

DRAFT
In-N-Out Burger Restaurant at 18181 Imperial Highway
Initial Study/Mitigated Negative Declaration
City of Yorba Linda, Orange County, California

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Report Date: April 27, 2020

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ACRONYMS AND ABBREVIATIONS

A1	Agricultural
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
AF	acre-feet
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
ATCM	Airborne Toxic Control Measure
BACM	Best Available Control Measure
BMP	Best Management Practice
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
CAPCOA	California Air Pollution Control Officers Association
CBC	California Building Standards Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
cfs	cubic feet per second
CHRIS	California Historical Resources Information System
CNDDb	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EMFAC	Emission FACTors
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency

Acronyms and Abbreviations

FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gas
gpd	gallons per day
HCP	Habitat Conservation Plan
IS/MND	Initial Study/Mitigated Negative Declaration
kBTU	kilo-British Thermal Unit
kWh	kilowatt hours
L _{day}	day noise level
L _{night}	night noise level
LRA	Local Responsibility Area
LST	localized significance threshold
LwA	sound pressure level
mgd	million gallons per day
MLD	Most Likely Descendant
MM	Mitigation Measure
mph	miles per hour
MRZ	Mineral Resource Zone
MS4	Municipal Separate Storm Sewer System
MT CO ₂ e	metric tons of carbon dioxide equivalents
MTBE	methyl tert-butyl ether
MWD	Metropolitan Water District
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
OCFA	Orange County Fire Authority
OCSD	Orange County Sanitation District
OCTA	Orange County Transportation Authority
PM ₁₀	particulate matter, including dust, 10 micrometers or less in diameter
PM _{2.5}	particulate matter, including dust, 2.5 micrometers or less in diameter
PPV	Peak Particle Velocity
PYLUSD	Placentia-Yorba Linda Unified School District
RPS	Renewables Portfolio Standard
RWQCB	Regional Water Quality Control Board
SC	Standard Condition

SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison
SoCAB	South Coast Air Basin
SoCalGas	Southern California Gas Company
SR	State Route
SRA	State Responsibility Area
SSHSP	Site Specific Health and Safety Plan
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminant
TBA	tert-butyl alcohol
TCSP	Town Center Specific Plan
TIA	Traffic Impact Analysis
TMP	Traffic Management Program
TPHg	total petroleum hydrocarbons as gasoline
UST	underground storage tank
UWMP	Urban Water Management Plan
VdB	vibration velocity
VMT	vehicle miles traveled
VOC	volatile organic compound
WQMP	Water Quality Management Plan
YLWD	Yorba Linda Water District

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SECTION 1: INTRODUCTION

1.1 - Purpose

The purpose of this Draft Initial Study/Mitigated Negative Declaration (IS/MND) is to identify any potential environmental impacts that could result from the construction and operation of the proposed In-N-Out Burger Restaurant at 18181 Imperial Highway in the City of Yorba Linda, California (proposed project). The City has discretionary authority over the proposed project. Therefore, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of Yorba Linda is the Lead Agency in the preparation of this Draft IS/MND and any additional environmental documentation required for the proposed project. The intended use of this document is to determine the level of environmental analysis required for the project to satisfy CEQA requirements and to provide the basis for input from public agencies, organizations, and interested members of the public.

The remainder of this section provides a brief description of the project location and the primary project characteristics. Section 2 includes an environmental checklist that provides an overview of the potential impacts that may result from project implementation, elaborates on the information contained in the environmental checklist, and provides justification for each environmental checklist response. Section 3 contains the List of Preparers.

1.2 - Project Location

The project site is located in the City of Yorba Linda, in Orange County, California (Exhibit 1). The City of Yorba Linda is surrounded by unincorporated Orange County to the north, the City of Anaheim to the south, the City of Placentia to the west, and unincorporated San Bernardino County to the east.

The approximately 1.43-acre project site currently includes the Yorba Linda Public Library and an associated parking lot. The Yorba Linda Public Library will be relocated and the current library will be demolished prior to the sale transfer of the project site to the Applicant. The demolition of the Yorba Linda Public Library was addressed in a previously certified environmental document.¹ The project site includes three parcels, identified by Assessor's Parcel Numbers (APNs) 323-303-01, 323-303-02, and 323-303-03. As shown in Exhibit 2, the triangular-shaped project site is bounded by Lemon Drive to the north, Olinda Street to the east, and Imperial Highway to the southwest.

1.3 - Environmental Setting

As discussed above, the project site is located on three parcels. The easternmost parcel is developed with the existing Yorba Linda Public Library and an asphalt parking lot; the south-central parcel is developed with an asphalt parking lot; and the western parcel is currently a vacant lot undergoing

¹ City of Yorba Linda. 2017. Yorba Linda Town Center Addendum to the Certified EIR for the Yorba Linda Town Center Project Library and Arts Center. July. Website: http://yoralinda.granicus.com/MetaViewer.php?view_id=4&clip_id=924&meta_id=112867. Accessed October 29, 2019.

Introduction

remediation due to the presence of historic underground storage tanks (USTs) associated with a former gasoline service station. The history of the western parcel is described in more detail below.

On April 23, 1999, four USTs including one 10,000-gallon, one 8,000-gallon, one 6,000-gallon gasoline tank, and one 280-gallon waste oil tank were removed from the western side of the western parcel (APN 323-303-03). Soil samples collected from the site between April 22 and May 5, 1999, indicated that soil and groundwater contamination was present. Approximately 676 tons of impacted soils were removed from the site as a result of the UST removal and over-excavation activities completed in 1999.² In January 2008, an additional 115 tons of soil was excavated and removed to a depth of 10 feet beneath the former pump islands. Between April 2011 and December 2016, soil vapor extraction was conducted on-site, which removed an additional 17,569 pounds of vapor-phase total petroleum hydrocarbons as gasoline (TPHg). Further remedial efforts included the installation of an ozone sparge system that operated between December 2012 and December 2016. Between January 2018 and January 2019, a total of 12 enhanced fluid recovery groundwater extraction events were conducted that recovered approximately 3,518 gallons of impacted groundwater. No active remediation has occurred on the property since January 2019. According to the California State Water Resources Control Board (State Water Board), the petroleum release is limited to the soil and shallow groundwater, and the affected groundwater is not being used as a source of drinking water.

The State Water Board recommended resuming groundwater extraction to address the methyl tert-butyl ether (MTBE) concentrations associated with a recent rise in groundwater elevation. A series of soil vapor wells was installed on the property to monitor the current conditions beneath the site in August 2019. The samples are assessed for the presence of contaminants including gasoline, MTBE, tert-butyl alcohol (TBA), and other fuel oxygenates.³ At the time of this writing, multiple active monitoring wells and soil vapor extraction wells remain on the property, and samples were last collected September 23, 2019. Data for additional samples scheduled to be collected on October 23, 2019, has not been uploaded to the GeoTracker database at this time.

The existing structures and parking lots on the remaining two parcels are currently owned by the City of Yorba Linda and will be demolished prior to, and without respect to the approval of, the commencement of the proposed project as part of the approved Yorba Linda Town Center project, which was analyzed within the Yorba Linda Town Center Addendum to the Certified Environmental Impact Report (EIR) for the Yorba Linda Town Center Project Library and Arts Center (Town Center EIR Addendum).⁴ As such, the demolition of the Yorba Linda Public Library and the associated parking lots is not analyzed herein.

² California State Water Resources Control Board (State Water Board). 2019. Review Summary Report GeoTracker Global ID: T0605902317. Website: https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/1245739161/17943%201st%20RSR%20Additional%20Work%20June%202019.pdf. Accessed October 29, 2019.

³ California State Water Resources Control Board (State Water Board). 2019. GeoTracker. City of Yorba Linda/ultramar #77 (T0605902317) Website: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605902317. Accessed October 29, 2019.

⁴ Tebo Environmental Consulting, Inc. 2017. Yorba Linda Town Center Addendum to the Certified EIR for the Yorba Linda Town Center Project Library and Arts Center. Website:

The nearest surface water in proximity to the project site is East Lake, located approximately 1.9 miles to the east, and the Santa Ana River, which is located approximately 2.25 miles to the south. According to a topographic map of the region, these water bodies are located downgradient of the project site.

1.3.1 - General Plan

According to the 2016 City of Yorba Linda General Plan,⁵ the project site is located within the Town Center Specific Plan (TCSP) area. Exhibit 3 depicts the General Plan designation for the project site and surrounding areas. The TCSP covers the area bounded by Imperial Highway to the west, Yorba Linda Boulevard to the south, Lakeview Avenue to the east, and Lemon Drive to the north.⁶ According to the TCSP, the project site is within District 2 – Town Center Commercial.

The heart of the TCSP is the Main Street Corridor, located approximately 200 feet east of the project site. The Main Street Corridor is currently under development with multiple commercial and retail structures, with phased openings scheduled throughout 2020 and 2021.

1.3.2 - Zoning

As seen in Exhibit 4, the project site is zoned TCSP according to the City of Yorba Linda Zoning Map.⁷ According to the Purchase and Sale Agreement Staff Report⁸ and the TCSP, the original intention for the project site was for commercial and retail use.

1.4 - Project Description

The Applicant proposes to develop an In-N-Out Burger Restaurant on the 1.43-acre project site. The proposed 3,867-square-foot restaurant would be located on the southeastern corner of the project site, as shown in Exhibit 5. The restaurant would provide indoor seating for approximately 84 guests and a covered patio area with outdoor seating for approximately 68 guests. The outdoor patio area would be approximately 854 square feet, for a total building and patio area of 4,721 square feet.

In addition to the building and patio area, an asphalt parking lot with 49 standard parking spaces, two electric vehicle parking spaces, three clean air vehicle parking spaces, and two accessible spaces would be constructed on the northeastern portion of the project site. A drive-through line would be constructed along the southwestern edge of the project site.

http://yorbalinda.granicus.com/MetaViewer.php?view_id=4&clip_id=924&meta_id=112867. Accessed October 14, 2019.

⁵ City of Yorba Linda. 2016. 2016 City of Yorba Linda General Plan. Website: <https://www.yorbalindaca.gov/337/General-Plan>. Accessed October 29, 2019.

⁶ City of Yorba Linda. 2011. Town Center Specific Plan Ordinance Number 2011-962. Website: <https://www.yorbalindaca.gov/DocumentCenter/View/1113>. Accessed October 24, 2019.

⁷ City of Yorba Linda. 2016. City of Yorba Linda Zoning Map. Website: <https://www.yorbalindaca.gov/336/Zoning-Code>. Accessed October 29, 2019.

⁸ City of Yorba Linda. 2018. Staff Report. June 19. Website: <http://docs.yorbalindaca.gov/weblink/DocView.aspx?id=252862&dbid=0>. Accessed October 29, 2019.

1.4.1 - Site Access

Vehicular access to the project site, which would be provided on the northern side of the property via Lemon Drive and the eastern side of the property via Olinda Street, would optimize traffic flow, avoiding the need for new traffic signals, as shown in Exhibit 5. Pedestrian access to the property would be provided via sidewalks along Imperial Highway, Lemon Drive, and Olinda Street; however, no vehicle access to the project site via Imperial Highway is proposed.

Regional access to the site is provided via State Route (SR) 91, located approximately 2.5 miles south of the project site, and Yorba Linda Boulevard, located approximately 500 feet south of the project site.

1.4.2 - Utilities

As shown in Table 1, the proposed project would be served with all required public services and utilities, including water, wastewater, electricity, natural gas, telephone, cable, police and fire protection services, solid waste collection, etc. Stormwater runoff from the site currently sheet flows to the access driveway on-site at Lemon Drive and flows into catch basins located on the north, east, and southwestern sides of the property. Surface water from the proposed project would flow in the same direction as water flows under the existing conditions.

Table 1: Utility Providers

Utility	Provider
Electricity	Southern California Edison (SCE)
Natural Gas	Southern California Gas Company (SoCalGas)
Sewage	Yorba Linda Water District
Potable Water	Yorba Linda Water District
Solid Waste Removal	Republic Services
Source: City of Yorba Linda. 2019. Utility and Water Services. Website: https://www.yorbalindaca.gov/499/Utility-Water-Services . Accessed October 7, 2019. City of Yorba Linda. 2019. Waste and Recycling Services. Website: https://www.yorbalindaca.gov/452/Waste-Recycling . Accessed October 7, 2019.	

1.5 - Required Discretionary Approvals

The proposed project would require the following discretionary and ministerial approvals:

- Planning Commission adoption of the IS/MND
- Grading and Building Permits to grade and construct the project
- Design Review for the project
- Tree Removal Permits
- Final Parcel Map approval

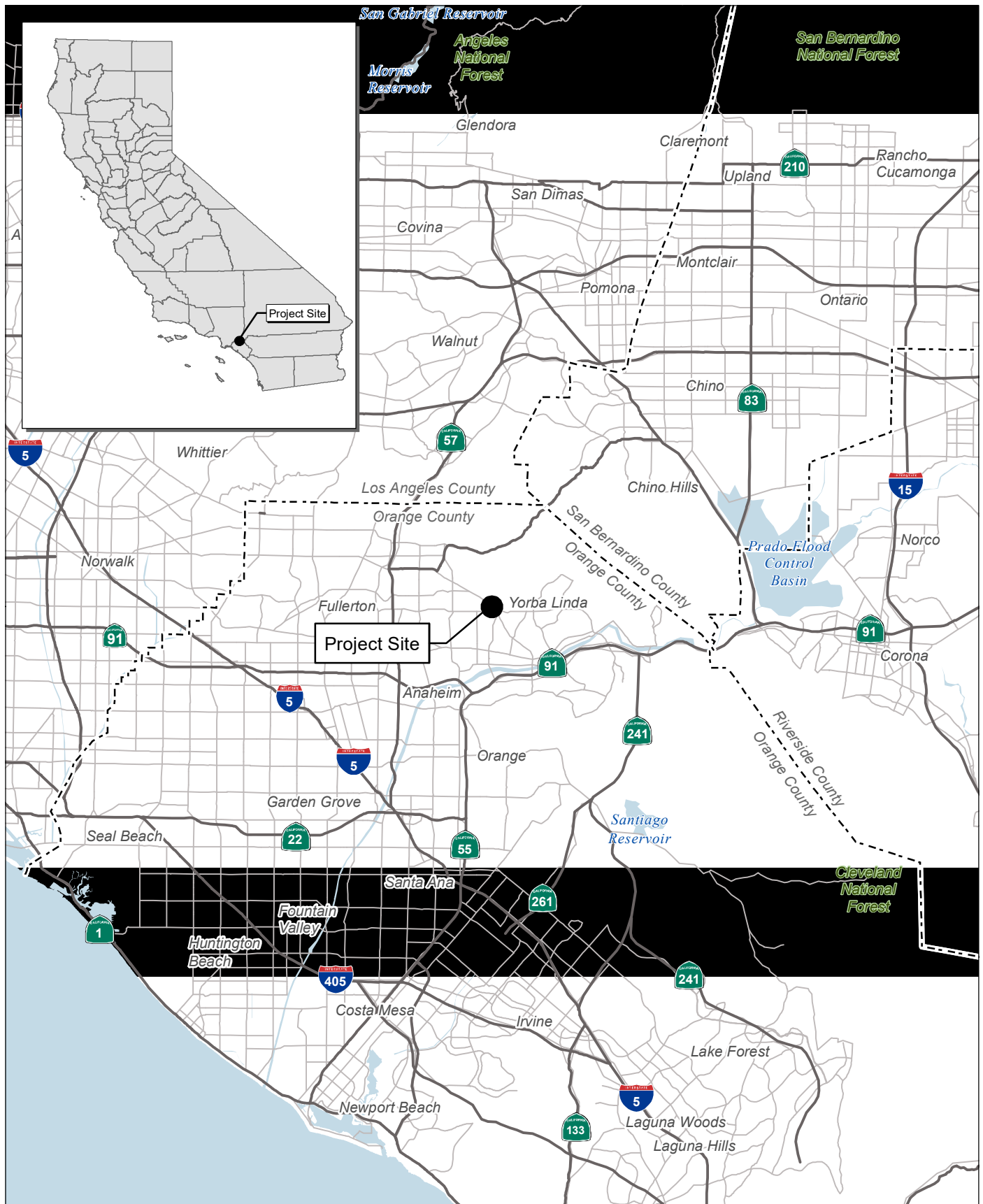
- Conditional Use Permit 2019-05
- Design Review 2019-04

1.6 - Intended Uses of this Document

This Draft IS/MND has been prepared to determine the appropriate scope and level of detail required to complete the environmental analysis for the proposed project in accordance with CEQA. This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the proposed project. The Draft IS/MND will be circulated for a minimum of 20 days, during which comments concerning the analysis contained in the Draft IS/MND should be sent to:

Greg Rehmer, Senior Planner
Planning Division
4845 Casa Loma Avenue
Yorba Linda, CA 92886
Phone: 714.961.7130
Fax: 714.993.1869
Email: grehmer@yorbalindaca.gov

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Source: Census 2000 Data, The CaSIL.



Exhibit 1 Regional Location Map

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Legend

 Project Site

Bastanchury Rd

Eureka Ave

Plumosa Dr

Lakeview Ave

Oriente Dr

Avocado Ave

Lemon Dr

Main St

Imperial Highway

Yorba Linda Blvd

Buena Vista Ave

Richfield Rd

Casa Loma Ave



Source: ESRI Aerial Imagery.



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500

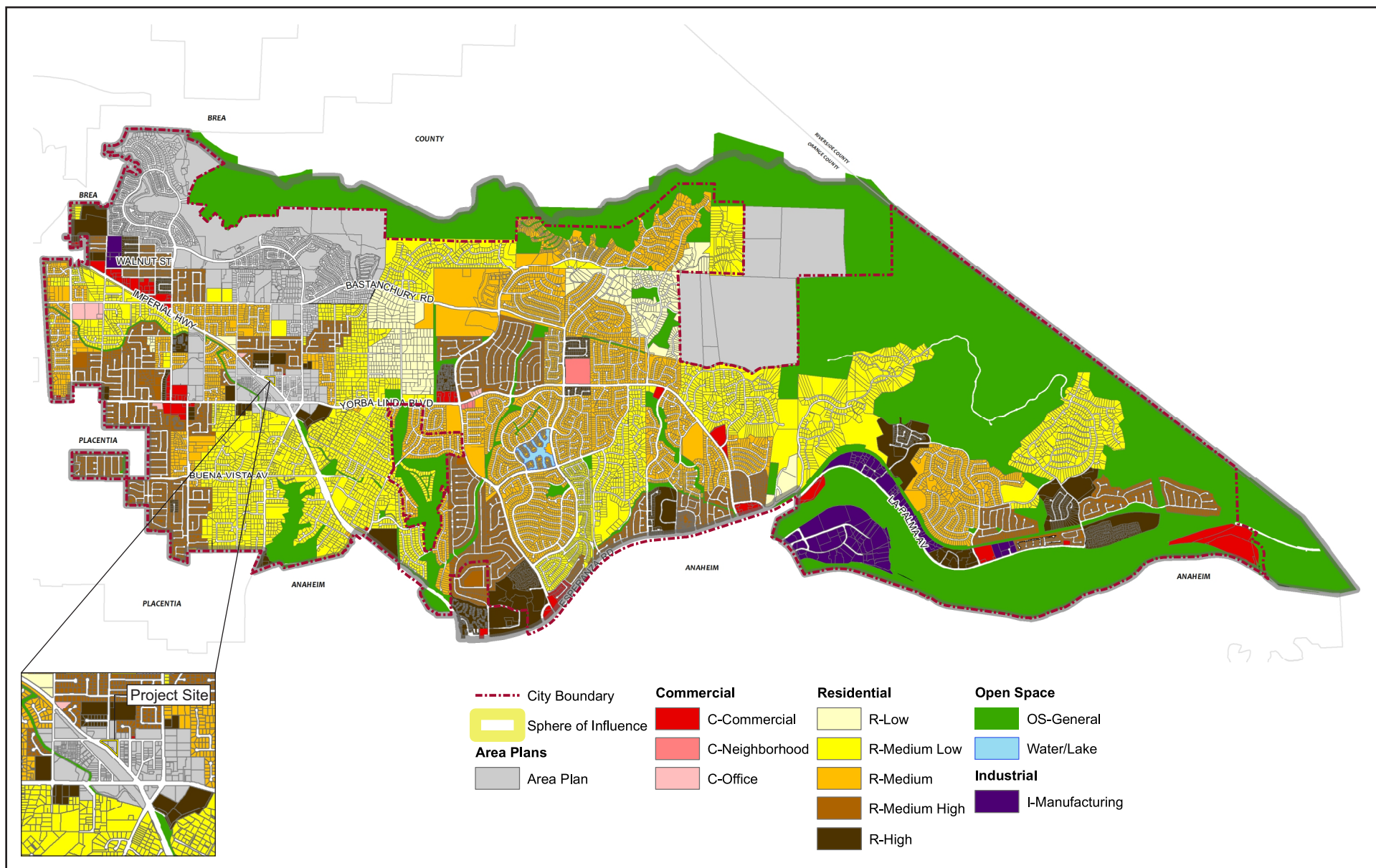
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Feet

Exhibit 2
Local Vicinity Map

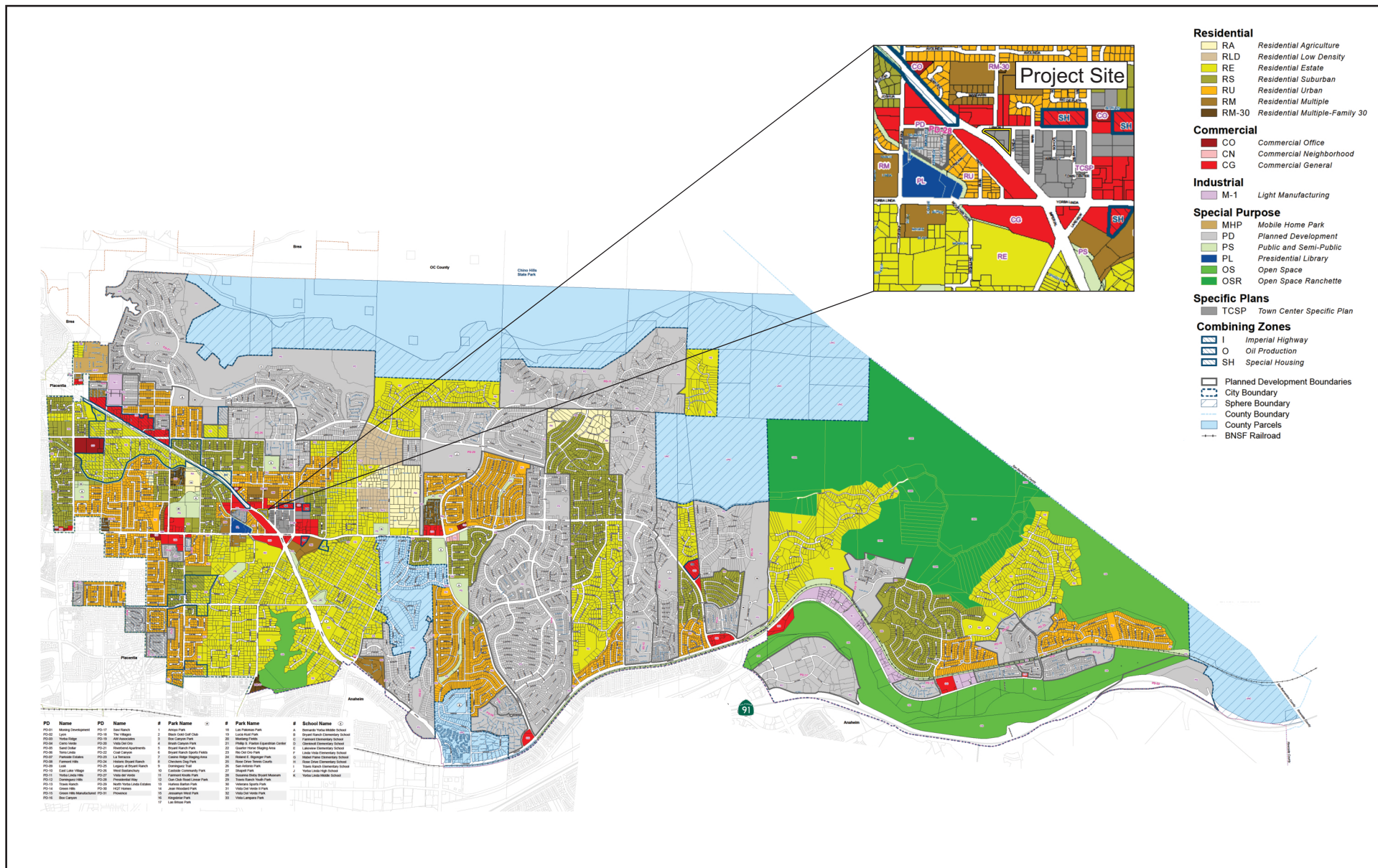
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Source: City of Yorba Linda General Plan Land Use Map, 2016.



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Source: City of Yorba Linda Zoning Map, 2019.



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SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

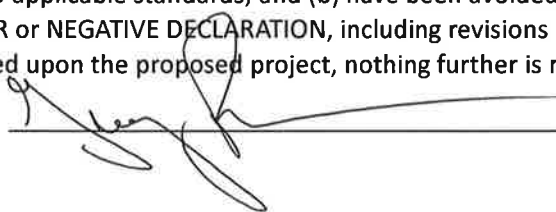
Environmental Factors Potentially Affected		
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.		
☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☒ Biological Resources	☐ Cultural Resources/Tribal Cultural Resources	☐ Energy
☒ Geology/Soils	☐ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☒ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☒ Transportation	☒ Mandatory Findings of Significance
☐ Utilities/Services Systems	☐ Wildfire	

Environmental Determination

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: April 27, 2020

Signed: 

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
1. Aesthetics <i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Environmental Evaluation

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

Less than significant impact. The project site is located in an urbanized area of Yorba Linda that supports a mix of development, including primarily commercial land uses. The proposed project would include development of a 1-story In-N-Out Burger Restaurant that would be required to comply with the TCSP, which states that no structure shall exceed 35 feet in height.⁹ The implementation of the proposed project would not obstruct current views of the Santa Ana Mountains, as building heights would be consistent with the surrounding land uses. As such, the proposed project would not have substantial adverse effects on scenic vistas within the area; therefore, impacts would be less than significant.

⁹ City of Yorba Linda. 2011. Yorba Linda Town Center Specific Plan. July 7.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?

Less than significant impact. According to the California Scenic Highway Mapping System, there are no designated State Scenic Highways in the City of Yorba Linda.¹⁰ The nearest designated State Scenic Highway is SR-91 between SR-55 and the eastern city limit of the City of Anaheim, located approximately 2.5 miles south of the project site. The project site is currently developed with a multi-level building occupied by the Yorba Linda Public Library in an urbanized built-up area. The proposed project is not located within the viewshed of a State Scenic Highway. Because the project site is located within the TCSP, the TCSP Project EIR determined, through a historical context and surveys report, that implementation of the TCSP would not result in significant impacts to historic resources.¹¹ The demolition and relocation of the Yorba Linda Public Library was previously analyzed in the Town Center EIR Addendum.¹² Additionally, the project site does not contain any scenic resources such as rock outcroppings or historic buildings located within the viewshed of a State Scenic Highway. Therefore, site conditions and distance to the project site preclude impacts to scenic resources within a designated State Scenic Highway.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

No impact. The proposed project is located in an urbanized area; accordingly, this analysis will discuss whether the proposed project would conflict with applicable zoning and other regulations governing scenic quality. The TCSP indicates the project site is zoned Town Center Commercial. Surrounding land uses include commercial development to the east, north, and southwest; therefore, the proposed project would be consistent with the existing surrounding land uses and would be required to comply with all City and TCSP requirements related to scenic quality as part of the design review. As such, the proposed project would not conflict with applicable zoning or other regulations pertaining to scenic quality, and no impacts would occur.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant impact. There are two primary sources of light: light emanating from building interiors that pass through windows, and light from exterior sources (e.g., street lighting, building illumination, signage, security lighting, and landscape lighting). Depending upon the location of the light source and its proximity to adjacent light-sensitive uses, light introduction can be a nuisance,

¹⁰ California Department of Transportation (Caltrans). 2019. List of Eligible and Official Designated State Scenic Highways. August.

¹¹ Tebo Environmental Consulting, Inc. 2017. Yorba Linda Town Center Addendum to the Certified EIR for the Yorba Linda Town Center Project Library and Arts Center. Website:
http://yorbalinda.granicus.com/MetaViewer.php?view_id=4&clip_id=924&meta_id=112867. Accessed October 14, 2019.

¹² Ibid.

affecting adjacent areas and diminishing the view of the clear night sky. Light spillage is typically defined as unwanted illumination from light fixtures on adjacent properties.

The project site is located in an urbanized area with high levels of existing light. The existing Yorba Linda Public Library currently developed on the project site has sources of light emanating from the building. The adjacent commercial and roadway uses generate light and glare along all sides of the property. Existing sources of lighting in the immediate vicinity of the project include street lighting, neighborhood businesses, and residences. The project would include the construction of a new In-N-Out Burger Restaurant with associated signage and lighting, and would comply with all City code requirements related to the height and design of lighting fixtures to ensure that light spillage onto adjacent properties does not occur. Therefore, impacts related to light and glare would be less than significant.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2. Agriculture and Forestry Resources <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Environmental Evaluation

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.¹³ In determining whether impacts to forest resources, including

¹³ California Department of Conservation. 1997. California Agricultural Land Evaluation and Site Assessment Model Instruction Manual. Website: <https://www.conservation.ca.gov/dlrp/Documents/lesamodl.pdf>. Accessed October 14, 2019.

timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection (CAL FIRE) regarding the State's inventory of forest land, including the California Forest Improvement Program (CFIP),¹⁴ the Forest Legacy Program,¹⁵ and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (ARB).¹⁶

Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No impact. The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) identifies the project site and the immediate project area as Urban and Built-up Land.¹⁷ The nearest parcel designated Farmland of Statewide Importance is located approximately 2 miles northwest of the project site. Therefore, distance to this parcel precludes impacts to existing Prime Farmland, Unique Farmland, or Farmland in the project area. Thus, project implementation would not result in conversion of farmland to nonagricultural uses. Therefore, no impacts would occur.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

No impact. According to the California Department of Conservation, there is no Williamson Act contract that affects the project site.¹⁸ Additionally, the City of Yorba Linda's TCSP identifies the project site as Town Center Commercial, and no parcels zoned as Agricultural (A1) are identified in the project area.¹⁹ Therefore, no impacts would occur.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

No impact. CAL FIRE's Land Cover Map does not identify the project site or the project area as forest land or timberland. The project site is located within the TCSP zone, and therefore does not conflict with zoning for forest or timberland.²⁰ Thus, no impacts would occur.

¹⁴ California Department of Forestry and Fire Protection (CAL FIRE). 2020. California Forest Improvement Program. Website: <https://www.fire.ca.gov/grants/california-forest-improvement-program-cfip/>. Accessed April 22, 2020.

¹⁵ United States Department of Agriculture Forest Service. Forest Legacy Program Users' Guide. 2006. Website: https://www.fs.fed.us/spf/coop/library/flp_usersguide.pdf. Accessed April 22, 2020.

¹⁶ California Air Resources Board (ARB). 2018. California Forest Carbon Plan: Managing Our Forest Landscapes in a Changing Climate. Website: <https://ww2.arb.ca.gov/sites/default/files/2019-01/California-Forest-Carbon-Plan-Final-Draft-for-Public-Release-May-2018.pdf>. Accessed April 22, 2020.

¹⁷ California Department of Conservation. 2016. Orange County Important Farmland 2014. July. Website: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/ora14.pdf>. Accessed June 2019

¹⁸ California Department of Conservation. 2019. The Williamson Act Status Report 2016-17. August. Website: https://www.conservation.ca.gov/dlrp/wa/Pages/stats_reports.aspx. Accessed April 24, 2020.

¹⁹ City of Yorba Linda. 2019 Zoning Map. Website: <https://www.yorbalindaca.gov/336/Zoning-Code>. Accessed April 24, 2020.

²⁰ California Department of Forestry and Fire Protection (CAL FIRE). 2011. Very High Fire Hazard Severity Zones in Local Responsibility Area as Recommended by CAL FIRE. Website: https://osfm.fire.ca.gov/media/5898/c30_yorbalinda_vhfhshz.pdf. Accessed October 7, 2019.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No impact. The proposed project is located within a developed area; neither the project site nor the project vicinity contains any land identified by CAL FIRE or the United States Department of Agriculture as forest land. According to the 2016 Yorba Linda General Plan Land Use Map, Exhibit LU-3, the project site and surrounding areas are identified as an Area Plan.²¹ Furthermore, no forested lands or open spaces are located on or adjacent to the project site.²² Therefore, no impacts associated with conversion of forest land would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No impact. The project site is identified as Urban and Built-up Land by the California Department of Conservation FMMP. The nearest property that is designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is located approximately 3 miles northwest of the project site. Based on this distance to the site and the nature of the proposed project, the proposed project would not result in the conversion of this Farmland of Statewide Importance property to nonagricultural use. Therefore, no impacts associated with the conversion of Farmland or forest land would occur.

Mitigation Measures

None required.

²¹ City of Yorba Linda. 2016. City of Yorba Linda General Plan. Website: <https://www.yorbalindaca.gov/337/General-Plan>. Accessed May 28, 2019.

²² City of Yorba Linda. 2016. City of Yorba Linda Land Use Map. Website: <https://www.yorbalindaca.gov/DocumentCenter/View/465>. Accessed May 28, 2019.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
3. Air Quality <i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.</i> <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	☐	☐	☒	☐

Environmental Evaluation

The following is based on the Yorba Linda In-N-Out Air Quality and Greenhouse Gas Emissions Study prepared by Meridian Consultants in April 2020 (Appendix A).

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than significant impact.

Applicable Air Quality Plan

Under this criterion, the South Coast Air Quality Management District (SCAQMD) recommends that lead agencies demonstrate that a project would not directly obstruct implementation of an applicable air quality plan and that a project be consistent with the assumptions (typically land-use-related, such as resultant employment or residential units) upon which the air quality plan is based. The proposed project would result in an increase in short-term employment compared to existing conditions. Being relatively small in number and temporary in nature, construction jobs under the proposed project would not conflict with the long-term employment projections upon which the Air Quality Management Plan (AQMP) is based. Control strategies in the AQMP with potential applicability to short-term emissions from construction activities include strategies denoted in the AQMP as ONRD-04 and OFFRD-01, which are intended to reduce emissions from on-road and off-road heavy-duty vehicles and equipment by accelerating replacement of older, emissions-prone

engines with newer engines meeting more stringent emission standards. The proposed project would not conflict with implementation of these strategies. Additionally, the proposed project would comply with ARB requirements to minimize short-term emissions from on-road and off-road diesel equipment. The proposed project would also comply with SCAQMD regulations for controlling fugitive dust pursuant to SCAQMD Rule 403.

The AQMP is designed to accommodate growth, reduce the levels of pollutants within the areas under the jurisdiction of SCAQMD, return clean air to the region, and minimize the impact on the economy. Projects that are consistent with the AQMP would not interfere with attainment because this growth is included in the projections used in the formulation of the AQMP. This would not result in a substantial change in long-term operational population or employment growth that exceeds planned growth projections.

Compliance with these requirements is consistent with and meets or exceeds the AQMP requirements for control strategies intended to reduce emissions from construction equipment and activities. Because the proposed project would not conflict with the control strategies intended to reduce emissions from construction equipment and operation, the proposed project would not conflict with or obstruct implementation of the AQMP. Therefore, impacts would be less than significant.

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard?**

Less than significant impact.

Construction

Information needed to parameterize the proposed project in California Emissions Estimator Model (CalEEMod) was obtained from the Applicant. Construction is anticipated to begin early 2021 and is expected to be completed within the same year, when the proposed project would become operational.

Table 12 in the Meridian Study included in Appendix A provides the dates and durations of each of the activities that would take place during construction, as well as a brief description of the scope of work. These dates represent approximations based on the general project timeline and are subject to change pending unpredictable circumstances that may arise.

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which in turn generates air pollutant emissions. Site preparation activities produce fugitive dust emissions (PM₁₀ and PM_{2.5}). Air pollutant emissions from construction activities on-site would vary daily as construction activity levels change. To determine potential construction-related air quality impacts, criteria air pollutants generated by project-related construction activities were compared to the SCAQMD significance thresholds, as identified above. As shown in Table 13 in the Meridian Study, criteria air pollutant unmitigated emissions from construction equipment would not exceed the SCAQMD average daily thresholds. Accordingly, construction-related criteria pollutant emissions would be less than significant.

Even though the proposed project would result in less than significant impacts for construction, the SCAQMD recommends the implementation of all basic construction mitigation measures, regardless of whether construction-related emissions exceed the applicable thresholds of significance. These practices are included as Standard Condition (SC) 2.3-1.

Operation

Long-term criteria air pollutant emissions would result from the operation of the proposed project. Emissions generated during operation of this proposed project would involve the use of on-road mobile vehicles, electricity, natural gas, water, and landscape equipment, as well as generation of solid waste and wastewater. The primary source of long-term criteria air pollutant emissions would be from project-generated vehicle trips. The idling emissions that accompanies a drive-through restaurant are accounted for in CalEEMod by using fast-food drive through land use Table 14 in the Meridian Study, which identifies the increase in criteria air pollutant emissions associated with the proposed project. As indicated in Table 14, emissions would not exceed the SCAQMD regional operational thresholds. Accordingly, regional operational emission impacts would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact.

Localized Emissions

The results of the localized significance threshold (LST) analysis are provided in Table 15 in the Meridian Study (Appendix A). Construction estimates assume the maximum area that would be disturbed during construction on any given day during project buildout. Construction would be required to comply with the SCAQMD's Rule 403 (Fugitive Dust), which requires watering of the site during dust-generating construction activities, stabilizing disturbed areas with water or chemical stabilizers, and preventing track-out dust from construction vehicles. As shown in Table 15, emissions would not exceed the localized significance construction and operational thresholds.

Toxic Air Contaminants

Project construction would result in short-term emissions in diesel particulate matter (DPM), which is a toxic air contaminant (TAC). Off-road heavy-duty diesel equipment would emit DPM over the course of the construction period. Sensitive receptors are located adjacent to the north and to the east of the project site. Localized DPM emissions (strongly correlated with PM_{2.5} emissions) would be minimal and would be substantially below localized thresholds as presented in Table 15 in the Meridian Study (Appendix A). The proposed project would comply with the ARB's anti-idling airborne toxic control measure (ATCM), which limits idling to no more than 5 minutes at any location for diesel-fueled commercial vehicles. Compliance with this ATCM would further minimize DPM emissions in the project area. The proposed project would also utilize a construction contractor that

would comply with required and applicable best available control measures (BACMs) and the Regulation for In-Use Off-Road Diesel-Fueled Fleets.²³

Project operations would generate only minor amounts of diesel emissions from delivery and incidental maintenance activities. Trucks would comply with the applicable provisions of the ARB Truck and Bus Regulation to minimize and reduce emissions from existing diesel trucks.²⁴ Therefore, project operations would not be considered a substantial source of diesel particulates. In addition, project operations would result in only minimum emissions of toxic air pollutants from maintenance or other ongoing activities, such as from the use of architectural coatings and other cleaning products. As a result, toxic or carcinogenic air pollutants are not expected to occur in any meaningful amounts in conjunction with operation of the proposed In-N-Out Burger Restaurant. Long-term operational impacts associated with the release of TACs would be minimal and would not be expected to exceed the SCAQMD thresholds of significance.

Carbon Monoxide Hotspot

No exceedances of carbon monoxide (CO) have been recorded at monitoring stations in the South Coast Air Basin (SoCAB) for some time, and the SoCAB is currently designated a CO attainment area for both California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). Thus, it is not reasonable to expect that CO levels at project-impacted intersections would exceed these standards.

The SoCAB is designated as attainment under both the national and California standards in Ambient Air Quality Standards (AAQS) for CO. Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited in order to generate a significant CO impact. The proposed project would generate 212 and 232 weekday PM and Saturday midday peak-hour trips. Therefore, the proposed project would not have the potential to substantially increase CO hotspots at intersections in the vicinity of the site. This impact with respect to substantial pollutant concentrations would be less than significant.

d) Result in other emission (such as those leading to odors) adversely affecting a substantial number of people?

Less than significant impact. As shown in Table 15 in the Meridian Study, construction of the proposed project would result in emissions below the LSTs. Mandatory compliance with SCAQMD Rule 1113 (Architectural Coating) would limit the amount of volatile organic compounds (VOCs) in architectural coatings and solvents. According to the SCAQMD, while almost any source may emit objectionable odors, some types of land uses are more likely to produce odors. Land uses more likely to produce odors include agriculture, chemical plants, composting operations, dairies, fiberglass molding manufacturing, landfills, refineries, rendering plants, rail yards, and wastewater treatment

²³ California Air Resource Board (ARB). 2010. Regulation For In-Use Off-Road Diesel-Fueled Fleets. Website: <https://www3.arb.ca.gov/regact/2010/offroadlsi10/finaloffroadreg.pdf>. Accessed October 29, 2019.

²⁴ California Air Resource Board (ARB). 2008. Title 13, California Code of Regulations Division 3: Air Resources Board Chapter 1: Motor Vehicle Pollution Control Devices. Website: <https://www.arb.ca.gov/msprog/onrdiesel/documents/tbfinalreg.pdf>. Accessed October 29, 2019.

plants. The proposed project does not contain any active manufacturing activities and would not convert current agricultural land to residential land uses. Additionally, the Applicant would install a "Pollution Control Unit," which would substantially help eliminate any cooking odors from the restaurant. Therefore, objectionable odors would not be emitted by the proposed project.

Any unforeseen odors generated by the proposed project would be controlled in accordance with SCAQMD Rule 402 (Nuisance). As previously noted, Rule 402 prohibits the discharge of air contaminants that harm, endanger, or annoy individuals or the public; endanger the comfort, health or safety of individuals or the public; or cause injury or damage to business or property. Failure to comply with Rule 402 could subject the offending facility to possible fines and/or operational limitations in an approved odor control or odor abatement plan. This impact with respect to operational odors is less than significant.

Standard Conditions

- SC 2.3-1** During any construction period that causes ground disturbance, the Applicant shall ensure the project contractor implements measures to control dust and exhaust. The contractor shall implement the following best management practices that are required of all projects:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off site shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure in Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
 - Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
4. Biological Resources <i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?	☐	☐	☐	☒

Environmental Evaluation

The section provided below evaluates potential effects on biological resources that may result from project implementation. This analysis is based on a desktop survey conducted by FirstCarbon Solutions (FCS) Biologists on October 4, 2019. In addition, descriptions and analysis in this section are based on results from the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) searches for the Yorba Linda Quadrangle. The study and database searches are provided in their entirety in Appendix B.

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Less than significant with mitigation incorporated. The project site is approximately 1.43 acres and is currently developed with the Yorba Linda Public Library which will be demolished prior to the sale transfer of the project site to In-N-Out Burger Restaurants. The site consists of the library building and the associated parking lot. A small portion of the project site at the intersection of Imperial Highway (SR-90) and Lemon Drive is currently vacant. The only vegetation that exists on the site is in the form of ornamental landscaping.

The search of the CDFW CNDDDB database identified 16 special-status species that have been documented in the project vicinity.²⁵ Most of the species recorded were found to occur mostly in the undeveloped areas, several miles north of the project site. Given the project site is already entirely developed and surrounded by extensive urban development, many species recorded within the project vicinity are not expected to occur on the site due to the lack of suitable habitat.

One special-status plant species, the Santa Ana River woollystar (*Eriastrum densifolium* ssp. *Sanctorum*), was recorded in the project vicinity.²⁶ However, there is no potential for this species to occur on the project site due to the lack of suitable habitat, as this species can only be found along river channels.²⁷ As such, no listed or special-status plant species are expected to occur on the project site.

The CNDDDB search recorded 15 special-status wildlife species in the project vicinity. This includes four reptile species and 11 bird species; however, most of these species are typically associated with riparian woodlands or California coastal sage and chaparral. Neither habitat is present on the project site.

Many of the special-status bird species recorded in the project vicinity are known to prefer nesting in low shrubbery. These species include grasshopper sparrow (*Ammodramus savannarum*), yellow-breasted chat (*Icteria virens*), and coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*). Other species such as least Bell's vireo (*Vireo bellii pusillus*) prefer nesting within riparian vegetation. As a result, these species are not likely to occur on the project site.

No reptiles are expected to occur within the project site, as the species recorded in the literature search are associated with either riparian habitat or water bodies, in the case of western pond turtle (*Emys marmorata*), or are typically found in rocky habitats, such as red-diamond rattlesnake

²⁵ California Department of Fish and Wildlife (CDFW). 2019a. CNDDDB RareFind 5 California Natural Diversity Database (CNDDDB) Query for Special-Status Species. Website: <https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx>. Accessed October 4, 2019.

²⁶ California Native Plant Society (CNPS). 2019. California Native Plant Society Rare and Endangered Plant Inventory. Website: <http://www.rareplants.cnps.org>. Accessed October 4, 2019.

²⁷ Clarke, O.F., D. Svehla, G. Ballmer, and A. Montalvo. 2007. Flora of the Santa Ana River and Environs: With References to World Botany. Berkeley, California: Heyday Books.

(*Crotalus ruber*) or coast horned lizard (*Phrynosoma blainvillii*). No suitable habitat for these reptiles is present on-site.

Wildlife species that could potentially occur in the surrounding area include common species typically found in urban/developed settings. Several large ornamental trees that exist on the project site could be suitable as nesting habitat for some bird species. Construction activities have the potential to disturb nesting and breeding birds in trees and shrubs within the project site. Potential impacts on migratory birds that could result from the construction and operation of the project include the destruction of eggs or occupied nests, mortality of young, and the abandonment of nests with eggs or young birds prior to fledging. Mitigation Measure (MM) BIO-1, which requires the implementation of avoidance and minimization measures, where needed, would reduce impacts to nesting birds protected by the Migratory Bird Treaty Act to a less than significant level.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No impact. The project site and surrounding uses are entirely developed. No riparian habitat exists within or adjacent to the project site. The nearest riparian habitat is located approximately 1 mile to the south of the project site at Yorba Linda Lakebed Park and within Telegraph Canyon, approximately 1.6 miles to the north of the site.²⁸ The proposed project would have no impact on any of these biological resources.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. No State or federally protected wetlands occur within or adjacent to the project site. The nearest wetland habitat lies approximately 1 mile south of the project site at Yorba Linda Lakebed Park.²⁹ Thus, the proposed project would have no impact on any protected wetlands.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

Less than significant impact with mitigation incorporated. The project site is not located within any known wildlife corridor. The project site is located within the highly urbanized context of the City of Yorba Linda and is surrounded by extensive urban development on all sides. The project site contains some trees that, if removed, could potentially have an impact on migratory birds, which may temporarily occupy these trees. However, through the implementation of MM BIO-1, this impact would be less than significant.

²⁸ United States Fish and Wildlife Service (USFWS). 2019. National Wetlands Inventory. Website: <https://www.fws.gov/wetlands/Data/Mapper.html>. Accessed October 4, 2019.

²⁹ Ibid.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than significant impact. The project site contains several large ornamental trees. The Applicant proposes to remove all trees within grading limits from the site and replace them with new landscaping. Chapter 16.08 of the City of Yorba Linda Code of Ordinances regulates tree removal within the City limits. Section 16.08.030—Permits for Removal Required states that:

No person shall cut down, destroy or remove any tree growing within the City limits on an individual vacant lot without a permit issued by the Community Development Director in conjunction with any required building, excavation or grading permits.

The Applicant would be required to obtain a permit in compliance with Chapter 16.08 as stated above. After meeting all criteria under Section 16.08.040 and acquiring a permit for removal, the proposed project would be in compliance with the City's Code of Ordinances. The proposed project would be required to comply with all federal, State, and local regulations with concerns regarding tree removal and replacement. Therefore, these impacts would be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?

No impact. The project site is located outside the boundaries of the County of Orange (Central/Coastal) Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan (HCP). The County of Orange NCCP/HCP extends over much of central Orange County south of SR-91 to the City of San Juan Capistrano and from the eastern boundary of the County to the City of Costa Mesa in the west.³⁰ The project site is located within the City of Yorba Linda, which is outside these boundaries. Thus, the proposed project would not conflict with either plan and would have no impact.

Mitigation Measures

MM BIO-1 Vegetation clearing shall be conducted outside of the nesting season (February 1 through August 31). If avoidance of the nesting season is not feasible, then a qualified Biologist shall conduct a nesting bird survey within three days prior any disturbance of the site, including diking, site preparation activities, and grading. If active nests are identified, the Biologist shall establish suitable buffers around the nests and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds have fledged and are foraging independently from the nests.

³⁰ California Department of Fish and Wildlife (CDFW). 2019b. California Regional Conservation Plans. August. Website: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>. Accessed October 2019.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
5. Cultural Resources and Tribal Cultural Resources <i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐
<i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>				
d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☐	☒	☐
e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Environmental Evaluation

Cultural Resources

Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?**

Less than significant impact. A cultural resources records search for the project area was conducted on October 21, 2019, and is included as Appendix C. The search was conducted by FCS staff at the California Historical Resources Information System (CHRIS), South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. The search was conducted to identify all

previously conducted cultural resources work and any previously recorded cultural resources within a 0.5-mile radius of the project area. The results of the records search show that seven resources have been recorded within a 0.5-mile radius of the project site, but none are located on the project site.

As described in the project description, the project site does not contain any historic buildings and would not result in destruction of known historic resources. The Yorba Linda Public Library and an associated parking lot are currently located on the project site and will be demolished as part of a previously certified environmental document.³¹ Because the project site is located within the TCSP, the TCSP Project EIR determined, through a historical context and surveys report, that implementation of the TCSP would not result in significant impacts to historic resources.³² For these reasons, the potential for the proposed project to have an adverse effect on historic resources is low. Accordingly, impacts associated with historic resources would be less than significant.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than significant impact. As previously stated, a cultural resources records search for the project area was conducted on October 21, 2019, and is included as Appendix C. The search was conducted by FCS staff at the CHRIS SCCIC located at California State University, Fullerton. The results of the records search show that seven resources have been recorded within a 0.5-mile radius of the project site, but none are located on the project site. The project would be subject to compliance with SC 2.5-1, which provides direction in the event archaeological resources are unearthed during project subsurface activities. Therefore, project implementation would result in a less than significant impact to archaeological resources with mitigation incorporated.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less than significant impact. The past disturbance of the site makes it improbable that construction of the proposed project would impact human remains, as the site is developed with an existing library building and was formerly developed with a gas station. No human remains or cemeteries are known to exist in or near the project area. However, there is always the possibility that subsurface construction activities associated with the proposed project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. In the event that human remains are encountered during earth removal or disturbance activities, California Health and Safety Code Section 7050.5 requires that all activities cease immediately and a qualified Archaeologist and Native American Monitor be contacted immediately. The Coroner would also be contacted pursuant to Sections 5097.98 and 5097.99 of the Public Resources Code pertaining to Native American remains. Should the Coroner determine the human remains to be of Native American descent, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would then be required to contact the most likely descendant of the deceased Native American, who would then serve as consultant on how to proceed with the remains. Compliance with the

³¹ Tebo Environmental Consulting, Inc. 2017. Yorba Linda Town Center Addendum to the Certified EIR for the Yorba Linda Town Center Project Library and Arts Center. Website: http://yorbalinda.granicus.com/MetaViewer.php?view_id=4&clip_id=924&meta_id=112867. Accessed October 14, 2019.

³² Ibid.

established regulatory framework (California Health and Safety Code § 7050.5 and Public Resources Code [PRC] § 5097.98), as required by SC 2.5-2, would reduce potential impacts involving disturbance of human remains to less than significant.

Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or**

Less than significant impact. A search of the NAHC Sacred Lands File was conducted with regard to the proposed project's potential to impact known cultural or tribal cultural resources. A letter was provided by the NAHC dated October 21, 2019, which stated that the results of this survey were negative. The letter from the NAHC requested that 23 tribes be contacted for additional information. The Rincon Band of Luiseño Indians submitted a response to the NAHC Sacred Lands File request, which states that the project site is not within the Luiseño Aboriginal Territory.

A Cultural Resources records search for the project area was conducted on October 3, 2019, and is included as Appendix C. The search was conducted by FCS staff at the CHRIS SCCIC located at California State University, Fullerton. The results of the records search show that seven resources have been recorded within a 0.5-mile radius of the project site, but none are located on the project site. The proposed project would be subject to compliance with SC 2.5-1, which provides direction in the event that archaeological resources are unearthed during project subsurface activities. Based on the results of the cultural resources records search and the review of the NAHC records, no eligible or potentially eligible TCRs would be adversely affected by the project.

- e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Less than significant impact. City staff sent out a project notification letter to the Soboba Band of Luiseño Indians on April 9, 2020, pursuant to Assembly Bill 52 (AB 52). To date, no response has been received. As such, no additional significant TCRs have been identified that meet the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. No additional significant TCRs would be adversely affected by the proposed project; therefore, impacts would be less than significant.

Standard Conditions

- SC 2.5-1** In the event that archaeological resources are encountered during grading and construction, all construction activities shall be temporarily halted or redirected to

permit the sampling, identification, and evaluation of archaeological materials as determined by the City, who shall establish with a certified archaeologist, the appropriate procedures for exploration and/or salvage of the artifacts.

- SC 2.5-2** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
6. Energy <i>Would the project:</i>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Environmental Evaluation

Would the project:

- a) **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Less than significant impact. During construction, the proposed project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for temporary buildings, lighting, and other sources. No natural gas would be utilized as part of construction. Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during site preparation, paving, and building construction. Limitations on idling of vehicles and equipment, and requirements that equipment be properly maintained, would result in fuel savings. California regulations (CCR Title 13, §§ 2449(d)(3) and 2485) limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB.

The types of equipment could include gasoline- and diesel-powered construction and transportation equipment, including trucks, frontend loaders, and forklifts. Construction equipment is estimated to consume a total of 13,893 gallons of diesel fuel over the entire construction duration (Appendix A).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips include construction worker trips, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB Emissions Factors (EMFAC) model mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix A. In total, the proposed project is estimated to generate approximately 9,171 vehicle miles traveled and consume a combined 418 gallons of gasoline and diesel for vehicle travel during construction.

Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. The City of Yorba Linda's permissible hours for construction are generally restricted to between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, except on federal holidays. As construction activities would be restricted between these hours, it is anticipated that the use of construction lighting would be minimal. Single-wide mobile office trailers, which are commonly used in construction staging areas, generally range in size from 160 square feet to 720 square feet. A typical 720-square-foot office trailer would consume approximately 8,058 kilowatt hours (kWh) during the 9.5-month construction phase (Appendix A).

Due to the temporary nature of construction and the financial incentives for developers and contractors to use energy-consuming resources in an efficient manner, the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Therefore, the construction-related impact related to fuel and electricity consumption would be less than significant.

Operation

Less than significant impact. The operational phase of the proposed project would consume energy as part of building operations and transportation activities. Building operations for the proposed project would involve energy consumption for multiple purposes including but not limited to building heating and cooling, refrigeration, lighting, and electronics. Energy consumption during building operation is based on the modeling output files used to estimate greenhouse gas (GHG) emissions associated with proposed land uses (Appendix A of this document). Electricity consumption of building operations at the project site would be approximately 140,156 kWh of electricity per year, and natural gas consumption of building operations at the project site would be approximately 996,307 kilo-British Thermal Unit (kBtu) per year of natural gas (inputs used to calculate values are described in more detail in Appendix A). The proposed project would be designed and constructed in accordance with the State's Title 24 energy efficiency standards. These standards are widely regarded as the most advanced energy efficiency standards, and compliance would ensure that operational energy consumption would not result in the use of energy in a wasteful or inefficient manner. Therefore, the operational impact related to building electricity and natural gas consumption would be less than significant.

Operational energy would also be consumed during vehicle trips associated with the project. Fuel consumption would be primarily related to vehicle use by employees and customers associated with the proposed project. Based on the estimates contained in the CalEEMod output files (Appendix A of this document), project-related vehicle trips and fuel consumption associated with the project site would be a approximately 2,070,804 vehicle miles traveled (VMT)³³ and an estimated 80,502 gallons of gasoline and diesel combined,³⁴ on an annual basis.

The project site is located adjacent to SR-90, and adjacent to Lemon Drive and Olinda Street, which both have direct access to SR-90. As such, it would be in proximity to a regional route of travel. Orange County Transportation Authority (OCTA) provides bus services in the City of Yorba Linda.

³³ VMT was estimated using CalEEMod; see Appendix A.

³⁴ Operational Fuel Consumption was estimated using the EMFAC Web Database Emissions for Orange County; see Appendix A.

Route 26 (Fullerton—Placentia) has a stop 0.2 mile east of the project site (Lemon-Lakeview bus stop). The existing transportation facilities in the area would provide future employees and customers with access to public transportation, thus further reducing fuel consumption demand. For these reasons, project operational transportation fuel consumption would not result in the use of large amounts of energy or the use of energy in a wasteful manner.

The proposed project would be designed and constructed in accordance with the State's Title 24 energy efficiency standards. These standards, widely regarded as the most advanced energy efficiency standards, would promote energy conservation and help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings. As such, building and site designs would be reviewed prior to approval of the proposed project. Therefore, operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources, and impacts are less than significant.

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Less than significant impact.

Construction

During the construction phase, the proposed project would adhere to California regulations (CCR Title 13, §§ 2449 and 2485) limiting idling from both on-road and off-road diesel-powered equipment. The proposed project would be required to comply with these regulations, which are enforced by the ARB. Part 11, Chapter 5 of the State's Title 24 energy efficiency standards establish mandatory measures for non-residential buildings, including material conservation and efficiency. The proposed project would also be required to comply with these mandatory measures.

Furthermore, building and site designs would be reviewed by the City of Yorba Linda for energy impacts prior to approval of the proposed project. Therefore, it is anticipated that the construction phase of the proposed project would not conflict with State or local renewable or energy efficiency objectives. Construction-related energy impacts would be less than significant.

Operation

During the operational phase of the proposed project, the building operations would involve energy consumption for multiple purposes including but not limited to building heating and cooling, lighting, and electronics. The State's Title 24 energy efficiency standards are widely regarded as the most advanced energy efficiency standards. These standards promote energy conservation and help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings.

The proposed project is committed to meeting the requirements of the California Green Building Standards Code (CALGreen) by incorporating strategies such as low-flow toilets, low-flow faucets, and other energy and resource conservation measures. The proposed project would comply with the

applicable energy, water, and waste efficiency measures specified in the Title 24 Building Energy Efficiency Standards³⁵ and CALGreen.³⁶

Electricity would be provided by Southern California Edison (SCE) to the project site. California's Renewables Portfolio Standard (RPS) requires that 33 percent of electricity retail sales be served by renewable energy sources by 2020. SCE's 2017 power mix includes 32 percent eligible renewable (13 percent solar, 10 percent wind, 8 percent geothermal, and 1 percent eligible hydroelectric), 20 percent natural gas, 8 percent large hydroelectric, 6 percent nuclear, and 34 percent unspecified sources of power. SCE also offers the SCE Green Rate 50 percent option, which includes 66 percent eligible renewable (56 percent solar, 5 percent wind, 4 percent geothermal, and 1 percent eligible hydroelectric), and the SCE Green Rate 100 percent option, which includes 100 percent eligible renewable (100 percent solar).³⁷ As of 2017, SCE was on track to meet the SB 350 goal of 33 percent renewable electricity procurement by 2020 and the SB 350 goal of 50 percent renewable electricity procurement by 2030. Therefore, the proposed project would receive electricity from a utility company that would meet California's RPS requirements.

As such, the proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Operational energy impacts would be less than significant.

Mitigation Measures

None required.

³⁵ California Energy Commission (CEC). 2020. Building Energy Efficiency Standards – Title 24. Website: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards>. Accessed April 19, 2020.

³⁶ State of California Building Standards Commission. 2018. CALGreen. Website: <https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen>. Accessed April 19, 2020.

³⁷ California Energy Commission (CEC). 2018. Southern California Edison 2017 Power Content Label. July. Website: https://www2.energy.ca.gov/pcl/labels/2017_labels/SCE_2017_PCL.pdf. Accessed April 16, 2020.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
7. Geology and Soils <i>Would the project:</i>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Environmental Evaluation

The following discussions and analysis is based in part on the Geotechnical Engineering Investigation for the proposed In-N-Out Burger Restaurant prepared by Krazan and Associates, Inc., dated May 9, 2018, included as Appendix D.

Would the project:

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:**
- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

No impact. Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. Ground rupture is most likely to occur along active faults and typically occurs during earthquakes of magnitude five or higher. Ground rupture only affects the area immediately adjacent to a fault.

The Alquist-Priolo Earthquake Fault Zoning Act (Act) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act requires the State Geologist to establish regulatory zones, known as "Alquist-Priolo (AP) Earthquake Fault Zones," around the surface traces of active faults and to issue appropriate maps. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50 feet).

According to the State of California Seismic Hazard Zones Map, Yorba Linda Quadrangle, the project site is not located in the Alquist-Priolo Earthquake Fault Zone.³⁸ The nearest faults are the Elsinore Fault, 1.60 miles from the site; the Puente Hills Fault, 3.10 miles from the site; and the Chino Faults, 8 miles from the site. No faults are known to occur on or within the immediate vicinity of the site. Therefore, there would be no impacts.

ii) Strong seismic ground shaking?

Less than significant impact. As with all areas of Southern California, the proposed project would be subject to strong ground shaking associated with seismic activity. The 2016 City of Yorba Linda General Plan's Public Health and Safety Element identifies major faults that have the potential to affect the City.³⁹ According to Table PS-1 in the Public Health and Safety Element, Existing Faults, there are several large active faults in the Southern California region that could potentially impact the City of Yorba Linda including the Whittier Fault, Elsinore Fault, Chino Fault, Peralta Hills Fault, Newport/Inglewood Fault, San Jacinto Fault, and San Andreas Fault. These faults have the potential to produce earthquakes between 6.5 and 8.25 magnitude on the Richter Scale.

As discussed previously, the site is not located within an earthquake fault zone. Additionally, the project would involve the construction of a new building and would therefore be required to

³⁸ California Department of Conservation. 2015. Earthquake Zones of Required Investigation Yorba Linda Quadrangle. December 4.

³⁹ City of Yorba Linda. 2016 Yorba Linda General Plan. Public Health and Safety Element. October 2016. Website: <https://www.yorbalindaca.gov/337/General-Plan>. Accessed October 22, 2019.

conform to the seismic design parameters of the California Building Standards Code (CBC). Compliance with the seismic design parameters as outlined in the most recent CBC would ensure that impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less than significant impact. Liquefaction describes the behavior of soils that, when loaded, suddenly suffer a transition from a solid state to a liquefied state or having the consistency of a heavy liquid. Liquefaction can occur during vibratory conditions such as those induced by seismic event, and under saturated conditions in soils such as sand in which the strength is purely frictional. A low relative density and loose consistency of the granular materials, shallow groundwater table, long duration, and high acceleration of seismic shaking are some of the factors that can cause liquefaction. Presence of predominately cohesive or fine-grained materials and/or absence of saturated conditions can preclude liquefaction. Liquefaction hazards are usually manifested in the form of buoyancy forces expected on structures during liquefaction, increase in lateral earth pressures due to liquefaction, horizontal and vertical movements of structures resulting from lateral spreading, and post-earthquake settlement of the liquefied materials.

The 2016 City of Yorba Linda General Plan's Public Health and Safety Element identifies Liquefaction Zones located in the City. According to Exhibit PS-2 of the Public Health and Safety Element, the project site is not located in an area susceptible to liquefaction.⁴⁰ Additionally, According to the State of California Seismic Hazard Zones Map, Yorba Linda Quadrangle, dated August 11, 2005, the site of the proposed project is not in an area designated a Liquefaction Hazard Zone. According to the Geotechnical Engineering Investigation, groundwater is located at depths greater than 50 feet below grade in the general vicinity of the site. Therefore, this site is not susceptible to liquefaction. Impacts would be less than significant

iv) Landslides?

No impact. Geological features typically associated with landslides include hillsides or riverbanks. As the site is fairly flat and level, landslides are not expected to occur. Exhibit PS-3 of the 2016 City of Yorba Linda General Plan's Public Health and Safety Element identifies landslide zones. According to the Public Health and Safety Element of the plan, the site is not located in an area that is susceptible to landslides.⁴¹ Additionally, the Geotechnical Engineering Investigation indicates that landslides are not anticipated to pose a hazard at the project site. Therefore, there would be no impacts associated with landslides.

b) Result in substantial soil erosion or the loss of topsoil?

Less than significant impact with mitigation incorporated. Construction activities associated with the proposed project would include grading, excavation, and other earth-moving activities that have

⁴⁰ City of Yorba Linda. 2016 Yorba Linda General Plan. Public Health and Safety Element. October 2016. Website: <https://www.yorbalindaca.gov/337/General-Plan>. Accessed October 22, 2019.

⁴¹ City of Yorba Linda. 2016 Yorba Linda General Plan. Public Health and Safety Element. October 2016. Website: <https://www.yorbalindaca.gov/337/General-Plan>. Accessed October 22, 2019.

the potential to cause erosion. The project site is urban and developed, with 3.0 to 6.0 inches of paved asphalt surfaces underlain by fill soil up to 10 feet below the surface. Therefore, soil erosion is not anticipated to occur. Additionally, MM GEO-1 requires compliance with the recommendations presented in the Geotechnical Engineering Investigation in Appendix D, which would further reduce the potential for soil-related impacts to less than significant.

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Less than significant impact with mitigation incorporated. The following analysis is based on the 2016 City of Yorba Linda General Plan and the Geotechnical Engineering Investigation:

- **Landslides:** Geological features typically associated with landslides include hillsides or riverbanks. As the site is fairly flat and level, landslides are not expected to occur. Exhibit PS-3 of the 2016 City of Yorba Linda General Plan's Public Health and Safety Element identifies landslide zones. The plan indicates that the site is not located in an area that is susceptible to landslides.⁴²⁴⁰ Additionally, the Geotechnical Engineering Investigation indicates that landslides are not anticipated to pose a hazard at the project site.
- **Lateral Spreading:** Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. As failure tends to propagate as block failures, it is difficult to analyze and estimate where the first tension crack will form. As discussed in the response to liquefaction (see above) the site is located in a "low" liquefaction hazard area, in a relatively flat urbanized area, and is not in the vicinity of slopes that would be susceptible to liquefaction (slope areas that have sufficient height, slope ratio, and underlying geologic conditions that can result in liquefaction).
- **Subsidence:** The 2016 City of Yorba Linda General Plan's Public Health and Safety Element indicates that slope stability is a serious geologic problem in the northern and eastern portions of the City.⁴³ This area is underlain by siltstone and interbedded sandstone of the Puente Formation and is often the most prone to landslides and other forms of slope failure. The project site is located outside of the subsidence boundary.
- **Liquefaction:** According to the State of California Seismic Hazard Zones Map, Yorba Linda Quadrangle, the site of the proposed project is not in an area designated a Liquefaction Hazard Zone.⁴⁴
- **Collapse:** The project site is not underlain by natural or manmade subsurface features that are typically associated with collapse, including mining or extraction operations or karst topography. The Geotechnical Engineering Investigation indicates that the near-surface soils at

⁴² City of Yorba Linda. 2016 Yorba Linda General Plan. Public Health and Safety Element. October 2016. Website: <https://www.yorbalindaca.gov/337/General-Plan>. Accessed October 22, 2019.

⁴³ Ibid.

⁴⁴ California Department of Conservation. 2015. Earthquake Zones of Required Investigation Yorba Linda Quadrangle. December 4.

the site are medium-dense to dense. Remedial grading recommendations presented in the geotechnical report would prevent soil hydroconsolidation, or soil collapse (MM GEO-1).

The proposed project would not be located on an unstable or potentially unstable geologic unit or soil that would potentially result in landslide, lateral spreading, subsidence, liquefaction, or collapse. In addition, recommendations provided in the Geotechnical Engineering Investigation would be incorporated into the plans and implemented during construction (MM GEO-1). Therefore, impacts related to unstable geologic units or soils would be less than significant with mitigation incorporated.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than significant impact. Expansive soils typically consist of clay and other similar poorly drained soils. The 2016 City of Yorba Linda General Plan's Public Health and Safety Element indicates that slope stability is a serious geologic problem in the northern and eastern portions of the City.⁴⁵ This area is underlain by siltstone and interbedded sandstone of the Puente Formation and is often the most prone to landslides and other forms of slope failure. Along Telegraph Canyon and other east-west trending canyons, landslides are more common than on south-facing slopes, which are typically underlain by thick soil and slope wash. Soil creep and shallow slope failures also occur more on the east-west trending slopes. Conditions which contribute to the slope failures are evident in the Chino Hills area, particularly in areas of well-bedded siltstone and sandstone within the Puente Formation. The Puente Formation underlies the Puente and Chino hills and is made up of four members: Sycamore Canyon, Yorba, Soquel, and La Vida members. Rockfalls and rockslides are also identified as a hazard where resistant, thick-bedded, or massive sandstone is exposed on steep, high slopes such as in areas underlain by the Soquel Member of the Puente Formation. Because the project site is located outside of the areas described above, impacts would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No impact. The proposed project would connect to the municipal sewer system and would not require an alternative method of wastewater conveyance. In addition, according to the 2016 City of Yorba Linda General Plan, there are no areas of soil within the City that are incapable of supporting septic systems. Therefore, no impacts associated with septic or alternative wastewater disposal systems would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than significant impact. A paleontological records search was conducted by FCS staff at the Natural History Museum of Los Angeles County on October 4, 2019. The records search results are included as Appendix C. The results indicate that the entire project site is composed of older Quaternary alluvium, derived as alluvial fan deposits from Chino Hills to the northeast of the project

⁴⁵ City of Yorba Linda. 2016 Yorba Linda General Plan. Public Health and Safety Element. October 2016. Website: <https://www.yorbalindaca.gov/337/General-Plan>. Accessed October 22, 2019.

site. These Quaternary deposits typically do not contain significant vertebrate fossils in the very uppermost layers in this vicinity, but at depth they may well contain significant fossil vertebrate remains. Very shallow excavations in the older Quaternary alluvium exposed throughout the proposed project area may not encounter significant vertebrate fossils. Deeper excavations, however, may well uncover significant fossil vertebrate remains. Therefore, development activities have the potential to encounter undiscovered paleontological resources, and the proposed project would be subject to compliance with SC 2.7-1, which provides direction in the event paleontological resources are unearthed during project subsurface activities. Therefore, project implementation would result in a less than significant impact involving the potential destruction of a paleontological resource.

Standard Conditions

- SC 2.7-1** In the event that paleontological resources are encountered during grading and construction operations, all construction activities shall be temporarily halted or redirected to permit a qualified Paleontologist to assess the find for significance and, if necessary, develop a paleontological resources impact mitigation plan for the review and approval by the City prior to resuming excavation activities.

Mitigation Measures

- MM GEO-1** The project shall comply with the recommendations described in the Geotechnical Engineering Investigation for the proposed In-N-Out Burger Restaurant prepared by Krazan and Associates, Inc., dated May 9, 2018, included as Appendix D.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
8. Greenhouse Gas Emissions <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Environmental Evaluation

The following is based on the Yorba Linda In-N-Out Air Quality and Greenhouse Gas Emissions Study prepared by Meridian Consultants in April 2020 (Appendix A).

SCAQMD GHG Thresholds

The City of Yorba Linda has not yet adopted a numerical significance threshold for assessing impacts related to GHG emissions. When no guidance exists under CEQA, the lead agency may look to and assess general compliance with comparable regulatory schemes.

Given the lack of a formally adopted numerical significance threshold or a formally adopted local plan for reducing GHG emissions, the significance of the project is evaluated consistent with CEQA, California Air Pollution Control Officers Association (CAPCOA), and Office of Planning and Research guidelines and advisories. The significance of the proposed project would be based on an assessment of the project's GHG emission sources for general compliance with comparable regulatory schemes. Tier 3, the primary tier by which the SCAQMD currently determines the significance of stationary emission sources, relies on Executive Order S-3-05 as the basis for a screening level and was established at a level that captures 90 percent of basin-wide land-use GHG emissions.⁴⁶ The SCAQMD proposed a screening level of 3,000 metric tons of carbon dioxide equivalents (MT CO₂e) per year, under which project impacts are considered less than significant, for commercial or mixed-use residential projects. The SCAQMD's policy objective is to capture 90 percent of the GHG emissions from new development projects in the residential/commercial sectors.

Would the project:

⁴⁶ South Coast Air Quality Management District (SCAQMD). 2008. Draft Guidance Document—Interim CEQA Greenhouse Gas (GHG) Significance Threshold. October. Website: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf). Accessed October 29, 2019.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than significant impact. CalEEMod, developed by CAPCOA, was used to quantify atmospheric levels of GHG emissions based on information for similarly sized sites with respect to the construction schedule, equipment inventory, energy use, and traffic from the proposed project. The primary source of GHG emissions from the proposed project during construction would be from mobile sources, including off-road equipment, construction equipment, trucks, and worker vehicles.

The GHG results of project construction are presented in Table 16 in the Meridian Study included in Appendix A. As shown in Table 16, the total GHG emissions from construction activities would be approximately 181 MT CO₂e. One-time, short-term emissions are converted to average annual emissions by amortizing them over the service life of a building. For buildings in general, it is reasonable to look at a 30-year time frame because this is a typical interval before a new building requires its first major renovation.⁴⁷ As shown in Table 16 in the Meridian Study, when amortized over an average 30-year project lifetime, average annual construction emissions from the proposed project would represent a nominal source of GHG emissions of 6 MT CO₂e per year.

The GHG emissions resulting from operation of the proposed project are shown in Table 17 in the Meridian Study. GHG emissions resulting from operation of the proposed project involves the usage of on-road mobile vehicles, electricity, natural gas, water, and landscape equipment, as well as generation of solid waste and wastewater. As shown, the annual total GHG emissions generated at the project site would be approximately 1,915 MT CO₂e per year. Operation of the proposed project would not exceed SCAQMD's screening threshold of 3,000 MT CO₂e. This impact would be less than significant.

b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. The proposed project is committed to meeting the requirements of CALGreen by incorporating strategies such as low-flow toilets, low-flow faucets, and other energy and resource conservation measures. The proposed project would comply with applicable energy, water, and waste efficiency measures specified in the Title 24 Building Energy Efficiency Standards⁴⁸ and CALGreen.⁴⁹

At the State level, Executive Orders S-3-05 and B-30-15 are orders from the State's executive branch for the purpose of reducing GHG emissions. The goal of Executive Order S-3-05 is to reduce GHG emissions to 1990 levels by 2020. The Executive Orders also establish the goals to reduce GHG emissions to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050. Studies have shown that to meet the 2030 and 2050 targets, aggressive technologies in the

⁴⁷ International Energy Agency (IEA). 2008. Energy Efficiency Requirements in Building Codes: Policies for New Buildings. July. Website: <https://www.iea.org/reports/energy-efficiency-requirements-in-building-codes-policies-for-new-buildings>.

⁴⁸ California Energy Commission (CEC). 2020. Building Energy Efficiency Standards – Title 24. Website: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards>. Accessed April 19, 2020.

⁴⁹ State of California Building Standards Commission. 2018. CALGreen. Website: <https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen>. Accessed April 19, 2020.

transportation and energy sectors, including electrification and the decarbonization of fuel, will be required. In its *Climate Change Scoping Plan*, the ARB acknowledged that the measures needed to meet the 2050 goal are too far in the future to define in detail.⁵⁰ Because of the technological shifts required and the unknown parameters of the regulatory framework in 2030 and 2050, quantitatively analyzing the proposed project's impacts further relative to the 2030 and 2050 goals currently is speculative for purposes of CEQA.

The ARB's First Update lays the foundation for establishing a broad framework for continued emission reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050.⁵¹ Many of the emission reduction strategies recommended by the ARB would serve to reduce the proposed project's post-2020 emissions level to the extent applicable by law. These include the following:

- **Energy Sector:** Continued improvements in California's appliance and building energy efficiency programs and initiatives, such as the State's zero net energy building goals, would serve to reduce the proposed project's emissions level. Further additions to California's renewable resource portfolio would favorably influence the proposed project's emission level.
- **Transportation Sector:** Anticipated deployment of improved vehicle efficiency, zero-emission technologies, lower carbon fuels, and improvement of existing transportation systems all would serve to reduce the proposed project's emissions level.
- **Water Sector:** The proposed project's emissions level would be reduced as a result of further enhancements to water-conservation technologies.
- **Waste Management Sector:** Plans to further improve recycling, reuse, and reduction of solid waste would beneficially reduce the proposed project's emissions level.

For the reasons described above, the proposed project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the establishment of the 2030 and 2050 targets. Therefore, given that the proposed project would be consistent with State-applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions, impacts would be less than significant.

Mitigation Measures

None required.

⁵⁰ California Air Resource Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. November. Website: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed October 29, 2019.

⁵¹ California Air Resource Board (ARB). 2014. First Update to the Climate Change Scoping Plan. May. Website: https://www3.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf. Accessed October 29, 2019.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
9. Hazards and Hazardous Materials <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Environmental Evaluation

The following discussions and analysis is based, in part, on the Phase I Environmental Site Assessment (Phase I ESA) for the Proposed In-N-Out Burger Restaurant Project, completed by FCS and dated December 2, 2019. The Phase I ESA is included in Appendix E.

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Less than significant impact. The proposed project includes the development of an In-N-Out Burger Restaurant and associated infrastructure. Construction of the project would include the transportation, use, and disposal of potentially hazardous substances such as oils, gasoline, diesel fuels, solvents, greases, and other associated substances. However, these potentially hazardous substances would not result in a significant threat to public health because the construction operations would be conducted in accordance with permits issued by the City of Yorba Linda. Furthermore, because of the nature of these construction efforts and the relatively small size of the project site, the quantities of these substances would be small. Therefore, impacts related to the potential hazardous substances on the project site would be less than significant.

During the operational phase of the proposed project, numerous potentially hazardous substances would be utilized by In-N-Out Burger Restaurant in small quantities. Substances such as waste cooking grease would be diverted to a grease interceptor located on-site. The interceptor would be serviced as needed by a local waste collection service. No significant quantities of hazardous substances would be utilized during the operational phase of the proposed project. Therefore, because the proposed project would not require the use of significant quantities of hazardous substances, impacts would be less than significant.

The existing structures and parking lots on the remaining two parcels are currently owned by the City of Yorba Linda and will be demolished prior to the commencement of the proposed project as part of the approved Yorba Linda Town Center project, which was analyzed within the Town Center EIR Addendum.⁵² As such, the demolition of the Yorba Linda Public Library and the associated parking lots is not analyzed herein. Impacts would be less than significant.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Less than significant impact. The proposed project would require the use of typical hazardous substances during construction and operations such as oils, greases, cleaning chemicals, fuels, natural gas, and others. Because of the nature of quick-service restaurants such as In-N-Out Burger Restaurant, the potential for a significant release to the environment is minimal. The project site is currently the subject of a remedial effort related to a former gasoline station, which operated on the western portion of the site prior to June 1999. According to the Phase I ESA, the property is currently the subject of monthly subsurface monitoring under the oversight of the Orange County Health Care Agency. Furthermore, during the operational phase of the project, the proposed In-N-Out Burger Restaurant would be required to obtain air quality permits associated with the operation of equipment on-site. The emissions of kitchen exhaust would not result in a significant environmental

⁵² City of Yorba Linda. 2017. Yorba Linda Town Center Addendum to the Certified EIR for the Yorba Linda Town Center Project Library and Arts Center. July. Website: http://yorbalinda.granicus.com/MetaViewer.php?view_id=4&clip_id=924&meta_id=112867. Accessed October 29, 2019.

concern for the property. Because of the low potential for a release of hazardous substances, the presence of regulatory oversight, and the nature of operations proposed, impacts related to hazardous materials would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than significant impact. The project site is located approximately 0.45 mile east of Yorba Linda Middle School, approximately 0.30 mile south of Mabel M. Paine Elementary School, and approximately 0.25 mile north of Friends Christian School. The proposed project would not require the use of acutely hazardous substances in significant quantities apart from those required during the limited construction phase of the project. Because no large quantities of hazardous substances would be required or emitted by the project site, impacts would be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than significant impact with mitigation incorporated. According to the Phase I ESA, the on-site Yorba Linda Public Library address, 18181 Imperial Highway, was not identified on any regulatory databases. However, the former on-site gasoline station located at 18231 Imperial Highway, was identified on the several regulatory databases.

According to the Phase I ESA, the project site is not listed within the California Environmental Protection Agency (Cal/EPA) Cortese list of Hazardous Waste and Substances sites from the Department of Toxic Substances Control (DTSC) EnviroStor database. According to the Orange County Health Care Agency letters summarized within the Phase I ESA, the former gas station is undergoing active monthly monitoring and remediation.

In addition, the project site was also identified as a potential location of asbestos-containing materials and lead-based paints due to the age of the Yorba Linda Public Library structure currently located on the project site. The existing structures and parking lots are currently owned by the City of Yorba Linda and will be demolished prior to the commencement of the proposed project as part of the approved Yorba Linda Town Center project, which was analyzed within the Town Center EIR Addendum.⁵³ As such, the demolition and potential release of asbestos and lead-based paints is not analyzed herein.

The Phase I ESA recommends continued monthly post-remediation and groundwater monitoring with regulatory oversight. This recommendation is included as MM HAZ-1. With implementation of MM HAZ-1, impacts would be less than significant.

⁵³ Tebo Environmental Consulting, Inc. 2017. Yorba Linda Town Center Addendum to the Certified EIR for the Yorba Linda Town Center Project Library and Arts Center. Website: http://yorbalinda.granicus.com/MetaViewer.php?view_id=4&clip_id=924&meta_id=112867. Accessed October 14, 2019.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

No impact. The proposed project site is located approximately 9.1 miles to the east of the Fullerton Municipal Airport. No other airports are located within 10 miles of the project site. Therefore, based on the distance to the nearest airport, no impacts would occur.

- f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Less than significant impact. According to the City of Yorba Linda Emergency Preparedness Guide⁵⁴ and Policies PS-7.1, PS-7.2, PS-7.3, and PS-7.4 in the Health and Safety Element of the City's General Plan, the City maintains an Emergency Response Plan that identifies all resources and funds available to use in the event of a disaster. Construction of the proposed project would not create an obstruction to surrounding roadways or other access routes used by emergency response units and would not impair the implementation of an adopted emergency response plan. No aspect of the proposed project would interfere with the implementation of the aforementioned policies or emergency response procedures established by the City of Yorba Linda. Moreover, the City of Yorba Linda has established numerous other policies with relation to hazardous substances, emergency evacuations, and the creation of an Emergency Operations Center for use in the event of a disaster. Because of the nature of the proposed project, impacts would be less than significant.

- g) **Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

No impact. According to the 2016 City of Yorba Linda General Plan, Public Health and Safety Element, the project site is not located within a fire hazard zone.⁵⁵ Figure PS-6 of the Public Health and Safety Element indicates the nearest fire hazard zone is located greater than 1 mile north of the project site. Furthermore, according to the CAL FIRE Office of the State Fire Marshal Fire Hazard Severity Zones Maps for the Local Responsibility Area (LRA), the proposed project is not located within a fire hazard zone. Therefore, based on the distance to the nearest fire hazard zones, no impacts would occur.

Mitigation Measures

MM HAZ-1 Based on the above information, FCS recommends continued monthly post-remediation groundwater monitoring under the oversight of the Orange County Health Care Agency.

⁵⁴ City of Yorba Linda. Emergency Preparedness Guide. Website: <https://www.yorbalindaca.gov/358/Emergency-Preparedness-Guide>. Accessed April 16, 2020.

⁵⁵ City of Yorba Linda. 2016 Yorba Linda General Plan. Public Health and Safety Element. October 2016. Website: <https://www.yorbalindaca.gov/337/General-Plan>. Accessed October 22, 2019.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
10. Hydrology and Water Quality <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(iv) impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Environmental Evaluation

The following discussions and analysis is based, in part, on the Hydrology and Hydraulic Analysis and Preliminary Water Quality Management Plan (WQMP) for the Proposed In-N-Out Burger Restaurant Project, completed by Joseph C. Truxaw & Associates, Inc. and dated April 14 and 15, 2020, respectively. The Hydrology and Hydraulic Analysis and Preliminary WQMP are included in Appendix F.

Would the project:

- a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

Less than significant impact. Project-related impacts related to water quality have the potential to occur during the earthwork and construction phase, before the establishment of ground cover, and after project completion. Construction projects that discharge directly into a municipal stormwater system are subject to the National Pollutant Discharge Elimination System (NPDES) and applicable City of Yorba Linda ordinances that implement requirements of the County of Orange NPDES permit.

National Pollutant Discharge Elimination System

Under Section 402 of the Clean Water Act (CWA), the United States Environmental Protection Agency (EPA) has established regulations under the NPDES program to control direct stormwater discharges from construction activities disturbing 1 acre or more of land. In California, the State Water Board administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The NPDES program regulates industrial pollutant discharges, which include construction activities. The State Water Board works in coordination with the Regional Water Quality Control Boards (RWQCBs) to preserve, protect, enhance, and restore water quality. The City is within the jurisdiction of the Santa Ana RWQCB.

Short-term Construction

Construction activities that disturb 1 or more acres of soil (or disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres), are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activities subject to this permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation, but it does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. To obtain coverage for discharges under the General Construction Permit, dischargers are required to electronically file the Permit Registration Documents, which include a Notice of Intent (NOI), a Storm Water Pollution Prevention Plan (SWPPP), and other compliance-related documents required by the General Permit, and mail the appropriate permit fee to the State Water Board.

Because the project area is larger than 1 acre, the proposed project meets the conditions that are subject to permitting and is required to comply with NPDES requirements. Compliance with the NPDES permitting program would reduce impacts to less than significant. Additionally, compliance with applicable City requirements would ensure that the project's construction-related impacts to water quality would be less than significant.

Long-term Operation

The Municipal Storm Water Permitting Program regulates stormwater discharges from Municipal Separate Stormwater Sewer (drain) Systems (MS4s). Most of these permits are issued to a group of

co-permittees encompassing an entire metropolitan area. The MS4 permits require the discharger to develop and implement a Storm Water Management Plan/Program with the goal of reducing the discharge of pollutants to the Maximum Extent Practicable. Maximum Extent Practicable is the performance standard specified in Section 402(p) of the CWA. The management programs specify what Best Management Practices (BMPs) will be used to address certain program areas.

The Orange County Flood Control District, the County of Orange, and the City of Yorba Linda discharge pollutants from their MS4s. Stormwater and non-stormwater enter and are conveyed through the MS4s and are discharged to surface water bodies of the Orange County region. Discharges from Orange County's Phase I MS4s are regulated through the Orange County MS4 Permit (Order No. R8-2009-0030 NPDES No. CAS618030, as amended by Order No. R8-2010-0062) pursuant to Section 402(p) of the CWA.

The MS4 permit requires the development and implementation of a program addressing stormwater pollution issues in development planning for private projects; the City of Yorba Linda has incorporated the model construction program described in the County-wide Drainage Area Management Plan that includes requirements and guidelines for pollution prevention methods for construction site owners, developers, contractors, and other responsible parties to address pollutants in stormwater discharge.⁵⁶ The project-specific preliminary WQMP completed by Joseph C. Truxaw & Associates in April 2020 (Appendix F) has been completed and will be submitted as part of the application. The aforementioned WQMP would reduce discharge of pollutants into urban runoff from the proposed project by managing site runoff volumes and flow rates through the implementation of a bio-retention basin to capture runoff and non-structural source control BMPs such as common area landscape management and routine storm drain system inspection.

As such, compliance with these local, State, and federal policies and regulations, including preparation of a WQMP and implementation of WQMP BMPs, would ensure that short-term and long-term project-related impacts to water quality would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than significant impact. The proposed project would connect to the City's existing water facilities. The Yorba Linda Water District (YLWD) obtains its water supply through groundwater wells replenished by the Santa Ana River and through imported water from Northern California and the Colorado River. The proposed project's water demand would be similar to a typical restaurant's water demand; the project would not substantially deplete groundwater supplies or interfere with groundwater recharge. Project implementation would result in a less than significant impact to groundwater supplies.

⁵⁶ City of Yorba Linda. 2020. Water Quality/NPDEA – Construction. Website: <https://www.yorbalindaca.gov/305/Construction>. Accessed April 16, 2020.

- c) **Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**
 - (i) **result in substantial erosion or siltation on- or off-site;**

Less than significant impact. The City of Yorba Linda's stormwater collection system includes storm drains, catch basins, open channels, and other storm drain facilities.⁵⁷ Project construction activities such as grading, paving, and site improvements may result in loose sediment, which can be transported by surface water or wind into nearby storm drains and waterways.

As discussed in Impact 10(a), the project's construction activities would be subject to compliance with NPDES requirements, which include obtaining coverage under the General Construction Permit by filing the Permit Registration Documents (an NOI and SWPPP, among others). The SWPPP identifies erosion-control and sediment-control BMPs that would meet or exceed measures required by the General Construction Permit to control potential construction-related pollutants. Post-construction, the project site would have a reduction of impervious area, from 70.6 percent pre-project to 66.2 percent. The proposed grading divides the project site into seven drainage areas. Five of the drainage areas would consist of new impervious surfaces, which eliminates the likelihood of erosion or siltation in those areas. The remaining two drainage areas consist of landscape only and are considered "self-treating areas." One of these areas is the bio-retention basin and the other area is a landscaped area. The bio-retention basin and planted groundcovers would help to reduce erosion and siltation.

Further, no stream or river traverses the project site or is located in its immediate vicinity; although a stormwater drainage channel is located approximately 1 mile east of the project site.⁵⁸ Compliance with stormwater runoff regulations and BMPs would ensure that impacts would be less than significant with relation to the potential for erosion or siltation on- or off-site.

- (ii) **substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**

Less than significant impact. The project would be served by the City's stormwater drainage system. Construction activities such as grading and paving could introduce additional pollutants and sediment into water runoff and flow into nearby storm drains. As part of the project, a SWPPP would be prepared in compliance with the NPDES requirements of the CWA. Projects that comply with NPDES requirements would not result in a significant impact related to changes in the quantity, rate, or quality of stormwater runoff from the site. Post-construction, the amount of site runoff discharge would decrease from 9.8 cubic feet per second (cfs) to 8.7 cfs during a 2-year, 24-hour storm. The project would also implement the WQMP BMPs to reduce stormwater runoff, including a bio-filtration basin in the northeastern of the project site. The proposed project would include multiple

⁵⁷ City of Yorba Linda. 2020. Storm Drain Maintenance. Website: <https://www.yorbalindaca.gov/283/Storm-Drain-Maintenance>. Accessed April 16, 2020.

⁵⁸ Orange County Public Works. 2005. Watershed E. March. Website: <http://www.ocflood.com/civicax/filebank/blobdload.aspx?blobid=32725>. Accessed April 16, 2020.

retaining walls to make up the grade difference that currently exists on-site and a storm drain system including curb and gutter, v-gutters, grate inlets, and storm drain pipes, would be placed to direct runoff. Therefore, continuous use and operation of the site would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than significant impact. As discussed in Section 1.4, Project Description, stormwater runoff from the site currently sheet flows to the access driveways on-site and flows into catch basins located on the north, east, and southwestern sides of the property. The proposed grading would follow the natural grade of the site and flow to the northwest corner of the site. As discussed above, the amount of site runoff discharge during a 2-year, 24-hour storm would decrease as a result of the project. Construction of new stormwater drainage facilities or the expansion of existing facilities would not be required. As such, impacts would be less than significant.

(iv) impede or redirect flood flows?

No impact. As discussed in Section 1.4, Project Description, stormwater runoff from the site currently sheet flows to the access driveways on-site and flows into catch basins located on the north, east, and southwestern sides of the property. Surface water from the proposed project would flow in the same direction as the existing condition. As discussed in further detail in Impact 18(d), the Federal Emergency Management Agency (FEMA) indicates the project site is located outside of the 500-year flood area or areas protected from the 100-year flood by levees. Therefore, the proposed project would not be built within a 100-year flood hazard area. As such, there would be no impacts.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No impact. As discussed in Impact 18(d), the project site is located outside of the 500-year flood area or areas protected from the 100-year flood by levees. Therefore, the proposed project would not be built within a 100-year flood hazard area. There would be no impacts associated with flooding.

According to the California Geological Survey Orange County Tsunami Inundation Maps, the project site is not located within a tsunami inundation area.

Seiches occur when a water storage facility's water level overflows its containment wall. There is not a large enough body of water in or adjacent to the project area for this possibility to rise to a level of significance.

As discussed in Section 1.3, Environmental Setting, the nearest surface waters in proximity to the project site include East Lake, located approximately 1.9 miles to the east, and the Santa Ana River,

which is located approximately 2.25 miles to the south. According to a topographic map of the region, these water bodies are located downgradient of the project site.

Therefore, project development would not result in inundation by seiche, tsunami, or mudflow. Impacts would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than significant impact. The proposed project would not conflict with any water quality control plans or sustainable groundwater management plans. The project would comply with the Specific Plan's sustainability recommendations for stormwater and runoff mitigation. The proposed project would be required to comply with the City- and County-level NPDES. Potable water would be supplied by the City's existing water facilities. Therefore, impacts related to consistency with a water quality control plan or sustainable groundwater management plan would be less than significant.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
11. Land Use and Planning <i>Would the project:</i>				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Environmental Evaluation

Would the project:

a) Physically divide an established community?

No impact. The physical division of an established community typically refers to the construction of a linear feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local bridge, that would impact mobility within an existing community or between a community and outlying area. The proposed project does not involve any such features and would not remove any means of access or impact mobility. In addition, the project site is located in an urbanized area of Yorba Linda and is not large enough or otherwise configured in such a way that could create a physical barrier within the established community. Therefore, the proposed project would not physically divide an established community and there would be no impacts.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No impact. The 2016 City of Yorba Linda General Plan and TCSP have designated the project site for commercial development. The proposed project is consistent with the City's land use map and zoning designation. Therefore, the proposed In-N-Out Burger Restaurant does not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
12. Mineral Resources <i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒
b) 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?	☐	☐	☐	☒

Environmental Evaluation

Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?**

No impact. According to exhibit CN-3 of the 2016 City of Yorba Linda General Plan, the project site is not a part of the Mineral Resources Zones (MRZs) within the City. In addition, the project site and surrounding areas are designated MRZ-1 by the California Geological Survey, Updated Mineral Land Classification Map for Orange County.⁵⁹ Lands classified MRZ-1 are areas where geologic information indicates no significant mineral deposits are present.⁶⁰ Consequently, the proposed project would not 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. Therefore, no impacts associated with mineral resources would occur.

- b) **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?**

No impact. The project site is not identified by the City of Yorba Linda's Zoning Map as a mineral recovery site. In addition, as addressed in Impact 12(a) above, no known mineral resources are located on or around the project site, and thus, no mineral extraction operations occur on or near the site. Therefore, no impacts associated with mineral resources would occur.

Mitigation Measures

None required.

⁵⁹ California State Geologist, 1975. CGS Information Warehouse: Mineral Land Classification. Website: <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>. Accessed June 10, 2019.

⁶⁰ California Department of Conservation. Guidelines for Classification and Designation of Mineral Lands. Website: <https://www.conservation.ca.gov/smgf/Guidelines/Documents/ClassDesig.pdf>. Accessed November 20, 2019

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
13. Noise <i>Would the project result in:</i>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Environmental Evaluation

The following is based on the Yorba Linda In-N-Out Noise Study (Noise Study) prepared by Meridian Consultants in April 2020. The Noise Study is included in Appendix G.

Would the project result in:

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less than significant impact with mitigation incorporated. Noise levels in the project area would be influenced by construction activities and from the ongoing operation of the proposed project.

Short-term Construction Impacts

Typical maximum noise levels and duty cycles of representative types of equipment are presented in Table 7 in the Noise Study. Construction equipment noise would not be constant because of the variations of power, cycles, and equipment locations. For maximum noise events, this analysis considers equipment operating at the edge of the property line of the project site. As a condition of approval, the proposed project would utilize construction BMPs to further reduce construction noise, which include but are not limited to ensuring construction equipment is properly muffled

according to industry standards, and placing noise-generating construction equipment and construction staging areas away from sensitive uses.

Sound generated by the construction noise source typically diminishes at a rate of 6 A-weighted decibel (dBA) over hard surfaces, such as asphalt, and 7.5 dBA over soft surfaces, such as vegetation, for each doubling of distance. Barriers—such as walls, berms, or buildings, and elevation differences—can also reduce sound levels by up to 20 dBA.⁶¹

The potential noise impact generated during construction depends on the phase of construction and the percentage of time the equipment operates over the workday. However, construction noise estimates used for the analysis are representative of worst-case conditions because it is unlikely that all the equipment contained on-site would operate simultaneously. The proposed project would be constructed using typical construction techniques; no blasting or impact pile driving would be required. As would be the case for construction of most land use development projects, construction of the proposed project would require the use of heavy-duty equipment with the potential to generate audible noise above the ambient background noise level.

Construction equipment operates at its noisiest levels for certain percentages of time during operation. During a construction day, the highest noise levels would be generated when multiple pieces of construction equipment are operated concurrently. The project's estimated construction noise levels were calculated for a scenario in which a reasonable number of construction equipment was assumed to be operating simultaneously, given the physical size of the site and logistical limitations, and with the noise equipment located at the construction area nearest to the affected receptors to present a conservative impact analysis. This is considered a worst-case evaluation because the proposed project would typically use fewer numbers of equipment simultaneously at any given time and, as such, would likely generate lower noise levels than reported herein.

The noise levels at the various distances from construction activity are shown in Table 8 in the Noise Study. As shown in Table 8, construction noise levels would range from a low of 52.4 dBA during architectural coating at the residences along Lemon Drive to a high of 68.3 dBA during building construction at the residences along Plumosa Drive.

The noise standard related to construction is intended to prevent, to the greatest extent possible, the use of nonstandard construction equipment, unnecessary idling, equipment that is not appropriately muffled, and overall construction noise, in general, during allowable hours (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, except on federal holidays). With implementation of MM NOI-1, optimal muffler systems for all equipment and the break in line of sight to a sensitive receptor would reduce construction noise levels by approximately 10 decibel (dB) or more.⁶² Also, limiting the number of noise-generating heavy-duty construction equipment to two (2) pieces operating simultaneously would reduce construction noise levels by approximately 5 dB. With implementation of the recommended measures and compliance with local regulations,

⁶¹ California Department of Transportation (Caltrans). 1998. Technical Noise Supplement. 33–40, 123–131.

⁶² Federal Highway Administration (FHWA). 2017. Special Report – Measurement, Prediction, and Mitigation. June. Website: https://www.fhwa.dot.gov/Environment/noise/construction_noise/special_report/hcn04.cfm. Accessed October 29, 2019.

construction noise levels would be decreased by a minimum of 15 dB. Consequently, construction noise levels at the residential areas along Plumosa Drive would be reduced to 57.9 dBA, below the existing ambient noise levels (refer to Table 4 in the Noise Study). As such, with implementation of MM NOI-1 impacts related to construction activities would be reduced to less than significant.

Long-term Operational Impacts

New permanent noise sources associated with implementation of the project would include project-related traffic and new on-site noise sources such as truck deliveries, drive-through queuing, parking activities, amplified speech emanating from the speaker, and the trash compactor.

Project-Related Traffic

As previously discussed, a doubling of sound energy results in a 3 dBA increase in sound, which means that a doubling of sound wave energy (e.g., doubling the volume of traffic on a roadway) would result in a barely perceptible change in sound level. Roadway noise levels were modeled using the Federal Highway Administration Prediction Model (FHWA-RD-88-108) to determine if operation of the project would increase levels greater than 3 dBA along local roadways. This model considers roadway noise levels from local street segments that would have an increase or decrease in vehicle traffic as a result of the project.

Table 11 and Table 12 in the Noise Study illustrate the change in Community Noise Equivalent Level (CNEL) from existing traffic volumes and from traffic generated by the project. The difference in traffic noise between existing conditions and existing plus project conditions represents the increase in noise attributable to project-related traffic. As shown in Table 11 and Table 12, the weekday (evening) and Saturday (midday) maximum roadway noise level increase along existing roadways would be 1.8 dBA CNEL and 1.0 dBA CNEL along Olinda Street, south of the Project driveway (Intersection 10).

Table 13 and Table 14 in the Noise Study illustrate the change in CNEL from background traffic volumes and from traffic generated by the project. As shown in Table 13 and Table 14, the weekday (evening) and Saturday (midday) maximum roadway noise level increase along existing roadways would be 1.5 dBA CNEL and 0.9 dBA CNEL along Olinda Street, south of the Project Driveway (Intersection 10) respectively. Additionally, weekday (evening) and Saturday (midday) roadway noise levels would increase by 1.3 dBA CNEL and 0.9 dBA CNEL along Olinda Street, east of Imperial Highway (Intersection 4), respectively.

Table 15 and Table 16 in the Noise Study illustrate the change in CNEL from cumulative traffic volumes and from traffic generated by the project. The weekday (evening) and Saturday (midday) maximum roadway noise level increase along roadways would be 1.3 dBA CNEL and 0.8 dBA CNEL along Olinda Street, south of Project driveway (Intersection 10), respectively. Additionally, maximum roadway noise levels along Olinda Street, east of Imperial Highway (Intersection 4) would increase by 1.2 dBA CNEL and 0.7 dBA CNEL, respectively.

Noise level increase associated with project-related traffic would be less than 3 dBA on all local street segments in the project vicinity. Accordingly, project traffic-related noise levels would result in less than significant impacts.

On-Site Noise Sources

Potential operational noise levels related to the drive-through, parking, amplified speech emanating from the speaker, and the trash compactor were calculated with the noise model SoundPLAN, a commercially available software that produces computer simulations of noise propagation from sources. The operational noise levels were calculated for sensitive-receptor locations using SoundPLAN. It was assumed operating hours would take place between 10:00 a.m. and 1:30 a.m. The SoundPLAN model includes real-world noise levels and contains noise data in a reference library as provided below:

- To quantify events related to the drive-through and parking activity, a line source was modeled with a sound pressure level (L_{WA}) of 52 dB.
- To quantify events related to the speaker box, a point source was modeled with an L_{WA} of 65 dB.
- To quantify events related to the outdoor patio area, a point source was modeled at each dining table with an L_{WA} of 75 dB.
- To quantify events related to the trash compactor, a point source was modeled with an L_{WA} of 86.1 dB. However, it is important to note the trash compactor would be positioned behind a wall enclosure.

The modeling accounts for large differences in topography and the presence of intervening structures or landscaping that would block a direct line of sight between operation activities from the proposed project site and nearby sensitive receptors.

Truck deliveries would take place no more than once daily between the hours of 6:00 a.m. to 9:00 a.m., lasting less than an hour. Site access for these delivery trucks would be along Imperial Highway. The nearest sensitive receptor would be located along Plumosa Drive approximately 200 feet to the north of the project boundary. Table 17 in the Noise Study provides the predicted noise levels that would be produced to the identified sensitive receptors. As mentioned previously, operational sources include the drive-through queuing, parking, amplified speech emanating from the speaker, and trash compactor uses. As shown in Table 17, operational noise levels would not cause any increases to the ambient noise environment (refer to Table 4 in the Noise Study) at the identified sensitive receptors along Plumosa Drive and Lemon Drive. The results of the predictive modeling process (L_{day} and L_{night}) and the location of the sensitive receptors are shown graphically in Figure 5 in the Noise Study. Therefore, noise generated as a result of on-site noise sources during operation of the project would not exceed the significance thresholds.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than significant impact. Ground-borne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero. Vibrating objects in contact with the ground radiate vibration waves through various soil and rock strata to the foundations of nearby buildings.

The City of Yorba Linda has not identified or adopted vibration standards. However, the Federal Transit Administration (FTA) provides guidelines for maximum acceptable levels of ground-borne vibration for different types of land uses. Vibration impacts are quantified both in terms of annoyance and architectural damage due to vibration. For vibration annoyance, 78 vibration velocity (VdB) is considered the maximum vibration level for residential land uses. For architectural damage due to vibration, a Peak Particle Velocity (PPV) of 0.2 is considered the maximum vibration level for non-engineered timber and masonry buildings (typically applied to residential structures). In lieu of local standards or regulations, these FTA guidelines provide the basis for determining the relative significance of potential project-related vibration impacts.

Table 9 and Table 10 in the Noise Study present the construction vibration impacts associated with on-site construction in terms of building damage and human annoyance. As shown in Table 9, the forecasted vibration levels due to on-site construction activities would not exceed the building damage significance threshold at the single-family residences in the project vicinity. It is important to note pile driving, large bulldozers, and caisson drilling would not be required during construction. Consequently, heavy construction equipment would not generate substantial levels of vibration that would cause annoyance at the off-site, vibration-sensitive residences. Construction vibration impacts would be less than significant. Furthermore, as shown in Table 10, the forecasted vibration levels due to on-site construction activities would not exceed human annoyance. Therefore, construction-related ground-borne vibration impacts would be considered less than significant.

The proposed project does not include any permanent noise sources that would expose persons in the project vicinity to ground-borne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. Therefore, operational vibration impacts on proposed on-site receptors would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less than significant impact. The nearest airport to the project site is the Fullerton Municipal Airport, which is located approximately 9.1 miles west of the project site. Because of its distance from the airport's runways, the project site is located outside of the airport's 55 dBA CNEL noise contours. While airport noise would be audible when planes fly over, it would be less than significant. No private airstrips are located within the project vicinity. Therefore, implementation of the proposed project would not expose persons working at the project site to excessive noise levels associated with a private airstrip or public airport. Impacts would be less than significant.

Mitigation Measures

- MM NOI-1** During construction activities, the Applicant shall require muffler systems on all construction equipment and there shall be a break in the line of sight to a sensitive receptor. The number of noise-generating heavy-duty construction equipment shall be limited to two pieces operating simultaneously.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
14. Population and Housing <i>Would the project:</i>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Evaluation

Would the project:

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Less than significant impact. The CEQA Guidelines identify a project as growth inducing if it fosters economic or population growth or the construction of additional housing either directly or indirectly in the surrounding environment (CEQA Guidelines § 15126.2(d)). New employees from commercial or industrial development and new populations from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of particular significance to the environment. Typically, the growth-inducing potential of a project would be considered substantial if it is unplanned or fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies (e.g., the Southern California Association of Governments [SCAG]).

The proposed project would require a temporary construction and permanent operational workforce. The temporary workforce would be needed to construct the proposed In-N-Out Burger Restaurant. The number of construction workers needed during any given time period would largely depend on the specific stage of construction and would be temporary.

During operation of the proposed In-N-Out Burger Restaurant, the types of labor skills required are typically filled by workers who are already present in the local labor force. As such, the employees would not increase the population since it is likely the workers would be employed from the

surrounding areas of Orange County. Therefore, impacts associated with growth inducement would be less than significant.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No impact. The proposed project would not displace existing people or housing, necessitating the construction of replacement housing elsewhere. The proposed project is on a lot currently developed with the Yorba Linda Public Library and on a vacant former gasoline station site that does not contain existing housing. Therefore, there would be no impacts.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
15. Public Services <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Environmental Evaluation

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Less than significant impact. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services to the project area. Services include structural protection, emergency medical and rescue services, education, and hazardous material response. The OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and school sites, and may participate in community disaster drills planned by others. Communications via e-mail were sent out to OCFA, and responses were provided by Tamara Rivers, Management Analyst for the OCFA, on June 27, 2019.⁶³ The OCFA provides fire protection services to the City of Yorba Linda via three fire stations located throughout the City. The OCFA operates an additional 69 fire stations throughout Orange County. Fire Station 10, located approximately 700 feet to the east at 18422 Lemon Drive, would provide service to the proposed project. Daily staffing at Fire Station 10 consists of two firefighters/paramedics, one captain, and one engineer. The response time for Fire Station 10 in 2018 was 6 minutes and 15 seconds.⁶⁴ The proposed project would not result in a population increase. OCFA response times to the project site or the surrounding vicinity would not be affected. As with any project, there would be some impact to emergency services; however, the proposed project's impact is expected to be insignificant.⁶⁵

⁶³ Rivers, Tamara. Management Analyst, Orange County Fire Authority. Personal communication: e-mail. June 27, 2019.

⁶⁴ Ibid.

⁶⁵ Ibid.

The project plans would be reviewed and approved by the Yorba Linda Building Division and the OCFA, which would ensure adequate emergency access, fire hydrant availability, and compliance with all applicable codes and standards. The proposed project is subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The proposed project will be subject to the 2016 editions of the CBC, California Fire Code, and related codes. Structures are required to have automatic fire sprinkler systems designed in accordance with the National Fire Prevention Association and as required in the 2016 CBC and California Fire Code. Fire apparatus and personnel access to and around structures shall meet the minimum development standards of the OCFA and California Fire Code requirements. Compliance with the City's permit process and City of Yorba Linda Municipal Code requirements would ensure that impacts to fire protection services would be less than significant.

b) Police protection?

Less than significant impact. Communications via e-mail were sent out to the Yorba Linda Police Services for comment on possible impacts to services due to the proposed project. No feedback regarding the project was received. The Orange County Sheriff's Department is contracted by the City of Yorba Linda to provide police services to the City. The nearest police station is located approximately 2.88 miles to the east of the project site. The proposed project would not require the construction of a new police station or the expansion of existing facilities. Project implementation is not expected to increase the response times to the project site or the surrounding area. In addition, project plans would be reviewed by the Orange County Sheriff's Department, Yorba Linda Building Division, and the Yorba Linda Police Services, which would ensure that adequate safety and crime prevention measures are provided. Compliance with the City's discretionary review process would ensure that impacts would be less than significant.

c) Schools?

No impact. The Placentia-Yorba Linda Unified School District (PYLUSD) provides educational services to the City of Yorba Linda. Communications via e-mail were sent out to the PYLUSD for comment on possible impacts to services due to the proposed project. Responses were provided on July 8, 2019, by Shawn Millsap, Supervisor, Maintenance and Facilities of the PYLUSD.⁶⁶ The nearest public schools to the project site include Rose Drive Elementary, Yorba Linda Middle School, and El Dorado High School. PYLUSD's current enrollment is 25,211 students. Project implementation includes the construction of an In-N-Out Burger Restaurant and associated features such as landscaping, a drive-through, and a patio area for outdoor seating. It is not anticipated that the proposed project would increase the population or demand for school services within the City; therefore, no impacts would occur.

⁶⁶ Millsap, Shawna. Supervisor, Maintenance and Facilities, Placentia-Yorba Linda Unified School District. Personal communication: e-mail. July 8, 2019.

d) Parks?

No impact. According to the Open Space and Recreation Element of the City's General Plan, Yorba Linda maintains approximately 186.1 acres of open space and recreational parks.⁶⁷ The City aims to provide approximately 4 acres of open space per 1,000 residents within the City, subject to Quimby Act calculations. Communications via e-mail were sent out to the PYLUSD for comment on possible impacts to services due to the proposed project. Responses were provided on June 26, 2019, by Mike Kudron, Director of Parks and Recreation.⁶⁸ The proposed project would involve construction of an In-N-Out Burger Restaurant. Implementation of the proposed project would not induce population growth or increase demand for open spaces or park services in the City. The City does not have park development fees for commercial developments. The Parks and Recreation Department does not foresee any potential challenges the proposed project may present to the Department. It is anticipated that the City of Yorba Linda Parks and Recreation Department will be able to accommodate the demand of the proposed project.⁶⁹ As such, no impacts would occur.

e) Other public facilities?

No impact. Communications via e-mail were sent out to the Yorba Linda Public Library for comment on possible impacts to services due to the proposed project. No feedback regarding the project was received. The Yorba Linda Public Library, which is located on the project site, and the Richard Nixon Library, which is located approximately 1,000 feet to the southwest of the project site, serve the City of Yorba Linda. The Yorba Linda Public Library, currently located on the proposed project site, will be demolished and relocated to a site within the TCSP area approximately three blocks to the east of the current location as part of a separate project. The City of Yorba Linda operates the Yorba Linda Public Library. The Richard Nixon Library, which is privately funded and owned, is also located in the project vicinity. The construction and operation of the new library facility is a separate project and was analyzed in the Town Center EIR Addendum.⁷⁰ Access to library services during construction of the new facility is addressed in the Town Center EIR Addendum. As discussed in the Town Center EIR Addendum, the new location of the library is expected to be operational prior to the demolition of the existing Yorba Linda Public Library located on the project site. Because the proposed project does not induce population growth, no impacts would occur.

Mitigation Measures

None required.

⁶⁷ City of Yorba Linda. 2016. 2016 City of Yorba Linda General Plan Open Space and Recreation Element. Website: <https://www.yorbalindaca.gov/DocumentCenter/View/472>. Accessed October 14, 2019.

⁶⁸ Kudron, Mike. Director, City of Yorba Linda Parks and Recreation. Personal communication: e-mail. June 26, 2019.

⁶⁹ Ibid.

⁷⁰ Tebo Environmental Consulting, Inc. 2017. Yorba Linda Town Center Addendum to the Certified EIR for the Yorba Linda Town Center Project Library and Arts Center. Website: http://yorbalinda.granicus.com/MetaViewer.php?view_id=4&clip_id=924&meta_id=112867. Accessed October 14, 2019.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
16. Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Environmental Evaluation

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

No impact. The proposed project consists of the construction of an In-N-Out Burger Restaurant on a lot totaling approximately 1.43 acres. Therefore, the proposed project is not residential in nature and would not increase the population of the City of Yorba Linda. The use of the project site for commercial purposes would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated. Therefore, no impacts would occur.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

No impact. The proposed project consists of the construction of a new In-N-Out Burger Restaurant with an associated parking lot. The project is not anticipated to have growth-inducing impacts, as discussed above. There are no plans to construct recreational facilities for the project; thus, no impacts would occur.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
17. Transportation <i>Would the project:</i>				
a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Environmental Setting

A Traffic Impact Analysis (TIA) was prepared for the proposed project by Ganddini Group, Inc., on March 7, 2019, and is included in this Draft IS/MND as Appendix H. The TIA evaluated current conditions and forecasted future scenarios at nine key study intersections in the project vicinity. The TIA concluded that the proposed project would not have a significant impact on traffic at the study intersections and that no mitigation measures would be needed (see Appendix H).

The proposed project would involve the construction of a 3,867-square-foot In-N-Out Burger Restaurant with a drive-through and new full-access driveways. The TIA used a variety of methods to assess the potential traffic impact of the project and provided mitigation recommendations. The TIA included evaluations of the existing intersection capacity and Levels of Service, estimations of trip generation resulting from the proposed project, future volume forecasts, and future operational analyses. The TIA utilized the City of Yorba Linda's established Level of Service thresholds of significance in their analysis.

The following scenarios were analyzed during typical weekday evening and Saturday midday peak-hour conditions:

- Existing conditions
- Existing plus project conditions
- Opening year (2021) without project conditions
- Opening year (2021) with project conditions
- Buildout (Year 2040) without project conditions
- Buildout (Year 2040) with project conditions.

The study focused on nine key intersections within the Yorba Linda jurisdiction (see Table 2). These intersections, which were identified in a scoping agreement, include the following:

Table 2: Study Area Intersections

Study Intersection		
No.	North-South Street	East-West Street
1	Imperial Highway (SR-90)	Casa Loma Avenue
2	SR-90	Eureka Avenue
3	SR-90	Lemon Drive
4	SR-90	Olinda Street
5	SR-90	Yorba Linda Boulevard
6	Plumosa Drive	Lemon Drive
7	Olinda Street	Lemon Drive
8	Lakeview Avenue	Lemon Drive
9	Lakeview Avenue	Yorba Linda Boulevard

Environmental Evaluation

Would the project:

- a) **Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

Less than significant impact. According to the TIA, the number of vehicle trips resulting from the proposed project would not have a significant impact on traffic, and, therefore, the impact would be less than significant. The project trip forecast provided in the TIA estimated approximately 48 net new trips generated by the proposed project during the weekday evening peak-hour and 36 net new trips generated during the Saturday midday peak-hour. The number of trips generated by the project would be within the intersections' capacity.

With the exception of Imperial Highway at Yorba Linda Boulevard, all intersections are forecast to operate within acceptable Levels of Service (D or better) during peak-hours for all scenarios. As stated in the TIA, "Although the intersection of Imperial Highway at Yorba Linda Boulevard is forecast to operate at Level of Service F during the weekday evening peak hour, the project-related impact is less than one-percent of the capacity. Therefore, the project is forecast to result in no significant traffic impacts based on the City-established thresholds of significance for Build-Out (Year 2040) With Project conditions."

Regional access to the project area is provided by SR-90. Key north-south roadways providing local circulation include Imperial Highway, Casa Loma Avenue, Eureka Avenue, Plumosa Drive, and

Lakeview Avenue. Key east-west roadways providing local circulation include Lemon Drive and Yorba Linda Boulevard. Pedestrian sidewalks are currently provided along the roadways adjacent to the project site. There are currently no bicycle paths (existing or proposed) adjacent to the project site. OCTA Local Route 26 traverses the site along Lemon Drive and Imperial Highway.

SC 2.7-1 is required to ensure transportation impacts related to project construction would be less than significant. SC 2.7-1 requires the Applicant to prepare a Traffic Management Program (TMP) to manage on-site traffic and parking. Additionally, SC 2.7-1 would require monitoring and updating by the Applicant's traffic engineering consultant at regular intervals after project opening. The City will review the updated TMP reports to determine if additional mitigation measures would be required.

Implementation of the proposed project would not alter existing facilities or roadways. Additionally, incorporation of SC 2.7-1 would ensure that impacts would be less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

No impact. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Per Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in Section 15064.3(b)(2) regarding roadway capacity, a project's effect on automobile delay does not constitute a significant environmental impact under CEQA. The City does not have adopted VMT thresholds. Currently, the provisions of Section 15064.3 and the determination of impacts based on VMT is not required by the City or mandated Statewide until July 1, 2020. Therefore, there is no conflict with Section 15064.3.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant impact with mitigation incorporated. The TIA evaluated off-site queuing for three different alternatives. All three alternatives include extending the storage length of the southbound left turn lane at the intersection of Imperial Highway and Lemon Drive (east) from 150 to 180 feet. This will require the northbound left turn lane at the intersection of Imperial Highway and Lemon Drive (west) to be reduced by approximately 120 feet. Additionally, on-street parking will be prohibited on Olinda Street along the project frontage for approximately 80 feet from the curb return at Imperial Highway to accommodate queues at the Olinda Street and Imperial Highway intersection.

The 95th percentile queue length effectively represents the maximum queue length expected (to a 95 percent confidence level) and is a standard measure used in transportation engineering practice to determine turning lane storage and intersection spacing requirements.

Alternative C proposes to widen the south side of Lemon Drive between Imperial Highway and Plumosa Drive to provide two eastbound lanes, including a dedicated left turn lane and a shared

through/right turn lane at the Plumosa Drive approach, and two westbound lanes, including a shared left/through lane and a dedicated right turn lane at the Imperial Highway approach. The existing all way stop control at Plumosa Drive/Lemon Drive would remain. Alternative C is forecast to generally provide sufficient intersection spacing for the eastbound lanes on Lemon Drive at Plumosa Drive for Opening Year conditions (one foot into crosswalk). For Buildout Year (2040), the eastbound through/right turn lane queue from Plumosa Drive is forecast to extend 10 feet past the crosswalk limit line on the north leg of Imperial Highway/Lemon Drive (west) for Buildout Year (2040) Saturday midday peak hour conditions.

To offset potential vehicular queue lengths and ensure the project does not result in potential safety hazards, MM TRANS-1 through MM TRANS-3 are proposed in accordance with Alternative C. MM TRANS-1 would extend the storage length of the southbound left turn lane at the intersection of Imperial Highway and Lemon Drive (east) from 150 to 180 feet. This will require the northbound left turn lane at the intersection of Imperial Highway and Lemon Drive (west) to be reduced to approximately 120 feet. The addition of project-generated trips is forecast to increase the southbound left turn queue at Imperial Highway/Lemon Drive by 21 feet during Opening Year conditions and 31 feet during Buildout Year (2040) conditions. Although the southbound left turn lane queue from Imperial Highway to Lemon Drive (east) is forecast to continue to exceed the storage capacity with the proposed modifications, the proposed improvements would mitigate the project's impact by increasing the storage capacity by an amount relatively equal to the additional queue contributed by the project. Further extension of the southbound left turn lane is constrained by the back-to-back northbound left turn lane at the Lemon Drive (west) intersection.

MM TRANS-2 would widen the south side of Lemon Drive between Imperial Highway and Plumosa Drive to provide two eastbound lanes, including a dedicated left turn lane and a shared through/right turn lane at the Plumosa Drive approach, and two westbound lanes, including a shared left/through lane and a dedicated right turn lane at the Imperial Highway approach.

MM TRANS-3 would prohibit on-street parking on Olinda Street along the project frontage for approximately 80 feet from the curb return at Imperial Highway.

With implementation of MM TRANS-1 through MM TRANS-3, impacts related to traffic safety would be less than significant.

d) Result in inadequate emergency access?

Less than significant impact. The Applicant would comply with applicable Fire Department and Division of Building and Safety regulations relating to emergency access. Full access driveways are proposed at Lemon Drive and Olinda Street. The project would comply with applicable engineering standards needed to ensure adequate emergency access and would be approved by the City of Yorba Linda. Impacts would be less than significant.

Mitigation Measures

- MM TRANS-1** Prior to the issuance of a certificate of occupancy, the Applicant shall extend the storage length of the southbound left turn lane at the intersection of Imperial Highway (SR-90) and Lemon Drive (east) from 150 to 180 feet. This will require the northbound left turn lane at the intersection of SR-90 and Lemon Drive (west) to be reduced to approximately 120 feet.
- MM TRANS-2** Prior to the issuance of a certificate of occupancy, the Applicant shall widen the south side of Lemon Drive between Imperial Highway (SR-90) and Plumosa Drive to provide two eastbound lanes, including a dedicated left turn lane and a shared through/right turn lane at the Plumosa Drive approach, and two westbound lanes, including a shared left/through lane and a dedicated right turn lane at the SR-90 approach.
- MM TRANS-3** Prior to the issuance of a certificate of occupancy, the Applicant shall prohibit on-street parking on Olinda Street along the project frontage for approximately 80 feet from the curb return at Imperial Highway (SR-90).

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
18. Utilities and Service Systems <i>Would the project:</i>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Environmental Evaluation

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Less than significant impact.

Water

The proposed project would require water for the daily needs of customers as well as for landscaping, maintenance, and the operation of the facility. According to the YLWD and the 2015 Urban Water Management Plan (UWMP), the City of Yorba Linda consumed approximately 19,776

acre-feet (AF) of water in 2015 and projected a demand of approximately 19,946 AF in 2020, increasing to 21,410 AF by 2025.

The YLWD indicates in the UWMP that approximately 30 percent of the drinking water supplied to the City of Yorba Linda is purchased from the Metropolitan Water District (MWD) with the remaining 70 percent of the water being sourced from local groundwater wells. According to the MWD's 2015 Integrated Water Resources Plan, the MWD is able to meet full-service demands of its member agencies starting 2020 through 2040 during normal years, single dry year, and multiple dry years. Projections published by the YLWD indicate the water supply to the City of Yorba Linda would remain approximately consistent through 2040.⁷¹ The proposed project is expected to have a water demand of 2,746 gallons per day (gpd).⁷² The project's water demand represents a nominal percentage (0.02 percent) of the City's projected water demand in year 2020.⁷³ Implementation of the project would not generate greater water demand than was anticipated by the YLWD or require relocation or construction of new water facilities. Therefore, impacts related to water supply and facilities would be less than significant.

Wastewater

Wastewater from the proposed project would mainly consist of effluent typical of commercial uses. None of the proposed uses would generate atypical wastewater such as industrial or agricultural effluent. All wastewater generated by the proposed project is expected to be domestic sewage. The proposed In-N-Out Burger Restaurant would include the uses of small quantities of household hazardous waste materials such as cleaning solvents, but these quantities would not be sufficient to exceed treatment requirements. In addition, as a part of the project design, a grease interceptor would be installed in order to manage kitchen grease produced on-site from typical operations.

The YLWD maintains a sewage collection system that sends the effluent to be treated by the Orange County Sanitation District (OCSD). The OCSD is a regional secondary treatment facility that employs primary and secondary treatment processes to meet the discharge standards of the NPDES issued to the facility by the Santa Ana RWQCB. Although the OCSD has the capacity of treating nearly 300 million gallons per day (mgd) of wastewater, the facility currently receives closer to 230 mgd, equating to approximately 70 mgd of surplus treatment capacity. The proposed project would include approximately 2,496 gallons of wastewater per day.⁷⁴ Since the OCSD currently has approximately 70 mgd of surplus treatment capacity, the proposed project would not cause the OCSD to exceed its permitted capacity. Therefore, impacts related to need for relocation or construction of new or expanded wastewater supply facilities would be less than significant.

⁷¹ Yorba Linda Water District. 2016. 2015 Urban Water Management Plan. May 2016 Arcadis U.S. Inc., Website: https://ylwd.com/images/news/ylwd-reports/FINAL_YorbaLindaWD_UWMP_May2016.pdf. Accessed June 2019

⁷² Water consumption is assumed to be 110 percent of wastewater generation.

⁷³ 2,746 gpd * 365 days/year = 1,367,290 gallons per year, or 4.19 AFY. 4.19 AFY/19,946 AFY = 0.02 percent.

⁷⁴ Calculated based 20 gpd per indoor seat and 12 gpd per outdoor seat. 84 indoor seat*20gpd per indoor seat = 1,680 gpd. 68 outdoor seat*12 gpd per outdoor seat = 816 gpd. Total gpd of wastewater generated by the project is 2,496 gpd. Source: Exhibit M.2-12 Sewage Generation Factors, Los Angeles CEQA Threshold Guide. 2006.

Stormwater

As detailed in the Hydrology and Water Quality section of this Draft IS/MND, the project would not require or result in the construction of new stormwater drainage facilities or the expansion of existing facilities. Impacts would be less than significant.

Electric power, natural gas, and telecommunications facilities

SCE currently provides the project area with electricity and would not require new or expanded facilities to serve the project. SoCalGas has currently provides natural gas to the project area and would not require new or expanded facilities to serve the project. The project would not need new telecommunications facilities because it is located in an urban area that already contains sufficient telecommunications facilities. Therefore, impacts related to need for relocation or construction of new or expanded relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities would be less than significant.

- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

Less than significant impact. As discussed in Impact 18(a), impacts related to water supplies would be less than significant.

- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Less than significant impact. As discussed in Impact 18(a), impacts related to wastewater treatment capacities would be less than significant.

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Less than significant impact. Solid waste produced in the City of Yorba Linda is collected and transported by Republic Services, which is permitted and licensed to collect and transport solid waste in the City of Yorba Linda. Once collected, solid waste is transported to Orange County's Olinda Landfill, which has 8,000 tons permitted for daily disposal.⁷⁵ The Olinda Landfill has 453 acres permitted for disposal, a permitted daily throughput of 8,000 tons. Republic Services has contracted with the City to provide solid waste collection services to the City of Yorba Linda. During project operations, the proposed project is estimated to generate 19.5 pounds of solid waste per day.^{76,77}

⁷⁵ Orange County Waste and Recycling. 2020. Olinda Alpha Landfill. Website: <http://www.oclandfills.com/landfill/active/olindalandfill>. Accessed April 16, 2020.

⁷⁶ California Department of Resources Recycling and Recovery (CalRecycle). 2020. Estimated Solid Waste Generation Rates. Website: <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. Accessed April 16, 2020.

⁷⁷ Solid waste generation rate for a restaurant is 0.005 lb/square feet/day. The project is 3,867 square feet and thus would generate 19.5 pounds of solid waste per day.

The proposed project's waste generation would be an incremental amount of the daily throughput permitted at the landfill. Impacts would be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than significant impact. All collection, transportation, and disposal of any solid waste generated by the proposed project would comply with provisions stated in the 2016 CalGreen Building Code, as well as all applicable federal, State, and local statutes and regulations. All of Republic Services' and the County's facilities and operations are periodically inspected by regional and State agencies for compliance with all applicable statutes and regulations.

Furthermore, consistent with provisions stated in the 2016 CalGreen Building Code, any hazardous materials collected on the project site during either construction or operation of the project would be transported and disposed of by a permitted and licensed hazardous materials service provider at a facility permitted to accept such hazardous materials. Therefore, impacts associated with solid waste statutes and regulations would be less than significant.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
19. Wildfire <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Environmental Evaluation

Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No impact. According to the CAL FIRE, Fire Hazard Severity Zones Map, the project site is not located within or near State Responsibility Areas (SRAs) or lands classified as a Very High Fire Hazard Severity Zone; therefore, there would be no impacts.⁷⁸ The proposed project does not possess characteristics that would physically impair or otherwise interfere with emergency response as outlined in the OCFA Standards of Cover and Deployment Plan 2014 or with emergency evacuations in the project vicinity.⁷⁹ As such, no impacts would occur.

⁷⁸ California Department of Forestry and Fire Protection (CAL FIRE). 2011. Very High Fire Hazard Severity Zones in Local Responsibility Area as Recommended by CAL FIRE. Website: <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Accessed October 7, 2019.

⁷⁹ Orange County Fire Authority (OCFA). 2014. Standards of Coverage and Deployment Plan. https://www.ocfa.org/_uploads/pdf/Orange%20County%20Fire%20Authority%20SOC_FINAL.pdf. Accessed October 14, 2019.

- b) **Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

No impact. According to the CAL FIRE Hazard Severity Zones in LRA Map, the project site is not located within an SRA or lands classified as a Very High Fire Hazard Severity Zone; therefore, there would be no impacts. The proposed project is located in an urban built-up area and is surrounded by urban development on all sides.⁸⁰ Additionally, prior to approval, the project's design would be subject to compliance with the requirements in the California Building Standards Commission 2016 California Fire Code. The project plans would be reviewed and approved by the Yorba Linda Building and Safety Division and the OCFA, which would ensure adequate compliance with the City's permit process and City of Yorba Linda Municipal Code requirements. This would ensure that the proposed project would not expose occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire due to slope, prevailing winds, wildland fires, or other factors. Therefore, no impacts would occur.

- c) **Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

No impact. According to the CAL FIRE Hazard Severity Zones in SRA Map,⁸¹ the project site is not located within or near SRAs or lands classified as a Very High Fire Hazard Severity Zone; therefore, there would be no impacts. The proposed project would construct a new In-N-Out Burger Restaurant with associated parking and patio areas. No respective construction impacts related to infrastructure that exacerbates fire risk would occur.

The proposed project would include adequate emergency access via two proposed unsignalized driveways; one along Lemon Drive, and one along Olinda Street. The project site is an urban area surrounded by existing roadways. The proposed project would not require the installation of firebreaks because it is in an urban area surrounded by existing development with little natural vegetation. The proposed project would not require emergency water sources because potable water is currently provided by the YLWD, which has adequate water supplies available to serve the proposed project and future development during normal, dry, and multiple dry years. Therefore, there would be no impacts related to infrastructure that exacerbates fire risk.

⁸⁰ California Department of Forestry and Fire Protection (CAL FIRE). 2011. Fire and Resource Assessment Program. Very High Fire Hazard Severity Zones in LRA as recommended by CAL FIRE. Website: https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/https://osfm.fire.ca.gov/media/5898/c30_yorbalinda_vhfhsz.pdf. Accessed October 14, 2019.

⁸¹ California Department of Forestry and Fire Protection (CAL FIRE). 2007. Fire and Resource Assessment Program. Very High Fire Hazard Severity Zones in SRA. Website: <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Accessed October 14, 2019.

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No impact. According to the CAL FIRE Hazard Severity Zones Map, the project site is not located within or near SRAs or lands classified as a Very High Fire Hazard Severity Zone; therefore, there would be no impacts. Further, the proposed project is made up of relatively flat parcels located in an urbanized area surrounded by commercial, residential, and light industrial uses. FEMA Flood Insurance Rate Map No. 06059C0064J⁸², indicates the project site is located in Zone X, a zone that corresponds to areas outside of the 500-year flood area or areas protected from the 100-year flood by levees. In other words, Zone X is defined as areas with a 0.2 percent annual chance of flood (i.e., a 500-year flood hazard area). These conditions preclude the possibility of subjecting people or structures to significant risks related to post-fire slope instability and landslides. Therefore, the proposed project would not be built within a 100-year flood hazard area. As such, there would be no impacts.

Mitigation Measures

None required.

⁸² Federal Emergency Management Agency (FEMA). 2009. Flood Insurance Rate Map 06059C0064J. Website: https://msc.fema.gov/portal/downloadProduct?filepath=/06/P/Firm/06059C0064J.png&productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=06059C0064J. Accessed October 14, 2019.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
20. Mandatory Findings of Significance				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Environmental Evaluation

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Less than significant impact with mitigation incorporated. As concluded in the Biological Resources section, the project site and its surroundings are fully developed, and there are no biological resources present in the area. MM BIO-1 is required to reduce impacts to nesting birds during construction. Therefore, the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. As concluded in the Cultural Resources section, the project site does not contain any historically or culturally significant structures. Therefore, project implementation would not eliminate important examples of

the major periods of California history. As such, with implementation of the specified mitigation measures for biological resources impacts, impacts would be less than significant.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Less than significant impact with mitigation incorporated. The project site is located in an urban area surrounded by a variety of residential and commercial uses. Public infrastructures and utilities already exist and can adequately serve the proposed project. All environmental impacts analyzed in this IS/MND are determined to be minimal or less than significant with the incorporation of mitigation measures. The proposed project’s contribution to any significant impacts would be less than cumulatively considerable.

- c) **Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less than significant impact with mitigation incorporated. Previous sections of this IS/MND reviewed the proposed project's potential impacts related to biological resources, geology and soils, hazards and hazardous materials, noise, and transportation, among other environmental issue areas. As concluded in these previous discussions, the proposed project would result in less than significant impacts with implementation of mitigation measures. Therefore, with implementation of the specified mitigation measures, the proposed project would cause less than significant adverse effects on human beings.

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