation Measure MM-OZ 4.9-5 would ensure that exterior living spaces, such as porches and patios are constructed in a manner that noise levels do not exceed the 65 dBA CNEL. Further implementation of Mitigation Measure MM-OZ 4.9-6 would ensure that interior living spaces of the residential units do not exceed 45 dBA CNEL. Therefore, this impact would be reduced to a level of less than significant.

Heating, ventilation, and air conditioning (HVAC) systems that would be installed for the new residential building associated with the Overlay Zone can result in noise levels that average between 50 and 65 dBA Leq at 50 feet from the equipment. As 24-hour CNEL noise levels are about 6.7 dBA greater than 24-hour Leq measurements, this means that the HVAC equipment associated with the retail-commercial buildings could generate community noise levels that average between 57 to 72 dBA CNEL at 50 feet when the equipment is operating constantly over 24 hours. These HVAC units would be mounted on the rooftops of the proposed buildings and would be screened from view by building features. However, the installation of shielding around these HVAC systems would be required as part of the Overlay Zone, as stated in Mitigation Measure MM-OZ 4.9-7 below.

The shielding installed around these systems would typically reduce noise levels by approximately 15 dBA, which could reduce HVAC system noise to approximately 50 dBA Leq at 50 feet from the equipment, which would be approximately 56.7 dBA CNEL. Implementation of Mitigation Measure MM-OZ 4.9-1 would ensure that impacts related to the HVAC systems would remain below the 65 dBA CNEL “Desirable Maximum” exterior noise level guideline established in the City’s General Plan for high density residential uses. As such impacts to residents of the Overlay Zone relating to HVAC systems were determined to be less than significant.

Operation of the Overlay Zone would not include special events or temporary activities which would cause an increase in ambient noise levels. In addition, operation of the Overlay Zone would not require periodic use of special stationary equipment that would expose off-site sensitive receptors to an increase in ambient noise levels above those existing without the Overlay Zone. Therefore, there would be no temporary or periodic noise impacts to on- or off-site receptors due to operation of the Overlay Zone. This impact was determined to be less than significant.

Groundborne Vibration

The Certified EIR stated that construction-related vibration has two potential impacts. First, vibration at high enough levels can result in human annoyance. Second, groundborne vibration can potentially damage the foundations and exteriors of historic structures. Groundborne vibration that can cause this kind of damage is typically limited to impact equipment, especially pile drivers. Construction activities that would occur under the Overlay Zone have the potential to generate low levels of groundborne vibration. Vibration that would be experienced from the use of construction equipment ranges from a small bulldozer, which reaches as high as 58 vibration decibels (VdB) at a distance of 25 feet, and an impact pile-drivers, which reaches as high as 112

VdB at a distance of 25 feet. Like noise, groundborne vibration will attenuate at a rate of approximately 6 VdB per doubling of distance. The groundborne vibration generated during construction activities would primarily impact existing sensitive uses (e.g., residences, schools, and hospitals) that are located adjacent to, or within, the vicinity of specific projects. These sensitive uses could sometimes be located as close as 25 feet to the construction site or as far as several hundred feet away. Vibration levels could reach up to 87 VdB at sensitive uses located within 25 feet of construction. For sensitive uses that are located at or within 25 feet of potential project construction sites, sensitive receptors (e.g., residents, school children, and hospital patients) at these locations may experience vibration levels during construction activities that exceed the Federal Transportation Administration's (FTA) vibration impact threshold of 85 VdB for human annoyance. So long as construction occurs more than 50 feet from sensitive receptors, the impact associated with groundborne vibration generated by the equipment would be below 85 VdB and thus would be less than significant. However, as specific site plans or construction schedules are unknown at this time, it may be possible that construction activities could occur as close as 25 feet from sensitive receptors. This would result in these sensitive receptors experiencing vibration impacts above the threshold of 85 VdB, in which case this impact would be potentially significant. Implementation of Mitigation Measures MM-OZ 4.9-1 through MM-OZ 4.9-4 would help to reduce this impact, but not to a less-than-significant level. Therefore, it was determined that this impact would remain significant and unavoidable.

During operation of the Overlay Zone, background operational vibration levels would be expected to average around 50 VdB, as discussed previously in this section. This is substantially less than the 85 VdB threshold for people in the vicinity of the project site. Groundborne vibration resulting from operation of the Overlay Zone would primarily be generated by trucks making periodic deliveries to the Overlay Zone. However, these types of deliveries would be consistent with deliveries that are made along roadways to commercial uses in the Overlay Zone and in the Overlay Zone vicinity and would not increase groundborne vibration above existing levels. Because no substantial sources of groundborne vibration would be built as part of the Overlay Zone, no vibration impacts would occur during operation of the Overlay Zone. Therefore, operation of the Overlay Zone would not expose sensitive receptors on or off site to excessive groundborne vibration or groundborne noise levels, and this impact was determined to be less than significant.

Airport Noise

The Certified EIR stated that the Overlay Zone is not located within an airport land use plan or within 2.0 miles of a public airport or public use airport. The nearest public airport to the project is the John Wayne Airport, which is located approximately 6.5 miles southwest of the Overlay Zone. Further, the Overlay Zone is located over 5,000 feet from the 60 CNEL noise contour for John Wayne Airport. Thus, no impact related to the exposure of people residing or working in the project site to excessive airport-related noise levels is anticipated.

Mitigation Measures

MM-OZ 4.9-1 Construction activities shall be limited to the following general restrictions. In the event that there is a conflict between the City of Santa Ana Municipal Code and the City of Tustin Municipal Code, the more restrictive measures shall be applied:

- All construction activity within the City shall be conducted in accordance with Section 18- 314(e) of the City of Santa Ana Municipal Code.
- All construction activity within 200 feet of the City of Tustin Border shall be conducted in accordance with Section 4617(e) of the City of Tustin Municipal Code.

MM-OZ 4.9-2 The 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 surrounding land uses within 1,000 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.

MM-OZ 4.9-3 The 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.

MM-OZ 4.9-4 The 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.

MM-OZ 4.9-5 Where future residential uses would be construction in areas exposed to noise level greater than 60 dBA CNEL, prior to issuance of building permits, building plans shall reflect the construction of noise barriers around patios and balconies. The barriers shall be constructed of materials that provide a surface density of at least four pounds per square foot and shall be continuous, without gaps or gates. The height of the barriers shall be sufficient to reduce the exterior noise levels to a CNEL of 65 dBA or less, and shall be determined by a qualified acoustical consultant as part of the final engineering design of the project

MM-OZ 4.9-6 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

MM-OZ 4.9-7 The developer 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.

4.13.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development

that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. As discussed below, the Project would incorporate mitigation measures to minimize impacts related to noise and vibration would be less than significant, and accordingly, would not result in any new or increased significant impacts beyond those already identified in the Certified EIR.

The types of construction activities, operational activities, and construction and mechanical equipment and associated construction and operational noise and vibration levels would be substantially similar to those identified in the Certified EIR. The Project would implement Mitigation Measures MM-OZ 4.9-1 through MM-OZ 4.9-7 to protect residential receptors and to minimize construction and operational noise and vibration levels. Thus, the Project would not result in any new or increased significant impacts related to substantial temporary or permanent increase in noise and vibration beyond impacts already identified in the Certified EIR.

Further, a Project-specific noise analysis was prepared by DKA Planning (refer to [Attachment F](#)). In June 2023, DKA Planning took short-term noise measurements near the Project site to determine the current ambient noise conditions near the four nearest sensitive receptors: Cabrillo Park, 2001 E. 4th Street, the southeast corner of 4th Street and Cabrillo Park Drive, and 618 Sherry Lane. Regarding construction, the Project would comply with Santa Ana Municipal Code Section 18-314 and construction activities would be limited to the hours of 7:00 A.M. and 8:00 P.M. on Monday through Saturday, and would be prohibited on Sundays and federal holidays. Table 7 of the DKA Noise Report demonstrates that construction of the Project would not increase ambient noise levels at any nearby sensitive receptor by more than 3.4 dBA and therefore would not result in significant noise impacts to those receptors, including Cabrillo Park directly north of the Project Site and 724 North Parkcenter Drive, the closest residence, located 80 feet northeast of the Project Site within the Lake Dianne Apartment complex. Regarding operation, Table 9 of the DKA Noise Report demonstrates that Project operation, including noise associated with mechanical and landscaping equipment, vehicles, outdoor and recreational uses, and trash and recycling services, would not increase ambient noise levels at any nearby sensitive receptor and therefore would not result in significant operational noise impacts to those receptors. The Project would also implement Mitigation Measures MM-OZ 4.9-1 through MM-OZ 4.9-7 of the Certified EIR to protect residential receptors and to minimize construction and operational noise and vibration levels. Thus, the Project would not result in any new or increased significant impacts related to substantial temporary or permanent increase in noise and vibration beyond impacts already identified in the Certified EIR.

Regarding airport noise, the nearest public airport to the project is the John Wayne Airport, which is located approximately 7 miles southwest of the Project Site well beyond the 60 CNEL noise contour for John Wayne Airport. Thus, no impact related to the exposure of people residing or working in the project site to excessive airport-related noise levels is anticipated.

4.13.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to noise have occurred and no substantial new noise sources have been identified within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.13.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to noise impacts that would result in new or more severe significant environmental impacts.

4.13.5 Mitigation Measures Addressing Impacts

The Project would implement Mitigation Measures MM-OZ 4.9-1 through MM-OZ 4.9-7 from the Certified EIR.

4.13.6 Conclusion

Based on the above, no new significant noise impacts or a substantial increase in previously identified noise impacts would occur as a result of the Project. Therefore, the impacts to noise do not meet the standards for a subsequent or supplemental EIR pursuant to CEQA Guidelines Section 15162.

4.14 Population and Housing

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
POPULATION AND HOUSING: 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)?	Less Than Significant	No	No	No	No
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact	No	No	No	No

4.14.1 Impact Determination in the EIR

Unplanned Growth

The Certified EIR stated that the Overlay Zone would provide for infill development that makes maximum use of existing infrastructure. As the majority of development that would occur under the Overlay Zone would be infill or redevelopment, the development permitted under the Overlay Zone would not require significant regional public infrastructure upgrades for any utility, transportation facility, or public service. However, any new development would be required to include provisions to make the necessary improvements in order to facilitate implementation of the Overlay Zone. Project developers would be required to fund their fair-share allocation of any necessary public infrastructure associated with development under the Overlay Zone. Any infrastructure improvements would occur during a period of regional growth. Due to the fact that net new infrastructure developments would be minimal, it is not anticipated that the infrastructure improvements would result in measurable population growth in or around the Overlay Zone area. As such, the indirect population growth impact resulting from infrastructure improvements associated with the Overlay Zone was determined to be less than significant.

Implementation of the Overlay Zone is intended to accommodate existing and future population growth forecasted for the City by introducing new residential housing within the Overlay Zone, as well as new employment opportunities in and around the Overlay Zone area.

Implementation of the Overlay Zone would enact zoning changes to allow for up to 5,551 multi-family residential units. In order to quantify the direct population increase that would result from new housing in the Overlay Zone, it is necessary to determine an appropriate pph estimate to use. Based on an average person per household size of 2.0 persons per household (pph), the estimated direct population growth associated with the potential 5,551 new residential units in the Overlay Zone would be approximately 11,102 people (5,551 units x 2.0 pph). In addition, the Overlay Zone would allow for a total of 1,275,440 square feet of commercial/retail/service uses and a total of 3,410,507 square feet of office building uses. These development potential totals would represent a net increase of 963,154 square feet of commercial/retail/service uses and a net increase of 690,339 square feet of office uses compared to existing conditions within the Overlay Zone. The net new commercial and office uses in the Overlay Zone could generate an estimated 2,343 additional jobs.

A population increase (without the project) of 16,905 residents is projected between 2005 and 2030 for the City, representing an annual average growth rate of 0.2 percent or approximately 676 residents per year. The direct population growth estimated to be associated with the project—approximately 11,102 people, or approximately 65 percent of the projected growth—would not result in growth exceeding this projection but is considered substantial in relation to the level of forecasted population growth.

The Overlay Zone was not planned or considered in the land use factors that SCAG or the City used to estimate the population growth forecast for Santa Ana. Therefore, the population growth associated with the project is not accounted for in the population growth projections. When coupled with natural population increases in the City that will result from births and migration, the project-related direct population growth would result in population growth in the City that far exceeds the projected growth.

However, in comparison to the average annual growth rate of 0.2 percent projected for the City, the population of Orange County is forecast to grow by an annual average growth rate of 0.6 percent between 2005 and 2030, while the population of the SCAG Region is forecast to grow by an average of 1.1 percent per year during this same 25-year period. Due to the fact that the City's population is forecasted to grow at a slower rate than the County and SCAG Region, the forecasted project-related direct population growth in the City is not considered substantial relative to the surrounding areas.

Additionally, although the potential housing units (and associated population increase) were not previously anticipated, the City is relatively built-out and has limited opportunities for additional residential development. Specifically, according to the 2000 Housing Element of the General Plan, there was a potential for only 1,775 residential units to be developed on the City's remaining undeveloped and underutilized properties. Even if all of these units were developed, the population increase that could be accommodated would only range between 3,550 and 8,343 persons (depending on a pph factor of 2.0 or 4.7). Therefore, in order to accommodate the forecasted population growth that is anticipated to continue to occur, infill and reutilization of underdeveloped land has become a priority in the City. In particular, as discussed in the City's

2000 Housing Element, the City's intent is to intensify compatible residential development through adaptive reuse and mixed use within the District Center designation and other existing commercial zones. As discussed in the Land Use Element of the General Plan, District Centers are considered to be the City's "Major Development Areas," where the most intense development in the City is targeted. The Overlay Zone is a Major Development Area even though it is not designated as a District Center.

SCAG projections indicate an increase of up to 13,394 employees in the City from 2005-2030. The Overlay Zone could generate up to 2,343 employment positions and would not substantially affect the employment forecasts within the City. With an existing (2005) jobs/housing ratio of 2.3 within the City, the new mix of residential and commercial/service and office uses in the Overlay Zone would improve the overall jobs/housing ratio to 2.4.

The Overlay Zone new commercial/service and office uses would generate an estimated 2,343 long-term employment positions. Based on similar projects, the distribution of part-time to full-time would be approximately 60 percent (1,405) full-time jobs and 40 percent (937) part-time jobs. Based upon resident worker characteristics for similar cities, it is estimated that approximately 25 percent of the new employees generated by the Overlay Zone, or about 585 workers, could relocate to the City. If it is conservatively assumed that each of these employees forms a single new household in the City (in residential units outside of the Overlay Zone area), these households could add approximately 2,749 additional residents to the City (585 worker households x 4.7 persons per household for areas in the City outside of the Overlay Zone).

The direct increase in population of 11,102 people that would be associated with the Overlay Zone residential units and the potential indirect increase in population of 2,749 people associated with the new employment opportunities generated by the Overlay Zone would result in a total population increase of approximately 13,851 people in the City. As noted above, this assumes that none of the new employees would reside in the new residential units within the Overlay Zone area. Based on the population projections, the projected population growth in Santa Ana between 2005 and 2030 is approximately 16,905 persons. The total direct and indirect population growth estimated to be associated with the project—approximately 13,851 people—will not result in growth exceeding this projection but is considered substantial in relation to the level of forecasted population growth.

The increased population and housing resulting from new development do not necessarily cause direct adverse physical environmental effects; however, indirect physical environmental effects such as population-driven traffic or air quality impacts could occur. These indirect physical environmental effects associated with population increases are analyzed in the relevant technical sections of this EIR.

Although the housing units under the Overlay Zone were not accounted for in the City and SCAG regional growth projections, implementation of the Overlay Zone is consistent with the overall intent of the City's goals to provide adequate housing opportunities to meet its "fair share" of projected housing needs. In essence, implementation of the Overlay Zone would allow the City to

accommodate the projected growth increases. Additionally, due to the fact that the City's population is forecasted to grow at a slower rate than the County and SCAG Region, the forecasted project-related direct and indirect population growth in the City is not considered substantial relative to the surrounding areas. As such, this impact was determined to be less than significant.

Displace Housing or People

The Certified EIR stated the Overlay Zone is developed with commercial and office uses. Because no residential uses are located within the overlay zone boundaries, implementation of the Overlay Zone would not require the demolition of any existing housing and construction of replacement housing would not be necessary. Rather, implementation of the Overlay Zone would permit residential uses in an area that prohibits these uses. Consequently, no impact would occur.

Mitigation Measures

None required or identified.

4.14.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. Therefore, the Project's housing and population generation would be consistent with that identified in the Certified EIR. Thus, the Project would not result in any new or increased significant impacts related to unplanned growth beyond impacts already identified in the Certified EIR.

There is no housing on the Project Site. As such, the Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, and no impacts related to this issue would occur.

4.14.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to population and housing have occurred within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.14.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to population and housing impacts that would result in new or more severe significant environmental impacts.

4.14.5 Mitigation Measures Addressing Impacts

None required.

4.14.6 Conclusion

Based on the above, no new significant population and housing impacts or a substantial increase in previously identified population and housing impacts would occur as a result of the Project. Therefore, the impacts to population and housing do not meet the standards for a subsequent or supplemental EIR pursuant to PRC Section 21166 and CEQA Guidelines Section 15162.

4.15 Public Services

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 any of the public services:					
(a) Fire protection?	Less Than Significant	No	No	No	No
(b) Police protection?	Less Than Significant	No	No	No	No
(c) Schools?	Less Than Significant With Mitigation	No	No	No	Yes
(d) Parks?	Less Than Significant	No	No	No	No
(e) Other public facilities?	Less Than Significant	No	No	No	No

4.15.1 Impact Determination in the EIR

Fire

The Certified EIR stated adequate response times and staff are present at both Fire Stations serving the Overlay Zone. The addition of 5,551 residential units and office and commercial uses would increase demands on the Santa Ana Fire Department (SAFD). However, both stations serving the area have response times from 5 to 8 minutes, which the City considers adequate. The additional demands from new development in the area are not expected to decrease response times or require additional staffing. The SAFD notified that they would be able to handle the increased service demands with their current staffing and equipment.

Adequate water flow is available with ample water pressure for fire services. SAFD's Guide for the Determination of Fire Flow is used to estimate fire flow demands from new development. Structures that require fire flow over 3,500 gallons per minute are either redesigned to lower the fire flow or to include a fire sprinkler system to reduce fire flow demand. The provision of automatic fire sprinklers would reduce the demand, as well as compliance with the Uniform Fire Code,

Uniform Building Code, applicable state codes, National Fire Protection Association Fire Codes, and the Santa Ana Municipal Code.

Fire facilities fees would further assist in offsetting incremental increased demands from new development. A fire facilities fee is required as a condition of approval prior to the issuance of a building permit for construction of buildings exceeding two stories in height (excluding parking structures and excluding buildings owned and occupied by agencies of the federal, state or local governments). The SAFD also collects a plan check fee which is a fixed percentage of the building permit fee for review of building plans associated with new commercial, industrial, and multi-family residential units. Additional plan check fees for fire sprinkler, fire alarm, automatic extinguishing systems, and other fire protection systems are based on a fee schedule. SAFD also collects a one-time construction inspection fee for fire inspections. The Fire Department also collects an annual fee in the form of an “occupancy permit” for certain types of business, such as restaurants with large assemblage areas.

New development would be required to meet all access, water and fire protection system required under the California Building Code and Fire Code, and the City Municipal Codes. Therefore, impacts on City fire services would be less than significant.

Police

The Certified EIR stated the nearest Santa Ana Police Department (SAPD) station is the SAPD Main Headquarters located at 60 Civic Center Plaza approximately 2 miles from the Overlay Zone per the SAPD. The current officer-to-citizen ratio of 2 to 1,000 is consistent with City goal of between 1.3 to 1.5 officer per 1,000 residents. The Overlay Zone would result in the addition of 11,102 persons to the Overlay Zone at buildout. This would decrease the officer to citizen ratio from 2 to 1.95, which is well above the existing City service goals for police protection.

The number of calls from the Overlay Zone in the context of the entire City with a population of about 350,000 residents would not substantially affect the level of police protection and service provided by the SAPD. However, given the magnitude of the population increase at buildout, the addition of the Overlay Zone could affect how the SAPD resources are allocated.

Annual fees, collected in proportion to the revenue generated by a project, are collected for ongoing police protection services. All of the fees collected by the City are deposited into the City’s General Fund and dispersed to the appropriate departments during the annual budgetary process. Although not necessary to maintain sufficient levels of police service, additional personnel and possibly equipment would ensure no change to the ratio of officers to population.

The police department has indicated that the project must comply with the City’s Building Security Ordinance and the basic Crime Prevention through Environmental Design (CPTED) principles. Also, the individual projects in the Mixed Use zone would be required to prepare mandated security plan, which would require a final Police Department approval. Thus, the Overlay Zone would have less than significant effect on the police services of the City.

Schools

The Certified EIR stated that full build out of residential development under the Overlay Zone could result in an additional 5,551 residential units in the Overlay Zone. With the identified generation rate of 0.284 students per unit, the Overlay Zone would generate approximately 1,576 students in the Tustin Unified School District (TUSD). TUSD is already in excess of its capacity by 89 students. Thus, with the existing schools and no future plans for expansion of TUSD facilities, TUSD will be unable to accommodate the additional 1,576 students. Incorporation of Mitigation Measure MM-OZ 4.11-1 would reduce this potentially significant impact to less-than-significant levels.

Parks

The Certified EIR stated that implementation of future development within the Overlay Zone would provide a variety of open space/recreational opportunities. New development within the Overlay Zone would be required to include an open space/recreation component that is accessible to the public through the main street-facing façade entry of a project. Common open space amenities could include courtyards, plazas, tennis courts, swimming pools, spas, permanently equipped gym/exercise rooms, or other permanent amenities. Private open space/recreation areas could include balconies, loggias, terraces, or rooftop decks. Publicly accessible open space/recreation areas would be designed to optimize linkages and connections with adjacent properties within the Districts and would be visible and accessible from public rights-of-way to engage the interest of pedestrians and encourage public use. Open space/recreation areas would also encourage active use and pedestrian activity between the public and the private realm. Further, individual projects would be required to make payments of Park Acquisition and Development Fees based on the City's Municipal Code Section 34-200 to Section 34-214. Consequently, the provision of open space within individual developments coupled with the payment of fees as appropriate would ensure that demands on parkland are not exacerbated. Impacts would be less than significant.

Libraries

The Certified EIR stated that the Overlay Zone is served by two libraries, the Santa Ana Public Library and the New hope Branch of the Santa Ana library system. Combined, these libraries have a collection of approximately 301,966 items and an overall size of 49,000 square feet (40,000 square feet main library and 9,000 square feet branch library). No new library facilities or expansions are planned for the immediate future. Using the guidelines identified above, implementation of the Overlay Zone would require approximately 5,551 sf of library space and approximately 22,204 volumes due to an estimated increase of approximately 11,102 persons under full build-out of the Overlay Zone. The City's library system is funded through the general fund and does not have a fee collection system in place to obtain fees from a developer. The tax base afforded by the additional development within the Overlay Zone would contribute to the City's general fund, which is distributed to various City services, including libraries. Therefore, any necessary improvements/modifications to the existing Santa Ana library system would be implemented using the general fund and determined on an as-needed annual basis by the City.

As such, any increase in the need for library resources would be implemented by the City irrespective of the project, although aided by the additional tax base from development within the Overlay Zone, and impacts were determined to be less than significant.

Mitigation Measures

MM-OZ 4.11-1 Individual project developers shall pay school impact fees prior to the issuance of occupancy permits.

4.15.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. The Project's demand for fire protection, police protection, school, library and park services would be substantially similar to that identified in the Certified EIR. Additionally, the Project would be required to meet all access, water and fire protection system required under the California Building Code and Fire Code and the City Municipal Code. Additionally, the Project would be required to comply with the City's Building Security Ordinance and the basic CPTED principles. Also, the Project would be required to prepare a mandated security plan, which would require a final Police Department approval. The Project would also implement Mitigation Measure MM-OZ 4.11-1 and pay school impact fees to minimize impacts to school services. Finally, the Project would pay taxes that would go into the City's General Fund a portion of which supports library services and would be required to make payments of Park Acquisition and Development Fees based on the City's Municipal Code Section 34-200 to Section 34-214 and to provide open space in accordance with the City's open space requirements. Thus, the Project would not result in any new or increased significant impacts related to public services beyond impacts already identified in the Certified EIR.

Mitigation Measures

The Project would implement Mitigation Measure MM-OZ 4.11-1 from the Certified EIR.

4.15.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to public services and recreation have occurred within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.15.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to public services and recreation that would result in new or more severe significant environmental impacts.

4.15.5 Mitigation Measures Addressing Impacts

The Project would implement Mitigation Measure MM-OZ 4.11-1 from the Certified EIR.

4.15.6 Conclusion

Based on the above, no new significant public services impacts or a substantial increase in previously identified public services impacts would occur as a result of the Project. Therefore, the impacts on public services do not meet the standards for a subsequent or supplemental EIR pursuant to CEQA Guidelines Section 15162.

4.16 Recreation

Issues (and supporting Information Sources)	Impact Determination in EIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Project Incorporates Mitigation Measure(s)?
RECREATION					
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less Than Significant	No	No	No	No
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Less Than Significant	No	No	No	No

4.16.1 Impact Determination in the EIR

Increase Use of Parks/Recreational Facilities/Construction/Expansion of Recreational Facilities

The Certified EIR stated that implementation of future development within the Overlay Zone would provide a variety of open space/recreational opportunities. New development within the Overlay Zone would be required to include an open space/recreation component that is accessible to the public through the main street- facing façade entry of a project. Common open space amenities could include courtyards, plazas, tennis courts, swimming pools, spas, permanently equipped gym/exercise rooms, or other permanent amenities. Private open space/recreation areas could include balconies, loggias, terraces, or rooftop decks. Publicly accessible open space/recreation areas would be designed to optimize linkages and connections with adjacent properties within the Districts and would be visible and accessible from public rights-of-way to engage the interest of pedestrians and encourage public use. Open space/recreation areas would also encourage active use and pedestrian activity between the public and the private realm. Further, individual projects would be required to make payments of Park Acquisition and Development Fees based on the City's Municipal Code Section 34-200 to Section 34-214. Consequently, the provision of open space within individual developments coupled with the payment of fees as appropriate would ensure that demands on parkland are not exacerbated. Impacts were determined to be less than significant.

Mitigation Measures

None required or identified.

3.15.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. The Project's demand for parks would be substantially similar to that identified in the Certified EIR. Additionally, the Project would be required to make payments of Park Acquisition and Development Fees based on the City's Municipal Code Section 34-200 to Section 34-214 and to provide open space in accordance with the City's open space requirements. The Project would provide a total of 33,572 square feet of private open space and 76,187 square feet of common open space (a total of 109,759 square feet), exceeding the amount required by 58,769 square feet. The Project would also provide 47,810, exceeding the amount required by 8,744 square feet. Thus, the Project would not result in any new or increased significant impacts related to parks beyond impacts already identified in the Certified EIR.

3.15.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to recreation have occurred within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

3.15.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative recreation that would result in new or more severe significant environmental impacts.

3.15.5 Mitigation Measures Addressing Impacts

None required.

3.15.6 Conclusion

Based on the above, no new significant recreation impacts or a substantial increase in previously identified public services impacts would occur as a result of the Project. Therefore, the impacts to recreation do not meet the standards for a subsequent or supplemental EIR pursuant to CEQA Guidelines Section 15162.

4.16 Transportation

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
TRANSPORTATION / TRAFFIC: Would the project:					
(a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less Than Significant	No	No	No	No
(b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)?	NA	No	No	No	No
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less Than Significant	No	No	No	No
(d) Result in inadequate emergency access?	Less Than Significant With Mitigation	No	No	No	Yes

4.16.1 Impact Determination in the EIR

Increase in Traffic/ LOS

The Certified EIR stated that the significance of local street segment impacts related to excess vehicle traffic is usually determined on a case-by-case basis because each street segment has unique characteristics. The City has established goals for maintaining LOS D or better on local streets. The ability to determine LOS on a local street is very difficult for several reasons. Most importantly, each street is unique in character. Local streets vary considerably in terms of street width, adjacent land uses, density, presence of schools, day care, senior housing, proximity to other major streets, and other factors. A level of traffic which may be perceived as too much on one street may be acceptable on another. Furthermore, a lane of traffic, carrying the traditional LOS D volume on an arterial street, would be far too much traffic for most residential streets. The City has established LOS guidelines based on average daily traffic (ADT) along particular street segments depending on the street segment type. The maximum roadway capacities, in ADT, are based on the number of lanes and roadway classification.

For the Overlay Zone, the LOS for roadway segments is determined by comparing the ADT volumes for each roadway segment to the appropriate LOS D capacity for that roadway classification. When the ADT volume is within the LOS D volume criteria, the roadway segment is operating at an acceptable LOS. The Certified EIR presents the ADT segment analysis for 31 roadway segments in and surrounding the Overlay Zone, both for existing conditions and

assuming full buildout of the Overlay Zone. One roadway segment (Cabrillo Park Drive between First Street and Fourth Street) is expected to operate at an unacceptable LOS under the Overlay Zone with the expected traffic levels and secondary arterial roadway configuration. However, this roadway is currently constructed with a raised median and can be considered to be four lanes divided, justifying a higher allowable daily capacity of 33,800. As such, implementation of the Overlay Zone would not be anticipated to increase traffic volumes such that street segment volume capacities are exceeded, and impacts were determined to be less than significant.

In evaluating consistency with the Certified EIR traffic analysis, twenty-nine of the 38 intersections analyzed in the study area would remain at LOS D or better under the “Buildout without Project” conditions, while only 19 of the intersections would operate at LOS D or better under the “Buildout with Project” conditions. Traffic impacts created by the Overlay Zone can be evaluated by comparing these scenarios (with and without project conditions).

The Overlay Zone will contribute to unacceptable levels of service at eight of the intersections evaluated in the AM peak hour. The impact at these eight intersections is considered significant based on the identified criteria. It is also important to note that two additional intersections (First Street at Newport Avenue and Irvine Boulevard at Newport Avenue) would also operate at unacceptable levels (LOS E). However, based on the City of Tustin’s threshold criteria, these intersections would not be considered significant due to the Overlay Zone because the project’s contribution is less than 0.03.

The Overlay Zone would contribute to unacceptable LOS at 16 of the intersections evaluated in the PM peak hour, which include a majority of the signalized intersections along Fourth Street between the I-5 Freeway and the SR-55 Freeway. The impact at these intersections is considered significant based on City criteria.

Thus, a total of 17 different intersections would be impacted by buildout of the Overlay Zone during either the AM or PM peak hour, or both, which is considered potentially significant. Full buildout of the Overlay Zone is dependent on future individual development projects, of which the exact type and location is presently unknown. As such, the Certified EIR has identified potential improvement measures below that would serve to reduce the impacts at the seventeen affected intersections. As development occurs within the Overlay Zone, the following improvement measures may be implemented as part of future development projects, as required. In addition, an improvement measure is also identified for the First Street at Newport Avenue, which is not an impact but which does operate at an unacceptable LOS due to background traffic growth.

However, some of the intersections that would operate at unacceptable LOS are outside of the jurisdiction of the City. As such, the City cannot ensure implementation of these improvements. If these improvements were not implemented, LOS would remain below acceptable levels as a result of implementation of the proposed Overlay Zone.

Potential Improvement Measures

- **First Street at Cabrillo Park Drive**—The intersection of First Street at Cabrillo Park Drive experiences an acceptable LOS in the AM and PM peak hours. With the addition of background traffic growth and traffic from the Overlay Zone the LOS is expected to decline to LOS F in the PM peak hour. The recommended mitigation for this intersection is restriping for a second eastbound left turn lane, by reducing the eastbound through approach to two lanes. This improvement will fully mitigate traffic impacts to LOS C.
- **First Street at Elk Lane**—The intersection of First Street at Elk Lane is operating at LOS D in the PM peak hour. The addition of background traffic growth and traffic from the Overlay Zone is expected to result in a decline in LOS to LOS F in the PM peak hour. The recommended mitigation for this intersection is the construction of a second northbound right turn lane and northbound right turn overlap signal phasing. These improvements will fully mitigate traffic impacts to LOS C.
- **Fourth Street at SR-55 Southbound Ramps**—The intersection of Fourth Street at SR-55 Southbound Ramps currently operates at LOS D or better in the AM and PM peak hours. Background traffic growth and traffic from the Overlay Zone is expected to result in a decline in LOS to LOS F in the AM and PM peak hours. The recommended mitigation for this intersection is the construction of an eastbound free-right turn lane and changing the southbound ramp configuration to two left and two right turn lanes. These improvements fully mitigate impacts to LOS D.
- **Fourth Street at Tustin Avenue**—The intersection of Fourth Street at Tustin Avenue currently experiences an acceptable LOS (LOS C or better) in the AM and PM peak hours. The addition of background traffic growth and traffic from the Overlay Zone is expected to reduce LOS to LOS F in both the AM and PM peak hours. The recommended mitigation for this intersection is the construction of a westbound right-turn lane, a second eastbound left-turn lane, and a northbound right-turn lane (to allow conversion of the northbound shared thru-right lane to a through lane). Also, northbound right-turn overlap signal phasing should be installed. These improvements will partially mitigate project impacts to LOS E. As such, if the improvement measures were implemented, this intersection would not be mitigated to a level of less than significant.
- **Fourth Street at Golden Circle**—The intersection of Fourth Street at Golden Circle currently operates at LOS A in both the AM and PM peak hours. Background traffic growth and traffic from the Overlay Zone is expected to result in a decline in level of service to LOS E in the PM peak hour. The recommended mitigation for this intersection is the construction of an eastbound right turn lane, and a change in the southbound lane configuration to provide one left turn lane and one shared through-right turn lane. These improvements will fully mitigate traffic impacts to LOS D.

- **Fourth Street at Cabrillo Park Drive**—The intersection of Fourth Street at Cabrillo Park Drive currently experiences an acceptable LOS (LOS C or better) in both the AM and PM peak hours. The addition of background traffic growth and traffic from the Overlay Zone is expected to reduce LOS to LOS F in the PM peak hour. The recommended mitigation for this intersection is the construction of a westbound right turn lane, a northbound right turn lane, and a southbound right turn lane, and restriping to change the lane configuration of the north/south approaches. The northbound and southbound approaches should be controlled by a split phase intersection control and restriped to provide one left, one shared through-left, one through, and one right turn lane. These improvements are expected to fully mitigate impacts to LOS D.
- **I-5 Northbound Ramps and Fourth Street**—The intersection of the I-5 northbound ramps and Fourth Street is expected to operate at a poor LOS (LOS F) in the PM peak hour with the addition of background traffic growth and traffic from the Overlay Zone. The recommended mitigation for this intersection is the construction of a second westbound right turn lane. This improvement will fully mitigate traffic impacts to LOS C. However, as this intersection is outside the jurisdiction of the City of Santa Ana, the City cannot ensure implementation of this improvement.
- **Seventeenth Street at Cabrillo Park Drive**—The intersection of 17th Street at Cabrillo Park Drive currently has a good LOS in both the AM and PM peak hours (LOS B or better). With the addition of background traffic growth and traffic from the Overlay Zone LOS is expected to decline to LOS E in the PM peak hour. The recommended mitigation to address impacts at this intersection is the restriping of the northbound lane configuration to one left, one shared left-through, and one right turn lane, with split signal phasing. These improvements are expected to fully mitigate traffic impacts at this intersection to LOS D.
- **Seventeenth Street at Tustin Avenue**—The intersection of 17th Street and Tustin Avenue currently operates at Level of Service C or better in the AM and PM peak hours. Level of service is expected to decline to LOS E in the AM peak hour due to growth in background traffic and traffic from the Overlay Zone. The recommended mitigation for this intersection is the construction of a third northbound through/right turn lane and designating the lanes to allow vehicles to turn right from the right turn lane and from the adjacent (new) through lane. These improvements would fully mitigate traffic impacts at this intersection to LOS D.
- **First Street at Prospect Avenue**—The intersection of 1st Street at Prospect Avenue is currently operating at LOS A in the AM and PM peak hours. Background traffic growth and traffic from the Overlay Zone is expected to cause a decline in LOS to LOS E in the PM peak hour. The increase in V/C at this intersection is above the impact threshold of 0.03 for the City of Tustin. The recommended mitigation for this intersection is the construction of a northbound right turn lane and northbound right turn overlap signal

phasing. These improvements will fully mitigate traffic impacts to LOS D. However, as this intersection is outside the jurisdiction of the City of Santa Ana, the City cannot ensure implementation of this improvement.

- **First Street at Newport Avenue**—The intersection of First Street at Newport Avenue currently experiences LOS C or better in the AM and PM peak hours. The addition of background traffic growth is expected to result in a decline in LOS at this intersection to LOS E in the AM peak hour. Although the Overlay Zone would not result in a significant impact at this intersection because the contribution is less than the identified threshold of 0.03, improvements to this intersection are feasible, but not required. The improvements at this intersection include eastbound right turn overlap signal phasing and provision of a third southbound through lane, by constructing a southbound right-turn lane. These improvements will improve intersection performance to LOS C. However, as this intersection is outside the jurisdiction of the City of Santa Ana, the City cannot ensure implementation of this improvement.
- **Irvine Boulevard at SR-55 Northbound Ramps**—The intersection of Irvine Boulevard at SR-55 Northbound Ramps is currently operating at LOS D or better in the AM and PM peak hours. The addition of background traffic growth and traffic from the proposed project is expected to result in a decline in LOS to LOS F in the AM and PM peak hours. The recommended mitigation for this intersection is the construction of a westbound free-right turn lane and the conversion of the third eastbound through lane to a second eastbound left turn lane. These improvements fully mitigate traffic impacts at this intersection to LOS D.
- **Parkcourt at Cabrillo Park Drive**—The intersection of Cabrillo Park Drive and Parkcourt currently operates at LOS C or better in the AM and PM peak hours. Level of service is expected to decline to LOS F in the PM peak hour with the addition of background traffic growth and traffic from the Overlay Zone. The recommended mitigation for this intersection is the prohibition of cross-traffic through the use of median islands, diverters, or other means. This improvement will fully mitigate the traffic impacts at this intersection.
- **Fruit Street at Cabrillo Park Drive**—The intersection of Cabrillo Park Drive and Fruit Street currently operates at LOS B in both the AM and PM peak hours. Future background traffic growth and traffic from the Overlay Zone is expected to result in a decline in LOS to LOS E in the PM peak hour. The recommended mitigation for this intersection is the installation of a traffic signal or a roundabout. Either improvement is expected to result in an improvement to LOS C or better, fully mitigating impacts.
- **Wellington Avenue at Cabrillo Park Drive**—The intersection of Cabrillo Park Drive and Wellington Avenue currently operates at LOS C in both the AM and PM peak hours. Level of service is expected to decline to LOS F in both the AM and PM peak hours due to growth in background traffic and traffic from the Overlay Zone. The

recommended mitigation for this intersection is the installation of a traffic signal or a roundabout. Either improvement is expected to result in an improvement to LOS B or better, fully mitigating impacts.

- **Tustin Avenue and Sixth Street**—The intersection of Tustin Avenue and Sixth Street currently operates at LOS D in both the AM and PM peak hours. Level of service is expected to decline to LOS F in the AM and PM peak hours with the addition of background traffic growth and traffic from the Overlay Zone. The recommended mitigation for this intersection is the prohibition of eastbound-westbound cross-traffic through the construction of median islands or diverters. This improvement will fully mitigate the traffic impacts at this intersection. Intersection performance will improve to LOS D.
- **Fourth Street and Parkcenter**—The intersection of Fourth Street and Parkcenter currently operates at LOS B in both the AM and PM peak hours. Growth in background traffic and traffic from the Overlay Zone is expected to result in a decline to LOS F in the PM peak hour. The recommended mitigation for this intersection is the installation of a traffic signal. Impacts will be fully mitigated to LOS B.
- **First Street and B Street**—The intersection of First Street and B Street currently operates at LOS E in the PM peak hour. Growth in background traffic and traffic from the Overlay Zone is expected to result in a decline in LOS to LOS F in both the AM and PM peak hours. The recommended mitigation for this intersection is the installation of a traffic signal. Impacts will be fully mitigated to LOS B at this intersection. However, as this intersection is outside the jurisdiction of the City of Santa Ana, the City cannot ensure implementation of this improvement.

Summary

The potential intersection improvements described above are expected to fully mitigate all traffic impacts to an acceptable LOS (LOS D or better), except at one intersection (Fourth Street at Tustin Avenue), as noted above. The Mitigation Measures MM-OZ 4.12-2 through MM-OZ 4.12-4 shall be implemented to reduce the potential impacts that would occur with implementation and full buildout of the Overlay Zone. Some of the significantly impacted intersections would be located outside of the City's jurisdiction; thus, the City of Santa Ana cannot ensure implementation of the suggested improvements. In addition, at least one of the identified intersections would not be mitigated to a less-than-significant level even with mitigation. Therefore, although it is assumed that a majority of the identified improvement measures could be implemented to mitigate impacts, due to a variety of constraints, at least one (if not more) of the intersections would not be improved to an acceptable level of service. Consequently, full buildout of the Overlay Zone would result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system, and this impact was determined to be significant and unavoidable.

Air Traffic Patterns

As discussed previously, the Certified EIR stated that the Overlay Zone is located approximately 6.5 miles northeast of JWA and is located outside of the Airport Planning Area for JWA. However, because the Overlay Zone could result in the development of structures that are more than 200 feet above ground level, filing with the FAA is required. As required by mitigation measure MM-OZ 4.6-4, any future projects within the Overlay Zone that would exceed 200 feet in height (from ground level at the project site) would be required to file a Notice of Proposed Construction or Alteration (FAA Form 7460-1). Therefore, compliance with recommendations or guidelines from the FAA would ensure that future development would not result in any change to air traffic patterns. This impact was determined to be less than significant.

Parking

The Certified EIR stated that the Overlay Zone would consist of approximately 5,551 residential units, over 3.4 million sf of office space, and 1.3 million sf of commercial space. The uses in each zone determine the amount of parking required. Parking requirements within the City of Santa Ana are provided in Chapter 41 of the City of Santa Ana Municipal Code. Since the exact uses that would be developed under the Overlay Zone are not known at this time, the precise amount of parking required is not known. As the City's Municipal Code regulates the amount of parking necessary for development within the City, future development within the Overlay Zone would be required to adhere to existing regulations, as well as the guidelines listed above in Table 4.12-9 of the Certified EIR. Any future development projects within the Overlay Zone would be subject to review to ensure compliance with the City's parking requirements of the Overlay Zone and Municipal Code. Thus, future development projects would be required to provide adequate parking, and this impact was determined to be less than significant.

Design Hazards

The Certified EIR stated that the Overlay Zone will be designed to utilize the existing network of regional and local roadways located within the vicinity of the study area. Three additional street segments may be constructed during implementation of the Overlay Zone in conjunction with reuse of the properties under a private development scenario. Additional proposed changes to road design within the study area as a part of the Overlay Zone could include potential improvement measures. Most of the identified improvements include the addition of one lane to a road segment, or the addition of a turn lane at an intersection and would not represent an increase in hazards associated with a design feature. Rather, these recommended improvements are designed to reduce potential hazards due to congestion. As such, this impact was determined to be less than significant.

Emergency Access

The Certified EIR stated the Overlay Zone would be required to meet all applicable local and State regulatory standards for adequate emergency access. Emergency access within the Overlay Zone Area is covered previously under the Hazards and Hazardous Materials topic in the

discussion of whether the Project would impair an emergency response plan. Adherence to applicable local and state regulatory standards and mitigation measures identified within under that topic ensures this impact remains less than significant.

Conflict with Transit, Bicycle, Pedestrian Facilities Plans

The Certified EIR stated that the Overlay Zone would not conflict with adopted policies, plans, or programs supporting alternative transportation. The Overlay Zone would comply with City of Santa Ana Municipal Code requirements and would provide bicycle racks, parking spaces for carpool/vanpool vehicles, and display rideshare information. In addition, the Overlay Zone is intended to provide a live-work community that would reduce daily vehicle trips, thereby encouraging alternative transportation via pedestrian and bicycle traffic. After analyzing public transit within two miles of the Overlay Zone, the following facilities and/or programs could be incorporated into the project to help encourage public transit patronage for program-related trips. Note that the implementation responsibility for some of these facilities and programs would fall on agencies other than Santa Ana, the lead agency for this project. Thus, coordination between the City of Santa Ana, local and regional transit providers, and the project developer will be required on several of these items. The Mitigation Measure MM-OZ 4.12-1 shall be implemented, as required by applicable local, state, or federal laws or regulations, or the Overlay Zone. As the Overlay Zone would be consistent with the City's goals and policies pertaining to expanding alternative transportation, and because the Overlay Zone is designed to facilitate alternative transportation, this impact was determined to be less than significant.

Congestion Management

The Certified EIR stated that the Orange County Transportation Authority is designated as the Congestion Management Agency (CMA) to oversee the Orange County CMP. The following three intersections are the only CMP intersections within the study area:

- First Street at I-5 South Bound On Ramp (Santa Ana)
- Fourth Street at SR-55 Southbound Ramps (Santa Ana)
- Irvine Boulevard at SR-55 Northbound Ramps (Tustin)

All three CMP intersections are signalized. As discussed above in the Thresholds of Significance, a traffic-related project contribution is considered significant for the City of Santa Ana intersections if the change in ICU is greater than 0.01, which is more stringent than the CMP criteria. In addition, a traffic related project contribution is considered significant for the City of Tustin intersection if the change in ICU is greater than 0.03, as identified by the CMP.

As discussed above in Impact 4.12-7, two of the CMP intersections, Fourth Street/SR-55 Southbound ramps and Irvine Boulevard/SR-55 Northbound ramps, would experience poor LOS due to the proposed project. Implementation of the above identified improvement measures for these two intersections would improve the level of service to acceptable operating conditions (LOS D). Therefore, if the improvement measures are implemented in the future under specific development projects, impacts to these intersections would be less than significant. However,

implementation of the improvement measures for these intersections cannot be ensured by the City, particularly because one of the intersections (Irvine Boulevard at SR-55 Northbound Ramps) is located outside of the City's jurisdiction. Therefore, this impact was determined to be considered significant and unavoidable, and the City adopted a statement of overriding considerations.

Mitigation Measures

MM-OZ 4.12-1 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 Overlay Zone. These measures may include, but are not limited to, the following:

- Adding bus stops to the Overlay Zone along existing and proposed 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 Overlay Zone

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 with OCTA to review route headways to determine if it would be appropriate to reduce them to accommodate transit riders within the Overlay Zone.

MM-OZ 4.12-2 Future development within the proposed Overlay Zone shall prepare separate traffic studies, specific to the individual projects that are proposed. The traffic studies for future projects shall be prepared by a qualified traffic engineer of the City's choosing. Further, and as determined by the traffic studies, the above identified improvement measures shall be implemented as a condition of the proposed development, either through the direct construction of improvements by the project applicant or through payment of a fee, as required by the program detailed in MM-OZ 4.12-4.

MM-OZ 4.12-3 The City of Santa Ana Planning Department, in cooperation with the Department of Public Works, shall monitor the traffic signals within the Overlay

Zone Study Area once every five years to ensure that traffic signal timing is optimized.

MM-OZ 4.12-4 The City of Santa Ana shall institute a program for systematic mitigation of impacts as development proceeds within the Overlay Zone 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 should 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.
- The program should allow for acquisition of entire properties including business relocation where necessary to construct mitigation measures. Funds derived from sale of surplus acquired properties should be returned to the program.
- All properties that redevelop within the Overlay Zone 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 Overlay Zone.
- The program shall include resources to conduct preliminary engineering studies to complete alignment studies and project specific environmental clearances for Tustin Avenue at Seventeenth Street and at Fourth Street.
- The program should raise funds from full development of the Overlay Zone to fund all identified mitigation measures.
- The program should monitor phasing development of the Overlay Zone and defer or eliminate improvements if the densities permitted in the Overlay Zone 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 square feet of non-residential development. Traffic impact studies should use traffic generation rates that are deemed to be most appropriate for the actual development proposed.
- The program should initiate project development to assure timely completion of the improvements identified to be needed for the First and Cabrillo Towers project by 2010 or as soon after as practically feasible.

- Properties within Santa Ana and within one-half mile of the Overlay Zone that redevelop to result in higher traffic generation should also participate in the program to insure equity.
- The program should provide for full construction of projects outside of Santa Ana, if the Overlay Zone will create a traffic impact based upon the CMP.
- The program should provide fair share contribution to construction costs of other improvements outside of the Overlay Zone if they are identified in this traffic study but they are not impacted as defined by the CMP.
- The fair share contribution would presume participation by other developments outside of the City of Santa Ana (generally within the City of Tustin) in proportion to traffic growth at the affected sites.
- Traffic impact studies for future projects shall be prepared by a qualified traffic engineer approved or retained by the City.
- 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.
- Traffic studies for future developments within the Overlay Zone must also use trip generation rates which are specific for these projects and are approved by the City. The traffic consultant preparing traffic studies for specific projects in the Overlay Zone must use City-approved trip generation rates specific to these projects. These studies are subject to City review.

4.16.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the permitted density, allowable units, or building envelope considered

in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project.

Further, in compliance with Mitigation Measure MM-OZ 4.12-2, a site-specific traffic study has been prepared for the Project by Linscott, Law & Greenspan Engineers that analyzes the potential traffic impacts consistent with the methodology in the Certified EIR (refer to Attachment G). The Project traffic study concludes that the Project's fair share contribution to following specific improvement measures from the list in the Certified EIR that would mitigate potential impacts:

Cabrillo Park Drive/Fourth Street: Widen and provide the additional right-of-way required to construct an exclusive westbound right-turn lane with 125-feet of storage and 90-feet transition. Modify the existing traffic signal as necessary.

SR 55 SB Ramps at Fourth Street: Modify the eastbound shared through/right-turn lane to construct a free-right turn lane. Modify the existing traffic signal as necessary. This improvement is subject to the review and approval of the City of Santa Ana, City of Tustin and/or Caltrans.

SR 55 NB Ramps at Fourth Street: Modify the eastbound approach to provide dual left-turn lanes and two through lanes. Modify the existing traffic signal as necessary. This improvement is subject to the review and approval of the City of Santa Ana, City of Tustin and/or Caltrans.

Per Mitigation Measure MM-OZ 4.12-2, these improvement measures would be implemented as a condition of the Project, either through the direct construction of improvements or through payment of a fair share contribution fee, as required by the program detailed in Mitigation Measure MM-OZ 4.12-4. Accordingly, the Project's trips were accounted for in the Certified EIR, and with the required mitigation, the Project would not result in any new or increased significant LOS impacts beyond those already identified in the Certified EIR.

Since adoption of the Certified EIR, the LOS metric for analyzing transportation and traffic impacts under CEQA has been replaced with a VMT analysis to address consistency with CEQA Guidelines Section 15064.3(b). However, recent California case law confirms that CEQA Guidelines Section 15064.3(b) only applies prospectively to CEQA documents that have not yet been circulated for public review and not to CEQA documents that rely on previously certified EIRs that complied with applicable CEQA requirements when publicly reviewed. The court in *Olen Properties Corp. v. City of Newport Beach* (2023) 93 Cal.App.5th 270 explicitly recognizes that VMT impacts were known of and understood at the time the EIR in that case was certified (i.e., 2006, just like the Certified EIR for the Overlay Zone) and therefore do not constitute new information that would trigger recirculation. Thus, a project relying on a previously certified EIR under CEQA Guidelines 15168(c) is not required to provide a VMT analysis if: (1) the previously certified EIR evaluated transportation impacts based on LOS and (2) the subsequent project is within the scope of the impacts assessed in the previously certified EIR and any applicable mitigation measures are adopted...

The 2006 Certified EIR was certified well before CEQA Guidelines Section 15064.3(b) was adopted and relies on an LOS analysis, not a VMT analysis, to analyze the Overlay Zone's transportation impacts. The CEQA findings associated with the Project will not be circulated for

public review. Therefore, no VMT analysis is not required to evaluate the Project's consistency with the Certified EIR and the lead agency is evaluating consistency based only on LOS. . In any event, in response to public comments received an analysis of the Project's VMT impacts is included in this document for informational purposes only.

VMT Impacts (Informational Purposes Only)

The analysis and information presented below are based on the Vehicle Miles Traveled (VMT) Screening Assessment prepared by Linscott, Law & Greenspan Engineers in compliance with the *City of Santa Ana Traffic Impact Study Guidelines* (dated September 2019) (refer to Attachment H1), which was confirmed in writing by the Director of Public Works, Zdenek Kekula, on August 22, 2023 (refer to Attachment H2).

PROJECT SCREENING CRITERIA

Project screening is used to determine if a project will be required to conduct a detailed VMT analysis. The following section discusses the various screening methods outlined in the *City of Santa Ana Traffic Impact Study Guidelines* (dated September 2019), and outlines whether the Project will screen out, either in its entirety or partially, based on individual land uses.

The *City of Santa Ana Traffic Impact Study Guidelines* states that several types of projects can be screened out from a VMT assessment using the criteria below, indicating that these projects have the potential to reduce VMT per service population (VMT/SP) and result in a less-than-significant transportation impact:

- Projects which serve the local community and have the potential to reduce VMT, such as neighborhood K-12 schools and local-serving retail less than 50,000 square feet (Charter schools are excluded from this criteria).

Based on the above, the Project's retail component will screen out since it has local-serving retail of less than 50,000 square feet.

- Projects that generate less than 110 net daily trips.

Based on the above and as presented in Table 18, the Project will not screen out since it will generate more than 110 net daily trips.

- Projects located within TPA or HQTAs. Appendix A of the *City of Santa Ana Traffic Impact Study Guidelines* (dated September 2019) presents the transit priority areas in the City. Due to the many high quality transit routes in the City, much of the City is a transit priority area.
 - TPA are defined as a ½ mile radius around an existing or planned major transit stop (e.g., Metrolink Station, Streetcar Station, etc.) or an existing stop along a high quality transit corridor.
 - HQTAs are defined as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A map of HQTAs can be reviewed on SCAG's website.

- Projects that are in TPAs will also be required to complete a secondary screening step to verify the proposed project's consistency with the assumptions from the RTP/SCS. This consistency can be a land use review (e.g., are the proposed land uses already included in the RTP/SCS) or can be reviewed from a VMT/SP perspective (e.g., does the resulting land use increase or decrease the VMT/SP in the Traffic Analysis Zone (TAZ) compared to the RTP/SCS assumptions).

**Table 18
Project Traffic Generation Rates and Forecast**

Description	Daily 2 Way	AM Peak Hour			PM Peak Hour		
		Enter	Exist	Total	Enter	Exit	Total
<u>Trip Rates</u>							
215: Single Family Attached Housing	7.20	31%	69%	0.48	57%	43%	0.57
221: Multifamily Housing – Mid-Rise	4.54	23%	77%	0.37	61%	39%	0.39
710: General Office Building	10.84	88%	12%	1.52	17%	83%	1.44
822: Strip Retail Plaza (40k)	54.45	60%	40%	2.36	50%	50%	6.59
<u>Existing Land Use Trip Generation</u>							
Cabrillo Park Drive and E. 4 th Office Buildings (173,025 sf)	1,876	231	32	263	42	207	249
<u>Project Trip Generation</u>							
Cabrillo Town Center Apartments (449 du)	2,038	38	128	166	107	68	175
Cabrillo Town Center Retail (5,800 sf)	316	8	6	14	19	19	38
Cabrillo Town Center L/W Commercial (11,400 sf)	124	15	2	17	3	13	16
Cabrillo Town Center Townhomes (58 du)	418	9	16	28	19	14	33
Total Project Trip Generation	2,896	70	155	225	148	114	262
Internal Trip Capture (5%)	-145	-4	-8	-12	-7	-6	-13
Adjusted Project Trip Generation	2,751	66	147	213	141	108	249
Less Existing Trips	-1,876	-231	-32	-263	-42	-207	-249
Net Project Trips	875	-165	115	-50	99	-99	0
<i>sf = square feet du = dwelling unit</i>							
<i>Source: LLG, 2023. Refer to Attachment H1.</i>							

Based on existing conditions and SCAG data, the Project Site is located within a HQTA (i.e., half a mile from a bus stop located on a single High Quality Transit Corridor [HQTC], defined as a corridor with 15-minute peak hour service or better). Specifically, OCTA Route 64 qualifies as a HQTC because it is a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours (refer to Attachment H3 for OCTA Route 64 schedule). There are eight OCTA Route 64 stops located within a ½ mile of the Project.

Further, as discussed above, the proposed land uses are consistent with the 2020-2045 RTP/SCS. The Project is consistent with the land uses in the 2020-2045 RTP/SCS, which assumed the Project Site would be constructed as an urban, mixed-use development that would reduce area VMT, consistent with the TPA designation. The 2020-2045 RTP/SCS recognizes that development within Priority Growth Areas, including TPAs, supports mode shift and shortened trip distances. The Project Site is within an identified Priority Growth Area, where urban development can contribute to reduced VMT and associated emissions. The District Center

designation permits broad use types, including commercial, retail, hospitality, residential, and office uses that facilitate high-intensity development with an urban character. The Project proposes diverse uses consistent with those permitted by the General Plan – residential, and local serving retail and commercial uses – and would implement development to achieve an urban character and is consistent with the land uses assumed for the project site as part of the 2020-2045 RTP/SCS.

In addition, the Project's consistency has been evaluated with applicable goals and policies of the City's General Plan Circulation Element, including:

- Policy 1.1: Coordinate transportation improvements in a manner which minimizes disruptions to the community.
- Policy 1.3: Utilize advance technology to improve traffic flow and minimize the need for land acquisition.
- Policy 1.4: Maintain at least a level of service “D” on arterial street intersections, except in major development areas.
- Policy 1.6: Improve intersection capacity on major arterials to accommodate increased traffic demands.
- Policy 2.7: Continue design practices which facilitate the safe use of circulation systems.
- Policy 3.1: Support the efforts of regional, state, and federal agencies to enhance local and express bus services.
- Policy 3.2: Support programs which complement bus and rail services for specialized transit needs.
- Policy 3.3: Support the expansion of commuter rail services.
- Policy 3.4: Encourage the development of multi-modal transit opportunities within major development areas.
- Policy 3.5: Enhance sidewalks and pedestrian systems to promote their use as a means of travel.

Furthermore, the 2020-2045 RTP/SCS integrates strategies for land use and transportation centered around sustainability, protecting and preserving existing transportation infrastructure, increasing capacity through improved systems managements, and providing more transportation choices, in order to help reduce GHG emissions from transportation. The City's General Plan consistency, and thus the Project's consistency, with the 2020-2045 RTP/SCS can be evaluated based on the following applicable goals:

- RTP/SCS G1: Encourage regional economic prosperity and global competitiveness.
- RTP/SCS G2: Improve mobility, accessibility, reliability, and travel safety for people and goods.
- RTP/SCS G3: Enhance the preservation, security, and resilience of the regional transportation system.
- RTP/SCS G4: Increase person and good movement and travel choices within the transportation system.
- RTP/SCS G5: Reduce greenhouse gas emissions and improve air quality.
- RTP/SCS G6: Support healthy and equitable communities.

- RTP/SCS G7: Adapt to a changing climate and support an integrated regional development pattern and transportation network.
- RTP/SCS G8: Leverage new transportation technologies and data driven solutions that result in more efficient travel.

Hence, given the above, the Project would screen out of a full VMT analysis even if required since it is within a TPA/HQTA, where existing transit service provided by OCTA provides service intervals no longer than 15 minutes during the peak commute hours.

CONCLUSION

A VMT analysis is only required prospectively for CEQA documents circulated for public review after implementation of CEQA Guidelines Section 15064.3(b). As the Certified EIR predated the implementation of the VMT requirements outlined in Senate Bill 743 and CEQA Guideline Section 15064.3(b), a VMT analysis was not included in the Certified EIR. Further, the CEQA findings associated with the Project will not be circulated for public review. Therefore, a VMT analysis is not required for the Project, and the determination of consistency with the Certified EIR is based on the LOS discussion above. Nevertheless, a VMT analysis has been produced for informational purposes only in response to public comments received on the topic, which, although legally not required, demonstrates that, consistent with the *City of Santa Ana Traffic Impact Study Guidelines* (dated September 2019) and based on the VMT screening methodology and findings outlined in the Screening Memorandum (refer to Attachment H1), the Project would not result in VMT impacts even if required due to (1) the Project Site's location within a TPA/HQTA (i.e., within ½ mile of the 8 bus stop along OCTA Route 64 that has a 15-minute peak-hour service (refer to Attachment H3), and (2) the Project's consistency with the 2020-2045 RTP/SCS.)

Conflict with Transit, Bicycle, and Pedestrian Facilities Plans

The Project would implement Mitigation Measure MM-OZ 4.12-1, which requires transit-related improvements. Thus, the Project would not result in any new or increased significant impacts related to conflict with transit, bicycle, and pedestrian facilities plans beyond impacts already identified in the Certified EIR.

Design Hazards

In compliance with Mitigation Measure MM-OZ 4.12-2, the Project has prepared a site-specific traffic study prepared by a qualified traffic engineer that analyzes the potential traffic impacts consistent with the methodology in the Certified EIR (refer to Attachment G). The Project traffic study analyzes the Project Site's access and internal circulation. Additionally, a sight distance analysis was prepared for the Project by Linscott, Law & Greenspan Engineers, which shows that the Project driveway is expected to be adequate (refer to Attachment I). Thus, the Project would not result in any new or increased significant impacts related to a design hazard beyond impacts already identified in the Certified EIR.

Emergency Access

The Project would implement MM-OZ 4.6-7, requiring coordination with the City Fire Department in preparation of an Emergency Preparedness Plan. Thus, the Project would not result in any new or increased significant impacts related to emergency access beyond impacts already identified in the Certified EIR.

Mitigation Measures

The Project would implement Mitigation Measures MM-OZ 4.4.12-1, MM-OZ 4.4.12-2, MM-OZ 4.4.12-4 and MM-OZ 4.6-7 from the Certified EIR, including the following specific improvements identified in the site-specific traffic study prepared for the Project in accordance with Mitigation Measure MM 4.12-2:

Cabrillo Park Drive/Fourth Street: Widen and provide the additional right-of-way required to construct an exclusive westbound right-turn lane with 125-feet of storage and 90-feet transition. Modify the existing traffic signal as necessary.

SR 55 SB Ramps at Fourth Street: Modify the eastbound shared through/right-turn lane to construct a free-right turn lane. Modify the existing traffic signal as necessary. This improvement is subject to the review and approval of the City of Santa Ana, City of Tustin and/or Caltrans.

SR 55 NB Ramps at Fourth Street: Modify the eastbound approach to provide dual left-turn lanes and two through lanes. Modify the existing traffic signal as necessary. This improvement is subject to the review and approval of the City of Santa Ana, City of Tustin and/or Caltrans.

4.16.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to transportation have occurred, and no substantial new significant traffic sources have been identified within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.16.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to transportation that would result in new or more severe significant environmental impacts related to transportation.

4.16.5 Mitigation Measures Addressing Impacts

The Project would implement Mitigation Measures MM-OZ 4.4.12-1 and MM-OZ 4.6-7 from the Certified EIR.

4.16.6 Conclusion

Based on the above, no new significant transportation impacts or a substantial increase in previously identified transportation impacts would occur as a result of the Project. Therefore, the impacts to transportation do not meet the standards for a subsequent or supplemental EIR pursuant to PRC Section 21166 and CEQA Guidelines Section 15162.

4.17 Tribal Cultural Resources

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance	Project Incorporates Mitigation Measure(s)?
TRIBAL CULTURAL RESOURCES: Would the project:					
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
(i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	NA	NA	NA	NA	NA
(ii) A resource determined by the lead agency in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	NA	NA	NA	NA	NA

4.17.1 Impact Determination in the EIR

Tribal cultural resources was not a topic in the 2006 CEQA Guidelines. Thus, the Certified EIR did not include an analysis of tribal cultural resources impacts.

Mitigation Measures

Not applicable.

4.17.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

Assembly Bill (AB) 52 went into effect on July 1, 2015, and requires that for a project for which a Notice of Preparation (NOP) for a Draft EIR was filed on or after July 1, 2015, the lead agency is required to consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if: (1) the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area; and (2) the tribe requests consultation, prior to the release of a negative declaration, mitigated negative declaration or environmental impact report for a project. The NOP for the Certified EIR was released on March 10, 2006, and as such, the lead agency was not required to comply with the requirements of AB 52. The Final Certified EIR was released in 2007, and thus, did not include responses to the updated Appendix G questions related to tribal cultural resources. AB 52 tribal consultation is also only required prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. Because the Project relies on the Certified EIR as a later activity, no negative declaration, mitigated negative declaration, or environmental impact report will be released. Therefore, AB 52 tribal consultation is not required for the Project.

The Certified EIR stated that according to the *City of Santa Ana Land Use Element EIR*, an archaeological records search at the UCLA Institute of Archaeology indicated there is a single recorded prehistoric site within the City. The site, near Santiago Creek in the northwest section of the City, contained grinding stones and was disturbed by the development of a residential subdivision in 1965. An additional six prehistoric sites are located within one mile of the City boundaries. Eighteen post contact (following European contact) archaeological sites have also been identified in the City. None of these known archaeological resources occur within the Overlay Zone boundaries. However, the presence of historic and archaeological sites in the City indicates that the City (including the Overlay Zone) has a potential for archaeological and historical resources and the resources of prehistoric and historic cultures may still be intact beneath existing developments.

An archival records search for known archaeological sites was made at the SCCIC for a study area encompassing the Overlay Zone and an additional ½-mile “buffer zone” beyond the Overlay Zone boundaries. No archaeological sites have been identified within the Overlay Zone or within the 0.5-mile radius beyond the Overlay Zone included in the study area. This does not preclude the potential for archaeological sites to be identified during future ground-disturbing construction activities.

Further, it should be noted that the Native American Heritage Commission was consulted with regard to the Overlay Zone, and no known Native American cultural resources are known to occur in the area.

The Certified EIR concluded that implementation of the Overlay Zone has the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines, but implementation of Mitigation Measures MM-OZ 4.4-2 through MM-OZ 4.4-4 that require monitoring by a qualified archaeologist during any ground-disturbing activities below 10 feet below ground surface, evaluation of any uncovered resources, and coordination with the County Coroner and the NAHC if human remains are uncovered would ensure that impacts related to unknown archaeological resources, including tribal cultural resources, will be less than significant.

As discussed previously in this document, the Project would include excavation beyond 10 feet below ground surface and would be required to implement Mitigation Measures MM-OZ 4.4-2 and MM-OZ 4.4-3, requiring construction monitoring by a qualified archeologist and certain actions in the event that a potential resource is encountered during Project construction. Thus, the Project would not result in any new or increased significant impacts related to archaeological resources, including tribal resources, beyond impacts already identified in the Certified EIR.

Mitigation Measures

Not applicable.

4.17.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to tribal cultural resources have occurred, and no substantial new sources of tribal cultural resources have been identified within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.17.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance which has become available relative to tribal cultural resources that would result in new or more severe significant environmental impacts.

4.17.5 Mitigation Measures Addressing Impacts

Not applicable.

4.17.6 Conclusion

Based on the above, no new significant tribal cultural resources or a substantial increase in previously identified tribal cultural resources would occur as a result of the Project. Therefore, the impacts to tribal cultural resources do not meet the standards for a subsequent or supplemental EIR pursuant to PRC Section 21166 and CEQA Guidelines Section 15162.

4.18 Utilities and Service Systems

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
UTILITIES AND SERVICE SYSTEMS:					
Would the project:					
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities or expansion of existing facilities, the construction of which could cause significant environment effects?	Less Than Significant	No	No	No	No
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Less Than Significant	No	No	No	No
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less Than Significant	No	No	No	No
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less Than Significant	No	No	No	No
(e) Comply with federal, state and local management and reduction statutes and regulations related to solid waste?	Less Than Significant	No	No	No	No

4.18.1 Impact Determination in the EIR

Water Treatment

The Certified EIR stated that the City's imported surface water supply is primarily treated at the Metropolitan Water District (MWD) Diemer Filtration Plant, located in Yorba Linda, with a treatment capacity of approximately 520 million gallons per day of water (MGD,) flowing at an average of 140 MGD in the winter (27 percent capacity) and 375 MGD in the summer (72 percent capacity). In addition to Diemer-treated imported water, the City also receives potable water from

MWD's Weymouth Filtration Plant, which operates at approximately 42 percent capacity during the winter and 65 percent capacity during the summer. Additional development accommodated under the Overlay Zone would increase water use within the City, thus increasing the need for water treatment services. As discussed above, MWD can meet 100 percent of the City's imported water needs until at least the year 2030. Beyond that date, improvements associated with the State Water Project supply, additional local projects, water conservation, and additional water transfers may be needed to adequately serve the City. The Orange County Water District (OCWD), which provides the groundwater supply to the City, anticipates that there would be sufficient groundwater supplies to meet projected future demand requirements in Santa Ana. Implementation of the Overlay Zone would not require or result in the construction of new water treatment facilities or the expansion of existing facilities, and impacts would be less than significant. No mitigation is required.

Wastewater Treatment

Implementation of the Overlay Zone would generate additional demand on the existing sewer system from increased sewage flows. New residential, commercial and office growth would generate wastewater that would require treatment. As described in the Existing Conditions section, wastewater service within the Overlay Zone area is provided by the City and the Orange County Sanitation District (OCSD). Wastewater from the City's system and OCSD is treated by the OCSD at their two treatment plants. The OCSD Treatment Plant No. 1 maintains a design capacity of 174 mgd and treats on average a flow of 90 mgd. Treatment Plant No. 2 maintains a design capacity of 276 mgd and treats on average a flow of 153 mgd. Plant No. 1 and Plant No. 2 are operating at 52 percent and 55 percent of design capacity, respectively. Therefore, each of the treatment plants serving the City is operating below their design capacity.

The additional 1.106 mgd of wastewater, as stated above under Impact 4.13-4, would be distributed between OCSD Treatment Plant No. 1 and Treatment Plant No. 2. Each of these plants has the capacity to treat the full increase in sewage from the Overlay Zone. To illustrate the most conservative analysis, if the entire Overlay Zone's wastewater went to Treatment Plant No. 1, its average flow would increase to approximately 91 mgd, an increase of 1.1 percent, and the plant would still operate below its design capacity. If the entire City's sewage were directed to Treatment Plant No. 2, its average flow would increase to approximately 154 mgd, an increase of 0.6 percent, and the plant would operate below its design capacity. Because increased wastewater due to implementation of the proposed General Plan Update could be accommodated within the existing treatment infrastructure, expansion would not be required. Therefore, impacts to the wastewater treatment facilities associated with increased growth in the City would be less than significant, and no mitigation is required.

OCSD maintains certain trunk sewer lines that may require expansion on an as needed basis due to incremental increases in sewage generation as a result of a new development. The City would also maintain local sewer lines and upgrades as part of individual projects. Implementation of Mitigation Measure MM-OZ 4.13-1 would ensure that any new development within the Overlay Zone does not result in an exceedance of an existing sewer conveyance capacity for City and OCSD facilities, and impacts would be less than significant.

Storm Water Drainage

The Certified EIR stated that adherence to Mitigation Measure MM-OZ 4.7-1 would require the preparation of a WQMP and implementation of appropriate BMPs, which could incorporate stormwater detention facilities, and would reduce the volume of runoff generated (and potential for flooding) in the Overlay Zone. However, because the existing capacity of the existing storm drain system in the Overlay Zone is unknown, this is considered a potentially significant impact. Implementation of Mitigation Measure MM-OZ 4.7-2 would be required to address these issues.

Water Supply

The Certified EIR stated that domestic water for the Overlay Zone is supplied by both groundwater and imported surface water sources, as discussed above. A majority of water supplied to the Overlay Zone is supplied by groundwater from the Basin. Specifically, approximately 69 percent of the water supplied by the City's service area is supplied by groundwater from the Basin, and the remaining 31 percent of water supply is provided by MWD. Implementation of the proposed General Plan Update would increase the population and amount of development within the City, which in turn would increase the demand for water supplies.

The Overlay Zone would allow a maximum of 6,661,489 square feet of residential, 3,410,507 square feet of office space and 1,275,440 square feet of commercial space at completion. A Water Supply Assessment was done by Dudek to assess the water demand and supply conditions for the Overlay Zone area.

According to the WSA provided as Appendix I to the Certified EIR, analysis of water supply projections for the City demonstrates that projected supplies will exceed demand through the year 2030. These projections consider land use based on the Metro East Mixed-Use Zone development intensities; projections from the City's 2005 UWMP; water development programs and projects; and water conservation. Analysis shows that groundwater and imported water are anticipated to remain stable to the City, based on studies and reports of the Orange County Water District (OCWD) and the Metropolitan Water District of Southern California (Metropolitan), respectively. The 20-year projection, and beyond, of water demand will be met by approximately 70 percent groundwater, based on an expected long-term Basin Production Percentage (BPP), and 30 percent imported water confirmed reliable by Metropolitan. Additionally, analysis of normal, single-dry, and multiple-dry year scenarios also demonstrate the City's ability to meet or exceed demand during the 20-year planning period, even under reduced imported water supply conditions. Additionally, the City has the opportunity to increase supply to meet demand, if extraordinary circumstances require, through the following measures: 1) production of groundwater above the BPP up to the basin safe yield; 2) increasing imported water purchases; and 3) increased water conservation measures. Reliability of future water supplies to the region will be ensured through continued implementation of the local agency programs, OCWD's Long-Term Facilities Plan, and the combined efforts and programs among member agencies of Metropolitan, such as the Integrated Resources Plan (IRP) and proposed Capital Improvement Program. Agencies include all water wholesalers and retailers, the Orange County Sanitation

District (OCSD), the Santa Ana Regional Water Quality Control Board (RWQCB), and the Santa Ana Watershed Project Authority (SAWPA). Collectively, the information included in this Water Supply Assessment identifies a sufficient water supply and reliability to the City, now and into the future, including a sufficient water supply for the Overlay Zone.

Also, the expansion of the existing network of water lines will not be required for the purpose of the project. The existing network would ensure continuous water supply with adequate volume and pressure and quality at all times to the Overlay Zone. However, should improvements to the existing water system be required or additional facilities be deemed necessary, the property developer would be required to pay its fair share of the cost of all or portions of the needed improvements. Thus, the impact of the Project on water services would be less than significant. No mitigation measures would be required.

Electricity/Natural Gas

The Certified EIR stated that in peak days, the increase in demand from implementation of future development under the Overlay Zone would contribute to electricity supply and delivery constraints. However, all future development would be constructed in compliance with Title 24 energy efficiency standards.

By the time future development would be constructed under the Overlay Zone, it is expected that some steps outlined in the CEC action plan will have been implemented to alleviate energy constraints. If these constraints do remain, they could be addressed through “rolling blackouts,” which are limited to specific geographic areas for a period of hours. Further, if energy constraints remain, they are a reflection of the broad energy supply issues experienced by California as a whole, and not unique to the demands of the development in the City.

Further, the CEC licensed two additional power plants in 2001 that were anticipated to provide California with electrical energy supply capacity and the ability to meet peak load demand in excess of forecasts of regional energy supplies. Consequently, although the Overlay Zone would result in an increased electricity demand in the City, additional energy demands resulting from the Overlay Zone would be adequately met by current and planned infrastructure during most of the year. Further, development under the Overlay Zone would be required to comply with the energy conservation measures contained in Title 24, which would reduce the amount of energy needed for the operation of any buildings constructed as a part of the Overlay Zone.

Additionally, the current electrical demand of the Overlay Zone is within the capacity limitations of the electrical facilities serving the City. Excluding any unforeseen problems, existing distribution resources have the ability to serve all existing customer loads in accordance with its rules and tariffs. The projected electrical demand of the Overlay Zone area and for build-out under the Overlay Zone is expected to be within SCE’s current 10-year load forecasts. Though SCE’s total system demand is expected to continue to increase annually, excluding any unforeseen problems, SCE’s plans for new distribution resources would be adequate to serve all existing and new customer loads throughout the next decade. SCE does not expect that utilities deregulation will

affect service to the Overlay Zone area. However, to reduce any potential impacts associated with build out of the Overlay Zone, SCE recommends the use of energy-efficient and high-performance design for nonresidential and residential building design and construction.

SCGC declares itself a “reactive” utility and will provide natural gas as customers request its services. SCGC has also indicated that an adequate supply of natural gas is available to serve additional development, and that the natural gas level of service provided to the City would not be impaired by buildout under the Overlay Zone. Any expansion of service necessitated by implementation of the Overlay Zone would be in accordance with SCGC’s policies and extension rules on file with the California Public Utilities Commission at the time contractual agreements are made.

Although the Overlay Zone would result in the energy demand increases in demand noted above, an adequate energy supply is anticipated to be available, as the electrical and gas supplies and infrastructure to support demand are provided as needed by SCE and SCGC. Therefore, the Overlay Zone would not substantially increase demands beyond the available supply. In case of electricity, the cost associated with relocating the facilities, if required shall be borne by the developer. The developer will also be required to make contractual arrangements with SCGC prior to initiation of construction for the gas. Prior to the issuance of grading permits, the project developer shall coordinate with SCE/SCGC to determine the exact location of all underground and overhead electrical/gas facilities. All electrical/gas facilities and associated structures left on the site shall be protected from damage. Grading plans should reflect the undergrounding of utility lines serving the project

The project-generated demand for electricity and natural gas would be negligible in the context of overall demand within the City of Santa Ana and the state and thus is not anticipated to require substantial upgrades or expansion of existing energy systems. Though the project would not increase the energy demand significantly, mitigation measures are suggested to promote conservation of energy to further reduce the impact.

Implementation of Mitigation Measure MM-OZ 4.13-2 would foster efficient energy use and ensure that a less than significant impact remains with respect to energy.

Solid Waste

The Certified EIR stated that based on the existing uses, the Overlay Zone generates a total of 9.54 tons of waste every day. The entire waste generated is hauled to the Frank R. Bowerman Landfill. The solid waste generation of the Overlay Zone is expected to increase by 15.62 tons/day or 164 percent compared to existing conditions. However, the amount signifies less than one percent of the existing maximum permitted capacity of 8,500 tons per day of the landfill. Compliance with the City’s recycling program would further reduce long-term solid waste disposal service impacts. Thus, the project would have a less than significant impact on the landfill capacity. No mitigation is required.

Additionally, the California Integrated Waste Management Act of 1989 (AB 939) requires that local jurisdictions divert at least 50 percent of all solid waste generated by January 1, 2000. Per the City Program, individual projects within the Overlay zone would be required to comply with the Source Reduction and Recycling Element (SRRE) program for diverting the solid waste. The City already diverts 60 percent of its solid waste generated and is well above the compliance levels. Under the SRRE program, implementation of the Overlay Zone would be consistent with AB 939 as well. Thus, a less-than-significant impact would occur. No mitigation is required.

Mitigation Measures

- MM-OZ 4.13-1 The developer is required to undertake a site-specific sewer evaluation, including flow monitoring required as part of the project design to determine the adequacy of the existing sewer pipe capacity in the affected project area lines.
- MM-OZ 4.13-2 The project shall implement energy conservation measures (such as energy-efficient lighting and micro-processor-controlled HVAC equipment) to reduce the demand for electricity and natural measures shall be subject to modification as new technologies are developed or if current technology becomes obsolete through replacement.

4.18.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project includes the demolition and removal of all existing improvements from the Project Site and development of the site with a mixed-use development including up to 507 residential dwelling units, approximately 26,800 square feet of commercial uses, and associated parking, utility infrastructure, landscaping, and open space, all of which is allowed under the Overlay Zone, and is consistent with the Overlay Zone standards. The Project does not include any development that would extend beyond the permitted uses, density, and intensity or building envelope considered in the Certified EIR, and no changes are proposed to the Overlay Zone to accommodate the Project. The Project's water demand is within the envelope of projected water usage analyzed as part of the WSA conducted for the Certified EIR that concluded the uses and development density and intensity proposed within the Overlay Zone could be adequately served by the water purveyor. As discussed below, the Project would incorporate mitigation measures to further minimize impacts related to utilities and service systems, and accordingly, would not result in any new or increased significant impacts beyond those already identified in the Certified EIR.

The Project's water and wastewater treatment requirements have been accounted for in the Certified EIR. The Project would be required to implement MM-OZ 4.7-2, which requires preparation of a Hydrology and Hydraulic Study to ensure the existing storm drain capacity could accommodate the Project. Further, the Project's energy consumption and solid waste generation has also been accounted for in the Certified EIR. Thus, the Project would not result in any new or increased significant impacts related to utilities and service systems beyond impacts already identified in the Certified EIR.

Finally, in the Project Site area, existing telephone service is typically provided by AT&T, and existing cable television/internet is typically provided by Spectrum (formerly Time Warner Cable). The Project Site could be served by existing telecommunications facilities that are available in the Project Site area and would not require new or expanded facilities. Therefore, Project impacts related to telecommunications facilities would be less than significant.

4.18.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to utilities and service systems have occurred within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.18.4 Any new information of substantial importance that demonstrates that the Project would result in new significant impacts or substantial increase in the severity of significant impacts?

There is no new information of substantial importance that has become available relative to utilities and service systems that would result in new or more severe significant environmental impacts related to utilities.

4.18.5 Mitigation Measures Addressing Impacts

The Project would implement Mitigation Measures MM-OZ 4.13-1 and MM-OZ 4.13-2 from the Certified EIR.

4.18.6 Conclusion

Based on the above, no new significant utilities and service system impacts or a substantial increase in previously identified utility impacts would occur as a result of the Project. Therefore, the impacts on utilities and service systems do not meet the standards for a subsequent or supplemental EIR pursuant to CEQA Guidelines Section 15162.

4.19 Wildfire

Issues (and supporting Information Sources)	Impact Determination in EIR	Any Substantial Changes Involving New Significant Impacts or Substantially More Severe Impacts?	Any Substantially Changed Circumstances Involving New Significant Impact or Substantially More Severe Impacts?	Any New Information of Substantial Importance?	Project Incorporates Mitigation Measure(s)?
WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact	No	No	No	No
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No Impact	No	No	No	No
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No Impact	No	No	No	No
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff post-fire slope instability, or drainage change?	No Impact	No	No	No	No

4.19.1 Impact Determination in the EIR

The Certified EIR stated that the Overlay Zone 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 project vicinity. Consequently, no wildland fires would affect, or be affected by, implementation of the Project. Therefore, no impacts would occur.

Mitigation Measures

None required or identified.

4.19.2 Does the Project propose changes that would result in new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

The Project Site 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 of the Project Site. The Project site is also not located within a Very High Fire Hazard Severity Zone or a State Responsibility Area. Thus, the Project would not result in any new or increased significant impacts related to wildland fires beyond impacts already identified in the Certified EIR.

Mitigation Measures

None required.

4.19.3 Any substantial changes in circumstances involving new significant impacts or substantial increase in the severity of significant impacts that will require major revisions of the Certified EIR?

No substantial changes in the circumstances related to wildfire have occurred, and no substantial new sources or wildfire have been identified within the vicinity of the Project since the certification of the Certified EIR that would result in new or more severe significant environmental impacts.

4.19.4 Any New Information of Substantial Importance?

There is no new information of substantial importance which has become available relative to wildfire that would result in new or more severe significant environmental impacts.

4.19.5 Mitigation Measures Addressing Impacts

None required.

4.19.6 Conclusion

Based on the above, no new significant wildfire impacts or a substantial increase in previously identified wildfire impacts would occur as a result of the Project. Therefore, the impacts to wildfire do not meet the standards for a subsequent or supplemental EIR pursuant to CEQA Guidelines Section 15162.