

**FINDINGS OF FACT REGARDING NOHL CANYON TANK WATER STORAGE PROJECT
ENVIRONMENTAL IMPACT REPORT**

SCH No. 2007061057

March 2008

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SECTION 1.0 INTRODUCTION

1.1 FINDINGS OF FACT

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs §§ 15000, *et seq.*) promulgated thereunder, require that the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Environmental Impact Report (EIR) addressing the environmental effects associated with the implementation of the proposed Nohl Canyon Water Storage Tank Project, State Clearinghouse No. 2007061057 (EIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are hereby adopted by the City of Anaheim (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Nohl Canyon Water Storage Tank Project.

1.2 RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;
- The EIR for the proposed project (including the Draft EIR);
- All written and electronic (e-mail) comments submitted by agencies and members of the public during the public review comment period on the Draft EIR;
- All responses to comments submitted by agencies and members of the public during the public review comment period on the Draft EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring Plan (MMP) No. 151;
- The reports and technical memoranda included or referenced in Responses to Comments in the EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR, and the EIR;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of Anaheim, 200 South Anaheim Boulevard, Anaheim, California 92803. The City Planning Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Planning Department. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and Guidelines § 15091(e).

SECTION 2.0 PROJECT SUMMARY

2.1 PROJECT LOCATION

The proposed project site is located at 570 South Nohl Canyon Road, which is south of Nohl Ranch Road and west of Villa Real Drive at the terminus of Nohl Canyon Road in the City of Anaheim, Orange County, California.

Although the project site is located within the City of Anaheim, it is bound to the west, south, and east by residential neighborhoods within the City of Orange. Immediately west of the project site, an earthen dam slopes down to an existing drainage channel. Nohl Canyon Elementary School and Olive Hills Park are located northwest of the site along Nohl Canyon Road, and a small neighborhood commercial center is located to the north at the intersection of Nohl Ranch Road and Villa Real Drive. Currently, primary site access is from Nohl Canyon Road and a small private access road that leads from the control house to the reservoir.

2.2 PROJECT DESCRIPTION

The City of Anaheim proposes to construct a partially buried, ten million gallon (MG), pre-stressed circular concrete tank on the site of the existing Olive Hills Reservoir. The project would involve removing the existing inactive Olive Hills Reservoir; regrading the pad and the side slopes of the site to increase slope stability; and constructing the concrete tank and appurtenant facilities.

Demolition and abandonment of the existing structures would include the removal of the existing asphalt-lined reservoir and its associated inlets and outlet facilities; removal of drain and overflow structures, piping, and concrete encasements; and removal of several monitoring wells. The inactive chlorination system present at the Olive Hills Control House would also be replaced as part of the project. In an effort to reduce the amount of export material from the site requiring disposal, the asphalt from the reservoir would be ground and used as fill on the project site. The transport of materials off site for disposal or recycling would be limited to concrete, piping, and other structures, thereby reducing the number of truck trips.

The Nohl Canyon Tank would be partially buried, with approximately 30 feet of the tank wall exposed and 18 feet of the tank wall buried beneath the ground surface. As part of the tank's foundation, a subdrain and leak-detection system would be installed to differentiate between groundwater around the tank and water associated with a leak from the tank. Inclined meters and piezometers, instruments to monitor groundwater level and any ground movement, would also be installed prior to tank construction on-site and off-site within several streets in the vicinity. The proposed tank will be 196 feet in diameter.

2.3 DISCRETIONARY ACTIONS

Project implementation, based on applications currently pending before the City, includes the following actions by the City:

Discretionary Actions

- **Approval of the Project:** Formal approval of the project is required by the Anaheim City Council.
- **Certification of the Environmental Impact Report:** The project requires certification of this environmental documents by the Anaheim City Council.

- **Orange Unified School District:** The project requires Board of Education approval of a Construction Contract Agreement.

Ministerial Actions

Project actions and subsequent approvals by the City of Anaheim are expected to include, but not be limited to, the following ministerial actions: a building permit, a grading permit, haul-route approval, and a traffic control plan.

2.4 USE OF PROJECT EIR

This EIR is a Project EIR in accordance with CEQA Guidelines §15161 which states:

The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.

The EIR for this project is intended to provide the environmental clearance for the specific applications currently pending before the City as discussed above, and for subsequent applications, also listed previously, that are submitted to obtain City approvals.

2.5 STATEMENT OF OBJECTIVES

As described in Section 3.5 of the EIR, the following project-specific objectives have been formulated for the proposed project:

1. Develop a water storage system that will serve a portion of the domestic water storage needs of the City of Anaheim residents, thus minimizing reliance on imported water during low water-supply conditions.
2. Design and construct a water storage tank that is compatible with the adjacent land uses and that will not adversely impact the quality of life of surrounding residents or impact surrounding structures.
3. Select a construction access route that is minimally intrusive during project construction to existing land uses including surrounding residents and the local elementary school, Nohl Ranch Elementary School.
4. Implement adequate site remediation to ensure the long-term geologic stability of the project site and surrounding area.

SECTION 3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City prepared an Initial Study (IS) for the proposed project and based on that IS, the City determined that the proposed project could potentially have a significant effect on the environment and that an EIR should be prepared to analyze the potential environmental impacts associated with approval and implementation of the proposed project.

On June 13, 2007, in accordance with Section 15082 of the Guidelines, the City distributed a Notice of Preparation (NOP) of an Environmental Impact Report to the State Clearinghouse, local and regional responsible agencies, and other interested parties. A number of agencies and other interested parties responded to the NOP. A copy of the IS, NOP, and the responses received during the 30-day public review period, are contained in Appendix A to the EIR. The City held an advertised public scoping meeting on June 23, 2007 to provide (i) information regarding the proposed project and (ii) an opportunity for public input regarding project issues that should be addressed in the Draft EIR. Comments received during the public involvement process and the IS/NOP scoping period were considered in the preparation of the Draft EIR.

The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies and organizations for a 45-day public review period that concluded on November 19, 2007. A Notice of Completion of the Draft EIR was sent to the State Clearinghouse and the Draft EIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2007061057). A notice of availability of the Draft EIR for review was mailed to residents in the vicinity of the project site. The notice of availability was also filed with the City Clerk and required notice was provided to the public. During the public review period, several comment letters on the Draft EIR were received.

SECTION 4.0 GENERAL FINDINGS

The City hereby finds as follows:

- The City is the “Lead Agency” for the proposed project evaluated in the EIR;
- The EIR was prepared in compliance with CEQA and the Guidelines;
- The City has independently reviewed and analyzed the EIR, and these documents reflect the independent judgment of the City;
- An MMP has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMP is incorporated herein by reference and is considered part of the record of proceedings for the proposed project;
- The MMP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the MMP Coordinator;
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the EIR;
- The City reviewed the comments received on the Draft EIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the EIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the EIR;
- The responses to the comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the EIR;
- Having reviewed the information contained in the EIR and the record of proceedings, as well as the requirements of CEQA and the Guidelines regarding recirculation of Draft EIRs, and having analyzed the changes in the EIR which have occurred since the close of its public review period, the City finds that there is no new significant information in the EIR and finds that recirculation is not required;
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the EIR, nor has the City previously committed to a definite course of action with respect to the proposed project;
- Copies of all the documents incorporated by reference in the EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials; and
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and finds as stated in these Findings.

SECTION 5.0 SUMMARY OF IMPACTS

The EIR concludes that impacts of the proposed project with respect to the following issues either will not be significant or will be mitigated to below a level of significance by existing regulations/standard conditions, project design features and/or mitigation measures that will be made conditions of project approval:

- Aesthetics
- Air Quality
- Biological Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Resources
- Land Use and Planning
- Noise
- Public Services and Utilities
- Transportation

As the proposed project would not result in any significant and unavoidable environmental impacts, a Statement of Overriding Considerations is not required.

SECTION 6.0 FINDINGS REGARDING IMPACTS

6.1 AESTHETICS

6.1.1 IMPACT

The project site is highly visible from a variety of local land uses. Specifically, the proposed project would change the visual character from residential perspectives located north of the project site. The view would be substantially altered from existing conditions; however, the visual character of the site would not be degraded, nor would the existing scenic vista be impacted. Rather, the project would replace the existing, large reservoir with a smaller tank surrounded by visually pleasing landscaping. As such, this visual change would represent a less than significant impact.

Finding

Although no significant impacts have been identified, inclusion of the following project design feature, identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Project Design Feature

PDF 1-1 After the completion of demolition and construction activities on the site, the City of Anaheim Public Utilities Department shall ensure that open areas surrounding the storage tank and the side slopes are planted with drought-tolerant landscaping.

6.1.2 IMPACT

The project would not introduce significant new sources of night lighting and glare into an area that is currently subject to lighting effects typical of a residential area. The existing, on-site land use employs night lighting in the form of security lights; therefore, the proposed lighting would replace existing security lighting which would be demolished as part of the reservoir. This impact has been identified as less than significant.

Finding

Although no significant impacts have been identified, inclusion of the following project design feature, identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Project Design Feature

PDF 1-2 Replacement lighting fixtures shall include directional light mounts illuminating inward and downward toward the site to minimize off-site impacts.

6.1.3 IMPACT

Implementation of the project would require removal of approximately 50 trees along the perimeter of the reservoir and some of these trees may qualify as “specimen trees.” Removal of trees associated with project implementation represents a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Facts in Support of Finding

Inclusion of the following project design feature and mitigation measure, identified in the Final EIR, would ensure that the related impact would be less than significant.

Project Design Feature and Mitigation Measure

PDF 1-3 The project will include implementation of a California Friendly landscape plan that provides for the installation of over 200 trees, including approximately 30 California Live Oak, 25 Australian Willow, 50 Maidenhair Trees, and over 100 other trees in addition to shrubs, perennials, and grasses. An irrigation system will be installed to ensure the landscaping becomes established.

MM 1-1 Prior to issuance of demolition or grading permits, the City of Anaheim Public Utilities Department shall submit final plans indicating tree removal and a final landscape plan to the City of Anaheim Planning Department for review and approval.

6.2 **AIR QUALITY**

6.2.1 IMPACT

Project-related construction activities would result in short-term construction-related air quality impacts, but would not exceed accepted thresholds. Long-term operation of the project would not result in an increase in vehicular emissions, and thus is not projected to exceed established thresholds. As such, related impacts would be less than significant.

Finding

Although no significant impacts have been identified, inclusion of the following Standard Conditions, identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Standard Conditions

SC 2-1 During construction of the proposed project, the Property Owner/Developer and its Contractors shall be required to comply with SCAQMD Rules 402 and 403, which shall assist in reducing short-term air pollutant emissions. Such compliance shall include the following:

- All equipment shall be properly tuned and maintained.

- Land disturbance shall be minimized to the extent feasible.
- Haul truck trailers shall be covered when loaded with fill.
- Surface of dirt piles shall be stabilized if not removed immediately.
- Paved streets shall be swept at least once per day where there is evidence of dirt that has been carried on to the roadway.
- Active disturbed areas shall have water applied to them three times daily.
- Inactive disturbed areas shall be revegetated as soon as feasible to prevent soil erosion.
- For disturbed surfaces to be left inactive for several days, water shall be applied with a chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of 6 months; or water shall be applied to all unstabilized disturbed areas 3 times per day; or a combination of these actions shall be utilized.
- For unpaved roads, chemical stabilizers or water shall be applied once per hour during active operation.
- For open storage piles, water shall be applied once per hour, or temporary coverings shall be installed.
- For paved road track-out, all haul vehicles shall be covered, or comply with vehicle freeboard requirements of Section 23114 of the California Vehicle Code for both public and private roads.
- During high wind conditions (sustained wind speeds in excess of 15 mph): Cease all earthmoving activities or apply water to soil not more than 15 minutes prior to moving such soil.

SC 2-2 Idling of diesel powered vehicles and equipment shall not be permitted during periods of non-active vehicle use. Diesel-powered engines shall not be allowed to idle for more than 5 consecutive minutes in a 60-minute period when the equipment is not in use, occupied by an operator, or otherwise in motion, except as follows:

When equipment is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control.

- When it is necessary to operate auxiliary systems installed on the equipment, only when such system operation is necessary to accomplish the intended use of the equipment.
- To bring the equipment to the manufacturer's recommended operating temperature.

- When the ambient temperature is below 40 degrees Fahrenheit (°F) or above 85°F.
- When equipment is being repaired.

SC 2-3 Equipment staging areas shall be located as far from local receptors as feasible. When equipment staging areas must be located within 500 feet of the Nohl Canyon Elementary School or Olive Hills Park, all equipment in the staging area shall be equipped with diesel particulate filters and idling times shall be limited to 15 minutes or less during periods of non-active vehicle use.

6.2.2 IMPACT

The construction phase of the proposed project contributes to a net increase in NO_x and VOC, but does not exceed SCAQMD thresholds. Because the project-related increases of NO_x and VOC are below SCAQMD thresholds, the project's contribution of these pollutants would not be cumulatively considerable and represent a less than significant impact.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.2.3 IMPACT

Construction of the proposed project would expose sensitive receptors to pollutant concentrations of NO_x and VOC below SCAQMD thresholds. This impact has been identified as a less than significant impact.

Finding

Although no significant impacts have been identified, inclusion of the following Project Design Feature, as identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Project Design Feature

PDF 2-1 If traffic control and construction signs that require power for lighting or flashing are located near residences, the source of power shall be batteries, solar cells, or another quiet source. Gasoline- or diesel-fueled internal combustion engines shall not be used.

6.2.4 IMPACT

As identified in Table 4.2-1 of the EIR, the proposed project would be considered consistent with the relevant goals and policies related to air quality. Because the proposed project would be considered consistent with the relevant goals and policies related to air quality, no related impact has been identified.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.3 BIOLOGICAL RESOURCES

6.3.1 IMPACT

The proposed project has the potential to impact nesting native bird species covered by the Migratory Bird Treaty Act (MBTA) as well as nesting raptors during construction activities. This impact has been identified as potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of the following Mitigation Measures, identified in the EIR, would ensure that the related impact would be less than significant.

Mitigation Measures

MM 3-1 To avoid impacts on nesting birds, all vegetation clearing activities shall occur between September 16 and March 14. If vegetation clearing occurs inside the peak nesting season between March 15 and September 15, the City shall have a pre-construction survey (or possibly multiple surveys) conducted by a qualified Biologist to identify any active nesting locations for sensitive species. If the Biologist does not find any active nests within the impact area, the vegetation clearing and construction work will be allowed to proceed. If the Biologist finds an active nest within the construction area and determines that the nest may be impacted, the Biologist will delineate an appropriate buffer zone around the nest depending on the species and the type of construction activity. All clearing and construction activities will be limited to areas outside of the established buffer zone(s). Any active nests observed during the survey will be mapped on an aerial photograph or other map.

MM 3-2 The City shall ensure that a survey for active raptor nests occurs 30 days prior to commencement of any construction activities during the raptor nesting season (February 1 to June 30). Should an active nest be identified, restrictions will be placed on construction activities in the vicinity of any active nest observed until the nest is no longer active as determined by a qualified Biologist. These restrictions may include a 300- to 500-foot buffer zone designated around a nest to allow construction to proceed while minimizing disturbance to the active nest. Once the nest is no longer active, construction can proceed within the buffer zone.

6.3.2 IMPACT

The proposed project has the potential to conflict with the City of Anaheim General Plan by impacting nesting native bird species covered by the MBTA as well as nesting raptors during construction activities. This impact has been identified as potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of Mitigation Measure 3-1 and 3-2, as identified previously and identified in the EIR, would ensure that the related impact would be less than significant.

6.4 GEOLOGY AND SOILS

6.4.1 IMPACT

The project site is located in a seismically active region and in proximity to several active and potentially active faults that could produce significant earthquakes. The proposed water storage tank and ancillary structures would be expected to experience strong seismic ground shaking during the life of the structure from an earthquake on one or more of the active faults in the region. This impact has been identified as potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of the following Mitigation Measure, identified in the EIR, would ensure that the related impact would be less than significant.

Mitigation Measure

MM 4-1 The final plans and specifications for the Nohl Canyon Water Storage Tank project shall include all site preparation, grading, construction and any other recommendations from the geotechnical report prepared by Leighton Consulting, Inc. dated August 2007. Additionally, implementation of the Nohl Canyon Water Storage Tank project shall adhere to all recommendations related to observation of grading and construction by a qualified Geotechnical Engineer and Engineering Geologist. This mitigation measure shall be ensured by standard procedural review by the City of Anaheim prior to approval and implementation of the final project plans and specifications.

6.4.2 IMPACT

Impacts related to secondary seismic effects would be less than significant for liquefaction, lateral spreading, and lurching and no mitigation would be required. Potential impacts from

seismically-induced settlement would represent a potentially significant impact. As such, this impact has been identified as potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of Mitigation Measure 4-1, as identified previously and identified in the EIR, would ensure that the related impact would be less than significant.

6.4.3 IMPACT

The project site is located in an area historically subject to landslides. Construction of the tank would require alteration of the existing slopes that comprise the sides of the reservoir as well as the upslope portions of the site. This impact has been identified as potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of Mitigation Measure 4-1, as identified above and identified in the EIR, would ensure that the related impact would be less than significant.

6.4.4 IMPACT

Erosion potential during construction would be managed to the maximum extent practicable with Best Management Practices (BMPs) and implementation of the proposed project would comply with National Pollutant Discharge Elimination System (NPDES) permitting requirements, including use of BMPs to manage erosion during construction, the primary source of erosion for the project. This impact has been identified as less than significant.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.4.5 IMPACT

The geotechnical investigation concluded that significant quantities of seepage would be encountered during grading operations required for slope reconfiguration. The results of the settlement analysis also projected post-construction total and differential settlement of shallow spread footing foundations at a distance of at least 30 feet. This and other potential risks related to the presence of compressible soils (settlement), shallow ground-water, and expansive or corrosive soils represent a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of Mitigation Measure 4-1, as identified previously and identified in the EIR, would lessen the related impact to a less than significant level.

6.4.6 IMPACT

As identified in Table 4.4-2 of the EIR, the project is consistent with the applicable goals and policies of the City of Anaheim General Plan. The Anaheim Municipal Code and Anaheim Building Code are applicable to the proposed project. No related impact is identified.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.5 HAZARDS AND HAZARDOUS MATERIALS

6.5.1 IMPACT

The proposed project would have the potential to disturb lead-based paint during renovation of the Olive Hills Control House and would involve the routine use and transport of sodium hypochlorite at the Control House. This type of system for water disinfection is in common use and does not involve unusually hazardous chemicals. Additionally, the abatement of lead-based paint (LBP) and the transport and use of sodium hypochlorite is fully addressed through existing federal and State regulations. As such, this impact has been identified as less than significant.

Finding

Although no significant impacts have been identified, inclusion of the following Standard Conditions, identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Standard Conditions

SC 5-1 All construction activities, including demolition and renovation of the existing facilities and installation of the new facilities, shall be performed in compliance with all CalOSHA standards (California Code of Regulations, Title 8) to protect worker health and safety.

SC 5-2 The removal and disposal of all LBP encountered on site during project implementation, specifically the known LBP identified on the pump motor in the existing Olive Hills Control House, shall be performed by an LBP abatement

contractor that is licensed and registered in California pursuant to California Code of Regulations Title 17.

- SC 5-3** All transport and transfer of hazardous materials (sodium hypochlorite, 12.5 percent solution) shall be performed by licensed hauler in compliance with all applicable State and federal requirements, including the Hazardous Materials Transportation Act.
- SC 5-4** The Control House renovations, including the proposed water treatment system, shall be designed in accordance with the City of Anaheim Municipal Code with respect to the storage and handling of chemicals.
- SC 5-5** The City of Anaheim shall produce and maintain a Hazardous Materials Management Plan (HMMP) in compliance with the California Accidental Release Prevention (CalARP) program for the transport, storage and use of sodium hypochlorite (12.5 percent solution) at the Nohl Canyon Water Storage Tank site.

6.5.2 IMPACT

The proposed project would have the potential to disturb lead-based paint during renovation of the Olive Hills Control House and would involve the routine use and transport of sodium hypochlorite at the Control House within one-quarter mile of a school, Nohl Canyon Elementary. This type of system for water disinfection is in common use and does not involve unusually hazardous chemicals. This impact has been identified as less than significant.

Finding

Although no significant impacts have been identified, inclusion of the previously identified Standard Conditions, identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Standard Conditions 5-1 through 5-5, as identified above and identified in the EIR, would further reduce the related impact.

6.5.3 IMPACT

The proposed project would not generate adequate amounts of traffic to physically interfere with an adopted response plan or emergency evacuation plan. This impact has been identified as less than significant.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.5.4 IMPACT

The project site is not expected to contain more than a nominal population of pest species. The majority of rodents and vectors in the project area already “reside” within the surrounding residential properties where dense vegetation is plentiful, rather than in the less preferable habitat at the project site. This impact has been identified as potentially significant even though a substantial dispersal of rodent and vector species during construction is not anticipated based on the existing condition of the project site.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of the following Mitigation Measure, identified in the EIR, would lessen the related impact to a less than significant level.

Mitigation Measure

MM 5-1 In the event that disturbance of the project site results in a relocation or dispersal of a rodent or vector species that is shown to result in a nuisance to neighboring property (including property damage or threat of disease vector), the City of Anaheim shall contact the Orange County Vector Control District, Orange County Animal Control, and/or a licensed private animal control company, depending on the type and condition of the species involved, to provide pest control services as deemed appropriate by the responding agency.

6.5.5 IMPACT

As identified in Table 4.5-1 the proposed project would be considered consistent with applicable policies and regulations. No related impact is identified.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.6 HYDROLOGY AND WATER QUALITY

6.6.1 IMPACT

Construction activities related to the proposed project have the potential to increase pollutant levels in stormwater runoff; however, pollutant levels would comply with applicable regulations and would not exceed established thresholds. This impact has been identified as less than significant.

Finding

Although no significant impacts have been identified, inclusion of the following Project Design Feature and Standard Conditions, as identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Project Design Feature and Standard Conditions

PDF 6-1 Stormwater runoff from the access road surrounding the water storage tank would sheet flow over at least a ten-foot-wide area of permeable surface area to act as a natural stormwater treatment.

SC 6-1 Construction General Permit Notice of Intent (NOI): This project will result in soil disturbance of one (1) or more acres of land that has not been addressed by an underlying subdivision map. Prior to the issuance of preliminary or precise grading permits, the Landowner or subsequent Project Applicant shall provide the City Engineer with evidence that an NOI has been filed with the State Water Resources Control Board. Such evidence shall consist of a copy of the NOI stamped by the State Water Resources Control Board or Regional Water Quality Control Board, a letter from either agency, or an equivalent form of approval.

SC 6-2 Construction Phase Storm Water Pollution Prevention Plan (SWPPP): Prior to the issuance of grading permits, the Landowner or subsequent Project Applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that will:

- Require implementation of Best Management Practices (BMPs) designed with a goal of preventing a net sediment load increase in storm water discharges relative to preconstruction levels;
- Prohibit, during the construction period, discharges of storm water or non-storm water at levels which would cause or contribute to an exceedance of applicable water quality standards contained in the Basin Plan;
- Discuss, in detail, the BMPs planned for the project that are related to control of sediment and erosion, non-sediment pollutants, and potential pollutants in non-storm water discharges;
- Describe post-construction BMPs for the project;
- Explain the maintenance program for the project's BMPs;
- During construction, require reporting of violations to the Regional Board; and
- List the parties responsible for SWPPP implementation and BMP maintenance during and after grading. The project proponent shall implement the SWPPP and will modify the SWPPP as directed by the Construction General Permit.

SC 6-3 Water Quality Management Plan (WQMP): Prior to issuance of the precise grading permit, the Applicant shall submit, and Public Works, Development Services shall approve the final Water Quality Management Plan (WQMP). The WQMP shall identify the Best Management Practices (BMPs) that will be used on the site to

control predictable pollutant runoff. More specifically, the WQMP shall do the following:

- Address Site Best Management Practices (BMPs) such as: minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or “zero discharge” areas, and conserving natural areas.
- Incorporate the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan.
- Incorporate Treatment Control BMPs as appropriate.
- Describe the long-term operation and maintenance requirements for the Treatment Control BMPs.
- Identify the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs, and describe the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

SC 6-4 Project Source Controls: The following pollutant source-control management practices shall be implemented with the project. (These source controls were selected based on the project’s land uses.)

Activity Restrictions – These restrictions may include the following:

1. This site has no vehicle or equipment repair facilities. Automotive or equipment repairs on the property shall be prohibited. If any hazardous materials (such as motor oil, gasoline, etc.) are stored on site, the hazardous materials shall be disposed of in accordance with local regulations. Potential pollutants exposed to rainwater shall be covered during rainstorms.
2. Landscape maintenance should be performed by professionals under contract. Use of pesticides and fertilizers shall be applied at the minimum rate recommended by the manufacturer. Landscape maintenance shall also conform to Orange County’s “Management Guidelines for Use of Fertilizers and Pesticides.”
 - Pesticides and Fertilizers shall only be applied by persons properly trained in the application of such products.
 - Unused pesticides and fertilizers shall be stored in water-tight containers in areas not exposed to rainfall or runoff.
3. Leaf blowers shall be used to direct debris toward accessible collection areas for pickup. Debris shall not be directed into the street or storm drains.
4. Sidewalks, parking lots, driveways and other outdoor impervious surfaces shall be swept. No hosing off into storm drains or adjacent property will be allowed.
5. Provisions to avoid overwatering of landscaped areas.

6. Cleanup shall be confined to using mop and bucket only.

BMP Maintenance – The City of Anaheim Public Utilities Department will be responsible (through its employees and/or Maintenance Contractors) for implementing each non-structural BMP and for scheduling clean up of all BMP structural facilities (catch basins, storm drains, trash enclosures, etc.).

Title 22 Compliance – The City of Anaheim Public Utilities Department will ensure that its employees and all contract employees comply with Title 22 of the *California Code of Regulations* (CCR) and relevant sections of the *California Health and Safety Code* (Ch. 6.5) regarding hazardous waste management. Per Title 22, hazardous waste must be identified and permitted through the local permitting agency (Anaheim Fire Department).

State Water Quality Permit Compliance – The City of Anaheim Public Utilities Department will comply with all requirements of the Santa Ana Regional Water Quality Control Board's NPDES Permit (Order R8-2002-0010) and will prohibit all illicit discharges from the site. There are no known industrial waste or storm water discharges from the site which are not currently regulated and permitted by local agencies.

Spill Contingency Plan – The City of Anaheim Public Utilities Department will ensure that the contractor will implement a Spill Contingency Plan (Emergency Plan) in conformance with Anaheim Fire Department. The plan will include provisions for stockpiling of cleanup materials; notification to responsible agencies in case of a spill; disposal of cleanup materials after a spill; and filing the required reports or other documentation related to spills.

The City of Anaheim Public Utilities Department shall develop a Spill Response Plan and maintain a Spill Response Kit on site during project construction. Construction workers shall be properly trained to use the Spill Response Kit. The City of Anaheim Public Utilities Department shall maintain absorbent materials in the Spill Response Kit to adequately contain any spills that can be anticipated (oil drips, engine coolant, etc.)

Uniform Fire Code Implementation – The City of Anaheim Public Utilities Department must comply with Article 80 of the Uniform Fire Code, which requires the Public Utilities Department to keep information on the types and quantities of materials associated with on-site uses on file with the Anaheim Fire Department and updated annually.

Employee Training – The City of Anaheim Public Utilities Department will provide educational training for their employees and contract employees in the proper use, handling, and cleanup of all waste materials, pesticides, fertilizers, and other hazardous materials while on the job. Qualified and experienced individuals shall provide training to each employee prior to allowing him or her to handle waste materials.

6.6.2 IMPACT

Runoff from the project site would enter into the same storm facilities as under existing conditions; however, the total amount of runoff would be reduced. As such, this impact has been identified as less than significant.

Finding

Although no significant impacts have been identified, inclusion of the following Project Design Feature and previously identified Standard Conditions, as identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Inclusion of Standard Conditions 6-1 through 6-4, as identified previously and identified in the EIR, as well as the following Project Design Feature, would ensure that the related impact would be less than significant.

Project Design Feature

PDF 6-2 Any slope with a vertical elevation in excess of 30 feet shall require a terrace drain to be constructed in the mid-section of the proposed slope. Terraces shall be at least 6 feet wide except a minimum 18-foot-wide terrace shall be required for (at least) each 60-foot interval for the height of the cut slope.

6.6.3 IMPACT

As identified in Table 4.6-1 the proposed project would be considered consistent with applicable policies and regulations. No related impact is identified.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.7 LAND USE

6.7.1 IMPACT

The proposed project would be consistent with the relevant General Plan goals and policies related to land use and no impact would occur. However, as detailed under Aesthetics, the removal of trees associated with project implementation would represent a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of the following Project Design Feature and Mitigation Measure, identified in the EIR, would ensure that the related impact would be less than significant.

Project Design Feature and Mitigation Measure

PDF 1-3 The project will include implementation of a California Friendly landscape plan that provides for the installation of over 200 trees, including approximately 30 California Live Oak, 25 Australian Willow, 50 Maidenhair Trees, and over 100 other trees in addition to shrubs, perennials, and grasses. An irrigation system will be installed to ensure the landscaping becomes established.

MM 1-1 Prior to issuance of demolition or grading permits, the City of Anaheim Public Utilities Department shall submit final plans indicating tree removal and a final landscape plan to the City of Anaheim Planning Department for review and approval.

6.8 **NOISE**

6.8.1 **IMPACT**

Project-related construction activities have the potential to temporarily exceed applicable noise standards; however, this impact would be temporary in nature and is exempt from the Noise Ordinance (SC 8-2). As such, this impact has been identified as less than significant.

Finding

Although no significant impacts have been identified, inclusion of the following Project Design Features and Standard Conditions, as identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Project Design Features and Standard Conditions

PDF 8-1 All internal combustion engines on construction equipment shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project site without said muffler.

PDF 8-2 A sign shall be placed at the entrance to the project site that will provide local residents with a contact number for the Construction Manager or an authorized designee in the event noise levels disturb normal activities.

PDF 2-1 If traffic control and construction signs that require power for lighting or flashing are located near residences, the source of power shall be batteries, solar cells, or another quiet source. Gasoline- or diesel-fueled internal combustion engines shall not be used.

SC 8-1 Asphalt processing shall not occur simultaneous to other noise-producing activities related to demolition, grading, or construction.

SC 8-2 Prior to approval of grading plans, plans shall include a note indicating that noise-generating project construction activities shall not occur between the hours of 6:00 PM and 8:00 AM. This requirement applies to construction activities within 3,000 feet of residential uses, consistent with the City's Noise Ordinance.

6.8.2 IMPACT

The proposed project has the potential to expose persons to or generate excessive groundborne vibration or groundborne noise levels; however, the anticipated vibration levels are anticipated to be below the human response threshold and would not create a significant impact.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.8.3 IMPACT

The proposed project would be considered consistent with the relevant goals and polices related to noise. No related impact would result.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.9 PUBLIC SERVICES AND UTILITIES

6.9.1 IMPACT

The project would not create a need for new or expanded public services. However, construction traffic would have the potential to affect the nearby Nohl Canyon Elementary School. As such, this impact has been identified as potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of the following Project Design Feature and Mitigation Measure, identified in the EIR, would ensure that the related impact would be less than significant.

Project Design Feature and Mitigation Measure

PDF 9-1 When school is in session, truck deliveries (including concrete trucks) shall not occur within 30 minutes of the scheduled start and end times for each grade level. When school is not in session, truck deliveries shall be permitted from 8:00 AM to 5:00 PM.

MM 9-1 Prior to commencement of demolition or construction activities related to the project, the City of Anaheim Public Utilities Department shall expand the existing parking lot

serving Nohl Canyon Elementary by a total of 8,500 sq ft within school grounds to minimize traffic conflicts along Nohl Canyon Road.

6.9.2 IMPACT

This impact identifies the need to construct new water or wastewater treatment facilities. Because the project is a new water distribution facility serving as a replacement of the inactive reservoir, the specific environmental effects of the proposed project are evaluated in Section 4.0 of the EIR. For each impact, the level of significance is identified and as needed, mitigation is provided.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Refer to project design features, standard conditions, and mitigation measures throughout the EIR.

6.9.3 IMPACT

The proposed project would be considered consistent with the relevant goals and polices related to public services and utilities. No related impact would result.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.10 TRANSPORTATION

6.10.1 IMPACT

Construction activities associated with the proposed project are not anticipated to result in unacceptable levels of service for future conditions without or with the project except for the intersection of Tustin Street/Lincoln Avenue. This intersection would be at an LOS E during the PM peak hour without and with the project. This impact was identified as potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of the following Mitigation Measures, identified in the EIR, would ensure that the related impact would be less than significant.

Mitigation Measures

MM 10-1 Prior to approval of grading plans, the City of Anaheim shall create a traffic control plan including construction haul routes, temporary worker parking, use of flagmen, and any pedestrian-related impacts to sidewalks and intersection crossings for review and approval by the Department of Public Works. The traffic control plan shall be implemented during all stages of project construction.

- Provide an eastbound protective-permissive left-turn lane at the intersection of Royal Oak Road and Nohl Ranch Road.
- Restrict construction traffic to non pick-up/drop-off time periods for the adjacent school and limit truck activity during the AM and PM peak hours.
- Extend the centerline stripe along Nohl Canyon Road a total of 40 feet south of Nohl Ranch Road.
- Retain flagmen to control traffic at the intersection of Nohl Ranch Road and Nohl Canyon Road. The flagmen shall be in place on every day of construction that requires deliveries, hauling of debris, concrete pours, or any other traffic in the form of trips by large construction vehicles, such as double trailers and single trailer/cement trucks. A flagman would not be necessary for control of construction worker traffic in the AM, afternoon, and PM peak hours, in the absence of other qualifying construction vehicles.
- Retain an additional Crossing Guard at the intersection of Nohl Ranch Road and Nohl Canyon Road. The crossing guard shall be in place every construction day that requires deliveries, hauling of debris, concrete pours, or any other traffic in the form of trips by large construction vehicles (such as double trailers and single trailer cement trucks) during drop-off and pick-up times when school is in session.

MM 10-2 The City of Anaheim shall seek approval from the City of Orange Traffic Commission to remove and/or restrict on-street parking along Nohl Canyon Road between the project site and Nohl Ranch Road, 24 hours a day and 7 days a week. Approval from the City of Orange shall be obtained prior to issuance of demolition permits.

MM 10-3 Following project completion, the City of Anaheim shall repave (grind and cap) Nohl Canyon Road south of Nohl Ranch Road. Completion of roadway improvements shall be approved by the City of Orange.

6.10.2 IMPACT

Construction activities would not require roadway closures; therefore, the project would not result in inadequate emergency access. This impact is considered less than significant

Finding

Although no significant impacts have been identified, inclusion of the following Project Design Features, as identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Inclusion of Mitigation Measures 9-1, 10-1, and 10-2, as identified previously and identified in the EIR, as well as the following Project Design Features would ensure that the related impact would be less than significant.

Project Design Features

- PDF 9-1** When school is in session, truck deliveries (including concrete trucks) shall not occur within 30 minutes of the scheduled start and end times for each grade level. When school is not in session, truck deliveries shall be permitted from 8:00 AM to 5:00 PM.
- PDF 10-1** Throughout the duration of construction, the center lane shall be re-striped at the intersection of Nohl Canyon Road and Nohl Ranch Road while the second existing eastbound lane on Nohl Ranch Road west of Nohl Canyon Road shall be eliminated. These temporary improvements would facilitate construction vehicle movement on Nohl Ranch Road and Nohl Canyon Road.
- PDF 10-2** A permanent eastbound protective-permissive left-turn phase for the traffic signal at Royal Oak Road and Nohl Ranch Road shall be incorporated as part of the proposed project to facilitate construction vehicle movement.
- PDF 10-3** Parking shall be restricted 24 hours a day along the northbound side of Nohl Canyon Road for the duration of demolition and construction activities.
- PDF 10-4** Inbound construction traffic from SR-91 to the site shall be directed to exit at Lakeview Avenue and proceed along Santa Ana Canyon Road to Santiago Boulevard, Nohl Ranch Road and, ultimately, to Nohl Canyon Road.
- PDF 10-5** Outbound construction traffic shall be directed to exit the site using Nohl Canyon Road. From this point, traffic shall travel along Nohl Ranch Road to Royal Oak Road, to Santa Ana Canyon Road, and, ultimately, to SR-91 via Lakeview Avenue.
- PDF 10-6** Construction equipment shall be stored on site within the City's property. The construction staging area, including worker parking, shall be located at the existing parking area adjacent to the Olive Hills Park.

6.10.3 IMPACT

Operation of the proposed project would involve a nominal number of trips for maintenance purposes and deliveries. Parking for these vehicles would be provided on-site. Specifically, parking space would be provided at the construction staging area adjacent to the Olive Hills Park parking lot. Because the street parking restriction would only occur during demolition and construction activities, this is considered a temporary and less than significant impact.

Finding

Although no significant impacts have been identified, inclusion of the following Mitigation Measure and Project Design Features, as identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Inclusion of Mitigation Measure 9-1 and Project Design Features 10-3 through 10-6, as identified previously and identified in the EIR, would ensure that the related impact would be less than significant.

6.10.4 IMPACT

Project construction would not require lane closures or detours on roadways within the study area. Therefore, bike lanes and bus stops within the study area would not be affected by construction activities. The project would not conflict with alternative transportation programs and would result in a less than significant impact.

Finding

No mitigation is required to lessen the related impact to a less than significant level.

Facts in Support of Finding

No mitigation is required.

6.10.5 IMPACT

Project implementation has the potential to impact parking and access within the vicinity of Nohl Canyon Elementary School. While the expansion of the Nohl Canyon Elementary School parking lot would provide additional parking capacity for school employees and school-related traffic that may otherwise park along Nohl Canyon Road, potential hazards due to design features or incompatible uses were identified as potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the EIR.

Facts in Support of Finding

Inclusion of Mitigation Measures 9-1 and 10-1, as identified previously and identified in the EIR, would ensure that the related impact would be less than significant.

6.10.6 IMPACT

The project is consistent with the applicable goals and policies of the City of Anaheim General Plan related to circulation. No related impact would result.

Finding

Although no significant impacts have been identified, inclusion of the following Project Design Features and Mitigation Measure, as identified in the EIR, would ensure that the related impact would be less than significant.

Facts in Support of Finding

Inclusion of Mitigation Measure 9-1 and Project Design Features 9-1, 10-1, 10-2, 10-3, and 10-6, as identified previously and identified in the EIR, would ensure that the related impact would be less than significant.

SECTION 7.0 FINDINGS REGARDING ALTERNATIVES

While the project will not cause any unavoidable significant environmental effects, the City must consider the feasibility of any environmentally superior alternatives to the proposed project, evaluating whether these alternatives could avoid or substantially lessen significant environmental effects while achieving most of the objectives of the proposed project. Section 15126.6 of the CEQA Guidelines addresses the discussion of alternatives in an EIR.

As detailed above, this document includes four goals of the project as identified by the City of Anaheim Public Utilities Department.

Alternatives eliminated from detailed consideration include:

- Villa Real Drive Alternate Construction Access Road Alternative
- Nohl Ranch Road Alternate Construction Access Road Alternative

Alternatives that are considered in this EIR include:

- No Project and No Action Alternative
- Increased Capacity Alternative

7.1 ALTERNATIVE ELIMINATED FROM DETAILED CONSIDERATION

Section 15126.6(c) of the CEQA Guidelines specifies that an EIR should: (1) identify any Alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (1) failure to meet most of the basic project objectives; (2) infeasibility; or (3) inability to avoid significant environmental impacts.

7.1.1 VILLA REAL DRIVE ALTERNATE CONSTRUCTION ACCESS ROAD

The Villa Real Drive Alternate Construction Access Road Alternative has been considered and eliminated from detailed consideration by the City due to unfavorable conditions for construction vehicle access. This alternative would involve using an existing 30-foot-wide utility easement located south of the Terra Vista Lane townhomes and immediately northwest of the first single-family residence along Villa Real Drive as a construction access route.

City staff and the consulting civil engineer, Tetra Tech, evaluated the feasibility of using the utility easement for construction traffic. Truck access to this easement would be limited. Improvements to both lane striping at the intersection of Nohl Ranch Road and Villa Real Drive as well as striping along Villa Real Drive at the driveway to the easement would be required. The existing grade of the easement off of Villa Real Drive varies from 20 percent at the top of the hill to 12 percent near the bottom of the hill as it approaches the reservoir access road. Based on this slope, there is concern regarding the safety and control of semi-trailer and double-trailer traffic traveling along this easement.

An additional risk associated with accessing the project site from Villa Real Drive involves reported concerns of geologic instability on the neighboring property. Because the property in question is privately owned, a geotechnical study verifying the stability issues is not available, nor is the City able to perform an independent geotechnical analysis.

Due to these potential constraints, the City determined that the Villa Real Drive Alternate Construction Access Road Alternative would be infeasible and eliminated this alternative from further consideration.

7.1.2 NOHL RANCH ROAD ALTERNATE CONSTRUCTION ACCESS ROAD

The Nohl Ranch Road Alternate Construction Access Road Alternative has been considered and eliminated from detailed consideration by the City due to unfavorable conditions for construction vehicle access. This alternative would involve construction of a new access route off of eastbound Nohl Ranch Road. A driveway would be constructed approximately 100 feet east of the Nohl Canyon Elementary School property line and approximately 800 feet west of the Nohl Ranch Road and Villa Real Drive intersection. The access road would travel east of the Olive Hills Park tennis courts, eventually connecting to the existing Olive Hills Reservoir access road near the control house.

A risk associated with accessing the project site from Nohl Ranch Road involves concerns of geologic instability on the neighboring properties, namely the commercial building to the east and the Olive Hills Park tennis courts. There have been reports of historic geologic settlement at the tennis courts due to the existing slopes, however, a geotechnical report verifying this has not been made available. The City of Anaheim believes that, should some form of instability exist, construction and use of an access road through this area would worsen the existing condition and potentially create an unstable condition at the neighboring land uses.

Due to these potential constraints, the City determined that the Nohl Ranch Road Alternate Construction Access Road Alternative would be infeasible and eliminated this alternative from further consideration.

7.2 ALTERNATIVES CARRIED FORWARD FOR DETAILED CONSIDERATION

7.2.1 NO PROJECT/NO ACTION ALTERNATIVE

Description

In accordance with CEQA Guidelines, the No Project/No Action Alternative addresses retaining the project site in its existing condition at the time of NOP release. The reservoir is currently asphalt-lined and surrounded by an asphalt access road. The No Project/No Action Alternative assumes retention of the project site as it currently exists with an inoperative reservoir and control house. The No Project/No Action Alternative would avoid potential impacts resulting from the proposed project.

Finding

The City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make the No Project/No Action alternative infeasible. (Public Resources Code § 21081[a][3], Guidelines § 15091[a][3]).

Facts in Support of Finding

The no project alternative assumes that development would not occur on the site. The no project alternative would completely avoid the potential impacts that can be mitigated to below a level of significance from the proposed project. However this alternative would not meet any of

the four identified project objectives including development of a water storage system that will serve a portion of the domestic water storage needs of the City of Anaheim residents.

7.2.2 INCREASED CAPACITY

Description of the Alternative

The Increased Capacity Alternative would involve demolition of the existing Olive Hills Reservoir and construction of a 20 million gallon water storage facility in its place. This alternative would provide twice the capacity for domestic water storage volume to meet peak demands, fire flows, and emergency and extended outages when compared to the proposed project.

During the early stages of project planning, the Public Utilities Department considered construction of a 20 million gallon water storage tank to replace the Olive Hills Reservoir. However, due to a sentiment of public concern expressed regarding the unresolved Olive Hills Reservoir litigation and the impact that the 20 million gallon tank might have on the safety and stability of neighborhood slopes, the City halted the design work on the 20 million gallon tank in November 2004.

Finding

The City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make the No Project/No Action alternative infeasible. (Public Resources Code § 21081(a)(3), Guidelines § 15091(a)(3)).

Facts in Support of Finding

The Increased Capacity Alternative would increase the severity of the majority of potential environmental impacts when compared to the proposed project. The size and volume of the 20 million gallon tank has the potential to create additional stability concerns on the project site and in the surrounding areas beyond those considered for the proposed project. Specifically, this alternative would not meet Project Objective 4 related to geologic stability of the site and the surrounding area.

7.2.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the identification of an environmentally superior alternative. CEQA Guidelines Section 15126.6(e)(2) states that if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. Additionally, CEQA Guidelines Section 15126.6 states that the reasonable range of alternatives shall be selected in an effort to “avoid or substantially lessen any of the significant effects or the project.” Based on the analysis presented in Sections 4.1 through 4.10 of this EIR, all potentially significant impacts of the proposed project would be reduced to a level considered less than significant after implementation of identified standard conditions, project design features and mitigation measures. Therefore, no significant and unavoidable impacts would occur. Based on this concept, the proposed project is the environmentally superior alternative.

SECTION 8.0 ENVIRONMENTAL ISSUES DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROJECT

All environmental impact resource areas identified in the Initial Study and in CEQA Appendix G – Checklist Form were analyzed in detail in the EIR. Based on the information presented in the project's Initial Study and responses to the project's NOP, the City determined that no impacts would occur for several environmental issues and, therefore, these issues are not addressed further in the EIR. Those environmental issues that were not considered to be potentially significant or applicable to the proposed project include the following:

Aesthetics (Scenic Resources), Agricultural, Air Quality (Air Quality Plan), Air Quality (Objectionable Odors), Biological Resources (Riparian Habitat, Wetlands, Wildlife Movement Corridor, or Other Sensitive Natural Community), Biological Resources (Local Policies or Ordinances, or Habitat Conservation Plan), Cultural Resources, Geology and Soils (Earthquake Faults), Geology and Soils (Soils Sufficient to Support Septic System), Hazards and Hazardous Materials (Hazardous Materials Site), Hazards and Hazardous Materials (Airport Land Use Plan or Vicinity of Private Airstrip), Hazards and Hazardous Materials (Wildland Fires), Hydrology and Water Resources (Groundwater Supplies or Groundwater Recharge), Hydrology and Water Resources (Alter the Existing Drainage Pattern), Hydrology and Water Resources (Risk of Flood, Seiche, or Mudflow), Land Use and Planning (Physically Divide Community), Land Use and Planning (Habitat Conservation Plan), Mineral Resources, Noise (Permanent Ambient Noise, Noise (Airport Land Use Plan)), Population and Housing, Transportation and Traffic (Air Traffic Patterns), Utilities and Public Services (Wastewater Treatment), Utilities and Public Services (Stormwater Runoff), Utilities and Public Services (Water Demand), Utilities and Public Services (Solid Waste), Utilities and Public Services (Additional Infrastructure), Mandatory Findings of Significant (Environmental Degradation).

No substantial evidence has been presented to or identified by the City which would modify or otherwise alter the City's less-than-significant determination for these environmental issues. Accordingly, the EIR does not analyze potential impacts of the proposed project as to these environmental issues.

SECTION 9.0 FINDINGS REGARDING GROWTH INDUCING IMPACTS

Guidelines Section 15126.2(d) requires that an EIR:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Growth Inducing Impacts: The project would not increase the number of dwelling units on the project site beyond that assumed under existing land use designations. Therefore, the project would not directly induce or cause unexpected growth in the area. Although the project proposes to construct new infrastructure facilities, the facilities will be site specific and will not induce additional growth not already included in the City's projections, and will not contain excess capacity that will encourage or promote growth in other areas. The remaining land that surrounds the project site is already developed or committed to preservation, so additional growth that might be indirectly induced by the project is limited.

SECTION 10.0 FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Guidelines Section 15126.2(c) indicates that:

uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.

The Guidelines also indicate that:

irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

As referenced in the EIR, development of the proposed project would alter the existing landscape of the site from a presently vacant reservoir to a partially buried water storage tank. As previously addressed, the project site would require landform modifications to prepare the site for development, which would alter the topographic landscape and visual characteristics of the site. Additional resources will be committed to the development of the site due to the need for building materials and the energy and water demands during construction and buildout. The City finds that the commitment of such resources is not excessive or significant given the relatively small scale of the proposed project, and that the permanent loss of these non-renewable resources is justified.

SECTION 11.0 CONCLUSION

For the foregoing reasons, the City of Anaheim concludes that the Nohl Canyon Water Tank Storage Project will not result in unavoidable environmental impacts and that implementation of the proposed project provides benefits regarding fire protection and water delivery reliability, each of which, standing alone, outweigh the less than significant environmental impacts of the project. Therefore, the City of Anaheim has adopted these Findings of Fact regarding the Nohl Canyon Tank Water Storage Project.