EXHIBIT “A”

CEQA FINDINGS FOR THE
SEXLINGER FARMHOUSE AND ORCHARD
RESIDENTIAL DEVELOPMENT PROJECT

1.0 Summary of Findings

At a public hearing held on September 2, 2014, the City Council of the City of Santa Ana determined that, based on all of the evidence presented, including but not limited to the EIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations and regulatory agencies, all environmental impacts associated with the project as currently proposed (“proposed project” or “the Historic Preservation Alternative”) are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified mitigation measures. These CEQA Findings for the Sexlinger Farmhouse and Orchard Residential Development Project fully account for all impacts analyzed in the EIR, each of which have been determined to have a less than significant impact on the environment with mitigation incorporated.

2.0 Environmental Review Process

Project Background

The proposed project site is located at 1584 East Santa Clara Avenue in the northeastern portion of the City. The site is approximately five acres and bounded by East Santa Clara Avenue to the north, Portola Park to the east, East Avalon to the south, and Concord Street on the west. The site is located approximately one mile west of State Route 55 (SR-55), approximately one mile south of State Route 22 (SR-22), and approximately 1.2 miles east of Interstate 5 (I-5). The project site is also located approximately 500 feet southwest of Fairhaven Memorial Park, approximately a half mile from Sierra Intermediate School located at 2021 North Grand Avenue, approximately 1,000 feet from John Muir Fundamental Elementary School located at 1951 North Mabury Street, and adjacent to single family residences.

As originally proposed, the project would have developed 24 new single family residences, and demolished the existing vacant residential structure located on the parcel. The Draft Environmental Impact Report prepared for the project determined that, as originally proposed, the project would have significant and unavoidable impacts to cultural resources, related to the demolition of the existing residential structure, even after all feasible mitigation was incorporated. (EIR, pp. 2-3 through 2-6, 5-20 through 5-43; EIR Fig. 3.)

During the environmental review and comment process, the project applicant changed the proposed Project to include only 22 new single family residential units, and preserve in place the existing residential structure and garage located on an approximately 10,044 square foot lot on the northwest corner of the project site. (Sexlinger Farmhouse and Orchard Residential Development Project Attachment to the Environmental Impact Report Featuring the Additional Analysis & Response to Comments (January 2014) [“January 2014 EIR Attachment”], pp. 1-2.) The exterior of the residential structure and garage would be rehabilitated to Secretary of the Interior historic preservation standards,
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and the home and garage would be returned to single family residential use per building code requirements for habitable structures. (January 2014 EIR Attachment, pp. 1-2.) Subsequently, the home would be available for sale for residential use. Approximately ten orange trees currently exist in this portion of the property. Additional orange trees would be planted in order to fill out the orchard, and any dead trees would be removed and be replaced with new orange trees. (January 2014 EIR Attachment, p. 2.) In January 2014 an Attachment to the Environmental Impact Report was released, describing what was termed the “Historic Preservation Alternative” and describing the potential impacts of the Historic Preservation Alternative.

The 22 new single family residences now proposed would be developed on the remaining areas of the property, each with a lot size ranging from 6,000 square feet to 8,611 square feet. Average lot size would be approximately 6,609 square feet, slightly larger than average lot sizes under the original 24-unit proposed Project. The Historic Preservation Alternative would involve a roadway dedication of approximately eight feet along Santa Clara Avenue which would reduce the setback to five feet for the residential structure that is being preserved. A connection with Lyon Street to the south and Santa Clara Avenue to the north is also included in this alternative. This alternative includes a variance for a lot frontage less than the required minimum width on Lot 12. In addition, a variance for a front yard setback less than the required 20 foot setback would be required for the Sexlinger Orchard structure. No other variances are proposed. The Alternative would require the approval of Vesting Tentative Tract Map No. 2012-02 (County Map No. 17231) to subdivide the site into 23 residential lots. The population of the City of Santa Ana has grown significantly in the past decade, and is expected to continue increasing in future years creating demand for new housing. The City of Santa Ana is required to plan for this increased housing demand by the State of California. Through this process the City is assigned a target goal for housing production by the Southern California Association of Governments (SCAG). This target goal is called the Regional Housing Needs Allocation (RHNA). While the City itself is not responsible for constructing this housing, it is required to identify sites within the City that would be suitable for housing development and to remove barriers to such construction. The City’s RHNA target for 2006 through 2014 is 3,393 units. Of this number, 1,461 units must be constructed for families with incomes above the Orange County median. The proposed project will serve to meet a portion of this target and is consistent with the goals and policies of the City’s General Plan Housing Element.

The project application has been submitted by and with written consent from the current property owner, as allowed by the Santa Ana Municipal Code. The project is consistent with the current General Plan Land Use designation of Low Density Residential (LR-7) and the zoning designation of Single Family Residential (R-1).

The City of Santa Ana is the Lead Agency for the EIR and determined that the EIR is required for the proposed project, pursuant to CEQA Guidelines to assess the potential impacts resulting from approval of the project and other discretionary actions necessary for its implementation. To implement the project, the City may consider various actions, permits, and/or approvals. The following City of Santa Ana approvals are anticipated to be required for the proposed project:

- Vesting tentative tract map to subdivide the property;
- Variance to reduce street frontage for Lot 12 and the existing Sexlinger structure; and
• Certification of the EIR and adoption of a Mitigation Monitoring Program.

Draft Environmental Impact Report

Initial Study and Notice of Preparation

Pursuant to the provisions of CEQA Guidelines Section 15082, as amended, the City circulated an NOP to public agencies, and members of the public for a 30-day review period beginning on May 3, 2011 and ending on June 10, 2011. The purpose of the NOP was to formally announce that the City is preparing a Draft EIR for the proposed project, and was soliciting input regarding the scope and content of the information to be included in the EIR. The Initial Study was circulated with the NOP and was made available at the Santa Ana Public Library throughout the 30-day review period. The NOP, Initial Study, and responses to the NOP are provided in the Appendix A of the DEIR.

During the NOP circulation period, the City advertised a public scoping meeting. The meeting was held on June 1, 2011 and was intended to facilitate public input on the proposed project. The meeting was held with the intent of affording interested parties and public agencies a forum in which to orally present input directly to the Lead Agency to assist in further refining the scope and focus of the EIR. Furthermore, neighborhood meetings were held on December 2010 and March 2011 by City Staff and residences to discuss and review the project with the Portola Park and Meredith Parkwood Neighborhood Associations. In addition, a City Planning Commission sub-committee meeting was held on June 8, 2011 with City Staff. Finally, a study session before the Planning Commission was held on June 13, 2011, which was noticed by email, City website, and Commission agenda.

Draft EIR

As a brief background, the City has taken many steps to maximize participation opportunities during the environmental process. As mentioned, this included the distribution of an Initial Study and Notice of Preparation (NOP), and Public Scoping Meeting held on June 1, 2011, circulation of the DEIR in July 2011, a Public Hearing in August 2011, an extension of the DEIR public review period in October 2011, the preparation of a supplemental cultural resources technical memorandum in December 2011, public review period in January 2012, and City Council Hearings held on May 7, 2012 and June 4, 2012. Subsequently, the DEIR was revised in October 2012, circulation of the revised DEIR occurred from November 1, 2012 to December 17, 2012 with a Public Hearing occurring on November 13, 2012.

Comments received on the DEIR included written comments, including those sent via mail and email, and oral comments provided to the Planning Commission during the public hearing, which took place on November 13, 2012. Comments received are included as a part of the FEIR.

Responses to Comments

The City evaluated the comments on the environmental issues received from persons who reviewed the DEIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised in these comments. As required by CEQA, the City has provided to each public agency that commented on the DEIR, responses to the comments received from that agency at least ten days prior to the certification of the FEIR. The FEIR provided adequate, good faith and reasoned responses to the comments.
Additional Analysis for Response to Comments

As stated above, the DEIR was made available for public comment for a 45-day public review period, beginning on November 1, 2012, and ending on December 17, 2012. After comments were received and their responses were prepared, the City prepared a FEIR in January, 2013. This EIR had originally considered seven different project alternatives, with project proponents supporting the proposed Project alternative, which would build 24 new single family residences, and demolish the Sexlinger Farmhouse and Orchard. However, the City Council did not take final action on this proposal and did not certify the FEIR.

To address cultural impacts associated with the development at the orchard, a variant of the Hybrid Alternative, entitled the Historic Preservation Alternative, was analyzed in a document entitled Additional Analysis for Response to Comments on a Draft EIR (Additional Analysis). Further, analysis regarding carbon sequestration was also provided in the Additional Analysis. The Additional Analysis was prepared in response to public comments and provided additional information and analyses that merely clarified or amplified or made insignificant modifications to the DEIR after it was circulated for public comment in December, 2012. Recirculation was not required pursuant to Section 15088.5 subd. (b) of the CEQA Guidelines; however, the information was provided for the benefit of public review and disclosure. The Additional Analysis was available for public review from December 19, 2013 to January 17, 2014. The City of Santa Ana requested that reviewers limit their comments to the information provided in the Additional Analyses document only. Prior to the Planning Commission and City Council meetings, the applicant changed the proposed Project from the original 24-unit residential development to the Historic Preservation Alternative which is now the applicant’s final proposed Project and the Preferred Alternative as well as the Environmentally Superior Alternative. It is the Project approved by the City.

Responses to Comments

The City evaluated the comments on the environmental issues received from persons who reviewed the Additional Analysis. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised in these comments. As required by CEQA, the City has provided to each public agency that commented on the DEIR, responses to the comments received from that agency at least ten days prior to the certification of the FEIR. The FEIR provided adequate, good faith and reasoned responses to the comments.

Final Environmental Impact Report

The City has prepared a FEIR for the proposed project. In accordance with the requirements of CEQA and the CEQA Guidelines, the FEIR consists of:

- The DEIR or revision of the DEIR;
- The Additional Analysis;
- Comments and recommendations received on the DEIR and Additional Analysis;
- List of persons, organizations, and public agencies commenting on the DEIR and Additional Analysis;
3.0 Proposed Project: “Historic Preservation Alternative”

The project as currently proposed, and as described in the Draft EIR as “the Historic Preservation Alternative”, would keep in place the existing residential structure and garage located on an approximately 10,044 square foot lot on the northwest corner of the project site. The exterior of the residential structure and garage would be rehabilitated to Secretary of the Interior historic preservation standards, and the home and garage would be returned to single family residential use per building code requirements for habitable structures. Subsequently, the home would be available for sale for residential use. Approximately ten orange trees currently exist in this portion of the property. Additional orange trees would be planted in order to fill out the orchard, and any dead trees would be removed and replaced with new orange trees.

Twenty-two new single family residences would be developed on the remaining areas of the property, each with a lot size ranging from 6,000 square feet to 8,611 square feet. Average lot size would be approximately 6,609 square feet. The project would involve a roadway dedication of approximately eight feet along Santa Clara Avenue which would reduce the setback to five feet for the residential structure that is being preserved. A connection with Lyon Street to the south and Santa Clara Avenue to the north is also included. This project would result in no significant and unavoidable impacts. This is the applicant’s final proposed project, and the subject of these CEQA Findings.

4.0 Findings Regarding Resource Areas Where It Can Be Seen With Certainty There Is No Potential For Environmental Impacts

Consistent with Public Resources Code section 21002.1 and State CEQA Guidelines section 15128, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or a “less than significant” impact. Nevertheless, the City Council hereby finds that there is no possibility that the Project would have any impact to the following resource areas:

A. AGRICULTURAL RESOURCES

1. Impacts:

Will the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?

Will the project conflict with existing zoning for agricultural use or a Williamson Contract?
Will the Project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

Will the project result in the loss of forest land or conversion of forest land to non-forest use?

Will the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?

Finding: No Impact.  (EIR, pp. 4-1, 4-2.)

Analysis: According to the Santa Ana General Plan and the Farmland Mapping and Monitoring Project, the City does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.  The project site is classified as being located in an urbanized area and therefore will not adversely affect these classes of farmland.  Given that the City contains no important farmland, no Williamson Act Contract can be applicable to the project site.  Furthermore, the project site is zoned and designated in the General Plan for residential use, and therefore the project cannot conflict with existing zoning for forestland or timberlands.  Nor would the project convert forest land to any other use.  As a result, it can be seen with certainty that the proposed project will have no impact on agricultural resources.  (EIR, pp. 4-1, 4-2.)

B. BIOLOGICAL RESOURCES

1. Impacts:

Will 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 Wildlife or U.S. Fish and Wildlife Service?

Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community?

Will the project have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

Finding: No Impact.  (EIR, p. 4-2.)

Analysis: Given that the project site is located in a developed area of the City of Santa Ana and contains no sensitive habitat, the project will not have any direct impact on sensitive species.  The site is developed with a residential structure and an orange grove, and there are no riparian habitats or other sensitive natural communities within the project site.  No federally protected wetlands are present.  As a result, it can be seen with certainty that the proposed project will have no impact on biological resources.  (EIR, p. 4-2.)  Further, approximately 10 orange grove trees would remain within Lot 1 of the project.  (January 2014 EIR Attachment, p. 4.)
C. GEOLOGY AND SOILS

1. Impact: Will the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available?

   Finding: No Impact. (EIR, p. 4-2.)

   Analysis: Sewer access is available in the project area. (EIR, p. 4-2.)

D. HAZARDS AND HAZARDOUS MATERIALS

1. Impacts:

   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 or public use airport, would the project result in a safety hazard for people residing or working the project area?

   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?

   Finding: No Impact. (EIR, p. 4-3.)

   Analysis: The nearest public airport to the project site is John Wayne International Airport, located approximately 12 miles southwest. The project is not located in the vicinity of a private airstrip. Consequently the project would not result in a safety hazard related to any airport. (EIR, p. 4-3.)

2. Impact: Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires?

   Finding: No Impact. (EIR, p. 4-3.)

   Analysis: The project site is located in a developed area, surrounded by developed parcels. As a result, the vicinity of the project does not contain any areas susceptible to wildland fires. (EIR, p. 4-3.)

E. HYDROLOGY AND WATER QUALITY

1. Impacts:

   Would the project place housing within a 100-year flood plain, as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

   Would the project place housing or structures within a 100-year floodplain such that they would impede or redirect flood flows?

   Finding: No Impact. (EIR, p. 4-3.)
Analysis: According to the City’s General Plan Land Use Element, the project site is not within a 100-year flood zone. Therefore the project would also not place structures within the 100-year floodplain. (EIR, p. 4-3.)

2. Impact: Would the Project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?

Finding: No Impact. (EIR, p. 4-3.)

Analysis: There are no large bodies of open water on or near the project site that could result in these hazards. (EIR, p. 4-3.)

F. LAND USE AND PLANNING

1. Impact: Would the project divide an established community?

Finding: No Impact. (EIR, p. 4-4.)

Analysis: The project is located within an area of residential uses, and the project proposes additional residential uses similar to the surrounding area. The project will provide a street connection to the existing neighborhood. In addition, the existing vacant residential structure located on the northern portion of the project would remain in place, further providing continuity between the existing, established community, and the new structures proposed. Therefore, the project would not divide an established community. (EIR, p. 4-4; January 2014 EIR Attachment, p. 7.)

2. Impact: Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

Finding: No Impact. (EIR, p. 4-4.)

Analysis: The project is located in an urbanized area, not within the boundaries of any applicable habitat plan. (EIR, p. 4-4.)

G. MINERAL RESOURCES

1. Impacts:

Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Would the project 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?

Finding: No Impact. (EIR, p. 4-4.)

Analysis: Pursuant to the Land Use Element of the City General Plan, there are no areas in the City designated as Significant Mineral Aggregate Resource Areas or existent oil
fields. As the City is a built-out and developed urban community, there are no mineral resources zones within the project site or general vicinity. (EIR, p. 4-4.)

H. NOISE

1. Impacts:

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?

Finding: No Impact. (EIR, p. 4-4.)

Analysis: The project is not located within an airport land use plan, or within the vicinity of a private airstrip. (EIR, p. 4-4.)

I. POPULATION AND HOUSING

1. Impacts:

Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Finding: No Impact. (EIR, p. 4-5.)

Analysis: The proposed project would not displace housing or people. The existing structure is unoccupied, and the project would result in the development of 22 new residential units. (EIR, p. 4-5.)

J. TRANSPORTATION AND TRAFFIC

1. Impact: Would the project 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?

Finding: No Impact. (EIR, p. 4-5.)

Analysis: The project site is not near a public airport or private airstrip, and the size and residential nature of the project is not substantial enough to result in an increase in air traffic patterns. (EIR, p. 4-5.)

2. Impact: Would the project result in inadequate parking capacity?

Finding: No Impact. (EIR, p. 4-5.)
Analysis: The project would be required to provide parking as required under the City Zoning Code: one two-vehicle garage and a driveway for tandem parking for each single family residence. Therefore the project would provide the off-street parking capacity needed by the proposed development. (EIR, p. 4-5.)

3. Impact: Would the project conflict with adopted policies, plans, or programs supporting alternative transportation?

Finding: No Impact. (EIR, p. 4-5.)

Analysis: The project would not conflict with any applicable policies and there is no Orange County Transportation Authority bus service provided along East Santa Clara Avenue. (EIR, p. 4-5.)

5.0 Findings Regarding Less Than Significant Environmental Impacts Not Requiring Mitigation

State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR analyzes and identifies as a “less than significant” impact. Nevertheless, these findings fully account for all environmental categories, including environmental categories that were analyzed in the EIR and determined to have a less than significant impact on the environment. The City Council hereby finds that the Project will have a less than significant impact in the following resource areas:

A. AESTHETICS

1. Impact: Would the Project have a substantial adverse effect on a scenic vista?

Finding: Less than Significant. (EIR, p. 5-4.)

Analysis: The project site is located in an area of existing urban development, and is surrounded by developed parcels. The surrounding urban development indicates that development of the project site would not impact views or scenic vistas from large nearby freeways, including I-5, SR-55, or SR-22. (EIR, p. 5-2, 5-3, 5-4.) Further, the existing residential structure, and approximately 10 existing orange grove trees would remain in place, providing a continuity of views from before and after the project. The existing structure would be rehabilitated in a manner that maintains the existing architectural character of the site. (January 2014 EIR Attachment, p. 4.)

2. Impact: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Finding: Less than Significant. (EIR, p. 5-.)

Analysis: No designated scenic highways pass through the City of Santa Ana. The Scenic Corridors Element of the City of Santa Ana General Plan identifies several primary and secondary City corridors, however none are located near the project site. Therefore, the project site is not visually accessible to or from any scenic corridors of regional or local significance. The surrounding urban development indicates that
development of the project site would not impact views from large nearby freeways, including I-5, SR-55, or SR-22. (EIR, p. 5-2, 5-3, 5-4.) Further, the existing residential structure, and approximately 10 existing orange grove trees would remain in place, providing a continuity of views from before and after the project. The existing structure would be rehabilitated in a manner that maintains the existing architectural character of the site. (January 2014 EIR Attachment, p. 4.)

B. AIR QUALITY

1. Impact: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?

Finding: Less Than Significant. (EIR, p. 5-10, Table 5-2.)

Analysis: SCAQMD has established thresholds for VOC, NOX, CO, SOX, PM10, PM2.5 and CO2. (EIR, p. 5-10.) Construction of the proposed project would not violate the regional significance thresholds for these pollutants. (EIR, Table 5-2.) While the Draft EIR analyzed a project consisting of 24 new single family residences, the project as approved would consist of only 22 new single family residences. As the Draft EIR found no significant impact, it stands to reason that the reduced intensity from 24 to 22 new residential units would also have less than significant impacts. As a result, this impact is less than significant. (January 2014 EIR Attachment, p. 4.)

2. Impact: Would the Project create objectionable odors affecting a substantial number of people?

Finding: Less Than Significant. (EIR, p. 5-12, 5-13.)

Analysis: The project proposes residential uses. The project does not propose any use that is typically associated with odors. Therefore, this impact is considered less than significant. (EIR, p. 5-12, 5-13.)

C. CULTURAL RESOURCES

1. Impact: Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5, and by the City of Santa Ana requirements?

Finding: Less Than Significant. (January 2014 EIR Attachment, p. 6.)

Analysis: The project site is listed in the Santa Ana Register of Historical Places as of June 4, 2012, and therefore is considered a historical resource for purposes of CEQA. (January 2014 EIR Attachment, p. 5.) Development of the project, as now proposed, would preserve in place the existing residence, garage, and a number of orange grove trees located on Lot 1. However, the project would cause the extant landscape to undergo a substantial change as the majority of the orange trees of the project site would be removed. While dead or dying trees would be removed from Lot 1 if required, these
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would be replaced with trees matching the existing type, arrangement, pattern, and shape of the orchard within Lot 1. This would retain the feeling, appearance, and character of the historical resource in this portion of the project site. (January 2014 EIR Attachment, p. 5.) However, while the project would preserve the residence, garage, and portion of the orange trees, the property would be transformed from a historic single family residence and orchard to a suburban development with a small orchard and 22 new single-family residences. (January 2014 EIR Attachment, pp. 5-6.)

However, because the property would retain many of its major elements and still convey the significance of a property type once common in the City, and because the historic structures will be surrounded by compatible low density residential use, the property’s location, feeling, and overall character will be maintained. Therefore the project will meet Secretary of Interior Standards for the Treatment of Historic Properties, reducing any potential for impacts to less than significant. (January 2014 EIR Attachment, p. 5-6; Cultural Resources Technical Memorandum, URS (November 2013).)

D. GEOLOGY AND SOILS

1. 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?

Finding: Less Than Significant. (EIR, pp. 5-44, 5-45; January 2014 EIR Attachment, p. 6.)

Analysis: According to the California Department of Water Resources, the depth to groundwater in the project area is more than 50 feet. Liquefaction potential is considered negligible due to the relatively cohesive and dense nature of the underlying materials and lack of a shallow groundwater table. No evidence of past landslides or slope instabilities has been observed. Liquefaction is not generally considered to be a hazard if the water table is deeper than 50 feet. Thus, there is low probability for liquefaction, subsidence and landslides. Due to the site’s elevation and distance from any open bodies of water, potential for seiche is also negligible. Therefore, any impact is considered less than significant. (EIR, p. 4-44, 4-45; January 2014 EIR Attachment, p. 6.)

2. Impact: Would the project be located on expansive soil, as defined in Table 18-1 of the Uniform Building Code, creating substantial risks to life or property??

Finding: Less Than Significant. (EIR, pp. 5-44, 5-45; January 2014 EIR Attachment, p. 6.)

Analysis: The project site consists of Quaternary-age alluvium consisting of silty sand and sandy silt materials which at depth change to dense gravelly sand. Based on laboratory testing with similar soils, the materials on the project site possess a very low expansion potential. Thus, impacts are less than significant. (EIR, p. 4-44, 4-45; January 2014 EIR Attachment, p. 6.)
E. GREENHOUSE GAS EMISSIONS

1. Impact: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Less Than Significant. (EIR, pp. 5-48, 5-49; January 2014 EIR Attachment, pp. 6-7.)

Analysis: The South Coast Air Quality Management District (SCAQMD) recommends a screening level threshold of 3,000 metric tons of GHG emissions per year for residential and commercial developments. The proposed project’s maximum annual emissions are 507 metric tons of carbon dioxide equivalents from project operations. This accounts for 0.0001 percent of California’s GHG emissions. GHG emissions from construction of the project would peak at approximately 2,371 pounds per day, with emissions for the whole construction period totaling 247.4 metric tons. An analysis of impacts to existing carbon sequestration resulting from the removal of the majority of the site’s orange tree orchard was completed. This analysis determined that up to 1,300 metric tons of GHGs could be sequestered by the existing orchard. When the project’s estimated GHG emissions are combined with the loss of sequestration, the overall project impact increases to 1,807 metric tons of GHG emissions per year. This amount is well below the significance threshold established by SCAQMD and therefore impacts are considered less than significant. (January 2014 EIR Attachment, pp. 9-10, Table 1.)

2. Impact: Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gas (GHG) emissions?

Finding: Less Than Significant. (EIR, pp. 5-48, 5-49; January 2014 EIR Attachment, pp. 6-7.)

Analysis: California Assembly Bill 32 and Senate Bill 375 are policies adopted for the overall reduction of GHG emissions statewide. The proposed project’s maximum annual emissions are 507 metric tons of carbon dioxide equivalents from project operations. This accounts for 0.0001 percent of California’s GHG emissions. GHG emissions from construction of the project would peak at approximately 2,371 pounds per day, with emissions for the whole construction period totaling 247.4 metric tons. These amounts are so small that they do not conflict with, or impede implementation of, AB 32, SB 375, or any other plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Therefore, impacts are less than significant. (EIR, p. 4-48, 4-49.)

Further, an analysis of impacts to existing carbon sequestration resulting from the removal of the majority of the site’s orange tree orchard was completed. This analysis determined that up to 1,300 metric tons of GHGs could be sequestered by the existing orchard. When the project’s estimated GHG emissions are combined with the loss of sequestration, the overall project impact increases to 1,807 metric tons of GHG emissions per year. (January 2014 EIR Attachment, pp. 9-10, Table 1.) However, the analysis also determined that this increased total is still insignificant when compared against the State
of California’s emissions as a whole. (January 2014 EIR Attachment, p. 10.) As a result, impacts are less than significant.

F. HAZARDS AND HAZARDOUS MATERIALS

1. Impact: Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Finding: Less Than Significant. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.)

Analysis: Construction of the project would only involve the use of materials typical for resident construction and all materials would be transported, utilized, and stored in a manner consistent with applicable regulations. Therefore, this impact is considered less than significant. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.)

2. 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?

Finding: Less Than Significant. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.)

Analysis: The project site is located within a quarter mile of Sierra Intermediate School and Muir Elementary School, but it is not expected to impact the school due to the site’s lack of handling or generating hazardous materials or wastes. Therefore, this impact is considered less than significant. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.)

3. 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?

Finding: Less Than Significant. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.)

Analysis: The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.3. A Phase I Environmental Site Assessment was completed for the project, which found leaking underground storage tanks within one-half mile of the site. However, these tanks were found to be in excess of one-quarter mile of the site and/or have been closed to further action by regulatory agencies. Given the distance and the local geologic setting, these are not considered of environmental concern to the project. This is a less than significant impact. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.)

G. HYDROLOGY AND WATER QUALITY

1. 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 substantial erosion or siltation on- or off-site?

Finding: Less Than Significant. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, 7.)
Analysis: The project would increase impervious surfaces at the project site, resulting in a 25 year runoff of approximately 4.7 cfs and 7.8 cfs, at different locations. A hydrology technical report was completed for the project, and concluded that the flows from the proposed project as compared with the existing conditions at the site are minor and would not exceed the capacity of any street or adjacent storm drain facility downstream of the project. Therefore, impacts would be less than significant. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, 7.)

2. Impact: Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Finding: Less Than Significant. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, 7.)

Analysis: The project would increase impervious surfaces at the project site, resulting in a 25 year runoff of approximately 4.7 cfs and 7.8 cfs, at different locations. A hydrology technical report was completed for the project, and concluded that the flows from the proposed project as compared with the existing conditions at the site is minor and would not exceed the capacity of any street or adjacent storm drain facility downstream of the project. Therefore, impacts would be less than significant. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, 7.)

3. Impact: Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Finding: Less Than Significant. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, 7.)

Analysis: The project would increase impervious surfaces at the project site, resulting in a 25 year runoff of approximately 4.7 cfs and 7.8 cfs, at different locations. A hydrology technical report was completed for the project, and concluded that the flows from the proposed project as compared with the existing conditions at the site is minor and would not exceed the capacity of any street or adjacent storm drain facility downstream of the project. Therefore, impacts would be less than significant. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, 7.)

H. LAND USE AND PLANNING

1. Impact: Would the project conflict with an 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 environment effect?

Finding: Less Than Significant. (EIR, pp. 5-55, 5-56; January 2014 EIR Attachment, pp. 7-8)
Analysis: The project is currently designated single family residential and low density residential on City plans. While the site would require a variance for reduced street frontages for Lot 7 (from 50 feet to 38 feet) and for Lot 8 (from 50 feet to 45 feet), variances do not conflict with any applicable land use plan, policy or regulations as they are allowed by the City Zoning Code. The project would also comply with the City’s General Plan goal supporting development of single family residential lots of minimum areas of at least 6,000 square feet. As a result, this impact is less than significant. Because the project would maintain the existing historic structure located on the property, the project would also be consistent with any goals and policies supporting the preservation of historic resources within the City. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, pp. 7-8.)

I. NOISE

1. Impact: Would the project expose persons or generate excessive groundborne vibration or groundborne noise levels?

Finding: Less Than Significant. (EIR, pp. 5-58, 5-59, 5-60; January 2014 EIR Attachment, p. 8)

Analysis: Long-term operational activities associated with noise are the vehicular traffic going into and out of the residential community. Typical automobile traffic does not generate vibration levels that can be felt within adjacent residential dwellings, therefore operational activities would not generate excessive vibrations and this impact is less than significant. (EIR, p. 5-59; January 2014 EIR Attachment, p. 8.) Any groundborne vibration associated with construction would be temporary in nature and therefore would also be a less than significant impact. (EIR, p. 5-58.)

2. Impact: Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Finding: Less Than Significant. (EIR, pp. 5-58, 5-59, 5-60; January 2014 EIR Attachment, p. 8)

Analysis: Long-term operational activities associated with the project would be the vehicular traffic going into and out of the residential community. The greatest number of vehicles that would travel any of the roadways near the project site is along East Santa Clara Avenue. There would be a maximum of 138 project-added vehicle trips on this roadway each day. At a posted speed of 40 miles an hour, this would generate a noise exposure level of less than 47 dBA CNEL 50 feet from the roadway centerline and would not exceed exterior noise level standards set by the City of Santa Ana. Therefore, this impact is considered less than significant. (EIR, p. 5-50.)

J. POPULATION AND HOUSING

1. Impact: Would the project induce substantial population growth in an area, either directly or indirectly?
Finding: Less Than Significant. (EIR, pp. 5-60, 5-61, 5-62; January 2014 EIR Attachment, p. 8.)

Analysis: The project would introduce 22 new single family residences and preserve in place one historic single family residence. According to the General Plan Housing Element the average size of households in the City is 4.7 persons. The Southern California Association of Governments has established a target goal for the City of new housing. While the City is not responsible for constructing this housing, it is required to identify sites within the City that would be suitable for housing development and to remove barriers to such construction. The project’s residential units would serve to help the City meet its target for housing, however, when compared to the overall population of the City, the project would not induce substantial growth in population. Therefore, this impact is less than significant. (EIR, p. 5-61; January 2014 EIR Attachment, p. 8.)

K. PUBLIC SERVICES

1. Impact: Would the project result in substantial adverse physical impacts associated with the provision of 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 including fire protection, police protection, schools, parks, and other public facilities?

Finding: Less Than Significant. (EIR, pp. 5-62, 5-63; January 2014 EIR Attachment, p. 8.)

Analysis: The increase of 22 new residences and the rehabilitation of an existing vacant residence will not increase demand for fire or police protection. The project would be required to contribute to the impacted school district with development impact fees for the proposed new residences. However, with compliance with existing regulations, no significant impacts on schools are anticipated. While the project will increase demand and use of Portola Park, this is not anticipated to be substantial enough to adversely impact the park. Therefore, these impacts are considered less than significant. (EIR, p. 5-63; January 2014 EIR Attachment, p. 8.)

L. RECREATION

1. Impact: Would the project increase the use of existing neighborhood and regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Finding: Less Than Significant. (EIR, pp. 5-63, 5-64; January 2014 EIR Attachment, p. 8.)

Analysis: The project would result in an increased demand for recreation services and facilities, specifically in Portola Park, adjacent to the project site. However, the increase in demand resulting from 22 new residences is not anticipated to result in significant
impacts or lead to substantial physical deterioration of park facilities. Therefore, this impact is less than significant. (EIR, p. 5-63, 5-64; January 2014 EIR Attachment, p. 8.)

2. Impact: Would the project require construction or expansion of recreational facilities which may have an adverse physical effect on the environment?

Finding: Less Than Significant. (EIR, pp. 5-63, 5-64; January 2014 EIR Attachment, p. 8.)

Analysis: The project would result in an increased demand for recreation services and facilities, specifically in Portola Park, adjacent to the project site. However, the increase in demand resulting from 22 new residences is not anticipated to result in the need to construct new facilities. Therefore, this impact is less than significant. (EIR, p. 5-63, 5-64; January 2014 EIR Attachment, p. 8.)

M. TRAFFIC

1. Impact: Would the project substantially increase hazards due to a design feature?

Finding: Less Than Significant. (EIR, pp. 5-98; January 2014 EIR Attachment, pp. 8-9.)

Analysis: The project does not propose any design features that would pose a hazards to traffic. As a result, this impact is considered less than significant. (EIR, p. 5-96, 5-97.)

N. UTILITIES AND SERVICE SYSTEMS

1. Impact: Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Finding: Less Than Significant. (EIR, pp. 5-99 through 5-101; January 2014 EIR Attachment, p. 9.)

Analysis: Orange County Sanitation District (“OCSD”) is the service agency providing wastewater treatment for the City. The OCSD treatment plant has capacity to serve the project’s projected wastewater generation, which is 7,440 gallons per day or less. Therefore, impacts would be less than significant. (EIR, p. 5-100.)

2. 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?

Finding: Less Than Significant. (EIR, pp. 5-99 through 5-101; January 2014 EIR Attachment, p. 9.)

Analysis: OCSD is the service agency providing wastewater treatment for the City. The OCSD treatment plant has capacity to serve the project’s projected wastewater generation, which is 7,440 gallons per day or less. The City is served by its own municipal water system, with the majority of the water supply obtained from groundwater and the remainder purchased from imported sources. The project would
increase demand on the local water system, however the net increase would not be significant. Therefore, no water or wastewater facilities, or expansion of existing facilities, would be required and impacts are less than significant. (EIR, pp. 5-99 through 5-101; January 2014 EIR Attachment, p. 9.)

3. Impact: Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Finding: Less Than Significant. (EIR, pp. 5-99 through 5-101; January 2014 EIR Attachment, p. 9.)

Analysis: The project would increase impervious surfaces at the project site, resulting in a 25 year runoff of approximately 4.7 cfs and 7.8 cfs, at different locations. A hydrology technical report was completed for the project, and concluded that the flows from the proposed project as compared with the existing conditions at the site is minor and would not exceed the capacity of any street or adjacent storm drain facility downstream of the project. Therefore, impacts would be less than significant. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, 7.)

4. Impact: Would the project result in insufficient water supplies being available to service the project from existing entitlements and resources?

Finding: Less Than Significant. (EIR, pp. 5-99 through 5-101; January 2014 EIR Attachment, p. 9.)

The City is served by its own municipal water system, with the majority of the water supply obtained from groundwater and the remainder purchased from imported sources. The project would increase demand on the local water system, however the net increase would not be significant. Therefore, no water or wastewater facilities, or expansion of existing facilities, would be required and impacts are less than significant. (EIR, pp. 5-99 through 5-101; January 2014 EIR Attachment, p. 9.)

5. Impact: Would the project result in a determination by the wastewater treatment provider which services 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?

Finding: Less Than Significant. (EIR, pp. 5-99 through 5-101; January 2014 EIR Attachment, p. 9.)

Analysis: OCSD is the service agency providing wastewater treatment for the City. The OCSD treatment plant has capacity to serve the project’s projected wastewater generation, which is 7,440 gallons per day or less. Therefore, impact would be less than significant. (EIR, p. 5-100.)
6. Impact: Would the project be served by a landfill with insufficient permitted capacity to accommodate the project’s solid waste disposal needs?

Finding: Less Than Significant. (EIR, pp. 5-99 through 5-101; January 2014 EIR Attachment, p. 9.)

Analysis: The project would result in solid waste during the construction phase and long-term operational waste disposal. However, the Frank R. Bowerman Sanitary Landfill has capacity to serve the project. In addition local jurisdictions are required by state law to divert at least 50 percent of all solid waste generated, the City has numerous recycling programs in place to fulfill this mandate. Therefore, impacts related to solid waste are less than significant. (EIR, p. 5-100.)

7. Impact: Would the project not comply with federal, state, and local statutes and regulations related to solid waste?

Finding: Less Than Significant. (EIR, pp. 5-99 through 5-101; January 2014 EIR Attachment, p. 9.)

Analysis: While local jurisdictions are required by state law to divert at least 50 percent of all solid waste generated, the City has numerous recycling programs in place to fulfill this mandate, including for waste generated at the project site. Therefore, no violation of federal, state, and local statutes relating to solid waste are anticipated and impacts are less than significant. (EIR, p. 5-100.)

6.0 Findings Regarding Potentially Significant Environmental Impacts Mitigated to a Level of Less Than Significant

The City Council finds that the following environmental impacts identified in the EIR are potentially significant but can be mitigated to a less than significant level. The potentially significant impacts and the mitigation measures which would reduce them to a less than significant level are set out in the EIR and are summarized as follows:

A. AESTHETICS

1. Impact: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?

Finding: Less Than Significant, With Mitigation Incorporated. (EIR, p. 5-4.)

Analysis: Short term construction impacts would temporarily alter the visual appearance of the project area by exposing surfaces, grading land, stockpiling of construction materials and debris, etc. In addition, development of the project site with new residences and landscaping would permanently alter the nature and appearance of the project site from its existing setting. However, the existing single family residence located on the site, and approximately 10 orange trees will be located on the site after development. The 22 new single family residences will be designed to be similar to surrounding uses
on adjacent parcels in character and density, and the rehabilitation of the existing structure will be done in manner that maintains the existing character of the building. Therefore, long term impacts will be less than significant. (EIR, p. 5-4, 5-5; January 2014 EIR Attachment, p. 4.)

Short term construction impacts can be mitigated to a level of less than significant with implementation of mitigation measure AES-1:

**AES-1:** The following standard construction practices will be implemented to minimize potential aesthetic impacts:

- Construction areas shall receive appropriate routine maintenance to reduce unnecessary debris piles;
- Construction areas shall have appropriate erosion and dust control programs in place;
- Appropriate screening will be used to buffer views of construction equipment and material, where feasible.

Implementation of AES-1 will reduce the presence of debris piles, which would, in the short term, alter the visual appearance of the project area. The use of screens will block some views from adjacent parcels of the construction site, including stockpiled materials and debris, graded and exposed areas, and construction equipment. As a result, with implementation of the proposed mitigation measure, impacts will be reduced to less than significant. (EIR, pp. 5-4, 5-5, 5-6.)

2. Impact: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Finding: Less Than Significant, With Mitigation Incorporated. (EIR, p. 5-5, 5-6.)

Analysis: The proposed project will create light and glare impacts that may affect adjacent residential communities and introduce new sources of light. These sources include new streetlights, interior lighting from residences, light from vehicles, and landscape lighting. (EIR, p. 5-5, 5-6.) These sources are similar to the types of light sources that are already present in the vicinity of the project site. (EIR, p. 5-2.)

However, with the implementation of mitigation measure AES-2, these potential impacts will be reduced to less than significant:

**AES-2:** To ensure that the project’s exterior lighting does not spill over onto adjacent uses, all exterior lighting, including street lighting and landscape lighting, shall be shielded or directed away from adjoining uses pursuant to all applicable lighting standards and requirements of the City Municipal Codes and Zoning Codes. (EIR, p. 5-6.)
Implementation of AES-2 will require consistency with lighting standards that will ensure the project’s light sources will be similar to those already existing in the immediate vicinity of the project site, and therefore will reduce the potential impact to less than significant. (EIR, p. 5-6, 5-2.)

B. AIR QUALITY

1. Impact: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Finding: Less Than Significant, With Mitigation Incorporated. (EIR, p. 5-10 through 5-13.)

Analysis: The applicable air quality management plan is the South Coast Air Quality Management District’s (“SCAQMD”) 2007 Air Quality Management Plan (“AQMP”). This Plan proposes attainment of federal PM2.5 standards. (EIR, p. 5-7.) Short-term, unmitigated daily construction impacts will result in PM10 and PM2.5 emissions that exceed the AQMP thresholds for particulate matter. Therefore, this impact is potentially significant. However, with the implementation of the following mitigation measures, particulate matter emissions will be reduced to less than significant:

AIR-1: In order to reduce particulate matter emissions during project construction, nontoxic soil stabilizers or comparable dust suppressant shall be applied to all inactive construction areas (previously graded areas inactive for five consecutive days or more). Chemical soil stabilizers, if used, shall be applied according to manufacturer’s specifications.

AIR-2: In order to reduce particulate matter emissions during construction, exposed surfaces shall be watered three times a day.

AIR-4: In order to reduce particulate matter emissions during construction, speeds on unpaved roads will not exceed 15 miles per hour.

The incorporation of these measures will reduce PM2.5 emissions and bring the project within the standards set by SCAQMD and the 2007 AQMP. This is because chemical stabilizers will reduce dust pick up from inactive graded areas, spraying exposed dirt with water will reduce fugitive dust emissions, and reducing the speed of trucks on unpaved areas will reduce dust kick-up. In total, these measures are expected to reduce PM2.5 emissions from 5.17 pounds per day to 1.55 pounds per day. (EIR, Table 5-3, compared to Table 5-5.) As the PM2.5 threshold is 4 pounds per day, PM2.5 would be reduced to a level of less than significant, with incorporation of the above mitigation measures. Similarly, emissions of PM10 would be reduced from 21.08 pounds per day, to 3.74 pounds per day. As the PM10 threshold is 6 pounds per day, PM10 would be reduced to a level of less than significant with incorporation of the above mitigation measures. (EIR, Table 5-3, compared to Table 5-5.) Given that the project proposal analyzed in the Draft EIR included development of 24 new single family residences, and the project as approved will include development of only 22 new single family residences, it stands to...
reason that with the reduced intensity of the project, impacts will still be less than significant with mitigation incorporated. (January 2014 EIR Attachment, p. 4.)

2. Impact: Would the Project violate any air quality standard or contribute significantly to an existing or projected air quality violation?

Finding: Less Than Significant, With Mitigation Incorporated. (EIR, p. 5-10 through 5-13.)

Analysis: SCAQMD has established daily emissions thresholds for several criteria pollutants. While the proposed project will result in unmitigated daily construction emissions below all thresholds for regional significance (EIR, Table 5-1), and for NOx and CO thresholds for local significance (EIR, Table 5-3), the proposed project would exceed daily construction thresholds for PM10 and PM2.5. Short-term, unmitigated daily construction impacts will result in PM10 and PM2.5 emissions that exceed the AQMP thresholds for particulate matter. Therefore, this impact is potentially significant. However, with the implementation of the following mitigation measures, particulate matter emissions will be reduced to less than significant:

AIR-1: In order to reduce particulate matter emissions during project construction, nontoxic soil stabilizers or comparable dust suppressant shall be applied to all inactive construction areas (previously graded areas inactive for five consecutive days or more). Chemical soil stabilizers, if used, shall be applied according to manufacturer’s specifications.

AIR-2: In order to reduce particulate matter emissions during construction, exposed surfaces shall be watered three times a day.

AIR-4: In order to reduce particulate matter emissions during construction, speeds on unpaved roads will not exceed 15 miles per hour.

The incorporation of these measures will reduce PM2.5 and PM10 emissions. This is because chemical stabilizers will reduce dust pick up from inactive graded areas, spraying exposed dirt with water will reduce fugitive dust emissions, and reducing the speed of trucks on unpaved areas will reduce dust kick-up. In total, these measures are expected to reduce PM2.5 emissions from 5.17 pounds per day to 1.55 pounds per day. (EIR, Table 5-3, compared to Table 5-5.) As the PM2.5 threshold is 4 pounds per day, PM2.5 would be reduced to a level of less than significant, with incorporation of the above mitigation measures. Similarly, emissions of PM10 would be reduced from 21.08 pounds per day, to 3.74 pounds per day. As the PM10 threshold is 6 pounds per day, PM10 would be reduced to a level of less than significant with incorporation of the above mitigation measures. (EIR, Table 5-3, compared to Table 5-5.) Given that the project proposal analyzed in the Draft EIR included development of 24 new single family residences, and the project as approved will include development of only 22 new single family residences, it stands to reason that with the reduced intensity of the project,
impacts will still be less than significant with mitigation incorporated. (January 2014
EIR Attachment, p. 4.)

3. Impact: Would the Project expose sensitive receptors to substantial pollutant
concentrations?

Finding: Less Than Significant, With Mitigation Incorporated. (EIR, p. 5-10 through 5-
13.)

Analysis: The nearest sensitive receptors to the proposed project site are residential
communities located immediately adjacent to the project site to the north, south, and
west. To calculate localized significance, a worst-case, maximum construction
disturbance area of two acres per day was assumed. The closest residences were
determined to be 25 meters away. At this distance, it was determined that sensitive
receptors may be exposed to particulate matter in excess of SCAQMD’s thresholds.
(EIR, p. 10, 5-11, Table 5-3.) As a result, this impact was considered potentially
significant. However, with the implementation of the following mitigation measures, this
impact is reduced to less than significant:

AIR-1: In order to reduce particulate matter emissions during project construction,
nontoxic soil stabilizers or comparable dust suppressant shall be applied to all inactive
construction areas (previously graded areas inactive for five consecutive days or more).
Chemical soil stabilizers, if used, shall be applied according to manufacturer’s
 specifications.

AIR-2: In order to reduce particulate matter emissions during construction, exposed
surfaces shall be watered three times a day.

AIR-3: In order to reduce localized impacts to sensitive receptors in the project vicinity
during construction, equipment staging areas will be positioned at least 300 feet away
from the sensitive receptors.

AIR-4: In order to reduce particulate matter emissions during construction, speeds on
unpaved roads will not exceed 15 miles per hour.

The incorporation of these measures will reduce exposure of sensitive receptors to
particulate matter. AIR-1, AIR-2, and AIR-4 will all reduce the amount of particulate
matter that enters into the air, while AIR-3 will ensure that areas with a higher propensity
to emit particulate matter are positioned a substantial distance away from sensitive
receptors. As a result, this impact is reduced to less than significant. (EIR, Table 5-3,
compared to Table 5-5.) Given that the project proposal analyzed in the Draft EIR
included development of 24 new single family residences, and the project as approved
will include development of only 22 new single family residences, it stands to reason that
with the reduced intensity of the project, impacts will still be less than significant with
mitigation incorporated. (January 2014 EIR Attachment, p. 4.)

C. BIOLOGICAL RESOURCES
1. Impact: Would the project interfere substantially with the movement of any native or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Finding: Less Than Significant, With Mitigation Incorporated. (EIR, p. 5-18 through 5-20.)

Analysis: Nesting and migratory birds, raptors, and bats may find marginal habitat within the project site, and construction activities may impact them. Therefore, this impact is considered potentially significant. However, with implementation of the following mitigation measures, this impact will be reduced to less than significant:

**BIO-1:** In order to comply with the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code (e.g., 3500 et seq.), any vegetation clearing should take place outside of the typical avian nesting season (i.e., February 15 – August 31), to the maximum extent practical. If this is not possible, prior to ground disturbing activities a qualified biologist should conduct a pre-construction nesting bird survey. If active nests are observed, a minimum buffer zone from occupied nests is recommended to the maximum extent practicable. Once nesting has ended, the buffer may be removed.

**BIO-2:** Limits of grading and construction activities within the biological study area should be clearly delineated with temporary staking, flagging, or similar materials.

**BIO-3:** The project footprint should be minimized to the maximum extent feasible and access to it should be via pre-existing/maintained access routes to the greatest extent possible.

**BIO-4:** To avoid attracting predators and nuisance species, the project footprint shall be clear of debris, where possible. All food related trash items should be enclosed in sealed containers and regularly removed from the project footprint.

The incorporation of these mitigation measures will ensure that any existing nests of migratory birds are found and protected prior to commencement of construction. Delineation of grading and construction activity areas will further ensure that undiscovered nests are not disturbed. (EIR, pp. 5-19, 5-20.) Further, some orange trees located on the site will be preserved in place, and any trees removed as a result of them being dead or dying will be replaced to fill in the orchard area on Lot 1. This will reduce the amount of ground disturbed by project construction, and further reduce impacts to habitat and species to less than significant and maintain nesting opportunities. Given that the original project proposal analyzed in the Draft EIR included development of 24 new single family residences, and the project as approved will include development of only 22 new single family residences, it stands to reason that with the reduced intensity of the project, impacts will still be less than significant with mitigation incorporated. (January 2014 EIR Attachment, p. 4.)

D. CULTURAL RESOURCES
1. Impact: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5?

Finding: Less Than Significant, With Mitigation Incorporated. (January 2014 EIR Attachment, p. 6; EIR pp. 5-41.)

Analysis: There is no evidence of landscape related archaeological sites such as road traces, ruins, or complex irrigation systems located within the portions of the site that will be developed with new residences. (EIR, p. 5-38.) A field survey conducted for the proposed project found no archaeological resources within the project site. The field survey found little evidence of past activities except for one remaining standpipe and gate valve, which are typical of orange groves, and one concrete pad located south of the garage. Past plowing of the site limited the visibility of the original ground surface, and no early trash deposits were noted by the field survey. (EIR, p. 5-41.) However the project includes ground disturbing activities and therefore there is a potential for impacts to unknown archaeological resources. With the incorporation of the following mitigation measures, this impact is reduced to a level of less than significant:

CULT-1: An Orange County certified Archaeologist shall be present at the pre-grade and at the tree removal meetings to discuss the monitoring, collecting and safety procedures for the project. The archaeologist should review the construction plans and schedule.

CULT-2: An Orange County certified Archaeologist shall be retained to monitor grading activities, to observe and retrieve any buried prehistoric and historic artifacts or features that may be uncovered.

CULT-4: If prehistoric or historic artifacts or deposits are uncovered, the Orange County certified Archaeologist shall temporarily halt construction activities for the immediate area until the archaeologist can evaluate the significance of the find. The archaeologist would immediately contact the field manager and project personnel. Implementation of a recovery program would follow, if the artifacts are determined potentially eligible for the California Register.

CULT-5: Any recovered artifacts shall be properly collected with photographs, field notes, and locations plotted on a USGS 7.5’ topographic quadrangle. Artifacts will be identified and catalogued, and stabilized for curation. Any recovered artifacts shall be offered, on a first right-of-refusal basis, to a repository with a retrievable collection system and an educational and research interest in the materials.

CULT-6: A final monitoring report, including an itemized inventory and pertinent field data, shall be sent to the Lead Agency as well as copies of the reports to the South Central Coastal Information Center at the California State University at Fullerton.

Implementation of the above measures will ensure that any unknown and unexpected archaeological resources discovered during construction activities are properly retrieved,
preserved, and recorded. As a result, impacts are considered less than significant. (EIR, p. 5-41, 5-42.)

2. Impact: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: Less Than Significant, With Mitigation Incorporated. (January 2014 EIR Attachment, p. 6; EIR pp. 5-42, 5-43.)

Analysis: A paleontological records review was conducted at the Natural History Museum of Los Angeles County, and indicated that no fossil localities have been previously recorded for the site. (EIR, p. 4-14.) Therefore, there is no expected disturbance of paleontological resources. However the project includes ground disturbing activities and therefore there is a potential for impacts to unknown paleontological resources. With the incorporation of the following mitigation measures, this impact is reduced to a level of less than significant:

**CULT-4:** If prehistoric or historic artifacts or deposits are uncovered, the Orange County certified Archaeologist shall temporarily halt construction activities for the immediate area until the archaeologist can evaluate the significance of the find. The archaeologist would immediately contact the field manager and project personnel. Implementation of a recovery program would follow, if the artifacts are determined potentially eligible for the California Register.

**PALEO-1:** During grading activities, a qualified paleontologist shall be retained to conduct part time monitoring to observe and retrieve any significant specimen that may be uncovered in the older Quaternary sediments.

**PALEO-2:** If vertebrate fossils or buried deposits are uncovered, the paleontological monitor shall temporarily halt construction activities for the immediate area until the monitor can evaluate the significance of the find. The monitor would immediately contact the field manager and project personnel. Implementation of a recovery program would follow, if the fossils are determined significant.

**PALEO-3:** Any recovered fossils shall be properly collected with photographs, field notes, and locations plotted on a USGS topographic quadrangle map. Fossils will be identified and catalogued, and stabilized for curation. Any recovered fossils shall be offered, in a first right of refusal basis to a repository with a retrievable collection system and an educational and research interest in the materials.

**PALEO-4:** A final monitoring report, including an itemized inventory and pertinent field data, shall be sent to the Lead Agency as well as copies of the report to the Natural History Museum of Los Angeles and to the Orange County Curation Facility in Santa Ana.

Implementation of the above measures will ensure that any unknown and unexpected paleontological resources discovered during construction activities are properly retrieved,
preserved, and recorded. As a result, impacts are considered less than significant. (EIR, p. 5-41, 5-42, 5-43.)

3. Impact: Would the project disturb any human remains, including those interred outside of formal cemeteries?

Finding: Less Than Significant, With Mitigation Incorporated. (January 2014 EIR Attachment, p. 6; EIR pp. 5-41.)

Analysis: There are no known formal cemeteries on the project site and no human remains were discovered during field surveys. However, the project may involve ground disturbing activities such as grading for construction and excavation. As such, the project has the potential to disturb or destroy undocumented, undiscovered remains. With the following mitigation measure, this impact is considered less than significant:

CULT-3: If human remains are found during the excavation, the Native American Graves Protection Act Guidelines and State law require that construction personnel halt the work in the immediate area, leave the remains in place, and contact the manager, project personnel, and the Orange County Coroner. If the Coroner determined the remains are prehistoric, the Coroner will contact the Native American Heritage Commission and the most likely descendent from the Native American community will be informed.

As a result of CULT-3, unknown and undocumented human remains will be protected and preserved, and this impact will be mitigated to less than significant. (EIR, pp. 5-41 through 5-43.)

E. GEOLOGY AND SOILS

1. Impact: Would the Project expose people or structures to potential adverse effects, including the risk of loss, injury or death involving: (i) rupture of a known earthquake fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; or (iv) landslides?

Finding: Less Than Significant, With Mitigation. (EIR, p. 5-44, 5-45.)

Analysis: As with all areas in Southern California, the project site is subject to seismically induced ground movements, and nearby fault zones include the San Andreas, Elsinore, and San Jacinto Fault zones. However, the project site does not include active or potentially active faults. Due to the fact that groundwater depth is not shallow, impacts posed by liquefaction and landslides are negligible. However, because there may be seismic ground shaking at the project site, the following mitigation measure will reduce the potential for impact to less than significant:

GEO-1: The project shall comply with all applicable standard engineering practices, grading ordinances of the City of Santa Ana, County of Orange and applicable federal state, and regional regulations, including the California Building Code.
Incorporation of GEO-1 will ensure that proposed structures and the rehabilitation of the existing structure, will be done to reduce impacts posed by earthquakes to less than significant. (EIR, p. 5-45; January 2014 EIR Attachment, p. 6.)

2. Impact: Would the Project result in substantial soil erosion or the loss of topsoil?

Finding: Less Than Significant, With Mitigation. (EIR, p. 5-44, 5-45.)

Analysis: Clearing and grading for construction may expose soils to short-term wind and water erosion. Implementation of erosion control measures as required by the City and adherence to all requirements set forth in the National Pollutant Discharge Elimination System (NPDES) permit for construction activities would ensure that any such impacts are less than significant. (EIR, p. 5-45; January 2014 EIR Attachment, p. 6.) As such, the following mitigation measure would apply:

GEO-1: The project shall comply with all applicable standard engineering practices, grading ordinances of the City of Santa Ana, County of Orange and applicable federal state, and regional regulations, including the California Building Code.

Incorporation of GEO-1 will ensure that all required measures to reduce soil erosion and loss of topsoil during the construction phases are adhered to and impacts are reduced to less than significant. (EIR, p. 5-45; January 2014 EIR Attachment, p. 6.)

F. HAZARDS AND HAZARDOUS MATERIALS

1. Impact: Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Finding: Less Than Significant, With Mitigation. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.)

Analysis: Construction activities, including grading, may expose surface or subsurface hazardous materials. In addition, the rehabilitation of the existing structures on the project site may result in the handling of lead based paint and asbestos containing materials. This, this is a potentially significant impact. However, with the incorporation of the following mitigation measures, this impact is reduced a level of less than significant:

HAZ-1: An asbestos and lead containing materials survey will be performed by a qualified environmental professional before any demolition permit is issued. The survey will adhere to federal, state, and local regulations and will be sent to the City for approval. If the survey finds asbestos containing materials (ACMs) in the structures, then those materials containing ACMs will be removed and disposed of in accordance with federal, state, and local laws and regulations.

HAZ-2: If lead-based paint is discovered during on-site investigation, all building materials containing lead based paint will be removed, transported, and disposed of at
landfills that meet acceptance criteria for the waste being disposed. Demolition and removal shall be performed in conformance with federal, state, and local laws and regulations pertaining to lead-based paint.

**HAZ-3:** As the property was in agricultural (orange grove) use in the past, residual concentrations of insecticides, pesticides, or herbicides in near surface soil may be present. Shallow soil sampling and analysis will be conducted prior to issuance of a grading permit.

Incorporation of the above mitigation measures will ensure that any hazardous materials present on the project site, either as part of the existing structures, or as part of the orange orchard, are removed, handled, and disposed of consistent with best practices and applicable regulations. As such, the impact is reduced to a level of less than significant. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.)

2. Impact: Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Finding: Less Than Significant, With Mitigation. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.)

Analysis: A Traffic Management Plan would be implemented as part of the project to ensure construction does not interfere with any emergency response or emergency evaluation plans. (EIR, pp. 5-51, 5-52; January 2014 EIR Attachment, 7.) The following mitigation measure will ensure that impacts are reduced to a level of less than significant:

**TRF-1:** Prior to grading permit issuance, a Traffic Management Plan shall be submitted for review and approval to the City of Santa Ana. Such plan shall consist of prior notices, adequate sign posting, and detours. The TMP shall be reviewed and approved by the City Police and Fire Departments so that construction does not interfere with any emergency response or evacuation plans. (EIR, p. 5-98.)

Implementation of TRF-1 will ensure review, approval, and implementation of a TMP that will take into account emergency access and evacuation plans. As such, impacts are reduced to a level of less than significant.

G. HYDROLOGY AND WATER QUALITY

1. Impact: Would the project violate any water quality standards or waste discharge requirements?

Finding: Less Than Significant, With Mitigation. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, 7.)

Analysis: The project would result in site runoff contributing to typical roadway pollutants to existing drainage facilities. These pollutants include oil, grease, and other petroleum derivatives. The State Regional Water Quality Control Board administers the National Pollution Discharge Elimination System permit requirements in the project area, and consistency with permit requirements will obligate the project to implement
structural and non-structural BMPs. Thus with the incorporation of the following water quality mitigation measures, the impacts of the project related to water quality will be reduced to less than significant:

**WQ-1:** As part of the design of the proposed project, a Water Quality Management Plan (WQMP) will be prepared and implemented. The WQMP will include structural and non-structural BMPs, which will avoid or minimize, to the greatest extent possible, the water quality impact associated with the project site.

**WQ-2:** The proposed project will require a NPDES permit and will require the preparation of a SWPPP incorporating BMPs to reduce stormwater impacts during construction.

Implementation of the above measures will ensure that BMPs limit urban pollutants to the greatest extent practicable, while a SWPP will assist in reducing short-term construction impacts. As a result, this impact is reduced to less than significant. (EIR, pp. 5-53, 5-54; January 2014 EIR Attachment, p. 7.)

**H. NOISE**

1. Impact: Would the project expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards established by other agencies?

Finding: Less Than Significant, With Mitigation. (EIR, pp. 5-58, 5-59, 5-60; January 2014 EIR Attachment, p. 8)

Analysis: Construction noise levels will likely be heard at the nearest noise sensitive land uses. However, the City of Santa Ana has construction regulations in place that prohibit construction noise during certain hours. Incorporation of the following mitigation measure will ensure consistency with City requirements and mitigate this impact to less than significant:

**NOI-1:** Prior to issuance of a grading permit, the contractor shall provide evidence acceptable to the City of Santa Ana that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. Construction activities shall be limited between the hours of 7:00 AM and 8:00 PM on weekdays, including Saturdays, and prohibited any time on Sundays or federal holidays.

Incorporation of NOI-1 will ensure that construction noise complies with applicable local noise regulations. This impact is less than significant. (EIR, pp. 5-58, 5-59, 5-60; January 2014 EIR Attachment, p. 8)

2. Impact: 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?

Finding: Less Than Significant, With Mitigation. (EIR, pp. 5-58, 5-59, 5-60; January 2014 EIR Attachment, p. 8)
Analysis: Construction noise levels will likely be heard at the nearest noise sensitive land uses. However, construction will be temporary in nature and with the following mitigation measures, this impact is considered less than significant:

**NOI-1:** Prior to issuance of a grading permit, the contractor shall provide evidence acceptable to the City of Santa Ana that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. Construction activities shall be limited between the hours of 7:00 AM and 8:00 PM on weekdays, including Saturdays, and prohibited any time on Sundays or federal holidays.

**NOI-2:** During construction, stationary construction equipment shall be placed such that emitted noise is directed away from noise-sensitive receptors.

**NOI-3:** Construction contractor shall incorporate muffling features into all construction vehicles and equipment and maintain all vehicles and equipment in efficient operating condition according to the manufacturer’s specifications.

Incorporation of these mitigation measures will ensure that construction noise complies with Santa Ana noise regulations, and that temporary ambient construction noise is reduced. With these mitigation measures, impacts are less than significant. (EIR, pp. 5-58, 5-59, 5-60; January 2014 EIR Attachment, p. 8)

I. TRAFFIC

1. Impact: Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?

Finding: Less Than Significant, With Mitigation. (EIR, pp. 5-72 through 5-98; January 2014 EIR Attachment, pp. 8-9)

Analysis: The City of Santa General Plan establishes Level of Service (“LOS”) D as the threshold for acceptable service level outside of major development areas. Future traffic conditions were forecast based on discussions with City staff and OCTAM 3.2 traffic modeling. (EIR, p. 5-73.) Traffic modeling indicated that for the six intersections and 10 roadway segments within the project site’s study area, all would operate at acceptable level of service in the year 2013, both with and without the project. (EIR, p. 5-83 [Table 5-22].) However, potential impact to one intersection in the 2035 future condition was identified. (EIR, p. 5-88; Table 5-24; p. 5-95, Table 5-29.) The intersection of Santa Clara Avenue/Wright Street is expected to be impacted in the PM peak hour, as a result of the project. (EIR, p. 5-95.) However, with the incorporation of the following mitigation measure, this impact will be reduced to less than significant:

**TRF-2:** Implementation of a traffic signal is recommended at the intersection of Santa Clara Avenue and Wright Street. The project will be subject to fair-share improvements, and the project applicant will be required to finance the improvements required on a pro-rata fair-share basis.
2. 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?

Finding: Less Than Significant, With Mitigation. (EIR, pp. 5-72 through 5-98; January 2014 EIR Attachment, pp. 8-9)

Analysis: The City of Santa General Plan establishes Level of Service (“LOS”) D as the threshold for acceptable service level outside of major development areas. These criteria are either more stringent than or meet Congestion Management Plan criteria which designates LOS E as the minimum acceptable level of service. (EIR, p. 5-72.)

Future traffic conditions were forecast based on discussions with City staff and OCTAM 3.2 traffic modeling. (EIR, p. 5-73.) Traffic modeling indicated that for the six intersections and 10 roadway segments within the project site’s study area, all would operate at acceptable level of service in the year 2013, both with and without the project. (EIR, p. 5-83 [Table 5-22].) However, potential impact to one intersection in the 2035 future condition was identified. (EIR, p. 5-88; Table 5-24; p. 5-95, Table 5-29.) The intersection of Santa Clara Avenue/Wright Street is expected to be impacted in the PM peak hour, as a result of the project. (EIR, p. 5-95.) However, with the incorporation of the following mitigation measure, this impact will be reduced to less than significant:

TRF-2: Implementation of a traffic signal is recommended at the intersection of Santa Clara Avenue and Wright Street. The project will be subject to fair-share improvements, and the project applicant will be required to finance the improvements required on a pro-rata fair-share basis.

Requiring the project applicant to pay its fair share of this improvement will ensure that funds are available for that portion of the improvement attributable to the project. As a result, this impact is reduced to less than significant. (EIR, pp. 5-95, 5-98; January 2014 EIR Attachment, pp. 8-9.)

3. Impact: Would the project result in inadequate emergency access?

Finding: Less Than Significant, With Mitigation. (EIR, pp. 5-72, 73, 98; January 2014 EIR Attachment, pp. 8-9)

Analysis: A Traffic Management Plan would be implemented as part of the project to ensure construction does not interfere with any emergency response or emergency evaluation plans. The following mitigation measure will ensure that impacts are reduced to a level of less than significant: (EIR, pp. 5-72, 73; January 2014 EIR Attachment, 7.)
TRF-1: Prior to grading permit issuance, a Traffic Management Plan shall be submitted for review and approval to the City of Santa Ana. Such plan shall consist of prior notices, adequate sign posting, and detours. The TMP shall be reviewed and approved by the City Police and Fire Departments so that construction does not interfere with any emergency response or evacuation plans. (EIR, p. 5-98.)

Implementation of TRF-1 will ensure review, approval, and implementation of a TMP that will take into account emergency access and evacuation plans. As such, impacts are reduced to a level of less than significant.

7.0 Findings Regarding Growth Inducement

Pursuant to sections 15126(d) and 15126.2(d) of the State CEQA Guidelines, an EIR must discuss the ways a proposed project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. This project involves the development of 22 new single family residences and the preservation in place of one additional single family residence. The Project site is located in an area surrounded by developed land, and is served by existing infrastructure and public services. The project’s new residences are anticipated to generate less than 106 persons, based on Santa Ana’s average household size of between 4 and 5 persons. (EIR, p. 6-4.) This growth represents less than a 0.1 percent increase of the City’s population in 2012 and therefore, impacts are considered less than significant – the project would not foster growth inducing impacts. (EIR, pp. 6-1 through 6-4.) In addition, these units are within the population forecasts and housing target assigned to the City by the South Coast Association of Governments. (EIR, p. 5-61.)

8.0 Findings Regarding Cumulative Environmental Impacts

Pursuant to section 15130(a) of the State CEQA Guidelines, cumulative impacts of a project shall be discussed when they are “cumulatively considerable,” as defined in section 15065(a)(3) of the State CEQA Guidelines. Cumulatively considerable “means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” (State CEQA Guidelines, § 15065(a)(3).)

The EIR assessed cumulative impacts for each applicable environmental resource area, within the section of the EIR dedicated to that environmental issue. No cumulatively considerable impacts were identified.

A. CUMULATIVE AESTHETICS IMPACTS

Construction of currently approved and pending projects in the vicinity of the project site would contribute to aesthetics impacts, however the City of Santa Ana is already largely developed. Because the project would be comparable to surrounding, existing, developed areas in terms of scale, character and use, cumulative aesthetics impacts of the project are less than significant. (EIR, p. 5-5.)

B. CUMULATIVE AIR QUALITY IMPACTS

The Southern California Association of Governments is responsible for preparing housing construction needs goals for each city. The proposed project is consistent with and helps the City obtain its assigned housing goals. Because regional air quality plans consider these housing goals, it can be assumed that emissions from this project were considered in concert with other cumulative projects. In addition, the
relatively small size and scope of the project (22 new single family residences and one preserved in place residence) further support the conclusion that cumulative air quality impacts are less than significant. (EIR, p. 5-12.)

C. CUMULATIVE BIOLOGICAL IMPACTS

The City of Santa Ana is built-up, developed, and urban and therefore cumulative development in the vicinity of the project, like the project, has little potential to result in significant biological impacts. In addition, planned projects in the vicinity are mitigated on a project-by-project basis and in accordance with applicable local, state, and federal regulations relating to sensitive species and wildlife. Therefore, cumulative biological impacts are less than significant. (EIR, p. 5-19.)

D. CUMULATIVE CULTURAL IMPACTS

The project as now proposed retains the historic structures located on the project site, as well as a number of existing orange grove trees. As a result, the property would retain many of its major cultural and historic elements. (January 2014 EIR Attachment, pp. 4-7.) Impacts to archeological and paleontological resources would be minimized due to each projects’ requirement to meet local, state, and federal regulations concerning preservation, salvage, and handling of resources. (EIR, p. 5-41.) As a result, cumulative impacts to cultural resources are less than significant. (EIR, p. 5-41.)

E. CUMULATIVE GEOLOGY AND SOILS IMPACTS

The project will meet all building code requirements, as will other cumulative projects in the area. This will reduce the potential for cumulative impacts due to seismic events. Therefore, cumulative impacts related to geology and soils are less than significant. (EIR, p. 5-45.)

F. CUMULATIVE GREENHOUSE GAS EMISSIONS IMPACTS

Greenhouse gas impacts and their attendant climate change effects are inherently cumulative in nature. Greenhouse gas emissions of the proposed project are below SCAQMD’s threshold, even when the lost carbon sequestration of the existing orange trees is taken into account. (January 2014 EIR Attachment, pp. 9-10, Table 1.)

G. CUMULATIVE HAZARDS AND HAZARDOUS MATERIALS IMPACTS

The project will meet all local, state, and federal regulations pertaining to the transport, use, storage, and disposal of hazardous materials, as will all cumulative projects in the vicinity. No cumulative impacts are anticipated to occur regarding hazards and hazardous materials. (EIR, p. 5-52.)

H. CUMULATIVE HYDROLOGY AND WATER QUALITY IMPACTS

No long-term operational hydrology and water quality impacts are anticipated as part of this project. No cumulative impacts are anticipated to occur as well. Therefore, cumulative impacts are considered less than significant. (EIR, p. 54.)

I. CUMULATIVE LAND USE AND PLANNING IMPACTS

"Exhibit A"
The project, in conjunction with cumulative development in the vicinity, will not increase urbanization as the City is already built-out, developed, and urban in nature. Land use compatibility impacts are a function of the relationship between a project and the immediate environment. Here, the parcels adjacent to the project are existing residential uses and will be similar in character, scope and use as those developed on the project site. Cumulative impacts are less than significant. (EIR, p. 5-56.)

J. CUMULATIVE NOISE IMPACTS

Short-term construction noise will be localized and temporary. Noise at the project site as well as at cumulative project sites in the vicinity must adhere to the City’s construction noise ordinance which prohibits construction noise in the evenings on weekdays and all day on Sundays and federal holidays. Therefore construction-related impacts are less than significant. (EIR, p. 5-59.)

Long-term noise impacts of the project will be generated by traffic along existing streets. Such ambient noise will not exceed the City’s noise level standard of 65 dBA CNEL or the interior noise standard of 45 dBA CNEL. Therefore, cumulative operational impacts are less than significant. (EIR, p. 5-60.)

K. CUMULATIVE POPULATION AND HOUSING IMPACTS

Implementation of the project and other planned projects in the area would result in the increase of population within the City. However, it can be reasonably assumed that population growth has been taken into account in the City of Santa Ana General Plan Housing Element. Further, the project would support the City’s share of the regional housing need. Therefore, cumulative impacts are less than significant. (EIR, pp. 5-61, 62.)

L. CUMULATIVE PUBLIC SERVICES IMPACTS

The project, in conjunction with other planned projects, would result in the increase of population within the City and an attendant increase in demand on public services. However, each project would be required to comply with regulations including development impact fees and fair share contribution fees to mitigate cumulative impacts. As such, impacts are less than significant. (EIR, p. 5-63.)

M. CUMULATIVE RECREATION IMPACTS

Implementation of the proposed project would result in an increased demand for recreation services and facilities, specifically at Portola Park. However, each project would be required to comply with regulations including development impact fees and fair share fees, on a project-by-project basis. As a result, cumulative impacts are less than significant. (EIR, p. 5-64.)

N. CUMULATIVE TRANSPORTATION AND TRAFFIC IMPACTS

The proposed project will contribute to a cumulative (future scenario) traffic impact at the intersection of Santa Clara Avenue and Wright Street. However, mitigation measure TRF-2 will ensure that the project provides funding for its share of mitigating this cumulative impact with a traffic signal. Therefore, cumulative impacts are less than significant. (EIR, p. 5-98.)

O. CUMULATIVE UTILITIES AND SERVICE SYSTEMS IMPACTS
The proposed project’s demand for wastewater treatment, water service, and solid waste disposal are all within the capacity of the entities providing these services. As a result, cumulative impacts are less than significant. (EIR, p. 5-100.)

9.0 Findings Regarding Alternatives

A. BACKGROUND

An EIR prepared pursuant to CEQA and section 15126.6 of the State CEQA Guidelines must describe and comparatively evaluate a range of project alternatives. Analysis of every possible alternative or options or combination of options would overburden the EIR with an unnecessary amount of detail that would be redundant and would, as a result, fail to provide meaningful information for the City to consider in its review of the project.

The range of alternatives required is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

However, when significant impacts can be mitigated by the adoption of mitigation measures, the lead agency has no obligation to consider the feasibility of alternatives with respect to that impact in its findings, even if the alternative would mitigate the impact to a greater degree than the proposed Project. (Pub. Resources Code, § 21002; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521.)

Here, the project, as now proposed and as adopted by the City, has no significant impacts, as all potential significant impacts can be mitigated by the adoption of mitigation measures. Regardless, the following findings provide evidence supporting the rejection of other project alternatives, and the project as it was originally proposed by the project applicant.

B. PROJECT OBJECTIVES

Each alternative considered by the City was compared against the project’s objectives. The objectives of the proposed project are:

- Provide for the current and future “move-up” housing needs for the City of Santa Ana.
- Provide land uses that are consistent with the existing General Plan Land Use designation and Zoning designation of LR-7 and R-1, respectively.
- Provide land uses that are similar to surrounding uses in character and visually cohesive with the area.
C. REJECTION OF ALTERNATIVES

In determining an appropriate range of alternatives to be evaluated in the EIR, a number of possible alternatives were considered and rejected. Alternatives were rejected because either they could not accomplish most of the basic objectives of the Project, would not have resulted in a reduction of potentially significant impacts, or were considered infeasible. The specific findings relating to the rejection of the considered alternatives are provided below.

1. **No Build (No Project) Alternative**

   **Description:** With no development, the site would continue to have impacts currently experienced on the site including vector infestation, vandalism, and safety issues including break-ins and fires from unauthorized uses. However, the project site would continue to have a General Plan Land Use Designation of Low Density Residential (LR-7) and zoning designation of Single Family Residential (R-1). The site would potentially be developed in accordance with the City’s current land use and zoning on the property at some point in the future. (EIR, p. 7-1.)

   **Impacts:** The No Build (No Project) Alternative would not result in any of the less than significant environmental impacts associated with the construction of the proposed project. Maintaining the project in its existing condition would avoid the less than significant aesthetics impacts, short-term construction air-quality and noise impacts, long-term future traffic impacts, and any impacts to presently unknown archaeological and paleontological artifacts onsite of the project as currently proposed. (EIR, p. 7-1.)

   **Objectives:** The No Build (No Project) Alternative would fail to meet any of the four project objectives. It would fail to meet any existing or future housing need in the City. It would fail to provide new land uses that are consistent with the existing General Plan and Zoning designations of low density residential. It would not provide land uses similar to surrounding uses, and the site may continue to experience vector infestation, vandalism, break-ins, and fires from unauthorized users. (EIR, p. 7-1.)

   **Finding:** The City Council hereby rejects the No Build (No Project) Alternative on the basis it fails to meet any of the four Project objectives. (EIR, p. 7-1.)

2. **Original Project (Prior to Additional Analysis)**

   **Description:** The original proposed project consisted of the development and construction of 24 new single-family residences on approximately five acres and demolition of the historic farmhouse and orchard. The original project would also have widened and improved the southern portion of East Santa Clara Avenue within the project frontage and provide a connection from Lyon Street south of the project site, north to East Santa Clara Avenue. The applicant has since changed the project from this proposed 24-unit residential project to the currently proposed 23-unit (including one preserved in place unit) “Historic Preservation Alternative” prior to the final Planning Commission and City Council meetings.
Impacts: The project as originally proposed resulted in the significant and unavoidable impacts to cultural and historic resources. The project proposed to demolish the existing residential structures on the project site, and all of the existing orange grove trees. After all feasible mitigation measures were implemented, these impacts would have remained significant and unavoidable. Separate from the cultural resources impacts, the original project would have had similar, or slightly greater, impacts associated with all other resource areas. This is because the project originally proposed the construction of 24 new single family residences. The current project proposes construction of only 22 new single family residences. As a result, the project as originally proposed would have had slightly greater traffic impacts, slightly more impervious surface area and therefore slightly greater hydrology and water quality impacts, and slightly greater short-term construction noise and air quality impacts. In addition, as all of the orange grove trees would have been removed, the project as originally proposed would have had slightly higher greenhouse gas emissions impacts, as there would be a greater reduction in carbon sequestration. The project as originally proposed would have also had slightly greater aesthetic impacts, as it would have removed the existing structures and all of the orange grove trees. In contrast, the project as currently proposed will keep more of the original features of the site in place.

Objectives: The project as originally proposed met all of the four project objectives, as it would have provided new “move-up” housing, provided new land uses consistent with the General Plan and Zoning Code designations, provided uses that were compatible with surrounding uses, and would have reduced further dilapidation of the project site.

Finding: The City Council hereby rejects the Original Project on the basis that (1) it has significant and unavoidable cultural resources impacts, even with all feasible mitigation measures incorporated, while the project as currently proposed has none; and (2) it would have slightly increased the magnitude of the project’s less than significant impacts.

3. Alternate Location of Project

Description: New housing projects on other location(s) within the City, including: Alternative Site Location 1 (17th Street and Tustin Avenue); Location 2 (Fourth Street and Cabrillo Park Drive); Location 3 (First Street and Cabrillo Park Drive); and Location 4 (City Place at Memory Land and Lawson Way). (EIR, p. 7-2.)

Impacts: Unknown.

Objectives: None of the alternative locations would meet three of the four project objectives. Location 1 is within the County of Orange and therefore would not provide move-up housing within the City of Santa Ana. None of the four alternative locations are zoned for LR-7 and R-1. While each parcel may be developed with uses that are compatible with surrounding uses, alternative locations would not meet the objective of preventing further dilapidation of the project site. (EIR, p. 7-3)
Findings: The City Council hereby rejects the Alternate Location alternative on the basis that (1) none of the locations are feasible for a single family residential development of more than one unit; and (2) this Alternative fails to meet three of the four project objectives.

4. **Park Expansion Alternative**

Description: This alternative would remove all existing uses on the site and replace them with public uses consistent with the expansion of Portola Park. This alternative would require the rezoning of the project site to Open Space (O) designation. (EIR, p. 7-3.)

Impacts: This alternative would result in significant and unavoidable impacts to cultural resources, associated with the demolition and removal of the existing residential structures. However, this alternative would reduce long term operational impacts related to traffic, greenhouse gas emissions, noise, and hydrology and water quality impacts associated with impervious surfaces. (EIR, pp. 7-3 through 7-6.) Remaining impacts would be similar to those of the proposed project.

Objectives: This alternative would not provide for the current and future “move-up” housing needs in the City, or provide land uses that are consistent with the LR-7 and R-1 land use designations. However, this alternative would meet the project objectives related to providing land uses that are visually cohesive and that would prevent further dilapidation of the project site.

Finding: The City Council hereby rejects this alternative on grounds that: (1) it would result in significant and unavoidable cultural resources impacts; and (2) it would meet only two of the project’s four objectives.

5. **Urban Garden Alternative**

Description: This alternative would develop the project site with an urban garden, museum, and education facility with an orange grove on five acres of the project site.

Impacts: This alternative has the potential to result in increased impacts related to land use and planning, as a museum and education facility use would be inconsistent with the project site’s current residential zoning designation. (EIR, p. 7-8.) This alternative may also result in the potential for increased operational noise impacts, related to visitors using the project’s facilities, which would be located next to residential uses. Similarly, traffic and parking impacts may be increased, due to the need to provide visitor parking at the site, and visitor traffic. (EIR, pp. 7-8, 9.) Depending on the scope of renovations made to the historic structures on the project site, there could be increased impacts to cultural resources. (EIR, p. 7-7.)

Objectives: This alternative would not meet the objectives of the project to provide move-up housing in the City, or land uses that are consistent with the existing residential zoning. In addition, a museum and educational facility is not compatible with adjacent residential uses. However, the alternative would be the fourth project objective, of preventing further dilapidation of the project site. (EIR, p. 7-9, 7-10.)
Finding: The City Council hereby rejects this alternative on grounds that (1) it meets only one of the project’s four objectives, and (2) it may result in increased impacts relating to noise, land use compatibility, and traffic and parking.

6. **Alternative Project Design/Cul De Sac Alternative**

**Description:** This alternative proposes development of approximately 23 single family residences and eliminates the through-connection of the project with the south leg of Lyon Street.

**Impacts:** This alternative would result in significant and unavoidable impacts to cultural resources, due to the demolition of the residential structures on the property. This alternative may also result in increased impacts relating to transportation and traffic. With implementation of a cul de sac, access will be limited for emergency vehicles including police and fire services through the project site. Further, the alternative would not satisfy the City’s turning radius for cul de sac roads, which may result in impacts related to a hazardous design feature. (EIR, p. 7-12.) This alternative may also result in land use and planning impacts, given that currently, Lyon Street is a dead end road with a stub-out for a planning future connection. Lyon Street was planned to be a connection by the City of Santa Ana.

**Objectives:** This project would meet each of the four project objectives, given that it would provide “move-up” housing within the City, develop the project site with residential uses consistent with the zoning and land use designations, would develop the site with uses compatible with the surrounding area, and would prevent further dilapidation of the project site.

**Finding:** The City Council hereby rejects this alternative on grounds that (1) it results in significant and unavoidable impacts to cultural resources, and (2) increases impacts relating to traffic and land use planning.

7. **Lower Density Alternative**

**Description:** This alternative would develop the project site with fewer than 24 single-family residences, and result in larger lot subdivisions and larger estate type houses.

**Impacts:** This alternative would result in significant and unavoidable impacts to cultural resources due to the demolition of the existing historic structures. However, this alternative may reduce other less than significant impacts, due to the fact that fewer units will be constructed. However, the project as currently proposed includes only 22 new single-family residences. To reduce the less than significant impacts of the project as currently proposed, this alternative would need to develop fewer than 22 new residences.

**Objectives:** This alternative would meet project objectives for providing “move-up” housing within the City, and for developing the site with residential uses consistent with the current land uses designation. This alternative would also meet the project objective of preventing further dilapidation onsite. However, this alternative would only partially meet the objective of developing the site with uses that are compatible with the surrounding uses. This alternative would not be compatible with existing surrounding uses of non-estate type housing. (EIR, pp. 7-13 through 7-15.)
8. **Hybrid Development Alternative**

**Description:** This alternative involves the relocation of the existing residential structure and outbuilding to the northeast corner of the property. The existing orange trees, approximately 20 to 30 trees, in the northeast portion of the property would be kept as an orchard area. Twenty-one single family residences would be developed on the remaining areas of the property. As the site is a locally listed historical site, modifications, changes to the orientation, improvements or structural changes to the existing residential structure, and outbuilding would potentially result in significant and unavoidable impacts to the historic resource.

**Impacts:** This alternative would have greater impacts to cultural resources than the project as currently proposed due to the fact that it would move the historic structures from their existing location, and place them elsewhere on the project site.

**Objectives:** This alternative would meet all of the four project objectives.

**Finding:** The City Council rejects this alternative because it would result in slightly increased impacts to cultural resources.

10.0 **Environmentally Superior Alternative**

The project as currently proposed is the environmentally superior alternative. It would not result in significant impacts after mitigation, would meet each of the project’s four objectives, and is consistent with the City’s General Plan and Zoning Code. Based on the reasons above, the project as currently proposed (referred to as the Historic Preservation Alternative in the administrative record for this action) is considered the Environmentally Superior Alternative.

11.0 **Record of Proceedings**

Various documents and other materials constitute the record of proceedings on which the City of Santa Ana bases it Findings and decision contained herein. All documents related to this project are located at the City of Santa Ana, Planning and Building Department, 20 Civic Center Plaza, Santa Ana, California, 92702.

12.0 **Summary**

1. Based on the foregoing Findings and information contained in the record, the City of Santa Ana has made the following findings pursuant to Section 15091 of the CEQA Statutes with respect to the significant adverse impact of the proposed project, as identified in the FEIR:

   - Mitigation measures have been incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

2. Based on the Findings stated herein and information contained in the record, it is hereby determined that:
• All significant adverse impacts on the environment due to the approval of the project have been eliminated or substantially lessened to an impact that is less than significant.

13.0 Approvals

The City of Santa Ana hereby takes the following actions:

1. The City has certified the Final EIR for the project, as described in Section 1.0 above.

2. The City hereby adopts, incorporates into the project and makes a condition of the project approval, all mitigation measures in the Final EIR, and as discussed in the Findings section (Section 2.0).

3. The City hereby adopts the Mitigation Monitoring Program, accompanying the Final EIR and discussed in the Findings section.

4. The City hereby adopts the Findings in their entirety, as set forth above.

5. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, incorporated mitigations into the project as conditions of project approval, and adopted the Findings, the City hereby approves the Sexlinger Farmhouse and Orchard Residential Development Project, as described in the Final EIR.