

**FINDINGS OF FACT  
AND STATEMENT OF  
OVERRIDING  
CONSIDERATIONS**

*ANAHEIM GENERAL*

*PLAN AND ZONING*

*CODE UPDATE*

*ENVIRONMENTAL*

*IMPACT REPORT*

*SCH # 2003041105*



*prepared for:*

*CITY OF ANAHEIM*

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Director of  
Environmental Services*

*MAY 17, 2004*

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# 1. Introduction and Summary

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This document presents findings that must be made by the City of Anaheim prior to approval of the project pursuant to Sections 15091 and 15093 of the California Environmental Quality Act (CEQA) Guidelines and Section 21081 of the Public Resources Code. Under CEQA the Lead Agency (City of Anaheim) is required to make written findings concerning each alternative and each significant environmental impact identified in the Draft Environmental Impact Report (DEIR) and Final Environmental Impact Report (FEIR). The City of Anaheim may find that:

- changes or alterations have been required in or incorporated into the project to avoid or substantially lessen the significant environmental effects identified in the DEIR/FEIR;
- such changes or alterations are within the purview and jurisdictions of another agency and have been adopted, or can and should be adopted, by that agency; or
- specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the DEIR/FEIR.

Each of these findings must be supported by substantial evidence in the administrative record. Evidence from the DEIR, FEIR, mitigation monitoring program (MMP), and City's General Plan is used to meet these criteria.

## 1.1 FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) (Pub Resc. 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 completed 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 mitigate or avoid the significant environmental effects on the environment.*
  2. *Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can or should be, adopted by that other agency.*
  3. *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or 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.*
- (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*



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*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 materials which constitute the record of the proceedings upon which its decision is based.*

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-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".*
- (b) *Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).*
- (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.*

Having received, reviewed and considered the Final Environmental Impact Report for the General Plan and Zoning Code Update, State Clearinghouse No. 2003041105 (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings and Statement of Overriding Considerations (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 General Plan and Zoning Code Update (Project).

## 1.2 ENVIRONMENTAL REVIEW PROCESS

In conformance with CEQA, the State CEQA Guidelines and the City of Anaheim CEQA Guidelines, the City of Anaheim conducted an extensive environmental review of the proposed Project. The environmental review process has included the following:

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- Completion of an Initial Study by the City of Anaheim, which concluded that an EIR should be prepared, and the Notice of Preparation (NOP) which was released for a 30-day public review period from April 16, 2003 to May 15, 2003. Section 2.3 of the EIR describes the issues identified for analysis in the EIR through the Initial Study, Notice of Preparation and public scoping process.
- Completion of a scoping process in which the public and public agencies were invited by the City of Anaheim to participate. The scoping meeting for the EIR was held on May 7, 2003.
- Preparation of a Draft EIR by the City of Anaheim, which was made available for a 45-day public review period (March 19, 2004 – May 3, 2004). The draft EIR consisted of two volumes. Volume I contains the text of the draft EIR. Volume II contains the Appendices, including the NOP, responses to the NOP and analysis of the following subjects: air quality, noise, transportation and circulation; geotechnical; water, sewer, and drainage. Notice of the availability of the draft EIR was sent to interested persons and organizations: it was also published in three newspapers of general circulation, and was posted at the Office of the Clerk of Orange County.
- Preparation of a final EIR, including the Comments and Responses to Comments on the Draft EIR. The Final EIR/Response to Comments contains the following: comments on the Draft EIR; responses to those comments; revisions to the Draft EIR; and appended documents. The Final EIR/Response to Comments was released for a 10 day public review period on May 13, 2004.
- Public hearings on the proposed Project.

## 1.3 PROJECT SUMMARY

The proposed project consists of a comprehensive update to the City's General Plan and Zoning Code to reflect the City's vision for its development through buildout. The General Plan is divided into various topical sections, or Elements, that address a wide range of subjects and provide goals and policies that will guide future development in the City. The General Plan Update includes:

- Revisions to the existing Land Use Element, including new and re-named land use designations (e.g., a new Mixed Use and Corridor Residential land use category), and the re-designation of underutilized mid-block commercial areas to residential land uses;
- Incorporation of the Redevelopment Element into the new Economic Development Element;
- Revisions to the Circulation Element (which will now contain the existing Scenic Highways Element and a new Bicycle Master Plan);
- Incorporation of the Parks, Recreation and Community Services Element, Open Space and, Conservation Elements into the new Green Element;
- Revisions to the Growth Management Element;
- Incorporation of the Safety and Seismic Safety Elements into one new Safety Element.
- Revisions to the Noise Element
- In addition to the topics addressed in the existing General Plan Elements, creation of new goals, policies and programs in the Community Design, and Public Services and Facilities Elements. Many of the public services topics were formerly discussed in the Land Use Element.

The project also involves a comprehensive update to Title 18 of the Anaheim Municipal Code, which contains the City's zoning regulations. Title 18 would be amended to implement the updated General Plan (e.g., creation of development standards to implement the proposed Mixed-Use land use designation, creation of development standards that are consistent with the Community Design Element, etc.) and would include zoning standards designed to ensure the quality of future development. The full text of the proposed General Plan and Zoning Code Update is available at the City of Anaheim Planning Department, at all City libraries, and on the City's website ([www.anaheim.net/generalplan](http://www.anaheim.net/generalplan)). The proposed implementing zones for the individual Land Use Designation categories are noted in Section 4.3.4 of the



# 1. Introduction and Summary

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Draft EIR. Other actions will include the development of a Mixed-Use Overlay Zone (including an associated reclassification) for The Platinum Triangle, reclassification of certain properties in The Platinum Triangle to the OH (High Intensity Office) and OL (Low Intensity Office) zones, amendments to The Anaheim Resort Specific Plan and the Northeast Area Specific Plan (including associated zoning reclassifications) and zoning reclassifications within the Cypress Canyon Specific Plan Area, and portions of the Central Anaheim Area, including the Anaheim Colony Historic District consistent with and necessary to implement the General Plan and Zoning Code Update.

Issues addressed through the proposed General Plan and Zoning Code Update include: maintaining and enhancing the livability of Anaheim's neighborhoods, revitalizing commercial corridors, creating recognizable places, analyzing and addressing growing infrastructure demands and developing a new traffic model (including associated amendments to the Orange County Master Plan of Arterial Highways). The major components and discretionary actions to be considered in connection with the General Plan and Zoning Code Update by the City include:

- Reclassification of zoning categories to maintain consistency with the proposed General Plan and Zoning Code Update designations;
- Adoption of a Mixed-Use Overlay Zone for The Platinum Triangle (the approximately 800 acre area including and surrounding the Angel Stadium of Anaheim) to reflect General Plan designations;
- Adoption of a Mixed-Use Overlay Zone within portions of The Downtown and Colony Area, and The Canyon Area.
- Amendments to the Circulation Element to maintain acceptable levels of service at buildout and address land use changes associated with the proposed General Plan and Zoning Code Update;
- Amendment No. 5 to the Anaheim Resort Specific Plan No. 92-2 to maintain consistency with the proposed General Plan and Zoning Code Update designations and allow application of the associated zoning regulations and design guideline criteria to the proposed 26-acres expansion area on Harbor Boulevard south of Orangewood Avenue;
- Amendment No. 2 To The Northeast Area Specific Plan to maintain consistency with the proposed General Plan and Zoning Code Update designations;
- Reclassification of 648 acres of the Cypress Canyon Specific Plan Area to Open Space to reflect the State's intended use of the majority of the Specific Plan land area for open space purposes with one approximately 15-acre parcel to retain 140 dwelling units in the Low-Medium Residential designation in the RM-3 zone;
- Reductions in the development area and allowable intensity within the Mountain Park Specific Plan area to reflect recent open space additions to the Irvine Ranch Land Reserve (allowable residential intensity has been reduced from 7,966 dwelling units to 2,500 dwelling units);
- Conversion to a GIS mapping system to more accurately reflect land use data.

## 1.4 DOCUMENT FORMAT

This document summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This document is divided into the following five sections:

- Section 1.0 – Introduction and Summary;
- Section 2.0 – Findings on the Project Alternatives Considered in the Environmental Impact Report;
- Section 3.0 – Findings on Potentially Significant Impacts of the Proposed Project Identified in the DEIR/FEIR;



# 1. Introduction and Summary

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- Section 4.0 –Statement of Overriding Considerations;
- Section 5.0 – References.

Section 2.0, *Findings on the Project Alternatives Considered in the Environmental Impact Report*, presents alternatives to the project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of the specific economic, social, or other considerations.

Section 3.0, *Findings on Potentially Significant Impacts of the Proposed Project Identified in the DEIR/FEIR*, presents significant impacts of the proposed project that were identified in the FEIR, the mitigation measures identified in the MMP, the findings for the impacts, and the rationales for the findings.

Section 4.0, *Statement of Overriding Considerations*, presents the overriding considerations for significant impacts related to the project that cannot be or have not been mitigated or resolved. These considerations are required under Section 15093 of the State CEQA Guidelines, which require decision makers to balance the benefits of a proposed project against its unavoidable environmental risk in determining whether to approve the project.

Section 5.0, *References*, identifies all references cited in this document.



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## 2. Findings on Project Alternatives

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The following discussion is intended to provide a summary of the alternatives considered and rejected in the Anaheim General Plan and Zoning Code Update EIR, including the “No-Project”/Existing General Plan Alternative, the Reduced Intensity Alternative, and the Corridors Alternative.

### 2.1 ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS

Three land use alternatives were analyzed during the General Plan Visioning process in order to develop a Recommended Land Use Alternative for the General Plan and Zoning Code Update. These three alternatives were a Trends Alternative, a Vision Alternative, and a Corridors Alternative. The Vision Alternative was generally based on the input gathered through the General Plan and Zoning Code Update public outreach process, much of which was captured through the Anaheim Vision. A variation of the Vision Alternative was ultimately selected as the Recommended Land Use Alternative and is fully analyzed in the DEIR.

The Corridors Alternative did not represent a drastic change from the Vision Alternative. Rather, it modified it by proposing additional land use changes that took advantage of existing and potential transportation linkages throughout the City. Although not ultimately selected as the Recommended Land Use Alternative, the associated environmental impacts associated with this alternative are analyzed in this section below.

The Trends Alternative was based on the existing General Plan Land Use Element Map, but also considered ongoing planning and redevelopment projects and programs that may have necessitated a change in land use from the existing General Plan. Examples of these projects/programs include the West Anaheim Vision Plan, the conversion of industrial uses to various residential uses in the Downtown Area, and the implementation of mixed-use projects in the Downtown Area. In addition, land use redesignations identified through prior Community Planning Program Action Plans were also reflected.

Since the Trends Alternative was not significantly different from the existing General Plan, this alternative was reviewed and rejected during the scoping/project planning process. The main reason for rejecting the Trends Alternative was that it was very similar to the No Project/Existing General Plan Alternative, which is analyzed below. In addition, the Trends Alternative did not reduce the significant environmental impacts of the project including air quality, noise, or traffic and circulation.

#### 2.1.1 Alternative Sites

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location, which are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR. (Guidelines Sec. 15126(5)(B)(1)) In general, any development of the size and type proposed by the project would have substantially the same impacts on air quality, land use/planning, noise, population/housing, public services, recreation, transportation/traffic and utilities/service systems. Without a site specific analysis, impacts on aesthetics, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality and mineral resources cannot be evaluated.

Since the proposed project consists of a General Plan and Zoning Code Update, an alternative site analysis is not appropriate. However, areas proposed for development were reviewed to determine if development could be redirected to less sensitive areas. Since the City of Anaheim is predominately built out, there are very few undeveloped areas which remain available for development. The large majority of undeveloped land within the City is located within the Hill and Canyon Area. However, much of this land contains environmentally sensitive biological habitat and is currently protected by the NCCP/ HCP for the



## 2. Findings on Project Alternatives

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Central/Coastal Subregion, or is owned by the State and is now part of the Chino Hills State Park (i.e., the majority of the Cypress Canyon Specific Plan area). As a result, shifting development intensities to other areas of the City is not feasible and would create greater environmental impacts. As a result, Alternative Development Areas were rejected and are not analyzed in detail in the DEIR.

### 2.2 ALTERNATIVES SELECTED FOR ANALYSIS

The CEQA Guidelines indicate that an EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." [Guidelines Sec. 15126.6(a)] Accordingly, the alternatives selected for review pursuant to this EIR focus on: (a) the specific General Plan policies pertaining to project site; and, (b) alternatives that could eliminate or reduce significant environmental impacts to a level of insignificance, consistent with the project objectives (i.e. the alternatives could impede to some degree the attainment of project objectives, but still would enable the project to obtain its basic objectives). The alternatives analyzed in the following sections include:

1. "No-Project"/Existing General Plan Alternative;
2. The Corridors Alternative;
3. Reduced Intensity Alternative.

#### 2.2.1 "No-Project"/Existing General Plan Alternative

When the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the no-project alternative will be the continuation of the plan, policy, or operation into the future. Therefore, the No Project/Existing General Plan and Zoning Code Update Alternative, as required by the CEQA Guidelines, analyzes the effects of continued implementation of the City's existing General Plan and Zoning Code. This alternative assumes the existing General Plan remains as the adopted long-range planning policy document for the City. Development would continue to occur within the City in accordance with the existing General Plan, Zoning Code, and Specific Plans. Buildout pursuant to the existing General Plan would allow current development patterns to remain. The existing General Plan would not allow for mixed-use developments within The Platinum Triangle, including residential units, as envisioned in the proposed General Plan and Zoning Code Update. In addition, current policy would allow more residential development within the Hill and Canyon Area, including more development within the Mountain Park Specific Plan (7,966 dwelling units versus 2,500 dwelling units) and the Cypress Canyon Specific Plan (1,650 dwelling units versus designated open space). The No-Project/Existing General Plan Alternative would provide 2,338 fewer dwelling units, increase population by 14,736 persons, and provide 14,082 fewer jobs within the City at buildout, as compared to the proposed General Plan and Zoning Code Update.

#### **Finding: Alternative less than Desirable**

The City Council finds that the "No-Project"/Existing General Plan Alternative is less desirable than the proposed project and rejects this Alternative for the following reasons:

- This Alternative would not achieve many of the objectives established for the project.
- This Alternative would not protect open space resources in the Hill and Canyon Area.
- This Alternative would not locate a wide-range of housing opportunities in close proximity to regional employment and activity centers.

## 2. Findings on Project Alternatives

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- This Alternative would have greater environmental impacts than the proposed project in the areas of aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, mineral resources, noise, police and fire, population and housing, recreation, and transportation and traffic due to the increased intensity of development.
- Unavoidable adverse impacts to air quality, noise and transportation/traffic would still occur and adoption of a Statement of Overriding Considerations would still be required.

### 2.2.2 The Corridors Alternative

The Corridors Alternative does not represent a drastic change from the Recommended Land Use Alternative in terms of the goals and policies that would be defined through the General Plan and Zoning Code Update. This Alternative would take advantage of existing and potential transportation linkages throughout the City by assuming that four major transit routes for Bus Rapid Transit (BRT) would be established to traverse portions of the City. The first, located along the entire length of La Palma Avenue, would connect the Hill and Canyon Area and The Canyon to the North Central Industrial Area and West Anaheim. In addition, this Alternative assumes another major east-west transit route along Katella Avenue, and two north-south routes along Beach Boulevard and Harbor Boulevard. This Alternative would provide an additional 29,052 dwelling units, increase population by 44,261 persons, and provide 67,529 additional jobs within the City at buildout, as compared to the proposed General Plan and Zoning Code Update. The additional units, population, and employment are related to the potential for increased mixed use opportunities along transit routes.

#### **Finding: Alternative less than Desirable**

The City Council finds that the Corridors Alternative is less desirable than the proposed project and rejects this Alternative for the following reasons:

- This Alternative would not achieve many of the objectives established for the project.
- This Alternative would have greater environmental impacts than the proposed project in the areas of air quality, biological impacts, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, police and fire, population and housing, public services and utilities, recreation, transportation and traffic due to the increased intensity of development.
- Unavoidable adverse impacts to air quality, noise and transportation/traffic would still occur and adoption of a Statement of Overriding Considerations would still be required.

### 2.2.3 Reduced Intensity Alternative

The Reduced Intensity Alternative would reduce the remaining growth potential associated with the proposed General Plan and Zoning Code Update by 20%. The 20% reduction was based on the total remaining buildout potential of the proposed General Plan and Zoning Code Update as compared to existing land uses and applied on a City-wide basis. This Alternative would reduce total dwelling units at buildout by 5,474, decrease population at buildout by 13,215 persons, and provide 9,804 fewer jobs at buildout, as compared to the proposed General Plan and Zoning Code Update. Land use designations would remain the same, although allowable intensities would be reduced. Other components of the project, including creation of a Mixed Use Overlay Zone for The Platinum Triangle area, expansion of The Anaheim Resort Specific Plan, and increased open space in the Hill and Canyon Area, would remain the same as the proposed General Plan and Zoning Code Update.



## 2. *Findings on Project Alternatives*

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### **Finding: Alternative less than Desirable**

The City Council finds that the Reduced Intensity Alternative is less desirable than the proposed project and rejected this Alternative for the following reasons:

- This Alternative would reduce the number of allowable housing units in the City, thereby impeding the City's ability to achieve its housing goals contained in the adopted Housing Element.
- This Alternative would not achieve many of the objectives established for the project.
- While this Alternative would lessen impacts associated with air quality, noise, police and fire, public services, recreation and transportation/traffic by approximately 20%, this Alternative would contribute fewer housing units to a jobs rich subregion.
- Unavoidable adverse impacts to air quality, noise and transportation/traffic would still occur and adoption of a Statement of Overriding Considerations would still be required.

### 3. Findings on Potentially Significant Impacts

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This section identifies the findings on impact categories analyzed in the DEIR/FEIR including potentially significant impacts of the project.

#### 3.1 AESTHETICS

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**Impact: Would the Project Have a Substantial Adverse Effect on a Scenic Vista or Substantially Damage Scenic Resources, Including, but not Limited to, Trees, Rock Outcroppings, and Historic Buildings Within a State Scenic Highway**

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A 4.5-mile segment of SR-91 is an officially designated State Scenic Highway from SR-55 to Weir Canyon Road interchange. Development in accordance with the General Plan and Zoning Code Update would allow development of undeveloped parcels within the Hill and Canyon Area in the Scenic Corridor Overlay Zone. However, the General Plan incorporates various goals and policies which would protect scenic resources within this area.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to scenic resources within a State Scenic Highway for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Substantially Degrade the Existing Visual Character or Quality of the Site and its Surroundings**

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Development in accordance with the General Plan and Zoning Code Update would allow development of undeveloped parcels within the Hill and Canyon Area and redevelopment of existing industrial and commercial areas within The Platinum Triangle and The Downtown and Colony Area. However, the General Plan incorporates various goals and policies which would protect the existing visual character within the City.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to visual resources for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Create a New Source of Substantial Light or Glare Which Would Adversely Affect Day or Nighttime Views in the Area**

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Development in accordance with the General Plan and Zoning Code Update would allow development of undeveloped parcels within the Hill and Canyon Area and redevelopment of existing industrial and commercial areas within The Platinum Triangle and The Downtown and Colony Area. Development of undeveloped parcels within the Hill and Canyon Area will increase light and glare within this portion of the City. However, the General Plan incorporates various goals and policies which would reduce light and glare impacts within this area.



### 3. Findings on Potentially Significant Impacts

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#### Mitigation Measures:

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to light and glare for the reasons set forth in the Draft EIR.**

#### 3.2 AIR QUALITY

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#### **Impact: Would the Project 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 (Including Releasing Emissions Which Exceed Quantitative Thresholds for Ozone Precursors)**

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Information regarding specific development projects, soil types, and the locations of receptors would be needed in order to quantify the level of impact associated with construction activity. However, given the amount of development that the proposed General Plan and Zoning Code Update could accommodate over the next 20 to 25 years, it is reasonable to conclude that some major construction activity could be occurring at any given time over the life of the General Plan, which could exceed SCAQMD's adopted thresholds. Actual significance would be determined on a project by project basis as future development applications are submitted.

Operational impacts could result from local and regional vehicle emissions generated by future traffic growth, as well as direct emissions due to the use of on-site utilities and consumer goods associated with the proposed land uses. Future growth in accordance with the proposed General Plan and Zoning Code Update would exceed the daily SCAQMD thresholds for CO, NO<sub>x</sub>, ROG, and PM<sub>10</sub> in the South Coast Air Basin (SCAB), which is classified as a non-attainment area.

#### Mitigation Measures:

5.2-1 Prior to the issuance of grading permits, the property owner/developer shall include a note on all grading plans which requires the construction contractor to implement the following measures during grading. These measures shall also be discussed at the pregrade conference.

- Use low emission mobile construction equipment.
- Maintain construction equipment engines by keeping them tuned.
- Use low sulfur fuel for stationary construction equipment.
- Utilize existing power sources (i.e., power poles) when feasible.
- Configure construction parking to minimize traffic interference.
- Minimize obstruction of through-traffic lanes. When feasible, construction should be planned so that lane closures on existing streets are kept to a minimum.
- Schedule construction operations affecting traffic for off-peak hours.
- Develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service).

5.2-2 The City shall reduce vehicle emissions caused by traffic congestion by implementing transportation systems management techniques that include synchronized traffic signals and limiting on-street parking.



### 3. Findings on Potentially Significant Impacts

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- 5.2-3 The City shall encourage major employers, tenants in business parks and other activity centers, and developers of large new developments to participate in transportation management associations.
- 5.2-4 The City shall consider the feasibility of diverting commercial truck traffic to off-peak periods to alleviate non-recurrent congestion as a means to improve roadway efficiency.

At the individual development project level, it is recommended that the City apply the following mitigation measures to future development projects:

- 5.2-5 The City will encourage the incorporation of energy conservation techniques (i.e. installation of energy saving devices, construction of electric vehicle charging stations, use of sunlight filtering window coatings or double-paned windows, utilization of light-colored roofing materials as opposed to dark-colored roofing materials, and placement of shady trees next to habitable structures) in new developments.
- 5.2-6 The City will encourage the incorporation of bus stands, bicycle racks, bicycle lanes, and other alternative transportation related infrastructure in new developments.

**Finding: Project related air quality impacts are considered a significant unavoidable adverse impact and a Statement of Overriding Considerations is required.**

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#### **Impact: Would the Project Conflict With or Obstruct Implementation of the Applicable Air Quality Plan**

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Although implementation of development consistent with the proposed General Plan and Zoning Code Update will result in significant regional air quality impacts, the proposed project is consistent with AQMP and other regional plan strategies to reduce the number of trips and the length of trips in the region, and to improve the balance between jobs and housing at the subregional level.

#### **Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Since the proposed project is consistent with the AQMP, no significant impacts are anticipated for the reasons set forth in the Draft EIR.**

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#### **Impact: Would the Project Violate Any Air Quality Standard or Contribute Substantially to an Existing or Projected Air Quality Violation**

---

Projected CO concentrations at buildout are below the State and Federal 1-hour and 8-hour standards.

#### **Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Since the projected CO concentrations are below the State and Federal standards, no significant impacts are anticipated for the reasons set forth in the Draft EIR.**



### 3. Findings on Potentially Significant Impacts

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#### **Impact: Would the Project Expose Sensitive Receptors to Substantial Pollutant Concentrations**

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Projected CO concentrations at buildout are below the State and Federal 1-hour and 8-hour standards.

#### **Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Since the projected CO concentrations are below the State and Federal standards, no significant impacts are anticipated for the reasons set forth in the Draft EIR.**

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#### **Impact: Would the Project Create Objectionable Odors Affecting a Substantial Number of People**

---

Future residential and commercial development would involve minor, odor-generating activities, such as backyard barbecue smoke, lawn mower exhaust, application of exterior paints from home improvement, etc. These types and concentrations of odors are typical of residential communities and are not considered significant air quality impacts.

#### **Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Since the types and concentrations of odors are typical of residential communities, no significant impacts are anticipated for the reasons set forth in the Draft EIR.**

### 3.3 BIOLOGICAL RESOURCES

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#### **Impact: Would the Project 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 Game or U.S. Fish and Wildlife Service**

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Sensitive vegetation communities in the City and its Sphere-of-Influence include coastal sage scrub, coast live oak/walnut woodland, riparian areas, and wetlands. Development within the Hill and Canyon Area has the potential to have a significant impact on sensitive vegetation communities and individual plant species.

#### **Mitigation Measures:**

- 5.3-1 For all areas of the City located outside the Central/Coastal NCCP/HCP, retention of rare communities shall be incorporated into building and project design to the maximum extent practical. Rare communities include oak, riparian and wetland, walnut woodland, and coastal sage scrub. If retention is not practical, healthy specimens shall be relocated and/or replaced.
- 5.3-2 For all areas of the City located outside the Central/Coastal NCCP/HCP, property owners/developers will be required to restore and re-vegetate where the loss of small and/or isolated habitat patches is proposed.
- 5.3-3 If construction activity is timed to occur during the nesting season (typically between March 1 and July 1), developers will be required to provide focused surveys for nesting birds pursuant

### 3. Findings on Potentially Significant Impacts

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to California Department of Fish and Game requirements. Such surveys shall identify avoidance measures taken to protect active nests.

- 5.3-4 Removal of nonnative trees shall be permitted only outside the nesting season.
- 5.3-5 Any crushing of existing habitat during the breeding season of the gnatcatcher shall occur only under the supervision of a biological monitor.
- 5.3-6 Preserved and/or protected areas will be identified by the project biologist and isolated with construction fencing or similar materials prior to clearing or grading activities. Protected areas include existing woodland and coastal sage scrub adjacent to revegetation areas and individual trees and patches of native habitat to be preserved within revegetation areas.
- 5.3-7 Lighting in residential areas and along roadways shall be designed to prevent artificial lighting from reflecting into adjacent natural areas.

**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant biological resources impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

---

**Impact: Would the Project Have a Substantial Adverse Effect on any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, Regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service**

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Riparian communities within the Hill and Canyon Area include: willow scrub, mule fat scrub, sycamore riparian, cottonwood-willow riparian, and mixed riparian. Implementation of the proposed General Plan and Zoning Code Update could impact existing riparian areas through development in the Hill and Canyon Area and potential recreational uses within the Santa Ana River.



**Mitigation Measures:**

- 5.3-8 Prior to the issuance of grading permits for any project potentially affecting riparian or wetland habitat, the property owner/developer shall provide evidence that all necessary permits have been obtained from the State Department of Fish and Game (pursuant to Section 1601-1603 of the Fish and Game Code) and the U.S. Army Corps of Engineers (pursuant to Section 404 of the Clean Water Act) or that no such permits are required, in a manner meeting the approval of the City of Anaheim Planning Department. If a Section 404 Permit from the ACOE is required, a Section 401 Water Quality Certification will also be required from the California Regional Water Quality Control Board, Santa Ana Region.

**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant biological resources impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Have a Substantial Adverse Effect on Federally Protected Wetlands as Defined by Section 404 of the Clean Water Act (Including, But Not Limited to, Marsh, Vernal Pool, Coastal, etc.) Through Direct Removal, Filling, Hydrological Interruption, or Other Means**

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See above.

**Mitigation Measures:**

No additional mitigation measures are necessary.

### 3. Findings on Potentially Significant Impacts

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**Finding: Mitigation measures (Mitigation Measure 5.3-8) are feasible and avoid or substantially lessen potentially significant biological resources impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project 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**

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Several areas within the Hill and Canyon Area of the City and its Sphere-of-Influence are utilized as migratory corridors for the movement of wildlife. Development within the Hill and Canyon Area could cause an increase in both vehicular traffic levels and nighttime light levels. Both of these factors have been found to deter the movement of many animals. However, the General Plan incorporates various goals and policies which would protect existing wildlife movement corridors within the Hill and Canyon Area.

**Mitigation Measures:**

5.3-9 Prior to issuance of a grading permit for any project potentially affecting wildlife movement, the property owner/developer shall submit a biological resources analysis which assesses potential impacts to wildlife movement.

**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant biological resources impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Conflict With any Local Policies or Ordinances Protecting Biological Resources, Such as a Tree Preservation Policy or Ordinance**

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Future projects in accordance with the General Plan and Zoning Code Update would comply with all relevant policies and ordinances relating to tree preservation, including the City of Anaheim Street Tree Ordinance.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to biological resources for the reasons set forth in the Draft EIR.**

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**Impact: Conflict With the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan**

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Portions of the City of Anaheim, including the Hill and Canyon Area, are within the Orange County Central/Coastal Natural Communities Conservation Plan Subregion (NCCP) and Habitat Conservation Plan (HCP). However, the General Plan and related goals and policies are consistent with the NCCP.

**Mitigation Measures:**

No mitigation measures are necessary.

### 3. Findings on Potentially Significant Impacts

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**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to biological resources for the reasons set forth in the Draft EIR.**

#### 3.4 CULTURAL RESOURCES

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**Impact: Would the Project Cause a Substantial Adverse Change in the Significance of a Historical Resource as Defined in §15064.5**

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Identified historic structures and sites that are eligible for the National Register of Historic Resources listing, particularly in the Anaheim Colony Area, may be vulnerable to development activities accompanying revitalization.

**Mitigation Measures:**

- 5.4-1 City staff shall require property owners/developers to provide studies to document the presence/absence of historic resources for areas with documented or inferred resource presence. On properties where resources are identified, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified specialist.

**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant cultural resource impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Cause a Substantial Adverse Change in the Significance of an Archaeological Resource Pursuant to § 15064.5, Directly or Indirectly Destroy a Unique Paleontological Resource or Site or Unique Geologic Feature, or Disturb any Human Remains, Including Those Interred Outside of Formal Cemeteries**

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Archival research indicates a prehistoric resource area (CA-Ora-303) is located in the Hill and Canyon Area and a 1970 registry of artifacts comprised of manos, hammerstones, choppers, lithic flakes, and faunal bones was assigned to locations within north-facing rock shelters within this area. Subsequent field surveys failed to reveal additional artifacts. One geologic formation – the Topanga Formation – has a high potential for yielding paleontological material and grading there, as well as in other formations, will be closely monitored.

**Mitigation Measures:**

- 5.4-2 City staff shall require property owners/developers to provide studies to document the presence/absence of archaeological and/or paleontological resources for areas with documented or inferred resource presence. On properties where resources are identified, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified specialist.
- 5.4-3 All archaeological resources shall be subject to the provisions of CEQA (Public Resources Code) Section 21083.2.

### 3. Findings on Potentially Significant Impacts

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**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant cultural resource impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

#### 3.5 GEOLOGY AND SOILS

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**Impact: Would the Project Expose People or Structures to Potential Substantial Adverse Effects, Including the Risk of 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? Refer to Division of Mines and Geology Special Publication 42; ii) Strong Seismic Ground Shaking; iii) Seismic-Related Ground Failure, Including Liquefaction; or iv) Landslides**

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No areas of the City are identified on an Alquist-Priolo Earthquake Fault Zoning Map. However, buildout of the Recommended Land Use Alternative has the potential to expose future residents to the effects of geological hazards, including groundshaking, seismically induced surface rupture, liquefaction, and slope instability leading to mudslides and landslides.

**Mitigation Measures:**

- 5.5-1 The City shall require geologic and geotechnical investigations in areas of potential seismic or geologic hazards as part of the environmental or development review process. All grading operations will be conducted in conformance with the recommendations contained in the applicable geotechnical investigation.

**Finding: The mitigation measure is feasible and avoids or substantially lessens potentially significant geology and soils impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Result in Substantial Soil Erosion or the Loss of Topsoil**

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Although the majority of the City and its Sphere-of-Influence enjoys a relatively flat topography and minimal potential for erosion impacts, the Hill and Canyon Area exhibits hilly terrain that is more susceptible to soil erosion. Development would be subject to local and State codes and requirements for erosion control and grading. In addition, project sites encompassing an area of one or more acres would require compliance with a National Pollutant Discharge Elimination System (NPDES) permit and consequently the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

**Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to soils and geology for the reasons set forth in the Draft EIR.**

---

**Impact: Would the Project 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**

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Isolated areas of the City and its Sphere-of-Influence are subject to landslides. However, the General Plan incorporates various goals and policies which would mitigate potential geotechnical impacts.

### 3. Findings on Potentially Significant Impacts

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#### Mitigation Measures:

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to soils and geology for the reasons set forth in the Draft EIR.**

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#### **Impact: Would the Project Be Located on Expansive Soil, as Defined in Table 18-1-B of the Uniform Building Code (1994), Creating Substantial Risks to Life or Property**

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Soils observed in the Hill and Canyon Area are predominantly classified in the “Medium” to “High” range, with small areas associated with “Low” expansion potential. Soils observed and encountered throughout the remainder of the City range from “Low” to “High” in expansion potential (Expansivity Potential of Soils and Rock Units in Orange County, California, 1976). However, the General Plan incorporates various goals and policies which would mitigate potential geotechnical impacts.

#### Mitigation Measures:

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to soils and geology for the reasons set forth in the Draft EIR.**

#### 3.6 HAZARDS AND HAZARDOUS MATERIALS



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#### **Impact: Would the Project Create a Significant Hazard to the Public or the Environment Through the Routine Transport, Use, or Disposal of Hazardous Materials or Create a Significant Hazard to the Public or the Environment Through Reasonable Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials Into the Environment**

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The proposed mixed-use zoning within The Platinum Triangle and The Colony and Downtown area would allow the conversion of industrial lands and mid-block commercial uses to residential or mixed-use designations. The potential residential uses are considered a sensitive land use and may be impacted by any upset or accident involving the release of hazardous materials.

#### Mitigation Measures:

- 5.6-1 Prior to issuance of the first residential building permit in a future mixed-use zone, the City of Anaheim shall adopt a “Good Neighbor Program” which requires future residential projects to provide a Notification Letter and prepare a Safety Plan. The Good Neighbor Program shall require that prior to the issuance of a building permit for a mixed-use residential project, that the property owner/developer send a Notification Letter to businesses in proximity to the project to inform them of the presence of the sensitive use (i.e., residential land uses). The letter shall request that the mixed-use project property owner/residents be notified of any accident at the nearby businesses that may involve the release of hazardous substances. The Good Neighbor Program shall also require that the future project property owner/ developer prepare a Safety Plan, which shall be implemented ongoing during project operation that includes staff training, emergency tools, and first aid provisions, supervision of children or other individuals in an emergency situation, and a shelter-in-place program for when evacuation is not appropriate or practicable.

### 3. Findings on Potentially Significant Impacts

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- 5.6-2 Prior to the final building and zoning inspections for any residential project within 1,000 feet of a use that has the potential to release substantial amounts of airborne hazardous materials (determined to be "Category 1, 2, or 3" hazardous materials), the project property owner/developer shall submit a shelter-in-place program to the Planning Director for review and approval. The shelter-in-place program shall require the property owner/developer to purchase a subscription to a service that provides "automated emergency notification" to individual residents (subject to meeting minimum standards set by the City) of the project. The shelter-in-place program shall include the following:
- The property owner/developer shall be required to purchase a minimum 10-year subscription to such a service that would include periodic testing (at least annually).
  - The CC&Rs for each individual project shall require that each property owner and/or project Homeowners Association (HOA):
    - Maintain a subscription following expiration of the initial purchased subscription.
    - Maintain in a timely manner the database of resident phone numbers in conjunction with the service.
    - Provide appropriate agencies (police, fire, other emergency response as identified by the City) with information on how to activate the notification via the service provider.
  - The CC&Rs for each individual project shall require that each resident provide the property owner/HOA with a current phone number for the residence and/or individual residents; this would include timely notification following the sale of a unit and would require notification if the unit were rented or leased or subject to any other change in occupancy.

**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant hazards and hazardous materials impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

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#### **Impact: Would the Project Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste Within One-Quarter Mile of an Existing or Proposed School**

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Overall, the General Plan and Zoning Code Update decreases the area of land designated for heavy industrial uses and, therefore, reduces the future number of potential emitters or handlers of hazardous materials, substances, or waste City-wide. However, new school sites should be evaluated for their proximity and potential exposure to hazardous materials as they are proposed for development, and new locations should be chosen to minimize that exposure.

#### **Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hazards and hazardous materials for the reasons set forth in the Draft EIR.**

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#### **Impact: Would the Project Be Located on a Site Which is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5 and, as a Result, Would it Create a Significant Hazard to the Public or the Environment**

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According to the Department of Toxic Substances Control's January 2004 Cortese Hazardous Substances Sites List, there is one contaminated site currently listed within the City. The site is the Owl Rock Products property located at 24000 Santa Ana Canyon Road. However, any development on this site would be subject to future environmental review.



### 3. Findings on Potentially Significant Impacts

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**Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hazards and hazardous materials for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project be Located on a Site Containing Aboveground or Underground Pipelines Which Transport Hazardous Substances or Waste Other Than Those Serving Only the Site**

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A potential increase in levels of residential development in The Platinum Triangle, or in any areas located near any pipelines would potentially be at risk due to rupture or leakage of materials within the pipeline. However, various Goals and Policies have been incorporated into the proposed General Plan and Zoning Code Update to reduce potential impacts related to above ground or underground pipelines.

**Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hazards and hazardous materials for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project be Located on a Site Which is a Current or Former Hazardous Waste Disposal Site or Solid Waste Disposal Site**

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According to the Integrated Waste Management Department of the County of Orange, there are no current and two former solid waste disposal sites in the City of Anaheim, Disposal Station Number 4 (Canal Street) and Disposal Station Number 18 (Sparks Pit). Both Stations were operated by the County of Orange and ceased operations by 1960. The Canal Street Station, located between SR-91 and the Santa Ana River at Frontera Street, operated from 1946 to 1958 as a Class II burning dump and sanitary landfill and accepted primarily residential, commercial, demolition, and agricultural wastes that were non-hazardous and inert. No liquid or hazardous wastes are known to have been deposited at this site. Continual testing of groundwater conditions of the site throughout the 1980s and 1990s revealed no serious contamination problems.

**Mitigation Measures:**

- 5.6-3 Prior to issuance of any discretionary permit for a current or former hazardous waste disposal site or solid waste disposal site, the project property owner/developer shall submit a Phase I Environmental Site Assessment to the City. If possible hazardous materials are identified during the site assessments, the appropriate response/remedial measures will be implemented in accordance with the requirements of the Orange County Health Care Agency (OCHCA) and/or the Regional Water Quality Control Board (RWQCB), as appropriate.



### 3. Findings on Potentially Significant Impacts

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**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant hazards and hazardous materials impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

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**Impact: For a Project Located Within an Airport Land Use Plan or, Where Such a Plan Has Not Been Adopted, Would the Project be Located Within Two Miles of a Public Airport or Public use Airport, Would the Project Result in a Safety Hazard for People Residing or Working in the Project Area**

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The City of Anaheim airspace is among the busiest in the nation. Hazardous materials may be transported by air over Orange County or to destinations at John Wayne or Fullerton Airports. Since air transports fly over Anaheim, the risk of an event occurring as the result of an air accident is possible (Hazardous Materials Area Plan, 2000).

**Mitigation Measures:**

- 5.6-4 Prior to issuance of a building permit, new development project property owner/developers shall use the most current available Airport Environs Land Use Plan (AELUP) as a planning resource for evaluating heliport and airport operations as well as land use compatibility and land use intensity in the proximity of Los Alamitos Joint Training Base and Fullerton Municipal Airport.
- 5.6-5 Applicants seeking approval for the construction of new development or the operation of a heliport or helistop shall comply with the State permit procedure provided for by law as well as conditions of approval imposed or recommended by the Federal Aviation Administration (FAA), by the Airport Land Use Commission, and by Caltrans Division of Aeronautics.
- 5.6-6 City staff shall review new development projects for their compliance with the State of California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*.

**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant hazards and hazardous materials impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

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**Impact: For a Project Within the Vicinity of a Private Airstrip, Would the Project Result in a Safety Hazard for People Residing or Working in the Project Area**

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Several heliports within the City of Anaheim are utilized for helicopter take-off and landing. According to the Department of Transportation, Division of Aeronautics, the City of Anaheim contains five heliports. These include two heliports associated with the Anaheim Police Department (police use), Boeing Anaheim B/250 (corporate use), Boeing Heliport/Building 203 (corporate use), and North Net Fire Training Center (fire department use). There are no private airstrips within the City. However, the General Plan incorporates various goals and policies which would limit potential impacts relating to aircraft overflights.

**Mitigation Measures:**

No mitigation measures are necessary.

### 3. Findings on Potentially Significant Impacts

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**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hazards and hazardous materials for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires, Including Where Wildlands are Adjacent to Urbanized Areas or Where Residences are Intermixed With Wildlands**

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Wildland fires would continue to pose a significant threat to the people and structures of Anaheim. The central and western portions of Anaheim are highly urbanized and relatively built out; however, the Hill and Canyon Area is more susceptible to wildland fires as a result of its larger proportion of vegetation and open space. . However, the General Plan incorporates various goals and policies which would limit potential impacts relating to wildland fires.

**Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hazards and hazardous materials for the reasons set forth in the Draft EIR.**

#### 3.7 HYDROLOGY AND WATER QUALITY

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**Impact: Would the Project Violate any Water Quality Standards or Waste Discharge Requirements**

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Implementation of the General Plan and Zoning Code Update would potentially impact the quantity of runoff and other pollutant loadings to receiving waters. Impacts may be significantly greater during the region's rainy season, which is generally defined as October through May. Policies included in the General Plan and Zoning Code Update would ensure compliance with Federal standards by ensuring adequate storm drainage, and maintaining adequate water and waste distribution capacity.

**Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hydrology and water quality for the reasons set forth in the Draft EIR.**



### 3. Findings on Potentially Significant Impacts

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**Impact: Groundwater Supplies or Interfere Substantially With Groundwater Recharge Such That There Would be a Net Deficit in Aquifer Volume or a Lowering of the Local Groundwater Table Level (e.g., the Production Rate of Pre-Existing Nearby Wells Would Drop to a Level Which Would Not Support Existing Land Uses or Planned Uses for Which Permits Have Been Granted)**

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The City receives up to three-fourths of its drinking water from local groundwater, therefore it is critical to protect the Orange County Groundwater Basin. This groundwater basin underlies the northern half of Orange County, covering approximately 310 square miles, and has a recharge area which extends north and east of SR-57/SR-91 interchange, to the SR-91 Freeway and Imperial Highway interchange. The recharge area is so large that it represents two-thirds of the total groundwater recharge in Orange County. Implementation of the General Plan and Zoning Code Update would not potentially increase the demand on groundwater supplies. In order to protect the City's groundwater and the Orange County Groundwater Basin, the General Plan and Zoning Code Update contains policies directing the City to reduce pollution, enforce water quality management regulations, and conserve water.

**Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hydrology and water quality for the reasons set forth in the Draft EIR.**

**Impact: Would the Project Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River, in a Manner Which Would Result in a Substantial Erosion or Siltation On- or Off-Site or Substantially Increase the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding On- or Off-Site**

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Increased development throughout Anaheim and its Sphere-of-Influence, especially on currently undeveloped properties, will increase the amount of impervious surfaces, thereby increasing the amount and speed of runoff. Increased runoff volumes and speeds may create nuisance flooding in areas without adequate drainage facilities.

**Mitigation Measures:**

- 5.7-1 The City shall work with the Orange County Flood Control District (OCFCD) to ensure that flood control facilities are well maintained and capable of accommodating, at a minimum, future 25-year storm flows for City-owned and maintained facilities, and 100-year storm flows for County facilities. Where improvements to local drainage facilities have the potential to increase discharges to County facilities, the City shall analyze potential impacts to County facilities in consultation with the Manager, County of Orange Flood Control Division. Encroachment Permits shall be obtained from the County's Public Property Permits Section for any activity performed within OCFCD's right of way.
  
- 5.7-2 The City shall require that new developments minimize stormwater and urban runoff into drainage facilities by incorporating design features such as detention basins, on-site water features, and other strategies.

### 3. Findings on Potentially Significant Impacts

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**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant hydrology and water quality impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Create or Contribute Runoff Water Which Would Exceed the Capacity of Existing or Planned Storm Water Drainage Systems or Provide Substantial Additional Sources of Polluted Runoff**

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Pollution associated with storm water and urban runoff affects the groundwater of Anaheim, as well as neighboring jurisdictions throughout the region. The problem is particularly acute at the beginning of a heavy rain storm, but can be a problem at any time due to the improper disposal of products associated with home, garden and automotive maintenance. However, the General Plan incorporates various goals and policies which would limit potential impacts relating to water quality.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hydrology and water quality for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Otherwise Substantially Degrade Water Quality**

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The General Plan and Zoning Code Update seeks to protect water quality by requiring residents and businesses to engage in water quality management practices and pollution control measures. The General Plan's Goals and Policies also direct the City to monitor water quality and provide water service that meets or exceeds health standards.



**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hydrology and water quality for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Place Housing Within a 100-Year Flood Hazard Area as Mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or Other Flood Hazard Delineation Map or Place Within a 100-Year Flood Hazard Area Structures Which Would Impede or Redirect Flood Flows**

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Buildout of the Recommended Land Use Alternative could potentially expose more people and habitable structures to potential flooding. Increased exposure could occur through development of lands within flood zones. The policies contained in the General Plan seek to protect structures and residents within flood zones by requiring all development proposals to undergo an evaluation process to determine flood risks and ensure compliance with local, State, and Federal regulations.

**Mitigation Measures:**

No additional mitigation measures are required.

### 3. Findings on Potentially Significant Impacts

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**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hydrology and water quality for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Flooding, Including Flooding as a Result of the Failure of a Levee or Dam**

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Implementation of the General Plan and Zoning Code Update has the potential to increase the number of people and structures exposed to flood hazards. The General Plan contains policies that seek to reduce the threat of catastrophic flood damage through aggressive flood mitigation activities.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hydrology and water quality for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project be Subject to Inundation by Seiche, Tsunami, or Mudflow**

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There is a low to moderate potential for flooding due to seiche hazards affecting properties adjacent to the Walnut Canyon Reservoir, an enclosed body of water in the Anaheim Hills. The City of Anaheim is not located close enough to the coast to be subject to possible impacts from a Tsunami.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to hydrology and water quality for the reasons set forth in the Draft EIR.**

#### 3.8 LAND USE AND PLANNING

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**Impact: Would the Project Physically Divide an Established Community**

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The Recommended Land Use Alternative along with General Plan Goals and Policies strive to preserve, revitalize, and ensure compatibility throughout the City. The Recommended Land Use Alternative identifies new areas for smaller lot, multi-family and mixed-use development by strategically locating these uses and limiting designations within and adjacent to single-family neighborhoods, as well as providing additional guidance under the Community Design Element to ensure quality development and integration with surrounding areas.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to land use and planning for the reasons set forth in the Draft EIR.**

### 3. Findings on Potentially Significant Impacts

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**Impact: Conflict With any Applicable Land Use Plan, Policy, or Regulation of an Agency With Jurisdiction Over the Project (Including, But Not Limited to the General Plan, Specific Plan, Local Coastal Program, or Zoning Ordinance) Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect**

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The proposed project involves a comprehensive update to the City of Anaheim General Plan and Zoning Code Update. The Recommended Land Use Alternative forms the basis for the General Plan and Zoning Code Update and represents a guide for the City's future development. The land use patterns and areas identified are intended to provide the basis for more detailed land use designations, densities and development standards established in the Zoning Code. The Recommended Land Use Alternative provides enough dwelling unit, population and employment capacity to exceed the OCP-2000 census-based projections for the year 2025. However, the proposed General Plan and Zoning Code Update will allow the City to improve its overall jobs-housing balance from 2.18, as projected by OCP-2000, to 2.06, which is consistent with the Southern California Association of Government's (SCAG) Regional Comprehensive Plan & Guide (RCPG).

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to land use and planning for the reasons set forth in the Draft EIR.**

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**Impact: Conflict With any Applicable Habitat Conservation Plan or Natural Community Conservation Plan**

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The proposed General Plan and Zoning Code Update fully complies with the provisions of the NCCP/HCP for the Central/Coastal Subregion and no significant impacts are anticipated.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to land use and planning for the reasons set forth in the Draft EIR.**

#### 3.9 MINERAL RESOURCES

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**Impact: Would the Project Result in the Loss of Availability of a Known Mineral Resource That Would be a Value to the Region and the Residents of the State or Result in the Loss of Availability of a Locally Important Mineral Resource Recovery Site Delineated on a Local General Plan, Specific Plan or Other Land Use Plan**

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The State of California designates one MRZ-2 area and three specific areas of regionally significant mineral resources within the City. Changes in land use resulting from implementation of the proposed General Plan and Zoning Code Update would not significantly impact mineral resources in the MRZ-2 area because land in this area is largely built out or already planned for development.



### 3. Findings on Potentially Significant Impacts

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#### Mitigation Measures:

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to mineral resources for the reasons set forth in the Draft EIR.**

#### 3.10 NOISE

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**Impact: Would the Project Result in Exposure of Persons to or Generation of Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies; Would the Project Result in a Substantial Permanent Increase in Ambient Noise Levels in the Project Vicinity Above Levels Existing Without the Project; Would the Project Result in a Substantial Temporary or Periodic Increase in Ambient Noise Levels in the Project Vicinity Above Levels Existing Without the Project**

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Short-term noise impacts are impacts associated with demolition, site preparation, grading and construction of the proposed land uses. Two types of short-term noise impacts could occur during construction. First, the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads. The second type of short-term noise impact is related to noise generated at the job site during demolition, site preparation, grading and/or physical construction.

The major source of noise in the City is from traffic traveling on its various roadways and freeways, including the I-5, SR-91, SR-55, SR-57, SR-241, Beach Boulevard (SR-39), and Imperial Highway (SR-90). Vehicles traveling on these routes have the potential to produce noise impacts on future development within the City of Anaheim. Implementation of the proposed General Plan Goals and Policies, existing codes and regulations, and mitigation measures listed below will reduce potential short-term and long-term noise impacts to the extent feasible. However, many of the roadways in the City are expected to generate noise levels in excess of 65 CNEL. In locations where these roadways are adjacent to existing sensitive land uses, the impacts are anticipated to remain significant.

#### Mitigation Measures:

- 5.10-1 Prior to the issuance of building permits for any project generating over 100 peak hour trips, the project property owner/developers shall submit a final acoustical report prepared to the satisfaction of the Planning Director. The report shall show that the development will be sound-attenuated against present and projected noise levels, including roadway, aircraft, helicopter and railroad, to meet City interior and exterior noise standards.

**Finding: Project related noise impacts are considered a significant unavoidable adverse impact and a Statement of Overriding Considerations is required.**

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**Impact: Would the Project Result in Exposure of Persons to or Generation of Excessive Groundborne Vibration or Groundborne Noise Levels**

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An aspect of construction is its accompanying vibration. Excessive groundborne vibration is typically caused by activities such as blasting, or the use of pile drivers during construction. However, these impacts would be assessed at the time specific development applications are submitted.



### 3. Findings on Potentially Significant Impacts

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#### Mitigation Measures:

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to noise for the reasons set forth in the Draft EIR.**

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**Impact: 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 Expose People Residing or Working In the Project Area to Excessive Noise Levels; For a Project Within the Vicinity of a Private Airstrip, Would the Project Expose People Residing or Working in the Project Area to Excessive Noise Levels**

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The Fullerton Municipal Airport is located approximately 2 miles away from Anaheim. In the most current data available, the Airport projected a maximum of 265,500 total operations for the year 2000. However, the 65 CNEL Noise Contour for Fullerton Airport does not extend into the City of Anaheim and no significant impacts are anticipated. Several heliports within the City of Anaheim are utilized for helicopter take-off and landing. According to the Department of Transportation, Division of Aeronautics, the City of Anaheim contains five heliports. These include two heliports associated with the Anaheim Police Department (police use), Boeing Anaheim B/250 (corporate use), Boeing Heliport/Building 203 (corporate use), and North Net Fire Training Center (fire department use). There are no private airstrips within the City.

#### Mitigation Measures:

5.10-2 Prior to issuance of a building permit, new development project property owner/developers shall use the most current available Airport Environs Land Use Plan (AELUP) as a planning resource for evaluating heliport and airport operations as well as land use compatibility and land use intensity in the proximity of Los Alamitos Joint Training Base and Fullerton Municipal Airport.

**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant hazards and hazardous materials impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

#### 3.11 POLICE AND FIRE

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**Impact: 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**

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The proposed General Plan and Zoning Code Update would increase the overall demand on fire and police protection services in the City of Anaheim. There would also be an increase in the number of responses within the City which would increase the demand for existing apparatus, equipment and personnel. Therefore, the City of Anaheim's costs to maintain equipment and apparatus and to train and equip personnel would also increase. In addition, the redistribution of the population into areas where there are currently no residences, could necessitate the reassignment of certain kinds of resources pertaining to fire and police services. However, the additional personnel and materials costs may be offset through the increased revenue, and fees, generated by future development.



### 3. Findings on Potentially Significant Impacts

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#### Mitigation Measures:

- 5.11-1 Future projects will be reviewed by the City of Anaheim on an individual basis and will be required to comply with requirements in effect at the time building permits are issued (i.e., impact fees, etc.) or if an initial study is prepared and the City determines the impacts to be significant, then the project will be required to comply with appropriate mitigation measures (i.e., fire station sites, etc.).

**Finding: The mitigation measure is feasible and avoids or substantially lessens potentially significant police and fire services impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

#### 3.12 POPULATION AND HOUSING

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**Impact: Would the Project Induce Substantial 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)**

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The proposed General Plan and Zoning Code Update will provide more housing units within one of the state's largest employment concentrations, including The Platinum Triangle, and The Colony and Downtown Area. The close proximity of the future housing units and employment opportunities responds directly to the City's jobs/housing balance policies.

#### Mitigation Measures:

No additional mitigation measures are required.

**Finding: The proposed project combined with other cumulative development in the area will result in a potential cumulative impact on employment, housing, and population. This potential impact is considered substantial, but not adverse, in light of the project's contribution to improved jobs/housing balance and transportation demand management promoted by SCAG's regional policies. Therefore, there are no significant unavoidable adverse impacts related to population and housing for the reasons set forth in the Draft EIR.**

**Impact: Displace Substantial Numbers of Existing Housing, Necessitating the Construction of Replacement Housing Elsewhere or Displace Substantial Numbers of People, Necessitating the Construction or Replacement Housing Elsewhere**

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The General Plan Land Use Element identifies portions of the Anaheim Colony and Central Anaheim Area for Low Density residential uses where a mix of multi-family and single-family development exists (in Low Medium and Medium Density Residential designations) and a mixed-use area where a mix of residential and commercial uses exist. However, the proposed mixed-use area would provide more residential units than the existing land use. As such, the General Plan and Zoning Code update will not displace a substantial number of people or existing homes.

#### Mitigation Measures:

No additional mitigation measures are required.

**Finding: The proposed project combined with other cumulative development in the area will result in a potential cumulative impact on employment, housing, and population. This potential impact is considered substantial, but not adverse, in light of the project's contribution to improved jobs/housing balance and transportation demand management promoted by SCAG's**

### 3. Findings on Potentially Significant Impacts

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regional policies. Therefore, there are no significant unavoidable adverse impacts related to population and housing for the reasons set forth in the Draft EIR.

#### 3.13 PUBLIC SERVICES AND FACILITIES

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**Impact: 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**

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##### School Services

The increase in residential population would result in an additional 5,345 elementary school students, 1,620 junior high students, and 2,884 high school students. While the City acknowledges that future growth will result in increased need for school facilities, the City is precluded per SB 50 to consider this a significant impact for the purposes for CEQA. The payment of development fees will offset the costs to each District of providing educational facilities to these students. In addition, the General Plan Goals and Policies listed below will further reduce potential impacts.

##### Mitigation Measures:

Although school impacts are adequately mitigated by payment of SB 50 school fees, the following mitigation measure will be incorporated into the proposed project to assist the school districts in identifying potential school sites.

- 5.13-1 The Community Development Department will work cooperatively with school districts to identify sites for new schools and school expansions in West and Central Anaheim and The Platinum Triangle area.

**Finding: Mitigation of school impacts will be achieved by payment of school fees established by SB 50 (Government Code Section 65995). Therefore, all impacts to school services remain less-than-significant.**

##### Library Services

Implementation of the proposed General Plan and Zoning Code Update will result in an additional 52,858 residents to the City of Anaheim. As a result, an additional 26,429 square feet of library space would be required to meet the City's mid level service standard of 0.5 square feet per capita at buildout. Any increase in the population or employee population of the City of Anaheim is anticipated to have an impact on Library Services. However, the projected growth of the City has been included in the Library Facilities' Master Plan and would meet the need for library building space.

##### Mitigation Measures:

No additional mitigation measures are required.



### 3. Findings on Potentially Significant Impacts

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**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to library services for the reasons set forth in the Draft EIR.**

#### Water Services

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**Impact: Would the Project Require or Result in the Construction of New Water or Wastewater Treatment Facilities or Expansion of Existing Facilities, the Construction of Which Could Cause Significant Environmental Effects; Have Insufficient Water Supplies Available to Serve the Project From Existing Entitlements and Resources, or are New or Expanded Entitlements Needed**

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The average water demand under the existing General Plan is 122,768 acre-feet per year (AFY) or approximately 110 million gallons per day (mgd). Under the proposed General Plan and Zoning Code Update, the total average water demand projection for build out is 112,043 AFY or approximately 100 mgd. Since the total City-wide demand projections are almost 10% less for the Recommended Land Use Alternative than the existing General Plan at build out, the proposed General Plan and Zoning Code Update is consistent with the City of Anaheim's current water demand projections.

#### Mitigation Measures:

- 5.13-2 Prior to issuance of building permits, future projects shall demonstrate compliance with the following water conservation measures to the satisfaction of the City Engineer:
- Install a separate irrigation meter when the total landscaped area exceeds 2,500 square feet. (City of Anaheim Water Conservation Measures)
  - Use of efficient irrigation systems such as drip irrigation systems and automatic systems that include moisture sensors. (City of Anaheim Water Conservation Measures)
  - Use of low-flow sprinkler heads in the irrigation system. (City of Anaheim Water Conservation Measures)
  - Use of water-conservation landscape plant materials, wherever feasible. (City of Anaheim Water Conservation Measures)
  - Low-flow fittings, fixtures, and equipment including low flush toilets and urinals. (City of Anaheim Water Conservation Measures)
  - Use of cooling tower and waterway recirculation systems. (City of Anaheim Water Conservation Measures)
  - Use of water efficient ice machines, dishwashers, clothes washers, and other water using appliances. (City of Anaheim Water Conservation Measures).
- 5.13-3 Prior to the issuance of the first building permit or grading permit, whichever occurs first, future projects in The Platinum Triangle shall comply with the adopted Stadium Business Center Water Facilities Fee Program (Rule 15D of the Water Utilities Rates, Rules, and Regulations per Resolution No. 99R-142, effective September 22, 1999).
- 5.13-4 Prior to the issuance of the first building permit or grading permit, whichever occurs first, future projects within The Anaheim Resort Specific Plan Expansion Area (along Harbor Boulevard, south of Orangewood Avenue to the south City Limit) shall comply with the adopted Anaheim Resort Area Water Facilities Fee Program (Rule 15E of the Water Utilities Rates, Rules, and Regulations per Resolution No. 95R-140, effective September 15, 1995).

### 3. Findings on Potentially Significant Impacts

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**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant water services impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

#### Wastewater Services

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**Impact: Would the Project Result in a Determination by the Wastewater Treatment Provider That Serves or May Serve the Project That it has Inadequate Capacity to Serve the Project's Projected Demand in Addition to the Provider's Existing Commitments**

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Buildout under the existing General Plan would generate approximately 68 mgd of effluent. By comparison, the sewage flow projection for the Recommended Land Use Alternative totals approximately 72 mgd. This approximate 6% increase in citywide sewage flow would be spread out over many tributary basins and would not constitute a significant impact with the implementation of the mitigation below.

#### Mitigation Measures:

- 5.13-5 Prior to approval of a final subdivision map or issuance of a grading or building permit, whichever occurs first, the City Engineer shall review the location of each project to determine if it is located within an area served by deficient sewer facilities. If the City Engineer determines that the above condition exists, the property owner/developer shall conduct a sanitary sewer study to be reviewed and approved by the City Engineer. If the project will increase sewer flows beyond those programmed in the appropriate master plan sewer study for the area or if the project currently discharges to an existing deficient sewer system or will create a deficiency in an existing sewer line, the property owner/developer shall be required to guarantee mitigation of the impact to adequately serve the area to the satisfaction of the City Engineer and City Attorney's Office. The property owner/developer shall be required to install the sanitary sewer facilities, as required by the City Engineer to mitigate the impacts of the proposed development based upon the applicable sewer deficiency study, prior to acceptance for maintenance of public improvements by the City or final building and zoning inspection for the building/structure, whichever occurs first. Additionally, the property owner/developer shall participate in the Infrastructure Improvement (Fee) Program, if adopted for the project area, as determined by the City Engineer, which could include fees, credits, reimbursements, construction or a combination thereof.



**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant wastewater services impacts to a less-than-significant level for the reasons set forth in the Draft EIR.**

#### Solid Waste Services

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**Impact: Would the Project not be Served by a Landfill With Sufficient Permitted Capacity to Accommodate the Project's Solid Waste Disposal Needs**

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The population projections associated with the proposed General Plan and Zoning Code Update are consistent with, and actually slightly less than the projections associated with the existing General Plan. Since the projected solid waste generation would be slightly reduced under the proposed General Plan and Zoning Code Update as compared to the existing General Plan, the project is consistent with IWMD projections and the RELOOC program. Therefore, no significant impacts are anticipated provided IWMD continues to expand landfill capacity consistent with adopted County growth projections.

#### Mitigation Measures:

No additional mitigation measures are required.

### 3. Findings on Potentially Significant Impacts

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**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to solid waste for the reasons set forth in the Draft EIR.**

#### Other Governmental Services

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**Impact: Would 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**

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A number of private companies provide natural gas, telecommunications, and cable television services to the project areas. Southern California Gas Company, which provides gas service in the project area, has indicated that it has facilities throughout the City of Anaheim and that gas services to the project could be provided from existing gas mains. SBC provides telephone service in the project area and Adelphia provides cable television service. The infrastructure for these utilities is expected to expand with new development and provision of these services to the project area is not anticipated to require substantial alterations.

#### Mitigation Measures:

No additional mitigation measures are required.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to solid waste for the reasons set forth in the Draft EIR.**

#### 3.14 RECREATION

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**Impact: Would the Project Would 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**

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Development in accordance with the General Plan and Zoning Code Update will increase demands on existing recreational facilities. However, continued compliance with the City of Anaheim park dedication ordinance would mitigate any potential impacts to recreational facilities.

#### Mitigation Measures:

No additional mitigation measures are required.

### 3. Findings on Potentially Significant Impacts

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**Finding: Implementation of the Green Element Goals and Policies and compliance with the City's park dedication ordinance reduces any impacts to recreational facilities to a less-than-significant level for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Would Include Recreational Facilities or Require the Construction or Expansion of Recreational Facilities Which Might Have an Adverse Physical Effect on the Environment**

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Development in accordance with the General Plan and Zoning Code Update will increase demands on existing recreational facilities. However, continued compliance with the City of Anaheim park dedication ordinance would mitigate any potential impacts to recreational facilities.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Implementation of the Green Element Goals and Policies and compliance with the City's park dedication ordinance reduces any impacts to recreational facilities to a less-than-significant level for the reasons set forth in the Draft EIR.**

#### 3.15 TRAFFIC AND CIRCULATION

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**Impact: Cause an Increase in Traffic Which is Substantial in Relation to the Existing Traffic Load and Capacity of the Street System**

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Under the proposed General Plan and Zoning Code Update, roadways citywide are expected to experience a modest amount of growth from the existing baseline to the future scenario. Several arterial highways within the City are projected to experience a significant amount of growth in daily traffic. The General Plan and Zoning Code update would result in 25 (up from 11) of the 250 study intersections operating at an unacceptable level of service (LOS E or F) during at least one of the peak periods. Four of the intersections operate at unacceptable levels in both the AM and PM. The following mitigation measures will ensure that the proposed project contributes to planned roadway improvements on a "fair-share" basis

**Mitigation Measures:**

- 5.15-1 The City shall continue to coordinate with Caltrans (designated as lead agency) and the City of Yorba Linda to implement the planned grade separation at the intersection of Imperial Highway/Orangethorpe Avenue.
- 5.15-2 The General Plan Circulation Element and associated Planned Roadway Network Map (Figure C-1 of the General Plan), identifies those roadways that are planned to accommodate current development and future growth established by the Land Use Element. Roadways will be constructed as development occurs and as funding becomes available. In addition to the roadways identified on the Planned Roadway Network Map, the following improvements will be necessary to maintain acceptable levels of service within the anticipated theoretical buildout identified in the General Plan:
- Intersection of Dale Avenue/Lincoln Avenue; add an additional east bound right turn lane
  - Intersection of Harbor Boulevard/Ball Road; add a 4th west bound through lane
  - Intersection of Sportstown Way /Katella Avenue; change north bound lane configuration from 1/1/2 to 1.5/.5/2.



### 3. Findings on Potentially Significant Impacts

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- Intersection of Tustin Avenue/La Palma Avenue; change south bound lane configuration from 2/3/1 to 2/4/0 (would require triple left turn lanes on the north bound or west bound approach to mitigate to LOS D)
- Intersection of Tustin Avenue/SR-91 west bound ramps; add a second north bound left turn lane
- Intersection of Imperial Highway/Santa Ana Canyon Road; add a north bound right turn lane (a 4th through lane north bound to mitigate PM peak hour to LOS D)
- Intersection of Weir Canyon Road/SR-91 east bound ramps; add a 4th south bound through lane

5.15-3 The City shall pursue all available funding, including Measure M funding, necessary to implement the circulation improvements identified in the City's Circulation Element and Mitigation Measure 5.15-2. Implementation of transportation improvements identified in the City's Circulation Element and Mitigation Measure 5.15-2 shall be conducted in coordination with Caltrans, the County of Orange, the Orange County Transportation Authority (OCTA), and surrounding jurisdictions. To qualify for Measure M funds, the City of Anaheim must comply with the Countywide Growth Management Program component requirements and have an established policy framework for the required Growth Management Program through the adoption of a Growth Management Element. The updated Growth Management Element will maintain provisions of the existing Growth Management element which: 1) establishes policy statements that identify acceptable traffic levels of service (LOS); 2) commits the City to implement a development mitigation program; and 3) commits the City to implement a development phasing and monitoring program.

5.15-4 Prior to issuance of building permits for new development forecast to generate 100 or more peak hour trips, as determined by the City Traffic and Transportation Manager utilizing Anaheim Traffic Analysis Model Trip Generation Rates, the property owner/developer shall be required to pay the City of Anaheim for all costs associated with updating the applicable Transportation Model to include the trips associated with their proposed development. This model update will be used to determine and program the extent and phasing of improvements necessary to accommodate the proposed development.

If the model demonstrates that the proposed development will cause an intersection to operate at an unacceptable level of service (LOS "E" or "F" depending on the location), the property owner/developer shall be responsible for constructing its fair share of necessary improvements to maintain acceptable levels of service for the anticipated theoretical buildout of the General Plan as identified in the City's Circulation Element and Mitigation Measure 5.15-2.

5.15-5 Prior to issuance of each building permit, appropriate Traffic Signal Assessment Fees and Traffic Impact and Improvement Fees shall be paid by the property owner/developer to the City of Anaheim in amounts determined by the City Council Resolution in effect at the time of issuance of the building permit with credit given for City-authorized improvements provided by the property owner/developer; and participate in all applicable reimbursement or benefit districts which have been established.

5.15-6 Prior to approval of the first final subdivision map or issuance of the first building permit, whichever occurs first, and subject to nexus requirements, the property owner/developer shall irrevocably offer for dedication (with subordination of easements), including necessary construction easements, the ultimate arterial highway right(s)-of-way as shown in the Circulation Element of the Anaheim General Plan adjacent to their property.



### 3. Findings on Potentially Significant Impacts

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- 5.15-7 Prior to final building and zoning inspection; and, ongoing during project operation, the property owner/developer of projects anticipated to employ 250 or more employees shall join and participate in the Anaheim Transportation Network/Transportation Management Association.
- 5.15-8 For a hotel or motel development in the Anaheim Resort Specific Plan Expansion Area, which exceeds 75 rooms per gross acre, the property owner/developer shall enter into an agreement with the City to the satisfaction of the City Traffic and Transportation Manager and City Attorney's office to implement TDM measures sufficient to maintain actual trip generation from the development at a level that does not exceed the number of trips assumed by the Anaheim Traffic Analysis Model.

**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant traffic and circulation impacts to a less-than-significant level for the reasons set forth in the Draft EIR. However, necessary improvements to the Harbor Boulevard/Ball Road intersection could impact adjacent land uses. As a result, a significant unavoidable adverse impact would remain if the City Council decides not to implement the necessary improvements to the Harbor Boulevard/Ball Road intersection.**

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**Impact: Would the Project Exceed, Either Individually or Cumulatively, a Level of Service Standard Established by the County Congestion Management Agency for Designated Roads or Highways**

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See above.

**Mitigation Measures:**

No additional mitigation measures are required.

**Finding: Mitigation measures are feasible and avoid or substantially lessen potentially significant traffic and circulation impacts to a less-than-significant level for the reasons set forth in the Draft EIR. However, necessary improvements to the Harbor Boulevard/Ball Road intersection could impact adjacent land uses. As a result, a significant unavoidable adverse impact would remain if the City Council decides not to implement the necessary improvements to the Harbor Boulevard/Ball Road intersection.**

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**Impact: Result in a Change in Air Traffic Patterns, Including Either an Increase in Traffic Levels or a Change in Location That Results in Substantial Safety Risks**

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Although the proposed project would result in changes to the land use and zoning standards in portions of the City, the changes would not impact air traffic patterns. No airports are located within the City.

**Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to air traffic patterns for the reasons set forth in the Draft EIR.**



### 3. *Findings on Potentially Significant Impacts*

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**Impact: Would the Project Substantially Increase Hazards Due to a Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., Farm Equipment)**

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The proposed project would result in changes to the circulation network, but would not increase hazards due to a design feature. The City has adopted roadway design standards which would preclude the construction of any unsafe design features. Therefore, no impact is anticipated.

**Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to traffic hazards for the reasons set forth in the Draft EIR.**

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**Impact: Would the Project Result in Inadequate Emergency Access or Parking Capacity**

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Currently, parking shortages occasionally occur in various neighborhoods. However, the Zoning Code establishes parking standards to ensure the attractiveness and adequacy of parking and loading for residential and non-residential areas. Therefore, no significant impacts are anticipated.

**Mitigation Measures:**

No mitigation measures are necessary.

**Finding: Adherence to the proposed General Plan Goals and Policies, Zoning Code, and existing codes and regulations will prevent the occurrence of any significant impacts related to parking or emergency access for the reasons set forth in the Draft EIR.**

## 4. *Statement of Overriding Considerations*

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CEQA requires the decision-maker to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered “acceptable” (State CEQA Guidelines Section 15093[a]). However, in this case CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093 [b]). The agency's statement is referred to as a “Statement of Overriding Considerations.”

The City of Anaheim is proposing to approve a General Plan Amendment and Zoning Code Update and has prepared and certified a FEIR that satisfies the requirements of CEQA. The following adverse impacts of the project are considered significant and unavoidable based on the DEIR, FEIR, MMP, and the findings discussed previously in Section 2.0 and 3.0 of this document.

### 4.1 *SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS*

#### **Air Quality**

Construction activities associated with individual development projects in accordance with the proposed General Plan and Zoning Code Update could exceed AQMDs significance thresholds. However, actual significance would need to be determined on a project by project basis as future development applications are submitted.

The Goals and Policies contained in the proposed General Plan and Zoning Code Update are expected to reduce emissions associated with future development. However, even after the application of these Goals and Policies, the proposed project is expected to generate emissions levels that exceed AQMDs threshold criteria for CO, ROG, NO<sub>x</sub>, and PM<sub>10</sub> in the SCAB, which is classified as a non-attainment area. As a result, project-related air quality impacts are considered a Significant Unavoidable Adverse Impact and a Statement of Overriding Considerations must be adopted concurrent with project approval.

Although the project will result in significant regional air quality impacts, the proposed project is consistent with AQMP and other regional plan strategies to reduce the number of trips and the length of trips in the region, and to improve the balance between jobs and housing at the subregional level. The AQMP recognizes that emissions due to trips and mode choices are not only a function of the transportation system, but also relate to the proximity of housing and job-generating land uses, and proximity of jobs to transportation infrastructure and transit.

The future CO emissions are projected to be in compliance with the 1-hour and 8-hour State and Federal standards, and therefore, the local CO impacts due to all future scenarios are not considered to be significant.

#### **Noise**

Implementation of the proposed General Plan Goals and Policies, existing codes and regulations, and mitigation measures contained herein will reduce all potential short-term and long-term noise impacts to the extent feasible. Furthermore, the included mitigation for site operations could reduce any significant impacts on new, proposed development or the impact of any proposed industrial land uses to less than significant levels. However, as shown in Table 5.10-7 of the Draft EIR, many roadways within the City are expected generate noise levels in excess of 65 CNEL. As a result, in locations where these roadways are adjacent to existing sensitive land uses, the impacts are anticipated to remain significant.



## 4. *Statement of Overriding Considerations*

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### **Traffic and Circulation**

The proposed project would result in significant unavoidable adverse impacts to the following intersection:

- Harbor Boulevard / Ball Road

The intersection could be improved to LOS E with improvements for a westbound fourth through lane plus a separate right-turn-only lane. It is important to note, however, that these improvements may require additional right-of-way acquisition. As a result, even if the referenced improvements are implemented, impacts to this intersection would remain (at LOS E) a Significant Unavoidable Adverse Impact.

### 4.2 *CONSIDERATIONS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS*

#### **Consistency with AQMP Land Use Strategies**

Although the proposed General Plan and Zoning Code Update will result in significant air quality impacts, the project is consistent with the Regional Comprehensive Plan and Guide (RCPG) and AQMP land use strategies to reduce the number of trips (i.e., through encouraging HOV usage) and the length of trips (i.e., by reducing regional VMT by reducing home-to-work commute distances through jobs/housing balance policies). The assumptions regarding land use-based air quality measures is that trips and mode choices are not only a function of the transportation system, but also relate to housing density, relative locations of residential and commercial land uses, and the proximity to regional transportation systems.

The proposed project improves the jobs/housing balance of the Orange County Subregion, which is presently identified by SCAG as "jobs-rich." Providing a wide-range of housing opportunities closer to areas with concentrated employment centers will provide people with the opportunity to live closer to their work, resulting in fewer VMT and less traffic congestion. Under, the "no-project" scenario, housing demand generated by Orange County employment increases would have to be met by areas such as Riverside and San Bernardino Counties which would result in an increase in regional VMT, increased congestion, and corresponding increases in CO, ROG, NOx and PM10 emissions from mobile sources. Therefore, as discussed previously, the proposed project promotes regional RCPG and AQMP attainment policies relating to jobs/housing balance and the promotion of HOV/transit use by introducing a wide-range of housing opportunities within The Platinum Triangle and The Colony and Downtown area.

#### **Consistency with the adopted NCCP/HCP**

A portion of the City of Anaheim is located within Orange County's Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) Central/Coastal Sub-region. "The Natural Community Conservation Act" and Fish and Game Code Sections 2800-2840 were signed into law on October 1991 and authorized the preparation of Natural Community Conservation Plans (NCCP). The NCCP program is an innovative effort by the State of California to protect vegetative communities and their dependent wildlife species. The purpose of a NCCP is to protect important habitat before it becomes necessary to declare certain species that utilize the habitat endangered, while allowing a reasonable amount of economic development. The NCCP process provides an alternative to protecting species on a single "species basis" as in the federal and state Endangered Species Acts.

The first application of the NCCP program was the establishment of The Nature Reserve of Orange County, a 37,000 acre reserve that was approved on July 17, 1996 that provides regional biological benefits which would be unlikely to occur with a piecemeal conservation strategy. Establishment of the Reserve System will protect approximately forty Identified Species, including three Target Species

## 4. *Statement of Overriding Considerations*

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(gnatcatcher, cactus wren and orange-throated whiptail lizard) which are the focus of NCCP planning, and utilize the coastal sage scrub (CSS) and related habitat. The implementation of the NCCP, dedication of lands, and endowment by the participating landowners mitigate impacts of proposed and future development on covered habitats and identified species.

The City is a signatory to the Implementation Agreement of the Orange County Subregion of the CSS NCCP. There are 20 participants to the agreement including state, regional and local agencies and jurisdictions, affected landowners and utility companies, and UCI. The Irvine Company was one of the participating landowners in the Central/Coastal Orange County NCCP/HCP. The agreement states that, “[b]ased on the deed restrictions, grant restrictions, provisions of dedication offers, commitments pursuant to adopted CEQA mitigation measures and other encumbrances against those current and future public lands which are to be included in the Reserve System and Special Linkage Areas as established by the NCCP/HCP, the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) have determined that the habitat protection afforded under those encumbrances, and by commitments of lands for Reserve System or Special Linkage Area purposes pursuant to this Agreement, constitute commitments in perpetuity to uses consistent with the purposes of the NCCP/HCP as set forth herein.”

The agreement states that “18,877 acres of lands designated for inclusion within the Reserve System are owned by The Irvine Company and are required to be dedicated to public ownership over time in accordance with existing development approvals granted by local governments.” The agreement acknowledges that The Irvine Company has prior commitments to: 1) dedicate over 17,000 acres of land within the reserve system; 2) agreed to transfer 3,000 additional acres to the Reserve System; 3) committed to allow the taking of over 4,400 acres outside the reserve system; 4) made commitments about Special Linkage Area; and, 5) contributed to the preparation of the NCCP/HCP and committed to interim management measures.

Exhibits in the agreement identify the open space lands in which a “take” will be permitted by The Irvine Company. The area identified is consistent with the land designated in the City’s General Plan as NCCP Overlay. The agreement further describes permitted uses on Reserve System land received from participating landowners. A sampling of such uses are activities designed to implement NCCP activities, habitat mitigation, field research, fire management, grazing, roads, limited grading, limited public access and limited recreation.

Participation in the NCCP/HCP mitigates the impacts of the Mountain Park development on covered habitats and identified species. In compliance with the provisions of the NCCP/HCP, the City’s General Plan Land Use Map is consistent with the Central/Coastal NCCP/HCP Reserve and designates areas for permanent preservation. In addition, the General Plan and Zoning Code Update redesignates approximately 1,600 acres of land previously identified for development within the Cypress Canyon Specific Plan as open space. Therefore, the proposed General Plan and Zoning Code Update reduces the impacts on biological resources by reducing development intensities in the Hill and Canyon Area.

### **Implements the Objectives Established for the Project**

The proposed General Plan and Zoning Code Update implements the various objectives established for the project, including the following:

- Provide a comprehensive update to the City’s General Plan and Zoning Code to deal more effectively with contemporary issues facing the City of Anaheim.



## 4. *Statement of Overriding Considerations*

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- Provide for a wide range of housing opportunities in close proximity to existing and future employment centers, and transportation facilities, consistent with the need identified within the City's Housing Element and local and regional jobs/housing balance policies.
- Preserve single-family residential neighborhoods by discouraging further development of multiple-family land uses in such areas.
- Concentrate and enhance commercial uses in strategic locations, primarily at the City's major intersections.
- Identify potential locations for enhanced entryways into neighborhoods and gateways into the City.
- Revitalize neighborhood edges by converting underutilized mid-block commercial uses to housing opportunities and/or community amenities.
- Expand park, open space and recreational opportunities within the City.
- Intensify the development potential of The Platinum Triangle.
- Create a pedestrian-friendly, active Downtown that reflects the historic character of the Anaheim Colony.
- Create gathering places where residents, employees, and visitors can interact, socialize and recreate.
- Update the City's Land Use Map to reflect more accurate data provided by a parcel-based GIS mapping system.

### **Transportation and traffic Considerations**

Although traffic increases are associated with the proposed project, traffic improvements have been identified as part of the City's Circulation Element to mitigate the traffic impacts. The Circulation Element proposed as part of the General Plan and Zoning Code Update also reflects changes which have occurred in the Hill and Canyon Area which have resulted in reductions in potential development intensity. Without the proposed project and the updated Circulation Element, improvements would be completed which are no longer necessary, which could result in greater environmental impacts.

### 4.3 *CONCLUSION*

For the foregoing reasons, the City of Anaheim concludes that the General Plan and Zoning Code Update will result in a beneficial mix of residential, commercial, industrial, institutional, recreation and open space uses providing significant housing, recreational, and public services benefits of local and regional significance, as well as various public infrastructure improvements, which outweigh the unavoidable environmental impacts. Therefore, the City of Anaheim has adopted this Statement of Overriding Considerations.

## 5. References

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The following reference materials were reviewed to obtain information included in or considered during the preparation of this environmental impact report. To arrange for the review one or more of these references, please contact Sheri Vander Dussen, AICP, City of Anaheim Planning Department, at (714) 765-5139.

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